

**BUILDING STANDARDS COMMISSION**

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



April 7, 2011

Steve Treat, Chief Building Official  
Community Development & Services Department  
City of Oakdale  
120 South Sierra Avenue  
Oakdale, CA 95361

Dear Mr. Treat:

This letter is to acknowledge receipt on February 2, 2011, of the City of Oakdale submittal pertaining to Ordinance No. 1196 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 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 OAKDALE**  
**COMMUNITY DEVELOPMENT & SERVICES DEPARTMENT**  
120 South Sierra Avenue • Oakdale, CA 95361 • Ph: (209) 845-3625 • Fax: (209) 845-3592

**CITY  
ADMINISTRATION  
& FINANCE  
DEPARTMENT**  
280 N. Third Ave.  
Oakdale, CA 95361  
(209) 845-3571  
(209) 847-6834 Fax

**FIRE DEPARTMENT**  
Station No. 1:  
325 East "G" St.  
Station No. 2:  
450 S. Willowood  
Dr.  
Oakdale, CA 95361  
(209) 845-3660  
(209) 847-5907 Fax

**RECREATION  
DEPARTMENT**  
120 S. Sierra Ave.  
Oakdale, CA 95361  
(209) 845-3591  
(209) 845-3692

**POLICE  
DEPARTMENT**  
245 N. Second  
Ave.  
Oakdale, CA 95361  
(209) 847-2231  
(209) 847-3790 Fax

**PUBLIC WORKS  
DEPARTMENT**  
455 S. Fifth Ave.  
Oakdale, CA 95361  
(209) 845-3600  
(209) 848-4344

**CITY OF OAKDALE  
WEBSITE**

January 6, 2011

Mr. Dave Walls, Executive Director  
State of California  
Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Re: Local Amendments  
Ratification and Finding of Fact

Dear Mr. Walls:

The City of Oakdale, City Council has ratified local amendments to City of Oakdale Ordinance No. 1196 and Resolution 2010-163 adopting 2010 California Code of Regulations Title 24. Enclosed you will find the City of Oakdale Ordinance No. 1196 along with the finding of fact and supporting ratification documents, also the City of Oakdale Ordinance No. 1195 for the adoption of the 2010 California Fire Code.

This documentation is being filed with your agency pursuant to Sections 17958.5, 17958.7 and 18941.5 California Health and Safety Code. Please feel free to contact me should you have any questions.

Sincerely,

Steve Treat  
Chief Building Official

2011 JAN 10 10:00 AM  
CITY OF OAKDALE  
COMMUNITY DEVELOPMENT & SERVICES DEPARTMENT



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
CITY COUNCIL RESOLUTION 2010-163**

**RESOLUTION OF THE CITY OF OAKDALE CITY COUNCIL  
APPROVING CONSENT AGENDA FOR  
DECEMBER 6, 2010 CITY COUNCIL MEETING**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OAKDALE AS FOLLOWS:**

**To approve the Consent Agenda for the December 6, 2010 City Council meeting as follows:**

- d) Second Reading and Adoption of Ordinance 1195 Adopting 2010 Edition of the California Fire Code with Local Amendment.**

**Moved by Council Member Dunlop, seconded by Mayor Pro Tem Morgan, and CARRIED.**

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	Brennan, Dunlop, Hanson, Morgan
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	Jackson
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSTAINED:</b>	<b>COUNCIL MEMBERS:</b>	None

- a) Approving November 15, 2010 City Council Minutes.**
- b) Receiving and Filing the Warrant List for the period 11/09/2010 to 12/01/2010.**
- c) Waiving Readings or Ordinances/Resolutions except by title.**
- e) Second Reading and Adoption of Ordinance 1196 Adopting 2010 Editions of the California Building Code, California Residential Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Historical Building Code, California Green Building Standards Code, and California Referenced Standards Code.**
- g) Resolution 2010-164 Authorizing Contract Award to Mission Linen Supply for Public Works Department Uniform Services.**
- h) Resolution 2010-165 Accepting Oakdale Shopping Center Water Service Replacement Project and Authorizing the Filing of a Notice of Completion.**
- i) Resolution 2010-166 Accepting Yosemite Lamphole Replacement Project and Authorizing the Filing of a Notice of Completion.**
- j) Resolution 2010-167 Authorizing Staff to File a Quitclaim Deed to Accept a 10-Foot Strip on West F Street between Laurel Avenue and California Avenue.**

**Moved by Council Member Dunlop, seconded by Mayor Pro Tem Morgan, and CARRIED.**

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>	Brennan, Dunlop, Hanson, Jackson, Morgan
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>	None
<b>ABSTAINED:</b>	<b>COUNCIL MEMBERS:</b>	None



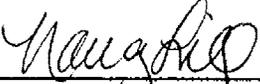
**CITY COUNCIL RESOLUTION 2010-163**

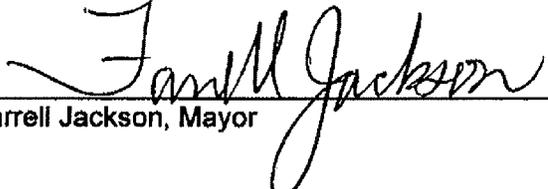
f) Resolution 2010-168 Accepting Annual Report in Compliance with Government Code Section 53411 Reporting on CFD Activities and Revenue Collected.

Moved by Council Member Brennan, seconded by Council Member Dunlop, and **CARRIED**.

AYES:	COUNCIL MEMBERS:	Brennan, Dunlop, Morgan
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAINED:	COUNCIL MEMBERS:	Hanson; Jackson

ATTEST:

  
\_\_\_\_\_  
Nancy Lilly, CMC, City Clerk

  
\_\_\_\_\_  
Farrell Jackson, Mayor



**IN THE CITY COUNCIL  
CITY OF OAKDALE  
STATE OF CALIFORNIA**

**ORDINANCE NO. 1196**

**AN ORDINANCE ADOPTING THE 2010 CALIFORNIA CODE OF REGULATIONS TITLE 24, INCLUSIVE OF THE 2010 CALIFORNIA BUILDING CODE PART 2, VOLUMES 1 AND 2; CALIFORNIA BUILDING CODE APPENDICES AS ADOPTED; 2010 CALIFORNIA RESIDENTIAL CODE PART 2.5; 2010 CALIFORNIA RESIDENTIAL CODE APPENDICES AS ADOPTED; 2010 CALIFORNIA ELECTRICAL CODE PART 3; 2010 CALIFORNIA MECHANICAL CODE PART 4; 2010 CALIFORNIA PLUMBING CODE PART 5; THE 2010 CALIFORNIA ENERGY CODE PART 6; 2010 CALIFORNIA HISTORICAL BUILDING CODE PART 8; 2010 CALIFORNIA EXISTING BUILDING CODE PART 10; 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE PART 11; THE CALIFORNIA REFERENCED STANDARDS CODE 2010 EDITION PART 12 AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2006 EDITION. TOGETHER WITH CERTAIN AMENDMENT(S) TO THESE CALIFORNIA CODES DEEMED NECESSARY TO SERVE THE PUBLIC INTEREST BY REDUCING THE RISK TO LIFE AND PROPERTY OF THE CITIZENS OF OAKDALE BECAUSE OF UNIQUE LOCAL CONDITIONS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH**

**THE CITY COUNCIL OF THE CITY OF OAKDALE DOES ORDAIN AS FOLLOWS:**

Section 1: The amendments to the California Building Codes adopted by this ordinance are necessary to serve the public by reducing the risk to life and property of the citizens of Oakdale because of the following conditions:

- (a) Summer weather conditions are extremely dry, hot and windy, causing ordinary combustibles to be easily ignited and fire to be fast spreading; and,



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(b) Very dense fog conditions occur in the winter.

NOW, THEREFORE, for the above reasons taken individually and cumulatively and in accordance with the authority granted in Sections 17958.5 and 17958.7 of the California Health and Safety Code, the City Council of the City of Oakdale expressly finds that there are local climatic and topographical conditions that make the increased requirements set forth in this Ordinance reasonably necessary. Section 2: Chapter 7 of the City of Oakdale Municipal Code is hereby amended to read as follows:

**BUILDING CODES, ADMINISTRATION AND ENFORCEMENT  
AND SYSTEMS DEVELOPMENT CHARGES**

**CHAPTER 7**

**BUILDING CODES, ADMINISTRATION AND ENFORCEMENT  
AND SYSTEMS DEVELOPMENT CHARGES**

**ARTICLE I ADMINISTRATION - GENERAL**

7-1. Purpose of Chapter

7-2 2010 California Building Code (CBC) Chapter 1, Division I, Scope and Administration Section 1.8.3 and Division II.

7-3. 2010 California Building Code Chapter 1, Division II --Amended.

**ARTICLE II BUILDING CODE**

7-20. 2010 California Building Code Part 2, Volumes 1 and 2 --Adopted.

7-21. 2010 California Building Code Part 2, Volumes 1 and 2 -Amended.



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7-22. Automatic Fire Extinguishing Systems

7-23. 2010 California Building Code Part 2, Appendix "J"

7-24. 2010 California Residential Building Code Part 2.5

7-25. 2010 California Residential Building Code Part 2.5, Appendix H, Patio Covers

**ARTICLE III**

7-30. 2010 California Electrical Code Part 3--Adopted.

7-31. 2010 California Electrical Code Part 3--Amended.

**ARTICLE IV**

7-35. 2010 California Mechanical Code Part 4-Adopted

**ARTICLE V**

7-40. 2010. California Plumbing Code Part 5-Adopted

**ARTICLE VI**

7-45. 2010 California Energy Code Part 6- Adopted

**ARTICLE VII**

7-50. 2010 California Historical Building Code Part 8- Adopted

**ARTICLE VIII**

7-55. 2010 California Existing Building Code Part 10- Adopted

**ARTICLE IX**

7-60. 2010 California Green Building Standards Code Part 11- Adopted

**ARTICLE X**

7-65. 2010 California Referenced Standards Code Part 12- Adopted



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ARTICLE XI

7-70. 2006 Property Maintenance Code-Adopted  
7-71. 2006 Property Maintenance Code-Amended

ARTICLE I GENERAL

SECTION 7-1. PURPOSE OF CHAPTER

The purpose of this chapter is to provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the design construction, quality of materials, use and occupancy, location of all buildings and structures within the city, to encourage and instruct people to build safely and economically, rather than to discourage building, and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. This chapter is designed to include technical code utilized by the Building Division into one chapter to increase understanding. (Ord. No. 1196)

SECTION 7-2. ADMINISTRATIVE CODE-ADOPTED.

That certain chapter in the 2010 California Building Code (CBC) entitled " CHAPTER 1: SCOPE AND ADMINISTRATIVE, DIVISION I ", SECTION 1.8.3 AND "DIVISION II SCOPE AND ADMINISTRATION" as compiled and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, as hereinafter amended, deleted and added to is hereby adopted by reference as the code to provide the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation, construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment in the City of Oakdale. (Ord. No 1196)



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**SECTION 7-3. 2010 CALIFORNIA BUILDING CODE, CHAPTER 1 DIVISION II SCOPE AND  
ADMINISTRATION - AMENDED**

The Division II of Chapter 1 of the 2010 California Building Code adopted in this article is hereby modified by the following amendments, additions and deletions.

**Section 101.4.1 “Electrical” is amended to read:**

The provisions of the California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**Section 101.4.2 “Mechanical” is amended to read:**

The provisions of the California Mechanical Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories and shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

**Section 101.4.3 “Plumbing” is amended to read:**

The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and



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appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the California Plumbing Code shall apply to private sewage disposal systems.

**Section 101.4.5, "Fire prevention" is amended to read:**

The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**Section 105.1.1 Annual Permits, is deleted in its entirety.**

**Section 105.1.2 Annual Permits Records, is deleted in its entirety.**

**Section 109.2, "Schedule of permit fees" is amended to read:**

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Building Permit Fee Table. Table attached here to labeled "Building Permit Fee Table"

**Section 109.3, "Building permit valuations" is amended to read:**

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and



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permanent systems, as well as all finish work, painting and roofing. If in the opinion of the building official, the valuation is underestimated on the application the permit shall be denied, unless the application can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official. In no case shall the valuation be less than those values in the Building Safety Journal Magazine, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois, 90476, the most recent publication of which said magazine and said building valuation date shall be the minimum valuations under this code.

**Section 109.6 is amended to read:**

The Building Official may authorize refunding of not more than 80 percent of the Building Permit fee paid when no work is done under a permit issued in accordance with this code.

The Building Official may authorize a refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee or their duly authorized agent not later the 180 days after the date of fee payment.

**Section 109.7 is added to read:**

Plan Review Fees: When the valuation of the proposed construction exceeds five hundred and no/100ths dollars (\$500.00) the plan review fee shall be paid to the Building Official at the time of submitting plans and specifications for review.

Plan Review Fees shall be sixty-five percent (65%) of the building permit fees as set forth in



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'Building Permit Fee Table". Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee at the schedule above will be charged.

**Section 109.8 is added to read:**

Deputy Inspector -The City Council may institute a Deputy Inspector Program for use in major facilities occupied and used solely for manufacturing purposes. If authorized, the implementation of such a program would be subject to mutual consultation and agreement between the City and any major manufacturing facility. The Deputy Inspector shall meet minimum qualifications and comply with all administrative procedures and policies as set by the Chief Building Official.

**Section 110.35 delete the following sentence: "Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.**

**Section 111.2 is amended to read:**

Exception: R3 and U occupancies. (Single-Family Dwellings and Residential Garages)

**Section 111.3 is amended to read:**

Temporary Certificate - If the Building Official finds that no fire, life and safety hazard will result from occupancy of any building or portion thereof before the same is completed, he may issue a temporary Certificate of Occupancy, for the use of a portion or portions of a building or structure prior to completion of the entire building or structure. Depending upon the unfinished work, a completion bond may be required by the Building Official. Bond amount shall be established by the Building Official based on the value of the work necessary to achieve Certificate of Occupancy as defined by Section 109.3.

If any building or structure including Groups R - Division 3 and M occupancies are to be occupied prior to the permit being finalized, an approval of the Building Official is required prior to the final



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inspection. The occupant, owner and contractor shall sign a temporary certificate of occupancy prior to occupying the building. If corrections are not completed within time limit specified on Temporary Certificate of Occupancy the Building Official shall have the authority to request the immediate discontinuance of the electrical and/or the gas service by the appropriate utility and may file a notice of non-compliance with the County Recorder. The notice of non-compliance shall be removed by the Building Official only after all items requiring correction are completed.

**Section 111.5 to be added to read:**

Unlawful Occupancy - If any building or structure is occupied prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy as required by subsections above, the Building Official shall have the authority to request immediate discontinuance of the electrical service and/or gas service by the appropriate utility

**Section 113 "Board of Appeals" is amended to read:**

**113.1 General.** In order to hear and decide appeals or orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

**113.2 Limitations on Authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority relative to interpretation of



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the administration provisions of this code, nor shall the board be empowered to waive requirements of this code.

**113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

1. **Application.** The application for an appeal shall be filed with the building official within twenty days after the notice code violation was served.
2. **Rules and Procedure.** The board is authorized to establish policies and procedures necessary to carry out its duties. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with the strict rules of evidence, but shall mandate that only relevant information is received.
3. **Chairperson.** The board shall annually select one of its members to serve as chairperson.
4. **Disqualification of Member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest
5. **Secretary.** The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board.
6. **Notice of Meeting.** The board shall meet upon notice from the building official within ten days of the filing of an appeal or as stated in periodic meeting.



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7. **Open Hearings.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.
8. **Postponed Hearings.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
9. **Board Decision.** The board shall only modify or reverse the decision of the building official by a concurring vote of two-thirds of its members.
10. **Resolution.** The decision of the board shall become final and written certified copies of the decision shall be furnished to the appellant and to the building official. The building official shall take immediate action in accordance with the decision of the board.

**Section 113.4 "Disabled Access Board of Appeals" to be added to read:**

**113.4.1 General.** In order to hear appeals to actions taken by the city and to provide reasonable interpretations of the California Access Laws, there is created a disabled access board of appeals, hereinafter referred to as the board, consisting of five members. Two of the members are to be physically handicapped, two members to be experienced in construction, and one member a public member. The building official shall act as secretary of the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure.



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**113.4.2 Authority to Adopt Rules and Procedures.**

The board is authorized to establish policies and procedures necessary to carry out its duties. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with the strict rules of evidence, but shall mandate that only relevant information is received.

**113.4.3 The board shall hear appeals in accordance with the procedures set forth herein.**

1. **Limitation on Authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority relative to interpretation of the administration provisions of this code nor shall the board be empowered to waive requirements of this code.
2. **Application.** The application for an appeal shall be filed with the building official within twenty days after the notice code violation was served.
3. **Chairperson.** The board shall annually select one of its members to serve as chairperson.
4. **Disqualification of a Member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.



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5. **Secretary.** The building official shall be an ex officio member of and shall act as secretary to the board but shall have no vote on any matter before the board.
6. **Notice of Meeting.** The board shall meet upon notice from the building official within twenty days of the filing of an appeal or as stated in periodic meeting.
7. **Open Hearings.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.
8. **Postponed Hearings.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
9. **Board Decision.** The board shall only modify or reverse the decision of the building official by a concurring vote of two-thirds of its members.
10. **Resolution.** The decision of the board shall become final and written certified copies of the decision shall be furnished to the appellant and to the building official. The building official shall take immediate action in accordance with the decision of the board.

**Section 117 to be added to read:**

**Demolition or Moving of Buildings**

**117.1** Prior to the issuance of a permit to demolish or move a building, the owner of the property on which the building is to be demolished, or moved or his agent, may be required to file with the



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Building Official a bond in favor of the City of Oakdale conditioned as follows:

**117.2** Before any work is started the permittee or his agent shall notify the appropriate utilities in order that all gas, electric sewer, water etc., that are to be disconnected from the building may be capped and sealed or otherwise secured. Necessary safety precautions shall be taken during demolition or moving operation to protect public and private property.

**117.3** Immediately after the demolition or moving of any building or structure, the permittee or his agent shall securely barricade all basement excavations and other holes or openings as required by the Building Official.

**117.4** Immediately after the demolition of any building or structure, the permittee or his authorized agent shall complete the following work.

1. Securely close and seal any sanitary piping located on the property, as required by Stanislaus County Health Department and Building Official.
2. Fill with sand or remove at the discretion of the Building Official or Stanislaus County Health Department, any septic tanks or cesspools located on the property.
3. Fill and compact to ninety-percent (90%) relative density any openings, excavation or basements remaining on the land with clean sand to street level or the natural level of adjoining property, unless directed otherwise by the Building Official.
4. Remove any underground tanks formerly used for storage of flammable liquids, as may be required by the City of Oakdale Fire Department or Stanislaus County Environmental Resources Department.

**117.5** Any bond required by this section shall be in an amount equal to the cost of the proposed work, as estimated by the Building Official. The bond shall be in the form of a Certificate



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of Deposit or other form approved by the Director of Finance.

**117.6** The demolition or moving permit shall remain in effect for 90 days. An extension of time for completion of the work required by this section may be granted in writing by the Building Official when, in his discretion, circumstances justify such an extension. When all work is completed and approved to the satisfaction of the Building Official he shall release any bond or other security furnished pursuant to this section.

**"Building Permit Fee Table"**

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$500.00	\$22.00
\$501.00 to \$2,000.00	\$22.00 for the first \$500.00 Plus \$3.00 for each additional \$100.00 or fraction thereof to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$67.00 for the first \$2,000.00 Plus \$13.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$378.00 for the first \$25,000.00 plus \$9.75 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$621.00 for the first \$50,000 plus \$6.75 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$959.00 for the first \$100,000 plus \$5.25 each additional \$1,000 or fraction thereof
\$500,001.00 to \$1,000,000.00	\$3,059.00 for the first \$500,000.00 plus \$4.50 for each \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$ 1,000,000.00 and up	\$5,309.00 for the first \$1,000,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof



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For other types of residential occupancies and alterations, additions and modifications to existing residential buildings use the UNIT FEE SCHEDULE.

**"Unit Fee Schedule"**

**ELECTRICAL FEES**

**Carnivals & Circuses**

Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions.

For electric generators and electrically \$19.00

For mechanically driven rides and walk-through attractions or displays having electric lighting, each \$6.00

For a system of area and booth lighting, each \$6.00

For permanently installed rides, booths, displays and attractions, use UNIT FEE SCHEDULE.

**Temporary Power Service**

For a temporary service power pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each \$19.00

For a temporary distribution system and temporary Lighting and receptacle outlets for construction sites, decorative light, Christmas tree sales lots, firework stands, etc., each \$10.00

UNIT FEE SCHEDULE (NOTE: The following do not include permit issuing fee.)



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**Receptacle, Switch and Lighting Outlets**

For receptacle, switch, lighting or other outlets at which current is used or controlled, except services, feeders and meters.

First 20, each	\$1.00
Additional outlet, each	\$0.60

NOTE: For multi-outlet assemblies, each five feet (5') or fraction thereof maybe considered as one outlet.

**Lighting Fixtures**

For lighting fixtures, sockets or other lamp-holding devices

First 20, each	\$1.00
Additional fixtures, each	\$0.60
For pole or platform-mounted lighting fixtures, each	\$1.00
For theatrical-type lighting fixtures or assemblies, each	\$1.00

**Residential Appliances**

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges, self-contained room, console, or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one	\$4.00
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horsepower (HP) in ratings, each

NOTE: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

**Non-Residential Appliances**

For residential appliances and self-contained factory  
wired, non-residential appliances not exceeding one  
horsepower (HP), kilowatt (KW), or kilovolt ampere  
(KVA), in rating including medical and dental devices;  
food, beverage, and ice cream cabinets; illuminated  
show cases; drinking fountains; vending machines;  
laundry machines; or other similar types of equipment,  
each \$4.00

NOTE: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

**Power Apparatus**

For motors, generators, transformers, rectifiers, synchronous converters,  
capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and  
other apparatus, as follows:

Rating in horsepower (HP), kilowatts (KW), Kilovolt-amperes (KVA), or kilovolt-  
amperes-reactive (KVAR):

Up to and including 1, each	\$4.00
Over 1 and not over 10, each	\$10.00



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Over 10 and not over 50, each	\$19.00
Over 50 and not over 100, each	\$40.00
Over 100, each	\$60.00

**NOTE:**

1. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.
2. These fees include all switches, circuit breakers, contractors, thermostats, relays, and other directly related control equipment.

**Bus Ways**

For trolley and plug-in-type bus ways, each 100 feet or fraction thereof \$4.00

NOTE: An additional fee will be required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type bus ways. No fee is required for portable tools.

**Signs, Outline Lighting and Marquees**

For signs, outline lighting systems or marquees supplied from one branch circuit each \$19.00

For additional branch circuits within the same sign, outline lighting system or marquee,  
each \$4.00

**Services**

For services of 600 volts or less and not over 200 amperes in rating, each \$24.50

For services of 600 volts or less and not over 200 amperes in rating, each \$49.50

For services over 600 volts or over 1000 amperes in rating, each \$100.00



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**Miscellaneous Apparatus, Conduits and Conductors**

For electrical apparatus, conduits and conductors for which a permit is required

but for which no fee is herein set forth \$14.50

NOTE: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, bus ways, signs or other equipment.

- 1. For issuance of each permit. \$19.00
- 2. For issuing each supplemental permit \$6.00
- 3. For new buildings or additions other \$0.04/sq. ft.  
single-family or duplex
- 4. For single-family or duplex. \$0.04/sq. ft.

**MECHANICAL FEES**

- 1. For the installation or relocation of each \$12.00  
forced air or gravity type furnace or burner,  
including ducts and vents attached to such  
appliance, up to and including 100,000  
BTU/h.
- 2. For the installation or relocation of each \$14.50  
forced air or gravity type furnace or burner,  
including ducts and vents attached to such  
appliance over 100,000 BTU/h
- 3. For the installation or relocation of each \$12.00  
floor furnace, including vent



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| 4. | For the installation of relocation of each suspended heater, recessed wall heater or floor-mounted unit heater  | \$12.00 |
| 5. | For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit  | \$6.00  |
| 6. | For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporating cooling system including installation of controls regulated by this code | \$12.00 |
| 7. | For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 BTU/h   | \$12.00 |
| 8. | For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 BTU/h  | \$22.00 |
| 9. | For the installation or relocation of each  | \$30.00 |



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- boiler or compressor over 15  
horsepower to and including 30  
horsepower, or each absorption system  
over 500,000 BTU/h to and including 1,000,000 BTU/h
10. For the installation or relocation of each \$44.00  
boiler or compressor over 30  
horsepower to and including 50  
horsepower, or for each absorption  
system over 1,000,000 BTU/h to and  
including 1,750,000 BTU/h
11. For the installation or relocation of each \$74.00  
boiler or refrigeration compressor over  
50 horsepower, or each absorption  
system over 1,750,000 BTU/h
12. For each air-handling unit to and \$8.50  
including 10,000 cubic feet per minute  
including ducts attached thereto
- NOTE: This fee shall not apply to an air-handling unit which is a portion of a factory-  
assembled appliance, cooling unit, evaporative cooler or absorption unit for which  
a permit is required elsewhere in this code.
13. For each air-handling unit over 10,000 \$14.50  
cfm



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14.	For each evaporative cooler other than portable type	\$8.50
15.	For each ventilation fan connected to a single duct	\$6.00
16.	For each ventilation fan connected to a single duct	\$8.50
17.	For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood	\$8.50
18.	For the installation or relocation of each domestic-type incinerator	\$14.50
19.	For the installation or relocation of each commercial or industrial-type incinerator	\$60.00
20.	For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code	\$8.50

**Permit Issuance**

1.	For issuing each permit	\$19.00
2.	For issuing each supplemental permit	\$6.00



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|----|--|---------------|
| 3. | For new building or additions except<br>single-family and duplex | \$ .04/sq.ft. |
| 4. | For new single-family dwelling and<br>duplex                     | \$0.04/sq.ft. |

**PLUMBING FEES**

- |    |   |         |
|----|---|---------|
| 1. | For each plumbing fixture or trap or set<br>of fixtures on one trap (including water,<br>24 / drainage piping, and back flow<br>protection therefore)             | \$8.00  |
| 2. | For each building sewer and each<br>trailer park sewer  | \$19.00 |
| 3. | Rainwater systems-per drain (inside<br>building)  | \$8.00  |
| 4. | For each cesspool (where permitted)   | \$30.00 |
| 5. | For each private sewage disposal<br>system  | \$60.00 |
| 6. | For each water heater and/or vent   | \$10.00 |
| 7. | For each industrial waste pre-treatment<br>interceptor including its trap and vent,<br>excepting kitchen-type grease<br>interceptors functioning as fixture traps | \$16.00 |



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8.	For installation, alteration, or repair of water piping and/or water treating equipment, each	\$4.00
9.	For repair or alteration of drainage or vent piping, each fixture	\$4.00
10.	For each lawn sprinkler system on any one meter including back flow protection devices therefore	\$12.00
11.	For atmospheric-type vacuum breakers not included in Item 2; 1 to 5	\$10.00
12.	For each back flow protective device Other than atmospheric-type vacuum Breakers: 2 inches and smaller	\$10.00
	Over 2 inches	\$19.00
13.	For each gas piping system of one to four outlets	\$4.00
14.	For each gas piping system of five or More outlets, per outlet	\$1.00
15.	Swimming Pool – Public	Valuation by Table 3A
16.	Swimming Pool – Private	Valuation by Table 3A
17.	Pool filling system including back flow	\$2.60



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prevention, each

**Other Inspections and Fees:**

- |    |   |   |
|----|---|---|
| 1. | Inspections outside of normal business hours (Minimum Charge 2 hrs.)  | \$50.00 per hour                                  |
| 2. | Reinspection fee assessed under provisions of Section 305(h)  | \$50.00 per hour                                  |
| 3. | Inspections for which no fee is specifically indicated  | \$50.00 per hour                                  |
| 4. | Additional plan review required by changes, additions or revisions to approved plans<br><br>(Minimum Charge 1 hr.)  | \$105.00 Per hour                                 |
| 5. | For each inspection and report on the advisability of moving a dwelling or other structure in or into the City of Oakdale requiring permits and inspections<br><br>+\$15.00 for each hour or part hour over one | \$165.00  |
| 6. | A fee for each inspection and report for Housing Compliance inspections under   | \$125.00 Per SFD<br>\$50.00 Per Unit-Multi-Family |



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the International Property Maintenance Code shall be paid to the Building Official as follows:

7. Whenever a water or sewer permit or hookup fee is required by any other ordinance of the City of Oakdale in connection with any erection, construction, enlargement, alteration, repair, moving removal, conversion, such water, sewer permit or hookup fees shall be paid at or prior to the time the building permit is issued. (Ord. No. 775, 1: Ord. No. 842, 2.) (Table 3E/3F/3G/3H)

**Permit Issuance**

1.	For issuing each permit	\$19.00
2.	For issuing each supplemental permit	\$6.00
3.	For new building or additions except single-family and duplex	\$0.04/sq. ft.
4.	For new single-family dwelling and duplex	\$0.04/sq. ft.

**Section 7-20. California Building Code—Adopted.**

That certain document, one copy of which is on file in the office of the Building Official, being marked and designated as "California Building Code", Volume's 1 and 2, California Building Code (CBC) Chapter 1, Division I, Scope and Administration Section 1.8.3 and Division II Administration; and appendix Chapter J, Grading; which said Code provides for the proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversions, demolition, occupancy, equipment, use height and maintenance of buildings or structure in the city and providing for the issuance of permits and collections of fees therefore and providing penalties for violation thereof, as



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hereinafter amended, deleted and added to, and the same is hereby adopted by reference as the Building Code of the City of Oakdale.

**Section 7-21 California Building Code---Amended.**

The California Building Code adopted in this Article is hereby modified by the following amendments, additions and deletions.

**Section 1900.4.4 is added to read:**

Concrete Slab Floors - Section 1900.4.4(a) Concrete Slab Floors, when used as a finished floor or as a base for other floor finish in buildings which will contain conditioned air space shall be constructed according to the following additional requirements, or as approved by the Building Official:

Vapor Barrier - Section 1900.4.4(a) 1 A water proofing membrane, six mil, or water proofing acceptable to the Building Official shall be placed on the compacted sub-grade. The membrane shall extend to the exterior walls and terminate at the exterior footings.

Sand Fill - Section 1900.4.4(a) 2 One inch (1") of clean sand shall be placed on the membrane before placement of concrete. (Ord. No. 842, 2: Ord. No. 883, 1 .)

**Section 7-22. Automatic Fire Extinguishing Systems.**

**Section 503.2 is added to read:**

(a) The classification for occupancies shall be as set forth in Chapter 3 of the 2010 Edition of the California Building Code.

(b) Table 503.1, attached to this ordinance and incorporated herein by reference, shall be used to determine whether automatic fire extinguishing systems shall be required for new construction, additions to existing buildings, or any change in use of existing buildings.



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(c) The installation of Fire Walls may not be used to divide new buildings into separate areas for the purpose of fire sprinkler system elimination. In existing structures, constructed prior January 1, 2008, each area created by an area separation wall constructed in accordance with the Uniform Building Code may be separately measured to determine the applicability of automatic fire extinguishing systems.

**Section 7-23 "Appendix Chapter" "J" is adopted and amended to read:**

**Section J101.3 is added to read:**

Add section 101.3: "Compliance with local law. All grading shall be done in accordance with Chapter 29 of the Oakdale Municipal Code."

**Section J104.5 is added to read:**

This site plan is subject to review by the Public Works Department. Any site over one (1) acre in size (including any area adjacent to site that is used for grading and/or construction purposes) may be subject to a NPDES Storm Water Discharge Permit. In these cases, a Storm Water Pollution Prevention Plan (SWPPP) must be created in accordance with the Caltrans Storm Water Pollution Prevention Plan Manual and submitted for approval at least seven (7) working days before any construction or grading activity is to begin."

**Section J105.3 is added to read:**

"Storm water inspections. Grading sites are subject to inspection at any time by the Public Works Department staff to ensure compliance with Chapter 29 of the Oakdale Municipal Code."

**Section J110.3 is added to read:**

"Storm drain inlets that are down slope from the grading site must be protected from sediment displaced by the grading activities. Once grading is completed, sediment on streets and



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sidewalks that has the potential to be washed into the storm drain system shall be cleaned up before removing the protective barriers."

**Section 7-24. California Residential Code--Adopted.**

That certain document in book form entitled "2010 California Residential Code" by with appendix Chapter "H" Patio Covers as published by California Building Standards Commission. One copy of which is now on file in the office of the Building Official of the City of Oakdale, is hereby adopted by reference as the California Residential Code of the City of Oakdale.

**Section 7-25. California Residential Code "Appendix Chapter" "H" is adopted:**

**Section 7-30. 2010 California Electric Code--Adopted.**

That certain document in book form entitled "2010 California Electrical Code" as published by National Fire Protection Association in accordance with the National Electrical Code and amended by the California Building Standards Commission. One copy of which is now on file in the office of the Building Official of the City of Oakdale, is hereby adopted by reference as the Electrical Code of the City of Oakdale.

**Section 7-31. California Electrical Code---Amended**

**Article 300.21 (a) is added to read as follows:**

For penetrations of one (1) hour walls, electrical, telephone and communications wiring

Penetrations shall be as follows:

A length of Electrical Metallic Tubing (EMT) extending through the assembly for a distance of at least thirty inches (30) from each face assembly. The ends of the EMT are to be securely fastened. The ends of the EMT shall terminate in approved connectors and the EMT must be of a size permitted by the National Electrical Code. Ends are to be packed with rock wool or equal.



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Where the EMT penetrates gypsum wallboard, the void between the EMT and the wall board must be solidly packed on both sides with approved fire stopping compound installed in accordance with manufactures installation instructions.

For penetrations of two (2) hour fire resistive assemblies the following is required: Same as 709.7.2 except EMT shall extend sixty inches (60") from each face of the assembly.

**Article 334.14 is added to read as follows:**

Type NM or NMC (non-metallic sheathed cable) shall not be used in occupancy classifications A, B, E, F, H, I, M and S.

- Exceptions
- (1): Existing wiring in existing Group R Division 3 Occupancies converted to Group E (day care) Occupancies with 16 or fewer children.
  - (2): Existing wiring in existing Group R Division 3 and Group U Division 1 Occupancies converted to Group B and M Occupancies.

**ARTICLE IV CALIFORNIA MECHANICAL CODE--ADOPTED**

**Section 7-35. California Mechanical Code--Adopted.**

That certain document in book form entitled "2010 California Mechanical Code" as published by International Association of Plumbing and Mechanical Officials. One copy of which is on file in the office of the Building Official of the City of Oakdale as hereinafter amended deleted, and added to, and the same is hereby adopted by reference as the Mechanical Code of the City of Oakdale.

**ARTICLE V CALIFORNIA PLUMBING CODE--ADOPTED**

**Section 7-40. California Plumbing Code---Adopted.**



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That certain documents in book form entitled "2010 California Plumbing Code as published by International Association of Plumbing and Mechanical Officials. One copy of which is now on file in the office of the Building Official of the City of Oakdale, as hereinafter amended, deleted and added to, and the same is hereby adopted by reference as the Plumbing Code of the City of Oakdale.

**ARTICLE VI 2010 CALIFORNIA ENERGY CODE PART 6—ADOPTED**

**Section 7-45. 2010 California Energy Code—Adopted.**

That certain document in book form entitled "2010 California Energy Code" as published by International Code Council. One copy of which is now on file in the office of the Building Official of the City of Oakdale, as hereinafter amended, deleted and added to, and the same is hereby adopted by reference as the California Energy Code of the City of Oakdale.

**ARTICLE VII 2010 CALIFORNIA HISTORICAL BUILDING CODE PART 8—ADOPTED**

**Section 7-50. 2010 California Historical Building Code—Adopted.**

That certain document in book form entitled "2010 California Historical Building Code" as published by International Code Council. One copy of which is now on file in the office of the Building Official of the City of Oakdale, as hereinafter amended, deleted and added to, and the same is hereby adopted by reference as the California Historical Building Code of the City of Oakdale.

**ARTICLE VIII 2010 CALIFORNIA EXISTING BUILDING CODE PART 10--ADOPTED**

**Section 7-55. 2010 California Existing Building Code—Adopted.**

That certain document in book form entitled "2010 California Existing Building Code" as published by International Code Council. One copy of which is now on file in the office of the Building Official of the City of Oakdale, as hereinafter amended, deleted and added, and the same is hereby adopted by reference as the California Existing Building Code of the City of Oakdale.



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**ARTICLE IX 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE—ADOPTED**

**Section 7-60. 2010 California Green Building Standards Code—Adopted.**

That certain document in book form entitled "2010 California Green Building Standards Code", published by the California Building Standards Commission, one copy of which is now on file in the office of the Building Official of the City of Oakdale, as hereinafter amended, deleted and added, and the same is hereby adopted by reference as the California Green Building Standards Code of the City of Oakdale.

**ARTICLE X 2010 CALIFORNIA REFERENCED STANDARDS CODE PART 12—ADOPTED**

**Section 7-65. 2010 California Referenced Standards Code—Adopted.**

That certain document in book form entitled "2010 California Referenced Standards Code" as published by International Code Council. One copy of which is now on file in the office of the Building Official of the City of Oakdale, as hereinafter amended, deleted and added, and the same is hereby adopted by reference as the California Referenced Standards Code of the City of Oakdale.

**ARTICLE XI 2006 PROPERTY MAINTENANCE CODE--ADOPTED**

**Section 7-70. 2006 Property Maintenance Code—Adopted.**

That certain document in book form entitled "2006 International Property Maintenance Code" 2006 Edition, published by International Code Council. One copy of which is now on file in the office of the Building Official of the City of Oakdale, is hereby adopted by reference as the Housing Code of the City of Oakdale.

**Section 7-71. 2006 Property Maintenance Code—Amended.**



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The Property Maintenance Code adopted in this Article is hereby modified by the following amendments, additions and deletions.

**Section 102.3 Application of other Codes is amended to read as follows:**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code, California Plumbing Code, California Mechanical Code, and the California Electrical Code.

**Section 103 Department of Property Maintenance Inspection is deleted.**

**Section 107.1 Notice and Order is amended to read as follows:**

Whenever the building official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the recorded owner of the building. Notices for condemnation procedures shall also comply with section 108.3.

**Section 107.2 Form is amended to read as follows:**

Such notice prescribed in Section 107.1 shall contain all of the following:

1. The street address and legal description sufficient for identification of the premises upon which the building is located.
2. A statement that the building official has found the building to be substandard, with a brief and concise description of the conditions found to render the building dangerous under the provisions of this title.
3. A statement of the action required as determined by the building official.
  - 3.1. If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced



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within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

3.2. If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the building official to be reasonable.

3.3. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine reasonable (not to exceed 60 days from the date of the order), that all required permits be secured therefore within 60 days from the date of the order and that the demolition be completed within such time as the building official shall determine is reasonable.

4. Statements advising that if any required repair or demolition work (without vacation also be required) is not commenced within the time specified, the building official: (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

5. Statements advising: (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the building board of appeals, provided the appeal is made in writing as provided in this code, and filed with building official within 30 days from the date of service of such notice and order, and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

**Section 107.3 is amended to read as follows:**

Service of Notice and Order: The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner, and posted on the property; and one copy thereof



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shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record, the owner or holder of any lease of record, and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

**Section 107.4 is amended to read as follows:**

Method of Service: Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

**Section 107.5 is amended to read as follows:**

Proof of Service: Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card



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returned in acknowledgement of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the building official.

**Section 107.6 is added to read as follows:**

Recordation of Notice and Order: If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

**Section 107.7 is added to read as follows:**

Penalties: Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4

**Section 107.8 is added to read as follows:**

Transfer of Ownership: It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed



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and notarized statement from the grantee, transferee, mortgage or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**Section 108.1.4 Unlawful structure, is amended to read as follows:**

An unlawful structure is one found in whole or in part that was erected, altered or occupied contrary to law.

**Section 110.4 Salvage materials, is deleted.**

**Section 111.2 Membership of Board, is amended to read as follow:**

The Building Code Board of Appeals shall hear and decide all appeals made pursuant to section 111.1.

**Sections 111.2 through 111.2.5 are deleted.**

**Section 111.7 is deleted.**

**Section 201.3 Terms defined in other codes is amended to read as follows:**

Where terms are not defined in this code and are defined in the California Building Code, California Mechanical Code, California Plumbing Code, California Fire Code or the California Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

**Section 303.2 Enclosures is amended to read as follows:**

Private swimming pools, hot tubs and spas, shall comply with California Building Code, Part 2 Volume 2, Section 3109.

**Section 304.14 Insect screens is amended as follows:**

Delete the words, "During the period from (date) to (date)".



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**Section 306.1 General is amended as follows:**

Delete the words, "Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface", and replace with the words, "For the height requirements of Handrails and Guards or Guardrails, see California Building Code Section 1013".

**Section 307.2.1 is deleted.**

**Section 307.2.2 is renumbered to "307.2.1"**

**Sections 307.3, 307.3.1 and 307.3.2 are deleted.**

**Section 401.3 is amended to read as follows:**

Section 401.3 Light General. Every space intended for human occupancy shall be provided with natural light by means of exterior glazed openings in accordance with California Building Code Section 1205.2 or shall be provided with artificial light in accordance with California Building Code Section 1205.3. Exterior glazed openings shall open directly onto a public way or onto a yard or court in accordance with California Building Code Section 1206.

**Section 403.1 is amended to read as follow:**

Section 403.1 Ventilation General. Every building shall be provided with natural ventilation in accordance with California Building Code Section 1203.4, or mechanical ventilation in accordance with the California Mechanical Code.

**Section 403.2 is deleted.**

**Sections 403.3 though 403.5 are renumbered as follows:**



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**Section 403.3 is renumbered to "Section 403.2"**

**Section 403.4 is renumbered to "Section 403.3"**

**Section 403.5 is renumbered to "Section 403.4"**

**Section 404.3 is amended to read as follows.**

Section 404.3 Interior Space Dimensions. Interior space dimensions shall be in accordance with California Building Code Section 1208.

**Sections 404.4, 404.5, and 404.6 are deleted.**

**Section 404.7 is renumbered to "Section 404.4".**

**Section 501.1 is amended to read as follows:**

Scope: The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided in accordance with the California Plumbing Code and California Building Code.

**Sections "502.4, 502.4.1 and 503.2" are deleted.**

**Section 505.1 is amended as follows:**

Delete the words "or tempered". Delete the word "International" and replace with the word, "California"

**Section 505.4 is amended to read as follows:**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius.). Water heater installation shall be in accordance with Chapter 5 California Plumbing Code.

**Section 602.2 is amended to read as follows:**



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Section 602.2 Equipment and systems. Interior spaces intended for human occupancy shall be provided with active or passive space-heating systems capable of maintaining a minimum indoor temperature of 68 degrees Fahrenheit (20 degrees C) at a point 3 feet (914 mm) above the floor on the design heating day.

Exceptions:

1. Interior spaces where the primary purpose is not associated with human comfort.
2. For limited-density owner-built rural dwellings, a heating facility or appliance shall be installed in each dwelling subject to the provisions of Subchapter 1, Chapter 1, Title 25, California Code of Regulations, commencing with Section 74; however, there shall be no specified requirement for heating capacity or temperature maintenance. The use of solid-fuel or solar-heating devices shall be deemed as complying with the requirements of this section. If nonrenewable fuel is used in these dwellings, rooms so heated shall meet current installation standards.
3. When a passive solar energy collector is designed as a conditioned area it shall comply with the California Energy Code, Title 24, Part 6. Non-conditioned passive solar energy collectors are exempt from Title 24, Part 6.
4. Processing, storage and operation areas that require cooling or special temperature conditions.

**Section 602.3 Heat Supply” is deleted.**

**Section “602.4 Occupiable work spaces is deleted.**

**Section “602.5 Room temperature measurement is deleted.**

**Section 604.2 Service is amended to read as follows:**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the California Electrical Code. Dwelling units shall be



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served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes or as previously approved.

**Sections "605.2, 605.3, 606.1 and 606.2 are deleted.**

**Section 701.1 is amended to read:**

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relation to structures and exterior premises, including fire safety facilities and equipment to be provided in accordance with California Fire Code and California Building Code.

**Section 702.1 is amended as follows;**

Delete the words "International Fire Code" and insert the words, "California Fire Code".

**Section 702.3 is amended as follows:**

Delete the words "International Building Code" and insert the words, "California Building Code".

**Section 704.1 is amended as follows:**

Delete the words, "International Fire Code", and insert the words, "California Fire Code".

**Section 704.2 is amended as follows:**

Delete the words, "International Fire Code", and insert the words, "California Fire Code".

**Section 704.3 is amended as follows:**

The paragraph titled, "Exception:" is amended to read:

Exception: Smoke alarms are permitted to be solely battery operated in Group R-3 occupancy if previously allowed by code at time of installation and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.



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**Chapter 8 Referenced Standards is amended as follows:**

Delete the entire table titled, " ICC".

**Section 7-60. Reserved.**

**Section 7-70. Reserved.**

**Section 7-80. Reserved.**

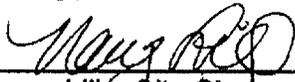
**Section 7-90. Reserved.**

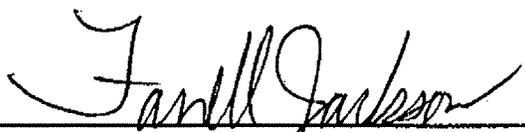
This ordinance shall take effect and be in full force thirty (30) days from and after its passage and before the expiration of fifteen days after its passage, it shall be published once in the Oakdale Leader, a newspaper of general circulation, published in the City of Oakdale, County of Stanislaus, State of California.

The foregoing Ordinance 1196 was introduced at a regular meeting of the City Council of the City of Oakdale held on November 15, 2010. Said ordinance was given a reading at a regular meeting on December 6, 2010 and Council Member Dunlop moved the adoption of said ordinance and upon roll call was carried by the following vote:

AYES:	COUNCIL MEMBERS:	Brennan, Dunlop, Hanson, Jackson, Morgan
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None
ABSTAINED:	COUNCIL MEMBERS:	None

ATTEST:

  
\_\_\_\_\_  
Nancy Lilly, City Clerk

  
\_\_\_\_\_  
Farrell Jackson, Mayor



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**AN ORDINANCE OF THE CITY OF OAKDALE ADOPTING THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, 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 OAKDALE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO. 1157 OF THE CITY OF OAKDALE AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH**

**THE CITY COUNCIL OF THE CITY OF OAKDALE DOES ORDAIN AS FOLLOWS:**

**Section 1.** That a certain document, one (1) copy of which is on file in the office of the Oakdale Fire Department being marked and designated as the California Fire Code, 2010 edition, including Appendix Chapter 4, Appendices A, B, C, D, E, F, G, H, I, and J as published by the International Code Council, be and is hereby adopted as the Fire Code of the *City of Oakdale*, 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



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of said Fire Code on file in the office of the City of Oakdale are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertion, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** That the following sections of Chapter 1 are hereby revised:

Section 101.1 **Title** these regulations shall be known as the Fire Code of: City of Oakdale, hereinafter referred to as "this code."

Section 109.3. **Violation Penalties.** Persons who shall violate a provision of this code shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 **Failure to Comply** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to



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perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500 dollars or more than \$ 1,000 dollars.

**Section 3.** That the geographic limits referred to in certain sections of the 2010 California Fire Code are hereby established as follows:

Section 3204.3.1.1.3 Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law: In all zones except General Commercial (C-2), Limited Industrial (L-M), Light Industrial (M-1), and Heavy Industrial (M-2).

Section 3404.2.9.5.1 Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): In all zones except General Commercial (C-2), Limited Industrial (L-M), Light Industrial (M-1), and Heavy Industrial (M-2).

Section 3406.2.4.4 Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited: In all zones except General Commercial (C-2), Limited Industrial (L-M), Light Industrial (M-1), and Heavy Industrial (M-2). Construction of new bulk plants are prohibited, in all zones except zone Limited Industrial (L-M).



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Section 3804.2 The incorporated boundary within the City of Oakdale.

**Section 4.** That Ordinance No 1157 of City of Oakdale entitled **Chapter 12 FIRE PROTECTION** and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** 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 Oakdale 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 section, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6.** 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 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 7.** That the City of Oakdale City Clerk is hereby ordered and directed to cause this ordinance to be published.



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**Section 8.** 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 on JANUARY 1, 2011 from and after the date of its final passage and adoption.

**Findings and Adoption of the 2010 California Fire Code**

The City Council of the City of Oakdale hereby finds and determines: That the International Code Council is a private organization, which has been in existence for at least three (3) years. That the California Fire Code, 2010 Edition, and 2010 California Fire Code Standards, published by said organization, are nationally recognized compilation of proposed rules, regulations, and standards of said organization. That said 2010 California Fire Code and Fire Code Standards have been printed and published as a code in book form within the meaning of Section 50022.2 et seq., of the Government Code. That one (1) copy of the 2010 California Fire Code and one (1) copy of the International Fire Code Standards, certified by the Clerk to be true copies, have been filed for use and examination by the public in the office of the Fire Department. That the sections of said 2010 California Fire Code and California Fire Code Standards may be referred to by the number used in said published compilation, preceded by the words "California Fire Code Section," or "Fire Code Section," and may also be referred to by additional reference to Municipal Code and sections therein pertaining to said 2010 California Fire Code and Fire



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Code Standards. That the additional requirements and standards established herein are needed to properly protect the health, safety, and welfare of the existing and future residents and workers of the City of Oakdale. Said requirements and standards are reasonably necessary because of local climatic, geological, and topographical conditions, and comply with existing state laws and regulations.

Amendment of the 2010 California Fire Code is necessary so as to provide more stringent standards for fire extinguishing systems, fire hazard and hazardous materials controls is necessary to serve the public interest by reducing the risk to life and property of the citizens of City of Oakdale because of the following local conditions:

- (a) Summer weather conditions are very dry, hot and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading;
- (b) Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response;
- (c) Fire response is delayed by railroad tracks THEREFORE, for the above reasons taken individually and cumulatively and in accordance with the authority granted in Sections 17958.5 and 17958.7 of the California Health and Safety Code, the Council of the City of Oakdale expressly finds there are local climatic and topographical conditions that make the increased fire protection requirements set forth in this article reasonably necessary.



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**Appeals**

Section 108.1 of the 2010 California Fire Code, **Board of Appeals** is hereby amended to read as follows:

Applicant may appeal the decision of the Chief to the City of Oakdale within thirty (30) days from the date of the decision being appealed whenever the Chief:

1. Disapproves an application for use of alternate materials, methods and/or types of construction,
2. Disapproves an application for permit or refuses to grant a permit applied for,
3. When it is claimed that the provisions of the code do not apply, or
4. That the true intent and meaning of the code have been misconstrued or wrongly interpreted.

**Compliance with Orders, Notices and Tags**

Section 109.3 of the 2010 California Fire Code is hereby amended to read as follows:

**VIOLATION PENALTIES.** It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the City of Oakdale Attorney, be charged and prosecuted as an infraction.



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Any person convicted of a misdemeanor under the provisions of this chapter, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise herein made, shall be punishable by a fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250.00) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500.00).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

**Administrative Penalties**

In addition to any other remedies set forth in this chapter, administrative penalties may be imposed against any person, as defined in Section 109.3 of this Code, for violating any of the requirements set forth in this chapter. Any administrative penalties assessed shall be as follows:

(a) For violations of this Code, Possession, Sale, Use or Discharge of Dangerous Fireworks, the administrative penalty shall be five hundred dollars (\$500.00) for each



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specific act found to be in violation of that section.

**Permit Required for Certain Operations**

**Sections 105.6.15, 105.6.19, and 105.6.30 2010 California Fire Code** are hereby deleted

**Fees**

(a) Permit Fee. The City Council of the City of Oakdale may, by resolution adopted from time to time, a fee for any permit issued pursuant to the Fire Code.

(b) Plan Check Fee. When a plan is required to be submitted the plan-checking fee shall be paid at the time of submitting plans and specifications for checking.

Where plans are incomplete, or changed so as to require an additional plan check, an additional plan-check fee shall be charged at a rate shown in a schedule setting forth fees as adopted from time to time by resolution of the City of Oakdale.

**Open Burning**

**Section 307.1 of the 2010 California Fire Code** is hereby amended by adding the following:

Open burning. No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled,



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conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and compliance with all safeguards pursuant thereto. Any such permitted burning shall be restricted to agricultural purposes and confined to areas in the City of Oakdale which agricultural uses are lawful.

**General Safety Precautions**

**Section 312.2 of the 2010 California Fire Code** is hereby amended to read as follows:

**Protection from vehicles:** Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

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

**Solar Photovoltaic Systems**

**Section 318 of the California Fire Code** is hereby added to read as follows: Solar



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photovoltaic systems shall be designed, constructed and installed per the California Department of Forestry and Fire Protection, Office of the State Fire Marshal **Solar Photovoltaic Installation Guideline.**

**False Alarms**

**Section 405.10 of the 2010 California Fire Code** is hereby amended to read as follows:

False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted. The City of Oakdale may adopt by resolution reasonable fees to recover the costs associated with responses to building or structures that have excessive false alarms.

**Water Supplies and Fire Hydrants**

**Section 507.5.1 of the 2010 California Fire Code** is hereby amended to read as follows:

**Required Water Supply for fire protection.** An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.



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Fire hydrants shall be located on the supply side of the fire suppression system check valve.

Fire hydrants shall be accessible to the Fire Department apparatus by roads meeting the requirements of Section 503.1.

**Supervision and Communication System**

**Section 907.2.1.4 of the 2010 California Fire Code** is hereby added to read as follows:

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

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

Fire Alarm Systems Section 907.1.5 of the 2010 California Fire Code **is hereby amended by adding the following:**

**A certificate from Underwriters Laboratories (UL) shall be required on all commercial fire alarm systems installed after the effective date of this ordinance.**

**UL certification is required to be maintained for commercial fire alarm systems**



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**throughout the life of the alarmed building.**

**Fireworks**

**Permits Required for Explosives.**

Section 3302 of the 2007 California Fire Code is hereby amended to read as follows:

**Permits Required.** When permits are required to be issued by the Chief, the Chief may grant the authority to the agency having enforcement jurisdiction. Permit shall be obtained:

1. To possess, store, sell, display or otherwise dispose of explosive materials at any location.
2. To transport explosive materials.
3. To use explosive materials.
4. To operate a terminal for handling explosive materials.

**Notice of New Storage Sites.**

Section 3303 of the 2007 California Fire Code is hereby amended to read as follows:

When a new explosive material storage location, including a temporary job-site, is established, the local law enforcement agency, fire department shall be notified immediately of the type, quantity and location of explosive materials at the site.



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**Explosive Materials Prohibited and Limited Acts.**

Section 3304 of the 2007 California Fire Code is hereby amended to read as follows:

1. **Manufacturing.** Explosive materials shall not be manufactured within the City limits of Oakdale.

2. **Limits established by law.** The storage of explosives and blasting agents is restricted to those areas of the City zoned as Heavy Industrial Zone (M-2).

**EXCEPTION:**

1. Temporary storage for use in connection with approved blasting operations conducted in accordance with all applicable provisions of this article.

2. Wholesale and retail storage and display of ammunition and gunpowder shall be in accordance with Title 19 California Code of Regulations, Chapter 10

**Manufacturing of Fireworks.**

Section 3308.2 is hereby added to Section 3308 of the 2007 California Fire Code to read as follows:

**Manufacturing.** The manufacturing of fireworks is prohibited in the City of Oakdale.



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**Permits: Displays of Fireworks and Appeal Process.**

Section 3308.3 is hereby added to Section 3308 of the 2007 California Fire Code:

1. The Chief may grant the permit as applied for, or with condition thereto, unless he/she finds that to do so would be contrary to the public health, safety, or welfare. The decision of the Chief shall be in writing and shall be mailed, postage prepaid, to the applicant.
2. The decision of the Chief, in acting on an application for permission to conduct a public display in accordance with the provisions of this section may be appealed to the City Manager. Notice of an appeal of the Chief's decision shall be filed by the applicant with the City Clerk within ten (10) days after the date of the decision. Upon failure to file such notice within the ten (10) day period, the action of the Chief shall be final and conclusive. The applicant may appeal the decision of the City Manager to the City Council by filing a notice of appeal to the City Clerk within ten (10) days after the date of the City Manager's decision. Upon failure to file such notice within the ten (10) day period, the action of the City Manager, or his/her designee, shall be final and conclusive.
3. A nonrefundable fee as established by resolution of the City Council from time to time shall accompany every application for permission to conduct a public display of fireworks

**Sales of Fireworks.**

Section 3308.4 is hereby added to Section 3308 of the 2007 California Fire Code to read as follows:



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**Sales.** It shall be unlawful to engage in the sale of "Safe and Sane" fireworks in the City of Oakdale without first having secured a permit to do so.

(1) The total number of sales permits issued in any given year shall be limited to 1 per each  
2,500

population or portion thereof. The sales permits will be limited to a total of those issued in 1999  
– fifteen

(15). No additional permits will be issued until the population exceeds the limited amount.

(2) Sales permits for the sale of "Safe and Sane" fireworks in the City of Oakdale shall be issued only to local nonprofit organizations.

(A) A "nonprofit organization" shall mean any nonprofit association, club, or corporation organized for veteran, patriotic, welfare, religious, civic betterment, youth or charitable purposes, as defined by Section 501(c) of the Internal Revenue Code of the United States, or affiliated with a public school located within the city limits of Oakdale. Each new organization shall provide the City with a copy of their "Letters of Incorporation" as proof of their nonprofit status. Existing organizations shall submit verification of current corporation status from the State of California Secretary of State's Office. Those organizations that are an integral part of a recognized national organization having tax exempt status must provide IRS written verification of such status. All applications will be subject to additional verification with the State of California and IRS if nonprofit status comes into question.



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(B) Public school organizations shall provide current written verification of affiliation from the school each year.

(C) A "local nonprofit organization" must have its principal and permanent meeting place in the City of Oakdale. The organization must have obtained nonprofit status and have been organized and established in the City of Oakdale for a minimum of one (1) continuous year preceding the filing of the application for permit. The organization must also have a bona fide membership of at least ten (10) members who reside in the City of Oakdale, which will be verified each year. Applications shall be signed by two (2) bona fide officers of the eligible organization, wherein the officer, on behalf of the organization and its agents, agrees to abide by State laws, administrative regulations, and all stipulations of this Code and the permit if permission to operate a fireworks stand is granted to the organization.

(E) If any of the above items fail to be met at the time of application, the organization's application shall be denied.

(3) Sales permits for retail sales of "Safe and Sane" fireworks in the City of Oakdale issued pursuant to provision of this Code are not transferable by the holder of the permit. The sales permits may be used only by the organization to which they are issued. Violations will result in the immediate loss of the organization's sales permit.

(4) All applications for sales permits shall be in writing to the Fire Chief on forms supplied by the City. Applications may only be filed during normal business hours from April 1st of each year up to and including April 30th of the same year, at which time the filing period



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for that year will close. A separate sales permit shall be required for each proposed location of a fireworks stand.

Each organization may file an application for one (1) sales permit for which there is only one tax ID number.

(5) Applications shall set forth the proposed location of the fireworks stand including the nine (9) digit parcel number (APN) of the Stanislaus County Assessor, a site map, and other information as may be required by the Fire Chief.

(6) Applicants for sales permits shall be notified by May 15<sup>th</sup> of each year by the Fire Chief of approval or disapproval of such application. Sales permits will be issued after final inspection of the stand reveals compliance with all state and local regulations.

Organizations shall not open for sales prior to the final inspection of their stand.

(7) Every application shall be accompanied by proof of insurance as specified in Section 3-1.128. Other items required at the time of application will be the organization's verification of eligibility as stated in 2(A) above, list of bona fide members, and current written permission signed by the property owner of record (with respect to lessee permission, approval shall be in the sole discretion of the Fire Chief) to sell fireworks at that location. Organizations representing public schools, as stated in 2(B) above, require written verification from the school of their affiliation.

(9) Any local nonprofit organization as defined herein may make application for a sale permit but pre-approved (continuously permitted since 1999) organizations will have first option for a permit.



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(A) When additional sales permits are authorized and all current pre-approved organizations have applied for such permits, a lottery will be held to fill any vacancies.

(B) This lottery will be held on the first day following the last day of the filing period specified in paragraph 4 and will include the names of all new local nonprofit organizations that have filed a complete application within the said filing period. If first day following the last day of the filing period falls on a weekend the lottery will be held on the next business day.

(C) One organization will be drawn for each available vacancy. If the organization whose name is drawn declines the permit, another name will be drawn until each vacancy is filled.

(D) Any organization having an approved application that fails to open their stand for that sales year will automatically forfeit their permit and a new organization will be chosen the following year provided a permit is available.

**Sales, Storage, Use, and Handling of Fireworks.**

Section 3308.5 is hereby added to section 3308 of the 2007 California Fire Code to read as follows:

**General.** Sales, storage, use, and handling of fireworks shall be in accordance with this section.



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1. **Sales.** Retail sale or display with the intent to sell fireworks is limited to State of California Fire Marshal approved and labeled "Safe and Sane" fireworks within the City of Oakdale by State of California licensed retailers, provided a permit to sell those fireworks has been approved and obtained from the Chief. Fireworks may be sold or offered for sale from 12:00 noon to 10:00 p.m. on June 28, 9:00 a.m. to 10:00 p.m. on June 29 through July 5, and 9:00 a.m. to 12:00 noon on July 6.

The storage of fireworks within the City of Oakdale is limited to State of California Fire Marshal-approved and labeled "Safe and Sane" fireworks by State of California licensed wholesalers and retailers.

(1) **Wholesale Storage.** Wholesalers may store "Safe and Sane" fireworks within the City of Oakdale solely during the period of June 1 through July 31 of each year. Storage facilities shall comply with H1 occupancy classification requirements as defined by the Uniform Building Code.

(2) **Retailers Storage.** Retailers may store "Safe and Sane" fireworks within the City of Oakdale solely during the period of June 22 through July 15 of each year. "Safe and Sane" fireworks that are not being sold or displayed with the intent to sell, shall be stored solely in the following manner:

(A) Within the permitted fireworks stand with a responsible adult on the premises at all times.

(B) In a completely enclosed and locked utility type trailer constructed of one-fourth (1/4) inch plywood or other approved noncombustible material.



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(C) In a completely detached garage on residential property with a minimum ten (10) feet clearance from other structures or property lines. There shall be no open-flame or spark-producing equipment, or Class 1 flammable liquids stored or used within in the garage.

(D) Fireworks shall not be stored within forty (40) feet of any building classified or used as a public or private school, day care facility, residential care facility, hospital, place of detention, public oil/gas station, or public garage, or any place of public assembly that can accommodate fifty (50) or more persons.

(E) In an approved and permitted fireworks warehouse.

**3. Operator Safety.** Each year, one (1) or more representatives from each organization, that is granted a permit to sell fireworks, shall attend a stand operator safety seminar conducted by the Fire Department. Failure to attend the seminar shall result in the revocation of the organization's permit to sell fireworks for that calendar year.

**4. Temporary Fireworks Stands.**

(1) All retail sales of "Safe and Sane" fireworks shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is hereby prohibited.

(2) City Business License, Fire Department Permit and State License shall be displayed in the fireworks stand during hours of operation.

(3) Temporary fireworks stand shall not be set up before application for permit has been approved nor earlier than June 14.

(4) The fireworks stands shall be located at least twenty (20) feet from other structures.



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(5) Zoning of property, in which the fireworks stand will be located, shall be limited to C-1, and C-2 Zones.

(6) Fireworks shall not be stored, sold, offered for sale, or discharged within one hundred (100) feet of a location where gasoline, LPG, other class 1 flammable liquids or flammable gasses are stored or dispensed.

(7) All unsold stock and accompanying litter shall be removed from the location by 5:00 p.m. on the 6th day of July.

(8) The fireworks stand shall be removed from the temporary location by 12:00 noon on the 12th day of July, and all accompanying litter shall be cleared from said location by said time and date.

(9) A penalty of one hundred dollars (\$100.00) per day will be assessed to the permittee of any fireworks stand not removed by 12:00 noon on the 12th day of July.

**5. Safety Precautions.**

(1) No person under the age of eighteen (18) shall sell, or handle for sale, any classification of fireworks.

(2) No person under the age of eighteen (18) shall purchase or be allowed to purchase any classification of fireworks.

(3) Smoking, open-flame, and spark-producing equipment shall be prohibited for a distance of twenty (20) feet around any fireworks stand.

(4) Dry grass, weeds, trash, and other combustible material shall be removed for a distance of twenty (20) feet around any fireworks stand.



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(5) Fireworks shall not be discharged within fifty (50) feet of a fireworks stand.

**6. Stand Construction.**

(1) Merchandise may be displayed in approved glass-enclosed counters or showcases, or

(2) Merchandise may be displayed in stands constructed in the following manner:

(A) Walls and roof shall be of plywood at least one-fourth (1/4) inches thick or of an approved noncombustible material.

(B) The stand shall be provided with a roof.

(C) Walls shall extend to a minimum height of six (6) feet eight (8) inches, on at least three (3) sides. These three (3) sides shall be without openings, except for an exit door.

(D) An exit door with a minimum size of twenty-four (24) inches in width and six (6) feet in height, shall be provided in each stand. Exits shall be maintained clear and unobstructed at all times.

(E) The front wall of the stand shall provide a physical barrier not less than eighteen (18) inches in height between the public and the merchandise on display.

(F) Approved "NO SMOKING" signs shall be prominently displayed in and on the stand.

(G) Approved "NO SALES TO PERSONS UNDER THE AGE OF 18" signs shall be prominently displayed in the stand.

(H) An approved fire extinguisher having a minimum U.L. classification of 2A shall be located in the stand, near the exit and readily accessible.

(I) Sellers of fireworks shall comply with all rules and regulations of Title 19 of the California Code of Regulations and with the rules and regulations of the Chief.



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(J) Stands will be limited to twenty-four (24) feet by eight (8) feet or one hundred ninety-two (192) square feet in size. Pre-existing stands as identified by the fireworks suppliers shall retain the right to operate their oversized stands, without change, until said stand or organization forfeits or loses their operating permit. A copy of said list shall remain on file with the Fire Chief.

**7. Operation of Fireworks Stand Only by Permittee.**

(1) It is unlawful for the permittee organization to allow any person or entity other than the permittee organization to operate the fireworks stand for which the permit is issued, whether by agreement, assignment or otherwise, or to otherwise participate in the profits of the operation of such fireworks stand. Violations will result in the immediate loss of the organization's permit.

(2) It is unlawful for a non-profit organization to allow any person other than the individuals who are members of the permittee organization, their spouses or adult children, or volunteers to whom no compensation is paid, to sell or otherwise participate in the sale of fireworks at such fireworks stand.

(3) It is unlawful for a non-profit organization to pay any consideration to any person for selling or otherwise participating in the sale of fireworks at such fireworks stand, except the hiring of a night watchman or security officer.



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**Revocation of Permit and Seizure of Fireworks.**

Section 3308.6 is hereby added to Section 3308 of the 2007 California Fire Code to read as follows:

1. The Fire Chief, or his/her designee, may revoke, immediately and without notice or hearing, the "Safe and Sane" fireworks sales permit of any location or organization when any of the provisions of Sections 3308.3, 3308.4, 3308.5 are violated. The Chief shall inform the permittee that permittee may seek review of the Chief's decision, by the City Manager, on the next business day. At the earliest opportunity on the next business day after revocation, the Chief shall provide the City Manager with written notice that a fireworks sales permit has been revoked, including the name of the permittee and a brief statement of the grounds for revocation. If requested by the permittee, the City Manager, or his/her designee, shall meet with the permittee and the Chief, or his/her designee, that day to review the Chief's decision. The decision of the City Manager shall be final.
2. Revocation of any sales permit will be effective for that calendar year.

**Fireworks Displays Insurance Required.**

Section 3308.7 is hereby added to Section 3308 of the 2007 California Fire Code to read as follows:



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**Insurance.**

1. The permittee shall furnish a certificate of insurance for each policy required, executed by the company issuing such policy. Such policies shall contain a provision which holds the City as an additional insured and declaring said insurance to be primary and that no other insurance carried by an insured party shall be called upon for contribution.

Notwithstanding any other provision of this section, the failure of the permittee to carry such insurance during the time covered by such permit shall automatically revoke the permit as of the date of expiration of such insurance policy or policies. A payment of fifty dollars (\$50.00) shall be made to the City before any such revoked permit may be reinstated.

2. The permittee/licensee shall carry general liability insurance with a minimum limit of liability per occurrence of one million dollars (\$1,000,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) for property damage, or one million dollars (\$1,000,000.00) combined single limit. The certificate of insurance shall include the following coverages and indicate the policy aggregate limit applying to: premises and operations, broad form contractual, and, products and completed operation.

3. The permittee/licensee shall agree to hold the City of Oakdale, its agents, officers, employees, and volunteers harmless from and save, defend, and indemnify them against any and all claims, losses, liabilities, and from every cause, including but not limited to injury to person or property or wrongful death, with the indemnity to include reasonable



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attorney fees and all costs and expenses arising directly or indirectly out of any act or omission of permittee arising out of any activity authorized by the permit.

4. The permittee/licensee shall provide at its own expense and maintain at all times the specified insurance policies with insurance companies approved by the State of California and shall provide evidence of such insurance to the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Finance Director of the City by registered mail, return receipt requested.

**Possession, Sale, Use or Discharge of Dangerous Fireworks.**

(a) For purposes of this section, dangerous fireworks are those fireworks specified as such in the State Fireworks Law, Section 12505 of the California Health and Safety Code, and such other fireworks as may be determined to be dangerous by the State Fire Marshal.

(b) It shall be unlawful for any person to possess, sell, use or discharge dangerous fireworks, or a dangerous firework kit, unless a permit authorizing such possession, sale, use or discharge has been issued by the Oakdale Fire Chief to the person, using, selling, discharging or found in possession of said fireworks or kits, and unless such person is in possession of a valid pyrotechnic operator's license issued by the Office of the State Fire



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Marshal. The Fire Chief may establish reasonable rules and regulations for governing issuance of a firework permit and may issue the same subject to payment of a fee as established by the City Council from time to time.

(c) The Fire Chief, or designee, shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of dangerous fireworks offered or exposed for sale, stored or held in violation of this chapter.

**Hazardous Materials Permits**

**Section 2701.5.3 of the 2010 California Fire Code is added:**

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

**Deposits of Hazardous Materials; Cleanup, Abatement, or Mitigation Required;**

**Liability for Costs**

**Section 2703.3.1.4 of the 2010 California Fire Code** is hereby amended to read as follows:

**Responsibility for cleanup** The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the



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jurisdiction. When deemed necessary by the Chief, cleanup may be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be born by the owner, operator or other person responsible for the unauthorized discharge. The remedy provided by this section shall be in addition to any other remedies provided by law.

For purposes of this section, costs incurred by the City of Oakdale shall include, but shall not necessarily be limited to, the following: actual labor costs of City of Oakdale personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City of Oakdale ; and cost of any contract labor and materials. The authority to recover costs under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.

**Restricted Locations of Flammable and Combustible Liquids in Tanks**

**Section 3404.2.9.6.1 of the 2010 California Fire Code** is hereby amended to read as follows:

Storage of Class I and II Liquids in aboveground tanks outside of buildings is prohibited in all zones except General Commercial (C-2), Limited Industrial (L-M), Light Industrial (M-1), and Heavy Industrial (M-2), , with the exception of protected tanks designed, installed and maintained in accordance with the 2010 California Fire Code. The provisions of this



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section shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the City of Oakdale .

**Operating Heating, Lighting, and Cooking Appliances Prohibited**

**Section 3405.3.3 of the 2007 California Fire Code** is hereby amended to include the following:

Class II and III Liquids

**Location of Bulk Plants for Storage of Flammable and Combustible Liquids**

**Section 3406.4 of the 2010 California Fire Code** is hereby amended to by adding the following at the end of the paragraph:

The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City of Oakdale zoned Limited Industrial (L-M). All existing nonconforming bulk plants for storage of flammable or combustible liquids, which substantially comply with the requirements of this Code, may be continued in use.

**Transfer Operations**

**Section 3406.5.1.1 of the 2010 California Fire Code** is hereby amended by adding the following:



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

**Outside Storage and Use of Liquefied Petroleum Gases**

**Section 3804.2 of the 2010 California Fire Code** is amended as follows:

The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of City of Oakdale zoning ordinances. The outside storage and use of liquefied petroleum gases is restricted as specified in this section.

1. Storage and dispensing of LP-gas for resale purposes, into approved containers and vehicles, is restricted to those areas of the City of Oakdale zoned as Neighborhood Commercial (C-1), General Commercial (C-2), Limited Industrial (L-M), Light Industrial (M-1), and Heavy Industrial (M-2), and, in addition thereto, to other commercially zoned properties used as automotive service stations. Only qualified persons shall perform dispensing.
2. Dispensing of LP-gas for private use is restricted to those zones identified in subsection 1, and when approved by the Chief, may be permitted in those areas of the City of Oakdale zoned Neighborhood Commercial (C-1), General



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Commercial (C-2), Limited Industrial (L-M), Light Industrial (M-1), and Heavy Industrial (M-2). Only qualified persons shall perform dispensing.

3. For cooking, lighting, or heating in a building, only on a property that does not have natural gas service existing on a boundary line of said property or when prohibition of such storage would cause undue hardship.

4. For temporary use on construction sites, when authorized by the Chief.

5. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Chief.

6. For use with certain mobile vending and certain commercial barbecue equipment and other specific uses when authorized by the Chief.

7. For use by Artisans in pursuit of their trade, when authorized by the Chief.

8. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the City of Oakdale , including those zoned General Commercial (C-2), when approved by the Chief and stored in accordance with Section 3809. Such storage shall be located a minimum of twenty (20) feet from any fuel dispenser.

9. The aggregate capacity for any one installation shall not exceed two thousand (2,000) gallons, except that in particular installations this capacity limit may be altered by the Chief, after consideration of special features such as topographical conditions, nature of occupancy, proximity of building, capacity of proposed tanks,



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degree of private fire protection to be provided, and facilities of the local fire department.

10. Separation from means of egress. Containers stored inside or outside buildings frequented by the public shall be located not less than ten (10) feet from any exit door or building opening, when only one exit is provided from the building or area, and not less than five (5) feet from any exit door or building opening, when two or more exits are provided from the building or area.

**Permits and Plans for Liquefied Petroleum Gases**

**Section 3801.2 of the 2010 California Fire Code** is hereby amended to read as follows:

**Permits.** Permits shall be required as set forth in Sections 105.6 and 105.7

**EXCEPTION:**

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



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4. Factory installed tanks that are permanently attached to recreational vehicles.

Distributors shall not fill an LP-gas container for which a permit is required unless the fire code official has issued a permit for installation for that location.

**Maintenance of Protected Aboveground Tanks**

**Section 3404.2.9.6.1.1 of the 2010 California Fire Code** is hereby added to read as follows: Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be maintained in accordance with their listings. Damage to protected aboveground tanks shall be repaired using material having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.

**Ethanol and Biodiesel**

**Manufacture of Biodiesel at Residential Occupancies.**

**Section 3404.3.9.6 number 7 of the 2010 California Fire Code** is hereby amended by adding 7.1: The manufacture and storage of biodiesel is prohibited in Residential Occupancies and in U Occupancies associated with Residential Occupancies."



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**Manufacture of Ethanol at Residential Occupancies.**

**Section 3404.3.9.6 number 7 of the 2010 California Fire Code** is hereby amended by adding 7.2: The manufacture and storage of ethanol is prohibited in Residential Occupancies and in U Occupancies associated with Residential Occupancies."

This ordinance shall take effect and be in full force thirty (30) days from and after its passage and before the expiration of fifteen days after its passage, it shall be published once in the Oakdale Leader, a newspaper of general circulation, published in the City of Oakdale, County of Stanislaus, State of California.



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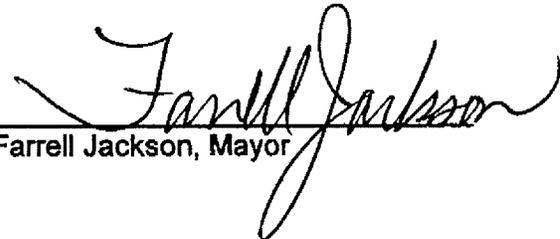
**ORDINANCE NO. 1195**

The foregoing Ordinance 1195 was introduced at a regular meeting of the City Council of the City of Oakdale held on November 15, 2010. Said ordinance was given a reading at a regular meeting on December 6, 2010 and Council Member Dunlop moved the adoption of said ordinance and upon roll call was carried by the following vote:

AYES:	COUNCIL MEMBERS:	Brennan, Dunlop, Hanson, Morgan
NOES:	COUNCIL MEMBERS:	Jackson
ABSENT:	COUNCIL MEMBERS:	None
ABSTAINED:	COUNCIL MEMBERS:	None

ATTEST:

  
\_\_\_\_\_  
Nancy Lilly, City Clerk

  
\_\_\_\_\_  
Farrell Jackson, Mayor