

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



February 22, 2011

Captain Dale Frailey, Fire Marshal
Fire Code Ordinance
City of Indio
46-990 Jackson Street
Indio, California 92201

Dear Captain Dale Frailey:

This letter is to acknowledge receipt on December 27, 2010 of the City of Indio submittal pertaining to Ordinance No. 1581 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF INDIO FIRE SERVICES

Fire Prevention Office

46-990 Jackson Street • Indio, California 92201 • (760) 347-0756 • Fax (760) 775-3710

Dale Frailey
Fire Marshal

December 21, 2010

California Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, California 95833

RE: City of Indio Fire Code Ordinance

The City of Indio has adopted the 2010 Edition of the California Fire Code.

The City of Indio has made changes and modifications to the 2010 Edition of the California Fire Code that are reasonably necessary due to local conditions in the City and further advise that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of Indio.

The enclosed City Ordinance and Resolution, containing our findings of fact, is for your files.

If additional information is desired, please telephone this office at (760) 347-0756

Sincerely,

Captain Dale Frailey
Fire Marshal

2010 DEC 27 PM 1:19
CALIFORNIA BUILDING
STANDARDS COMMISSION

RESOLUTION NO. 9442

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, SUPPORTING LOCAL AMENDMENTS TO THE 2010 CALIFORNIA FIRE CODE, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHIC CONDITIONS WITHIN THE CITY OF INDIO THAT MAKE CERTAIN MODIFICATIONS AND CHANGES REASONABLY NECESSARY TO ADDRESS FIRE AND LIFE SAFETY CONCERNS

WHEREAS, on November 17, 2010, the City Council of the City of Indio shall consider adoption of local amendments to the 2010 California Fire Code, adopted by the California Building Standards Commission and based upon the 2009 edition of the International Fire Code; and

WHEREAS, Health and Safety Code ("CHSC") Section 17958 and the California Building Standards Law, CHSC Sections 18901 et seq. provide that the that the City of Indio shall adopt ordinances and regulations imposing the same requirements as are contained in the Fire Code provisions adopted pursuant to CHSC Section 17922 and 18938 and published in the California Building Standards Code and/or related regulations, or alternatively making changes or modifications in those requirements upon express findings that such non-administrative amendments are reasonably necessary because of local climatic, geologic, or topographic conditions, said findings being adopted by the City Council pursuant to Sections 17958.5 and 17958.7 ("Findings"); and

WHEREAS, Staff has recommended that changes and modifications be made to the Fire Code and have advised that said changes and modifications to the California Fire Code, 2010 Edition, are reasonably necessary due to local conditions in the City of Indio

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, AS FOLLOWS:

Section 1. Fire Code amendments related to life-safety are appropriate in Chapters 1, 2, 4, 5, 6, 9, 17, 22, 25, 33, and Appendix B of the 2010 Edition of the California Fire Code. This finding is made upon the recommendation of the Fire Department, and hereby found to be reasonably necessary due to the following conditions.

A. Geographic and Topographic Conditions

1. Riverside County and the City of Indio are located in Seismic Zone four (4).

There are earthquake faults that run throughout Riverside County. The San Andreas Fault Zone is a known active fault and runs directly adjacent to the cities northern border. Many large quakes have occurred on this fault including the 2004 Parkfield

magnitude 6.0 , the 1989 Loma Prieta magnitude 7.1, and the 1907 San Francisco magnitude 7.8 quakes. A recent University of California Study, by Yuri Fialko, predicts that the San Andreas Fault, specifically the Southern segment, is overdue for a large quake of magnitude 7.0 or larger. This study further specifically predicts substantial damage to Palm Springs and the surrounding areas. There are areas within the city limits and sphere of influence which are subject to not only earthquake activity, but wind erosion, blown sand, flooding and brush covered open spaces. Placement of multiple occupancy buildings, location of arterial roads and fire department staffing constraints, have made it difficult for the fire department to provide staffing sufficient to concentrate fire companies and personnel to control fires in single and multi-story retail, commercial and industrial buildings, making enhanced, built-in protection necessary.

2. Traffic and circulation congestion presently existing in the City of Indio often places fire department search and rescue response time to building collapse and fire occurrences at risk. This condition makes the need for enhanced on-site protection for property and occupants necessary.

B. Climatic Conditions

1. Generally, Indio has an arid climate. Hot, dry Santa Ana winds are common to Indio. These winds constitute a contributing factor which causes small fires originating in high/medium density development presently being constructed in Indio, which spread quickly and create the need for an increased level of protection. This added protection, including, but not limited to, on-site protection, will supplement normal Fire Department response available in new development, and provide immediate fire protection for life and safety of multiple-occupancy occupants during fire occurrence.

Section 2. Amendments to the 2010 Edition of the California Codes are found reasonably necessary based on Geographic, Topographic and Climatic conditions cited in Section 1A and 1B of this Resolution, have been incorporated in Ordinance No.1581, and are listed as follows:

<u>California Fire Code Section</u>	<u>Findings in Section 1</u>
101.4	A-1 and Administrative
103.4	A-1 and Administrative
104.1	A-1 and Administrative
104.2.1	A-1 and Administrative
104.3.2	A-1 and Administrative
104.6.5	A-1 and Administrative
105.4.7	A-1 and Administrative
202	A-1, A-2, and B-1
404.2	A-1, A-2, and B-1
501.4	A-1, A-2, and B-1
503.1	A-1, A-2 and B-1
503.1.1	A-1 and A-2

503.1.4	A-1, A-2 and B-1
503.2.7	A-1, A-2 and B-1
503.3	A-1, A-2 and B-1
504.1	A-1, A-2 and B-1
506.1	A-1 and A-2
507.1	A-1, A-2 and B-1
507.5.7	A-1, A-2 and B-1
507.5.8	A-1, A-2, and B-1
508.1.2	A-1 and A-2
510.1.1	A-1, A-2 and B-1
510.1.2	A-1, A-2 and B-1
510.2.3	A-1, A-2 and B-1
511	A-1, A-2 and B-1
609.2	A-1 and Administrative
901.3.1	A-1, A-2 and B-1
903.2	A-1, A-2 and B-1
903.2.11.1.1	A-1 and A-2
907.2.19	A-1 and A-2
908.3	A-1 and A-2
908.3.1	A-1 and A-2
908.3.2	A-1 and A-2
908.3.3	A-1 and A-2
912.2.1	A-1, A-2 and B-1
914.5	A-1 and A-2
Chapter 17	A-1, A-2 and B-1
2202.1	A-1, A-2, and B-1
2505.10	A-1, A-2 and B-1
3308.2	Administrative
B105.2	A-1, A-2 and B-1

Section 3. The City Council finds and determines that the current Indio Fire Code, codified in Title IX, Chapter 93 of the Code of Indio, as adopted in Ordinance No. 1581 concurrent with this Resolution (the "New Fire Code") and the recommended non-administrative amendments thereto impose substantially the same requirements as, and are thus equivalent to or exceed, uniform industry codes and current California Building Standards Code requirements.

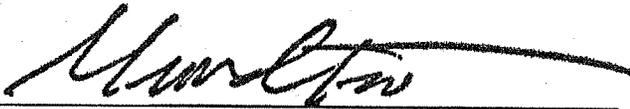
Section 4. The City Council finds that to the extent the New Fire Code and the recommended amendments thereto are not found to be equivalent to or to exceed general requirements contained in uniform industry codes and current California Building Standards Code requirements, the City Council finds that such amendments (attached ordinance) are necessary as result of unique local conditions identified hereunder.

Section 5. This resolution shall take effect immediately.

Section 6. The City Clerk of the City of Indio is hereby directed to file this Resolution and a copy of the New Fire Code Ordinance, Ordinance No. 1581 with the California Building Standards Commission and to preserve said Resolution and Ordinance as public records.

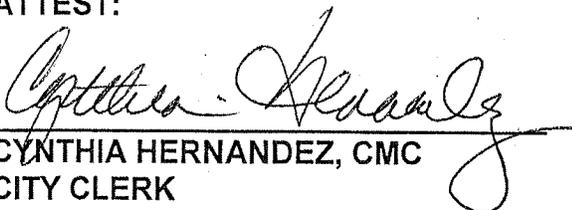
PASSED, APPROVED, AND ADOPTED this 17 day of November, 2010, by the following vote:

AYES: Fesmire, Godfrey, Miller, Ramos Watson, Gilbert
NOES: None



GENE GILBERT, MAYOR

ATTEST:



**CYNTHIA HERNANDEZ, CMC
CITY CLERK**

ORDINANCE NO. 1581

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, REPEALING TITLE IX, CHAPTER 93 OF THE CODE OF INDIO, AS ADOPTED IN ORDINANCE NOS. 1191, 1212, 1326, and 1522 AND ALL OTHER ORDINANCES AND PARTS OF THE CODE OF INDIO IN CONFLICT HEREWITH, AND ADOPTING AND RE-ENACTING IN ITS PLACE, AS TITLE IX, CHAPTER 93 OF THE CODE OF INDIO THE 2010 CALIFORNIA FIRE CODE WITH APPENDICES AND AMENDMENTS THERETO, SAID TITLE AND CHAPTER REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE CITY OF INDIO; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR

WHEREAS, California Health and Safety Code ("CHSC") Section 17958 and the California Building Standards Law, CHSC Sections 18901 et seq. provide that the City of Indio shall adopt ordinances and regulations imposing the same requirements as are contained in the provisions adopted pursuant to CHSC Sections 17922 and 18938 and published in the California Building Standards Code and/or related regulations, or alternatively making changes or modifications in those requirements upon express findings adopted by the City Council pursuant to Sections 17958.5 and 17958.7 ("Findings"); and

WHEREAS, on November 17, 2010, the City Council of the City of Indio adopted Resolution No. 9442 including Findings as required by law; and

WHEREAS, the City Council of the City of Indio wishes to adopt ordinances and regulations that insure and advance the public health, safety and welfare in a manner consistent with the most recent edition of the California Fire Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Indio being marked and designated as the 2010 California Fire Code, including Appendix Chapter 4 and Appendix A, B, BB, C, CC, E, F, G, H, I and J (see 2010 California Fire Code Section 101.2.1), as adopted by the California Building Standards Commission and published by the International Fire Code Council, not included in the California Building Standards Code Council, be and is hereby adopted as the Fire Code of the City of Indio, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of

fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk of the City of Indio are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes prescribed in Code of Indio Section 93.07 as reflected below in Section 3 of this Ordinance.

Section 2. That Title IX, Chapter 93 of the Code of Indio, as adopted in Ordinance Nos. 1191, 1212, 1326, and 1522 and all other ordinances and parts of the Code of Indio in conflict herewith in effect in the aggregate until this Ordinance's effective date as the "Fire Code" of the City of Indio (the "Old Fire Code Provisions") are hereby repealed.

Section 3. Title IX, Chapter 93 of the Code of Indio, is hereby repealed in its entirety and replaced to read as follows:

CHAPTER 93: FIRE CODE

Section

93.01 Adoption

93.02 Enforcement

93.03 Definitions

93.04 Establishment of geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings are prohibited.

93.05 Establishment of geographic limits in which the storage of liquefied petroleum gas is prohibited.

93.06 Establishment of geographic limits in which the storage of explosives and blasting agents are prohibited.

93.07 Amendments

93.08 Reserved

93.09 Reserved

93.10 Fire Apparatus

93.99 Penalty

GENERAL PROVISIONS

§ 93.01 ADOPTION.

Except as hereinafter provided, the 2010 California Fire Code, based on the International Fire Code, 2009 Edition, published by the International Code Council (ICC), including Appendix Chapter 4 and Appendix A, B, BB, C, CC, E, F, G, H, I and J is hereby adopted by the City of Indio for the purpose of prescribing regulations governing the safeguarding of life and property from fire and explosion, hazards arising from the storage, handling and use of hazardous substances, materials, devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; and for providing for the issuance of permits and collection of fees. The above-referenced are hereby adopted by this reference and are hereby collectively declared as with all included fire department standards to be the Fire Code for the City of Indio, in the State of California.

§ 93.02 ENFORCEMENT.

The International Fire Code and the California Fire Code shall be enforced by the Fire Chief.

§ 93.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JURISDICTION. The City of Indio.

CORPORATE COUNSEL. The attorney for the City of Indio.

REQUIRED FIRE FLOW. The rate of flow needed for firefighting purposes to confine a major fire to a building or buildings within a block or other group complex. The determination of this flow depends upon the size, construction, occupancy and exposure of a building or buildings within and surrounding the block or group complex.

§ 93.04 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II LIQUIDS IN ABOVE-GROUND TANKS OUTSIDE OF BUILDINGS ARE PROHIBITED:

The location referred to in Chapter 34 of the California Fire Code in which storage of Class I and Class II liquids in above-ground tanks outside of buildings are prohibited are hereby as follows: RL, RM, RH, NC, CC, RM-MH

§ 93.05 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH THE STORAGE OF LIQUEFIED PETROLEUM GAS IS PROHIBITED:

The location referred to in Chapter 38 of the California Fire Code in which the storage of liquefied petroleum gas is prohibited are hereby as follows: RL, RM, RH, NC, CC, P, CO, RM-MH, EE

§ 93.06 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH THE STORAGE OF EXPLOSIVES AND BLASTING AGENTS ARE PROHIBITED:

The location referred to in Chapter 33 of the California Fire Code in which the storage of explosives and blasting agents are prohibited are hereby as follows: RL, RM, RH, NC, CC, P, CO, RM-MH, EE, RC

§ 93.07 AMENDMENTS AND ADDITIONS

Amendments and additions to the California Fire Code 2010 edition are as follows:

A. Chapter 1 SCOPE AND ADMINISTRATION.

Section 101.4 of the California Fire Code is hereby amended to read as follows:

(1) Section 101.4 SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance.

Section 103.4 of the California Fire Code is hereby amended to read as follows:

(2) Section 103.4 LIABILITY.

Any liability against the City of Indio or Riverside County or any officer or employee shall be as provided for in the California Government Code and applicable case law.

Fire Suppression, investigation and rescue or emergency medical costs which are recoverable shall be in accordance with California Health and Safety Code Sections 13009 and 13009.1

Any person who negligently or intentionally, or in violation of law, causes an emergency response, including but not limited to, a traffic accident or spill of toxic or flammable fluids or chemicals, is liable for the costs of securing such emergency, including those costs set out in Government Code Section 53150, et seq. Any expense incurred by the fire department for securing such an emergency situation shall constitute a debt of such person and shall be collectable by the City of Indio, or political subdivision thereof if incorporated, in the same manner as in the case of an obligation under contract, expressed or implied.

Section 104.1 of the California Fire Code is hereby amended to read as follows:

(3) Section 104.1 AUTHORITY OF THE FIRE CHIEF AND THE FIRE DEPARTMENT

The chief is authorized to administer, interpret, and enforce this ordinance and the California Fire Code. Under the chief's direction, the Riverside County Fire Department is authorized to enforce all ordinances of the City of Indio pertaining to:

(1) The prevention of fires.

(2) The suppression or extinguishment of dangerous or hazardous fires.

- (3) The storage, use, and handling of hazardous materials.
- (4) The installation and maintenance of automatic, manual, and other private fire alarm systems and fire extinguishing equipment.
- (5) The maintenance and regulation of fire escapes.
- (6) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property, including those under construction.
- (7) The maintenance of means of egress.
- (8) The investigation of the cause, origin, and circumstance of fire and unauthorized releases of hazardous materials.

Section 104.2.1 of the California Fire Code is hereby added to read as follows:

(4) Section 104.2.1 PERMIT FEE

A fee shall be charged for each permit issued. The fee schedule shall be established by the City of Indio, City Council.

Section 104.3.2 of the California Fire Code is hereby added to read as follows:

(5) Section 104.3.2. FIRE DEPARTMENT PERSONNEL AND PEACE OFFICERS.

- 1) The Fire Chief and his or her designees are authorized and directed to enforce all applicable State fire laws and the provisions of this code and shall perform such related duties as may be fixed by the City Council, and for such purposes, he or she shall have the power of a peace officer.
- 2) The following persons are hereby authorized to interpret and enforce the provisions of this Ordinance and the California Fire Code and to make arrests and issue citations as authorized by law.

- 1. The Unit Chief and Peace Officers and public officers of the California Department of Forestry and Fire Protection (CALFIRE).
- 2. The Fire Chief, Peace Officers, and Public Officers of the Riverside County Fire Department.
- 3. The Police Chief and any Police Officer of any city served by Riverside County Fire Department.
- 4. The Fire Code Official and members of the Fire Prevention Bureau that serves the City of Indio.
- 5. Officers of the California Highway Patrol.
- 6. The law enforcement officers of the Federal Bureau of Land Management.

Section 104.6.5 of the California Fire Code is hereby added to read as follows:

(6) Section 104.6.5 RECORDS AND REPORTS

Requests for copies of public and legal documents, photographs, etc., relating to department activities are available as authorized by law through the Fire Department's Custodian of Records. All document requests shall be in writing.

Section 105.4.7 of the California Fire Code is hereby added to read as follows:

(7) Section 105.4.7 COMMENCEMENT OF WORK

The construction or installation of any fire protection system shall not be permitted without approved plans. Beginning work prior to approval of plans will result in a triple permit fee and/or inspection being charged, unless prior approval has been granted by the fire code official.

B. Chapter 2 DEFINITIONS

Section 202 of the California Fire Code is hereby amended to include the following to the list of definitions:

(1) Section 202 General Definitions

FIRE CHIEF OR CHIEF. Shall mean the Fire Chief of the County of Riverside or his/her authorized representative.

FIRE MARSHAL. The Supervisor of the Bureau of Fire Prevention. Shall serve as the Fire Code Official under the direction of the Fire Chief or his/her authorized representative.

HAZARDOUS FIRE AREA. Land other than state designated fire hazard severity zone and/or local designated FHSZ which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated on the maps entitled "Hazardous Fire Areas of Riverside County" on file in the office of the Fire Chief.

HIGH-RISE BUILDING OR HIGH-RISE STRUCTURE. Every building of any type of construction or occupancy located more than 75 feet above the lowest floor level of fire department vehicular access.

ALTERATION OR ALTERED. Any change, addition, or modification in construction or occupancy or structural repair or change in primary function to an existing structure made by, on behalf of, or for the use of a public accommodation, or commercial facility or part thereof. Alterations include, but are not limited to; remodeling, renovation, rehabilitation, reconstruction, historic restoration, fire damage restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full height partitions.

C. Chapter 3 GENERAL PRECAUTIONS AGAINST FIRE

Is adopted in its entirety without amendments or deletions

D. Chapter 4 EMERGENCY PLANNING AND PREPAREDNESS

Section 404.2 of the California Fire Code is hereby amended to add Item (15) as follows:

(1) Section 404.2 WHERE REQUIRED

15. Windowless buildings having an occupant load of 50 or more.

E. Chapter 5 FIRE SERVICE FEATURES

Section 501.4 of the California Fire Code is hereby amended to read as follows:

(1) Section 501.4 TIMING OF INSTALLATION

Fire apparatus access roads and a permanent water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. Temporary street signs shall be installed at each intersection when construction of new roadways allows passage by vehicles in accordance with section 505.2.

EXCEPTION: When alternate methods of protection, as approved, are provided, the requirements of Section 501.4 may be modified or waved.

Section 503.1 of the California Fire Code is hereby amended to read as follows:

(2) Section 503.1 WHERE REQUIRED

Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Section 503.1.1 through 503.1.3. The Fire Department shall be the only authority authorized to designate fire lanes.

Section 503.1.1 of the California Fire Code is hereby amended as follows:

(3) Section 503.1.1 BUILDING AND FACILITIES

Delete exception #3 in its entirety

Section 503.1.4 is hereby added to read as follows:

(4) Section 503.1.4 OTHER OBSTRUCTIONS TO ACCESS

When other obstructions are installed that cause the distances from an approved fire department access road to exceed the maximum distance allowed in Section 503, the Fire Code Official is authorized to require additional fire protection as specified in Section 901.4.3.

Section 503.2.7 of the California Fire Code is hereby amended to read as follows:

(5) Section 503.2.7 GRADE

The grade of fire apparatus access road shall be within the limits established by the Fire Code Official based on the fire department's apparatus; however no grade shall exceed 15 percent. In addition, grade transitions shall not exceed the fire department's apparatus maximum approach and departure angles as determined by the Fire Chief.

Section 503.3 of the California Fire Code is hereby amended to add as follows:

(6) Section 503.3 MARKING

Fire Apparatus access roads (where required) shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curb exists or a rolled curb is installed, a 6 inch wide red strip or approved posted signs applied to the full length of the fire apparatus access road shall be installed.

EXCEPTION: On school grounds this requirement shall be implemented as approved by the Fire Code Official.

Section 504.1 of the California Fire Code is hereby amended to read as follows (first paragraph):

(7) Section 504.1 REQUIRED ACCESS

Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from the fire apparatus access roads to exterior openings shall be provided when required by the fire code official. Finished grade is to be flat and accessible on all sides of the building where ground ladder access is the only means to reach the highest point on the building from the exterior. Distance from the building shall be flat and shall be determined by the Fire Chief. Obstructions will not be placed as to interfere with ground ladder placement.

Section 506.1 of the California Fire Code is hereby amended to read as follows:

(8) Section 506.1 WHERE REQUIRED

All new commercial and multi-family residential buildings and any existing buildings where the Fire Department deems access is restricted shall be required to install a Key Box or Key Switch in an approved location.

Section 507.1 of the California Fire Code is hereby amended to read as follows:

(9) Section 507.1 REQUIRED WATER SUPPLY

An approved permanent water supply capable of supplying the required fire flow for fire protection shall be provided by the developer prior to the commencement of construction to all premises upon which buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Water supplies for fire protection and hydrants shall be in accordance with Appendix B, Appendix BB, Appendix C, and Appendix CC.

Section 507.5.7 is hereby added to read as follows:

(10) Section 507.5.7 HYDRANT IDENTIFICATION

The Fire Chief shall designate a specific type marker device to be installed at each fire hydrant location within the city. Markers shall be visually indicating fire hydrant location during the daylight hours and hours of darkness.

1. For each new fire hydrant installed, the developer, contractor, or installer shall install a marker device in accordance with a standard method of installation prescribed by the Fire Chief.
2. Any Hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.

Section 507.5.8 is hereby added to read as follows:

(11) Section 507.5.8 FIRE HYDRANT TYPE AND OUTLETS

Fire hydrant type and number of outlets shall be required as determined by the fire code official.

Super Hydrant – Standard, one 4-inch outlet and two, 2 ½-inch outlets.

Super hydrant – Enhanced, two 4-inch outlets, and one 2 ½-inch outlets.

Section 508.1.2 of the California Fire Code is hereby amended to read as follows:

(12) Section 508.1.2 SEPARATION

The fire command center shall be separated from the remainder of the building by not less than a two (2) hour fire barrier constructed and in accordance with section 707 of the California Building Code, or horizontal assembly constructed in accordance with section 712 of the California Building Code, or both.

Section 510.1.1 is hereby added to read as follows:

(13) Section 510.1.1 RADIO COVERAGE

Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done which fails to support adequate voice and/or data radio coverage for any emergency response personnel within the structure or the area immediately surrounding the structure or building. A final inspection shall not be approved for any building or structure that fails to comply with this requirement.

Section 510.1.2 is hereby added to read as follows:

(14) Section 510.1.2 WHERE REQUIRED

When required by the Fire Chief, approved radios, repeaters, relays, signal amplifiers, antennas, coaxial cables, passive signal conductors, conduits and access, secondary power source and other equipment as determined shall be provided within buildings to ensure emergency response personnel radio and data communications to and from surrounding buildings and structures and emergency communications centers.

Section 510.2.3 is hereby added to read as follows:

(15) Section 510.2.3 RADIO FREQUENCY TEST

At the time the building permit is issued, the Riverside County Fire Department's Communication and Technology units, in cooperation with appropriate fire and law enforcement departments, shall determine the frequency range or ranges that must be supported. For the purpose of this section, adequate radio coverage shall constitute a successful communications test between the building and the communications center for all appropriate emergency service providers for the building.

Section 511. is hereby added to read as follows:

(16) Section 511 FIRE DEPARTMENT BRREATHING APPARATUS AIR SUPPLY

All buildings having floors used for human occupancy located seventy five (75) feet or more above or below the lowest level of fire department vehicular access shall be equipped with an approved breathing apparatus air refilling system. Such system shall provide an adequate pressurized air supply through a permanent piping system for the replenishment of self contained breathing apparatus carried by fire suppression, rescue, and other personnel in the performance of their duties. Location and specification of access stations, and the installation of such breathing apparatus air refilling system shall be made in accordance with the requirements of the Fire Chief.

F. Chapter 6 BUILDING SERVICES AND SYSTEMS

Section 609.2. of the California Fire Code is hereby amended to add and Exception as follows:

(1) Section 609.2 WHERE REQUIRED

EXCEPTION: Fire Stations where the use of commercial appliance is by station personnel and not for the intention of a commercial cooking facility as defined by the California Mechanical Code.

G. Chapter 7 FIRE-RESISTANCE-RATED CONSTRUCTION

Is adopted in its entirety without amendments or deletions

H. Chapter 8 INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS

Is adopted in its entirety without amendments or deletions

I. Chapter 9 FIRE PROTECTION SYSTEMS

Section 901.3.1 is hereby added to read as follows:

(1) Section 901.3.1 PERMITS

No person shall remove or modify any fire protection system installed or maintained under the provisions of the California Fire Code without approval by the Fire Marshal.

Section 903.2 of the California Fire Code is hereby amended to read as follows:

(2) Section 903.2 Where Required

In addition to other provisions of this section, an approved automatic fire sprinkler system shall be installed in any building or portion of a building hereafter constructed when the required fire flow is 1,500 gallons per minute or greater.

1. To determine the required fire flow, the Fire Chief shall be guided by Appendix B and the Insurance Services Office method.
2. In an existing building hereafter remodeled, or altered (alteration) where the required fire flow exceeds or is changed to exceed 2,500 gpm, an automatic fire sprinkler system shall be installed in accordance with the provisions of this section.
3. Each portion of a building separated by one or more fire walls may be considered a separate fire flow calculation area, provided the fire wall are of masonry construction (4 hour fire rating), contain no openings and constructed in accordance with the California Building Code.

Section 903.2.11.1.1. of the California Fire Code is hereby amended to read as follows:

(3) Section 903.2.11.1.1 OPENING DIMENSION AND ACCESS

Openings shall have a minimum dimension of not less than 36 inches. Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that the fire fighting or rescue cannot be accomplished from the exterior.

Section 907.2.19. of the California Fire Code is hereby amended to read as follows:

(4) Section 907.2.19 UNDERGROUND BUILDINGS

All underground buildings shall be equipped throughout with a manual fire alarm system, including an emergency voice/alarm communication system installed in accordance with section 907.6.2.2.

Section 908.3. of the California Fire Code is hereby amended to read as follows:

(5) Section 908.3 HIGHLY TOXIC AND TOXIC MATERIALS

Where required by Section 3704.2.2.10, for indoor storage and use of highly toxic and toxic compressed gases, a gas detection system shall be provided to detect the presence of gas at or below the permissible exposure limit (PEL) or ceiling limit of the gas for which detection is provided. The system shall be capable of monitoring the discharge from the treatment system at or below one-half the immediately dangerous to life and health (IDLH) limit.

EXCEPTION: A gas-detection system is not required for toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.

Section 908.3.1 is hereby added to read as follows:

(6) Section 908.3.1 ALARMS

The gas detection system shall initiate a local alarm and transmit a signal to a constantly attended control station when a short-term hazard condition is detected. The alarm shall be both visible and audible and shall provide warning both inside and outside the area where gas is detected. The audible alarm shall be distinct from all other alarms.

EXCEPTION: Signal transmission to a constantly attended control station is not required when not more than one cylinder of highly toxic gas is stored.

Section 908.3.2 is hereby added to read as follows:

(7) Section 908.3.2 SHUTOFF OF GAS SUPPLY

The gas detection system shall automatically close the shutoff valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

EXCEPTION: Automatic shutdown is not required for reactors utilized for the production of highly toxic or toxic compressed gases where such reactors are :

1. Operated at pressures less than 15 pounds per square inch gauge (psig).
2. Constantly attended.
3. Provided with readily accessible emergency shut-off valves.

Section 908.3.3 is hereby added to read as follows:

(8) Section 908.3.3 VALVE CLOSURE

The automatic closure of shutoff valves shall be in accordance with the following:

1. When the gas-detection sampling point initiates the gas detection system alarm within a gas cabinet exhausted enclosure, the shutoff valve in the gas cabinet or exhausted enclosure for the specific gas detected shall automatically close.
2. Where the gas-detection sampling point is initialing the gas detection system alarm is within a gas room and compressed gas containers are not in gas cabinets or exhausted enclosures, the shutoff valves on all gas lines for the specific gas detected shall automatically close.

3. Where the gas-detection sampling point initiating the gas detection system alarm is within a piping distribution manifold enclosure, the shutoff valve for the compressed container of specific gas detected supplying the manifold shall automatically close.

EXCEPTION: When the gas-detection sampling point initiating the gas detection system alarm is at a use location or within a gas valve enclosure of a branch line down-stream of a piping distribution manifold, the shutoff valve in the gas valve enclosure for the branch line located in the piping distribution manifold enclosure shall automatically close.

Section 912.2.1. of the California Fire Code is hereby amended to read as follows:

(9) Section 912.2.1 VISIBLE LOCATION

Fire Department connections shall be located in the front access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the Fire Code Official. The location of fire department connections shall be approved and installed as follows:

1. Within 50 feet of an approved roadway or driveway and arranged so that hose lines can be readily attached to the inlets without interference from any nearby objects including buildings, fences, posts, plantings, or other Fire Department connections and/or otherwise approved by the Fire Code Official
2. Within 50 feet of an approved fire hydrant
3. So that the inlet height shall not be less than 24 inches or more than 48 inches above grade.
4. Guard posts or other approved means may be required to protect fire department inlet connections from vehicular damage.

Section 914.5. of the California Fire Code is hereby amended to read as follows:

(10) Section 914.5 UNDERGROUND AND WINDOWLESS BUILDINGS

Underground buildings shall comply with sections 914.5.1 through 914.5.5 and windowless buildings with a total floor area of 5,000 square feet shall comply with sections 914.5.2 through 914.5.5.

J. Chapter 10 MEANS OF EGRESS

Shall be adopted in its entirety without amendments or deletions.

K. Chapter 11 AVIATION FACILITIES

Shall be adopted in its entirety without amendments or deletions.

L. Chapter 12 DRY CLEANING

Shall be adopted in its entirety without amendments or deletions.

M. Chapter 13 COMBUSTIBLE DUST PRODUCING OPERATIONS

Shall be adopted in its entirety without amendments or deletions.

N. Chapter 14 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Shall be adopted in its entirety without amendments or deletions.

O. Chapter 15 FLAMMABLE FINISHES

Shall be adopted in its entirety without amendments or deletions.

P. Chapter 16 FRUIT AND CROP RIPENING

Shall be adopted in its entirety without amendments or deletions.

Q. Chapter 17 FUMIGATION AND THERMAL INSECTICIDAL FOGGING

Shall be adopted in its entirety without amendments or deletions.

R. Chapter 18 SEMICONDUCTOR FABRICATION FACILITIES

Shall be adopted in its entirety without amendments or deletions.

S. Chapter 19 LUMBER YARDS AND WOOD WORKING FACILITIES

Shall be adopted in its entirety without amendments or deletions.

T. Chapter 20 MANUFACTURER OF ORGANIC COATINGS

Shall be adopted in its entirety without amendments or deletions.

U. Chapter 21 INDUSTRIAL OVENS

Shall be adopted in its entirety without amendments or deletions.

V. Chapter 22 MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES

Section 2202.1 of the California Fire Code is hereby amended to add the following definitions to read as follows:

(1) Section 2202.1 DEFINITIONS

MOTOR VEHICLE. Includes, but is not limited to, a vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. It does not include a vehicle, locomotive or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to

street-railway service. The term "motor vehicle" also includes freight containers or cargo tank used, or intended for use, in connection with motor vehicles. (As per 49 CFR Pt. 171.8 (October 2002).)

Motor Vehicle, unattended is defined as motor vehicle where the driver cannot see the motor vehicle or hear noises in or near the motor vehicle.

EXCEPTIONS:

1. Necessary absence in connection with loading and unloading the motor vehicle.
2. Stops for meals during the day or night, if the point of parking is well lighted.
3. When in case of accident or emergency, the driver must leave to obtain assistance.

W. Chapter 23 HIGH PILED COMBUSTIBLE STORAGE

Shall be adopted in its entirety without amendments or deletions.

X. Chapter 24 TENTS AND OTHER MEMBRANE STRUCTURES

Shall be adopted in its entirety without amendments or deletions.

Y. Chapter 25 TIRE REBUILDING AND TIRE STORAGE

Section 2505.10 is hereby added to read as follows:

(1) Section 2505.10 DEAD-END AISLES

No dead-end aisles shall be allowed within the facility.

Z. Chapter 26 WELDING AND OTHER HOT WORK

Shall be adopted in its entirety without amendments or deletions.

AA. Chapter 27 HAZARDOUS MATERIALS-GENERAL PROVISIONS

Shall be adopted in its entirety without amendments or deletions.

BB. Chapter 28 AEROSOLS

Shall be adopted in its entirety without amendments or deletions.

CC. Chapter 29 COMBUSTIBLE FIBERS

Shall be adopted in its entirety without amendments or deletions.

DD. Chapter 30 COMPRESSED GASES

Shall be adopted in its entirety without amendments or deletions.

EE. Chapter 31 CORROSIVE MATERIALS

Shall be adopted in its entirety without amendments or deletions.

FF. Chapter 32 CRYOGENIC FLUIDS

Shall be adopted in its entirety without amendments or deletions.

GG. Chapter 33 EXPLOSIVES AND FIREWORKS

Section 3308.2 is hereby added to read as follows:

(1) Section 3308.2 SAFE AND SANE FIREWORKS

To read precisely as the operative language of §§ 101.2 through 101.8, inclusive, of Chapter 101 of this Title.

Fireworks Defined. Fireworks to be regulated pursuant to the permitting process herein established are those classified by the State Fire Marshal as "Safe and Sane fireworks," and includes any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks," under Health and Safety Code Section 12505 and 12508.

Application for Permit:

(A) *Timing.* In addition to the requisite license from the State Fire Marshal pursuant to Health and Safety Code Section 12500 et al., application must be made to the City Clerk for a retail sales permit on or before the last Friday in March of the calendar year for which the permit is sought. Permit applications may be obtained from the Office of the City Clerk.

(B) *Eligibility and Granting of Permits.* Eligibility shall only be open to those tax-exempt organizations as defined under Code Section 501(c)(3) of the Internal Revenue Code, one permit per each tax-exempt identification number. Every year, the City Clerk shall review all applications for timeliness and proper qualifications and shall issue a maximum of nine permits in any given year to qualified, timely applicants, one of which shall go to the Indio Youth Task Force. If the City Clerk shall have in excess of nine timely applications, the City Clerk shall select a total of eight permittees from the pool of qualified, timely applicants based on a lottery.

(C) *Notice.* Applicants shall be notified of the granting or denial of the permit on or before the first Monday in May of each calendar year. Retail sales of fireworks shall be authorized only during the period of 12 noon on the 28th of June through 12 noon on the 6th of July of the same calendar year and such license shall expire at the end of such period. No temporary fireworks stand may be erected prior to the 18th of June or remain in place after the 6th of July of the same calendar year.

Permit Authority. The City Clerk may grant or deny the issuance of a permit for erection of a temporary fireworks stand and the retail sales of fireworks pursuant to the delegation of such authority by the city. If an applicant believes its application was improperly excluded from the pool of qualified and timely applications, the applicant may receive a hearing by the City

Manager to appeal the denial of a permit, at which time the City Manager may reverse, modify, or sustain the denial.

Permit Requirements. The following provisions apply to each of the nine permittees for the retail sale of fireworks:

- (1) Each application shall be accompanied by a filing fee of \$250.00 to defray the city's cost of providing public safety services.
- (2) Once issued, permits shall not be transferable, assignable or renewable. Any permit issued shall be valid only for the dates and location specified in the permit. Only one temporary fireworks stand may be operated by each permittee.
- (3) The applicant must be insured for the minimum coverage amounts of \$1,000,000/\$1,000,000 for potential public liability and property damage in connection with the operation of the temporary fireworks stand. The city must be named as an additional insured under the insurance policy.
- (4) Each permittee is required to obtain a City of Indio Special Events Business License.
- (5) Each permittee is required to obtain a State Board of Equalization Permit.
- (6) All permit requirements must be completed and returned to the City Clerk by 5:00 p.m. on June 1st of the calendar year for which the permit is sought.
- (7) Each organization must be issued a license from the State Fire Marshal pursuant to Health and Safety Code Section 12500, et seq.
- (8) Each organization must be a nonprofit association or corporation organized primarily for veteran, youth, patriotic, welfare, civic betterment, or charitable purposes.
- (9) Each organization must have its principal and permanent meeting place within the territorial limits of the city, must have been organized and established for a minimum of one year continuously preceding the filing of the application for the retail sales permit, and must have a bona fide membership of at least 20 members, the majority of whom reside in the city.
- (10) Failure to meet any of the requirements will result in revocation of the application permit.

Temporary Fireworks Stand Requirements. Each of the nine selected permittees must submit to the Fire Chief a plot plan approved by the owner of the property upon which the applicant will construct a temporary fireworks stand. The Fire Chief shall make an investigation of the proposed site to ensure compliance with the following:

- (1) The temporary fireworks stand erected for the retail sale of fireworks must be constructed under the supervision of the City Building Department Inspector in such a

manner as will reasonably ensure the safety of salespersons and patrons. An electrical permit must be obtained if a temporary power pole is required.

(2) The temporary fireworks stand shall have at least two exits, each at least 30" in width, in locations to be approved by the Fire Chief. The stand shall be located at least 25' from any other structure or property line of adjoining land. Minimum setback from the public sidewalk shall be ten feet. No stand shall have a floor area in excess of 260 square feet.

(3) At least two water base fire extinguishers shall be present in each temporary fireworks stand. The extinguishers shall be subject to inspection by the Fire Chief.

(4) There shall be at least one adult present in the temporary fireworks stand who is 21 years of age or over during all hours of retail sales. No person under 18 years of age shall sell fireworks at such stand.

(5) No smoking shall be allowed in the temporary fireworks stand nor within ten feet thereof. No alcoholic beverages shall be allowed on the premises.

(6) All weeds and combustible material shall be cleared from the location of the stand including a distance of at least 25' surrounding the stand.

(7) Signs stating "NO SMOKING" and "NO SALES TO ANYONE UNDER SIXTEEN (16) YEARS OF AGE," and all permits must be posted in a conspicuous place.

(8) An alert night watchman, at least 21 years of age, must be provided by the permittee to guard the temporary fireworks stand during the hours of storage.

Public Display. Notwithstanding any other provision of this chapter, fireworks may be lawfully possessed and used for public display within the city, as defined in Health and Safety Code Sections 12575 through 12577, upon written authorization by the Fire Chief.

Violation. Failure to remove the temporary fireworks stand in accordance with this chapter will result in the assessment of a penalty of \$50 per day that the stand remains in place, or portion thereof. The Fire Chief may revoke the permit granted to any permittee that is operating a temporary fireworks stand in violation of the provisions of the permit, or of this chapter. Such permittee shall not be eligible for a new permit for a period of one year thereafter.

HH. Chapter 34 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Shall be adopted in its entirety without amendments or deletions.

II. Chapter 35 FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS

Shall be adopted in its entirety without amendments or deletions.

JJ. Chapter 36 FLAMMABLE SOLIDS

Shall be adopted in its entirety without amendments or deletions.

- KK. Chapter 37 HIGHLY TOXIC AND TOXIC MATERIALS**
Shall be adopted in its entirety without amendments or deletions.
- LL. Chapter 38 LIQUIFIED PETROLEUM GASES**
Shall be adopted in its entirety without amendments or deletions.
- MM. Chapter 39 ORGANIC PEROXIDES**
Shall be adopted in its entirety without amendments or deletions.
- NN. Chapter 40 OXIDIZERS, OXIDIZING GASES AND OXIDIZING CRYOGENIC FLUIDS**
Shall be adopted in its entirety without amendments or deletions.
- NN. Chapter 41 PYROPHORIC MATERIALS**
Shall be adopted in its entirety without amendments or deletions.
- OO. Chapter 42 PYROXYLIN (CELLULOSE NITRATE) PLASTICS**
Shall be adopted in its entirety without amendments or deletions.
- PP. Chapter 43 UNSTABLE (REACTIVE) MATERIALS**
Shall be adopted in its entirety without amendments or deletions.
- QQ. Chapter 44 WATER REACTIVE SOLIDS AND LIQUIDS**
Shall be adopted in its entirety without amendments or deletions.
- RR. Chapter 45 MARINAS**
Shall be adopted in its entirety without amendments or deletions.
- SS. Chapter 46 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS**
Shall be adopted in its entirety without amendments or deletions.
- TT. Chapter 47 REFERENCED STANDARDS**
Shall be adopted in its entirety without amendments or deletions.
- UU. Chapter 48 MOTION PICTURE AND TELEVISION PRODUCTION STUDIO SOUND STAGES, APPROVED PRODUCTION FACILITIES AND PRODUCTION LOCATIONS**

Shall be adopted in its entirety without amendments or deletions.

VV. Chapter 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Shall be adopted in its entirety without amendments or deletions

WW. APPENDIX

The following Appendices shall be adopted in its entirety without amendments or deletions:

1. Appendix Chapter 4
2. Appendix A
3. Appendix BB
4. Appendix C
5. Appendix CC
6. Appendix E
7. Appendix F
8. Appendix G
9. Appendix H
10. Appendix J

XX. APPENDIX B

Section B104.2 of the California Fire Code is hereby amended to read as follows:

(1) Section B104.2 AREA SEPARATION

Portions of buildings, which are separated by firewalls, with a four-hour fire resistive rating and without openings, constructed in accordance with the California Building Code, may be considered as separate fire flow area calculations.

Section B105.2, Exception No. (1) of the California Fire Code is hereby amended to read as follows:

(2) Section B105.2 BUILDINGS OTHER THAN ONE-AND TWO-FAMILY DWELLINGS

EXCEPTION:

1. A reduction in required fire flow of up to 50 percent as approved, is allowed when the building is provided with an approved automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1.

§ 93.08 RESERVED.

§ 93.09 RESERVED.

§ 93.10 FIRE APPARATUS.

(A) In all locations where access for fire apparatus for fire suppression or rescue purposes is unduly difficult or subject to obstruction, the Fire Chief may designate fire lanes and cause them to be posted as such.

(B) No person shall obstruct such fire lanes in any manner that would deter or hinder the Fire Department from gaining immediate access and use of such designated fire lanes.

§ 93.99 PENALTIES.

(A) It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this ordinance. Any person, firm, corporation or association of persons violating any provision of this ordinance or the provisions of any permit granted pursuant to this ordinance, shall be deemed guilty of an infraction or misdemeanor as herein after specified. Such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, is committed, continued, or permitted.

Any person, firm, corporation or association of persons so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a first violation; (2) guilty of an infraction offense and punishable by a fine now exceeding three hundred dollars (\$300.00) for a second violation on the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person or entity from the responsibility for correcting the violation.

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

Section 4. That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Indio hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or

existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. That the City Clerk of the City of Indio is hereby ordered and directed to cause this Ordinance to be published in accord with California Government Code Section 6066.

Section 7. That this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption by the City Council of the City of Indio.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2010 by the following vote:

AYES: Holmes, Miller, Torres, Wilson, Ramos Watson
NOES: None


LUPE RAMOS WATSON, MAYOR

ATTEST:


CYNTHIA HERNANDEZ, CMC
CITY CLERK/CMC