

**BUILDING STANDARDS COMMISSION**

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



February 22, 2011

Steve Treat, Chief Building Official  
Building Permits Division  
County of Stanislaus  
1010 10th Street, Suite 3400  
Modesto, CA 95354-6557

Dear Mr. Treat:

This letter is to acknowledge receipt on January 12, 2011 of the County of Stanislaus submittal pertaining to Ordinance No. C.S. 1068 with findings for the California Plumbing Code. Findings for Appendix chapter adoptions in the California Building and Residential Codes were received on February 7, 2011. The ordinance and findings for the fire code were sent under separate cover and will be acknowledged separately. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

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

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

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

Sincerely,

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

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

**Building Permits Division**

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354-0847  
Phone: 209.525.6557  
Fax: 209.525.7759

February 7, 2011

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

Re: Local Amendments/Additions of Finding of Fact

Dear Mr. Walls

The amendments/additions to the California Code of Regulations Title 24 to include Appendix "C", "H", and "J" of the 2010 California Building Code and Appendix "H" of the California Residential Code adopted by this ordinance are necessary to serve the public by reducing the risk to life, health and property of the citizens of Stanislaus County.

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 County of Stanislaus expressly finds that there are local climatic, geographical and topographical conditions that make the increased requirements set forth in this ordinance reasonably necessary.

Sincerely,

Steve Treat  
Chief Building Official



January 6, 2011

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

Re: California Plumbing Code – Local Amendments  
Ratification and Finding of Fact

Dear Mr. Walls:

The Stanislaus County Board of Supervisors has ratified local amendments to Stanislaus County Ordinance C.S. 1086 and Resolution 2010-698 adopting 2010 California Plumbing Code Part 5 with amendments and Finding of Fact. The finding of fact and supporting ratification documents are enclosed. Also included is the Stanislaus County Code Title 16 in its entirety with adoption amendments to include the 2010 California Code of Regulations.

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

RECEIVED  
BUILDING STANDARDS COMMISSION  
JAN 10 2011 10:35 AM

T:\planning\admin\confidential\steve treat\2010 Code Adoption

**FINDING OF FACT AND NEED  
FOR CHANGES OR MODIFICATIONS  
TO THE STATE BUILDING STANDARDS CODE  
BECAUSE OF LOCAL CONDITIONS**

**CHANGES OR MODIFICATIONS:** Pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 the Board of Supervisors of Stanislaus County in its ordinance adopting and amending the 2010 Edition of the California Building Code, 2010 California Residential Code, 2010 California Mechanical Code, 2010 California Plumbing Code and the 2010 California Electrical Code, changes or modifies certain provisions of the 2010 California Building Standards Code (Title 24) as it pertains to regulation of Private Sewage Disposal Appendix K of the California Plumbing Code. A copy of the text of such changes or modifications are enclosed:

**Findings:** Pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 the Board of Supervisors of Stanislaus County has determined and finds that the attached changes or modifications to the 2010 California Building Standards Code are needed and are reasonably necessary because of local geographic and topographic conditions.

**Local Conditions:** Local conditions have an adverse effect on the prevention of groundwater degradation caused by improper operation and maintenance of the primary and secondary onsite wastewater treatment system, making it necessary to change or modify 2010 California Plumbing Code, Appendix K in order to provide a reasonable degree of property security and life safety by protecting groundwater in this county.

Below are listed adverse geographic and topographic conditions.

1. Geographic and Topographic
  - a. The quality and quantity of water for a community is based on a combination of factors: the area's annual precipitation, physical geographic characteristics, water tables and the historic pattern of urban-suburban development. These factors, alone and combined, create a mixture of environments, which ultimately determines the area's water quality.

The basic geographical boundaries of Stanislaus County include Stanislaus River to the north, Santa Clara County to the west, Merced County to the south and town of Knights Ferry to the east.

Future residential development is proposed for the hill areas in the western and eastern portions of the county.

- b. **Size and Population** Stanislaus County covers approximately 1,500 square miles with a rural and suburban population estimated at 250,000 which is not served by a public sanitary sewer system.
- c. **Topography** Stanislaus County area is a conglomeration of plains, hills, valleys and ridges. The flatter lands are found in the central and western portions of the county. Most of the existing rural areas are on relatively flat lands with a smaller portion being hills.

- 2. **Summary:** The above local geographic and topographic conditions increase the magnitude and possible exposure to ground water contamination coupled with inconsistent or poor maintenance of private sewage disposal systems.

With the exception of a small percentage of drinking water delivered to Stanislaus County from Modesto Reservoir, the remaining drinking water comes from groundwater sources. The limited surface water resources necessitate reliance on groundwater sources, which must be protected against further degradation. The effluent from a well-maintained primary/secondary onsite wastewater system, as required in Measure X, has a higher water quality than the effluent from the standard septic system, thus providing greater protection against groundwater degradation.

June of 1990 Measure X, a voter initiative, was passed. Measure X went into effect July 13, 1990. The Stanislaus County Board of Supervisors has adopted guideline for implementation of Measure X. The voter initiative is a follow.

Except for those properties excluded pursuant to the Measure X guidelines, all owners of property on lots subdivided after July 13, 1990, all owners of new residential sized parcels created from agricultural designated parcels after July 13, 1990, and all new commercial or industrial projects requiring building permits are required to dispose of all liquid waste through an approved primary and secondary onsite wastewater treatment system. The resident and/or property owner shall be responsible for the operation and maintenance of the primary and secondary onsite wastewater treatment system. The resident and/or property owner shall operate and maintain the primary and secondary wastewater treatment system as prescribed by the manufacturer specifications and system design. Groundwater degradation caused by improper operation and maintenance of the primary and secondary onsite wastewater treatment system shall be unlawful.

Other variables may tend to intensify the situation:

- 1) The extent of any damage to the water system;
- 2) Climatic conditions
- 3) Water table levels
- 4) Rural environment
- 5) Lack of public sewage disposal systems

**Conclusion:** Local geographic, topographic conditions coupled with rate of development impact the frequency, acceleration and intensity of ground water contamination. Further, ground water contaminants occur naturally through minerals and other toxins in our soils. The changes to Appendix K are one element to decrease potential ground water contaminants. Therefore it is found to be reasonable necessary that the California Plumbing Code and the State Building Standards Code be changed or modified to mitigate the effects of the above conditions.

Furthermore, California Health and Safety Code Section 17958.7 require that the modification or change be expressly marked and identified as to which each finding refers. Therefore, Stanislaus County finds that the following table provided code sections that have been modified pursuant to Ordinance C.S. 1086 which are building standards as defined in Health and Safety Code Section 18909, and the associated referenced conditions for modification due to local geographic and topographic reasons.

<u>Section Number</u>	<u>Local geological and topographical conditions</u>
K 6 (I) Disposal Field	1a, 1c, 2
Table K-1	1a, 1b, 1c, 2

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # 9:05 a.m.

Urgent  Routine

AGENDA DATE November 9, 2010

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider the Waiving of the Second Reading and Adoption of an Ordinance Amending Title 16 of the Stanislaus County Code to Adopt by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards

STAFF RECOMMENDATIONS:

1. Waive the second reading of an ordinance amending Title 16 of the Stanislaus County Code and adopting by reference the California Code of Regulations Title 24, 2010 Edition of the California Building Code.
2. Find that the proposed changes and modification to the 2010 California Building Standards contained in the proposed ordinance are necessary because of local climatic, geological, and/or topographical conditions, as detailed in the proposed ordinance.

(Continued on page 2)

FISCAL IMPACT:

Training for all staff responsible for implementing and enforcing the changes proposed herein is required and is estimated to cost approximately \$7,000. An additional one time cost of \$9,500 will be used to purchase all of the new codes listed. Total cost to the Department for training and the code book purchase will be approximately \$16,500.

(Continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-698

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, DeMartini, and Vice-Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman Grover

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

CONDUCTED THE PUBLIC HEARING; APPROVED STAFF RECOMMENDATIONS NOS. 1-6;  
AND, WAIVED THE SECOND READING AND ADOPTED ORDINANCE C.S. 1086

ATTEST:



CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-N-1

Public Hearing to Consider the Waiving of the Second Reading and Adoption of an Ordinance Amending Title 16 of the Stanislaus County Code to Adopt by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards

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**STAFF RECOMMENDATIONS: (Continued)**

3. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act pursuant to State Guidelines Section 15061 (b)(3).
4. Adopt the ordinance amending Title 16 of the Stanislaus County Code and adopt by reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards.
5. Direct the Building Official to file the adopted ordinance and the Board's findings with the California Building Standards Commission.
6. Order the Clerk of the Board to publish the ordinance in accordance with Government Code Section 25124(b).

**FISCAL IMPACT: (Continued)**

The Stanislaus County Building Division is a non-General Fund department, and as such, the Department's plan review and building permit fees will fund all costs associated herein.

The anticipated costs associated with training staff and purchasing books with this item have been included in the Department's 2010-2011 *Adopted Final Budget* approved by the Board of Supervisors on September 14, 2010.

**DISCUSSION:**

The California Building Standards Commission (BSC), an entity within the California Consumer Services Agency, develops the California Building Standards Code known as the California Code of Regulations Title 24. Cities and counties are required by State law to enforce the California Code of Regulations (CCR) Title 24 (H&S Code Sec. 17958, 17960, 18938(b), 18941, 18945, & 18948).

The BSC develops the State's Building Standards by amending the existing model codes, which are enforced nationally, and publishes the amendments, along with the body of the model codes in twelve (12) parts. The BSC adopted and approved the 2010 Edition of the California Building Standards, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9.10, 11 & 12 on January 30, 2010, published them on July 1, 2010, and they will become effective January 1, 2011. The list of California Code of Regulations Title 24 is provided below:

- Part 1, 2010 California Administrative Code
- Part 2, 2010 California Building Code, Vol. 1
- Part 2, 2010 California Building Code, Vol. 2
- Part 2.5, 2010 California Residential Code

Public Hearing to Consider the Waiving of the Second Reading and Adoption of an Ordinance Amending Title 16 of the Stanislaus County Code to Adopt by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards

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Part 3, 2010 California Electrical Code  
Part 4, 2010 California Mechanical Code  
Part 5, 2010 California Plumbing Code  
Part 6, 2010 California Energy Code  
Part 7, CURRENTLY VACANT  
Part 8, 2010 California Historical Building Code  
Part 9, 2010 California Fire Code  
Part 10, 2010 California Existing Building Code  
Part 11, 2010 California Green Building Standards Code  
Part 12, 2010 California Referenced Standards Code

The BSC does not mandate the adoption of certain administrative parts of the model codes. Therefore, cities and counties must adopt ordinances specifically stating how they will administer the State's Building Standards. Each jurisdiction may draft requirements that are more restrictive than that mandated by the CCR, Title 24 due to local topographic, geological, or climatic conditions. This allows local jurisdictions to make changes appropriate to each jurisdiction's needs. Such adoptions and a Finding of Need Statement must be filed with the Building Standards Commission. As an example, this proposed ordinance amends the 2010 California Building Code, Chapter 1, Division II, Scope and Administration, in order to bring it in line with the County's business practices. The majority of such changes are administrative in nature and do not constitute substantive amendments to Building Standards Code.

The Building Standards Code adoptions occur in (3) year cycles. The proposed ordinance, with specific minor modifications, amends Title 16 of the Stanislaus County Code to adopt all 2010 Code of Regulations Title 24 with the exception of Parts 7 and 9 of the approved standards. Title 24, Part 9, 2010 Fire Code, will be adopted by the Fire Warden's Office and Part 7 is currently vacant.

California Code of Regulations Title 24 has been expanded in this year's adoption to include two (2) new codes; the 2010 California Residential Code (CRC) and the 2010 California Green Building Standards Code.

The 2010 California Residential Code (CRC) regulates the construction of one- and two-family dwellings and townhouses. The CRC is based on the 2009 International Residential Code as amended by the Building Standards Commission. One of the most prominent changes within this adoption is the mandatory implementation of an Automatic Fire Sprinkler System, which will be required in all new dwellings and townhouses. The specific code body reads as follows:

**Section R313.2 of the CRC states "One- and two family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings.**

**Exception:** An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.”

The intent is to provide a fire life safety element to all new residential occupancies. The design of the systems is based on The National Fire Protection Agencies (NFPA) 13D Referenced Standards. This system is designed to provide ample time for occupants to evacuate the structure, where as the system is not designed for structural and/or contents suppression should a fire occur.

In addition to the life safety aspect, there are other advantages to this requirement such as lower homeowner insurance premiums. Additionally, homeowner installation is allowed, it can be homeowner maintained, the sprinkler system is incorporated into the plumbing system with the existing water supply and it does not command the requirements of a commercial system.

The 2010 Green Building Standards Code is mandated by the State of California. The purpose of the code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and by encouraging sustainable construction practices in the following categories:

1. Planning and design
  - To preserve resources and minimize the negative effects of construction on the building site and the adjacent areas.
2. Energy efficiency
  - To comply with California Energy Commission’s standards to achieve at least an additional 15 percent reduction in energy usage when compared to the States existing mandatory energy efficiency standards.
3. Water efficiency and conservation
  - To mandate a 20 percent reduction in the use of potable water used indoors and outdoors as implemented through fixture flow ratings, water budgets, and irrigation controllers.
4. Material conservation and resource efficiency
  - To mandate implementation of a Construction waste program focused on pollution reduction through recycling building materials.
5. Environmental quality
  - To reduce the quantity of air contaminants through requirements on fireplaces, dust, and contaminate control during construction, paints, carpeting and other finish material pollutant control such as: adhesives, sealants, and caulking.

Public Hearing to Consider the Waiving of the Second Reading and Adoption of an Ordinance Amending Title 16 of the Stanislaus County Code to Adopt by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards  
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Staffing and funding to provide plans examination and inspection for the requirements of the Automatic Sprinkler and Waste Management portions of the two (2) new codes is difficult to estimate at this time. As mentioned above, this code has been mandated by the State and passed down to the local jurisdictions to enforce without funding. Staff is currently investing resources through training in order to enforce and implement the mandatory measures, efficiently, and in the least evasive means possible for the building community. At this time, the Department is working diligently with the Fire Warden's Office to draft policies and procedures to provide expedient plans examination and inspection.

The only substantive changes to the code from that which was adopted by the BSC relates to our local adoption of Measure X, a local voter initiative entitled, "Primary and Secondary Sewage Initiative" approved by the voters of Stanislaus County in June 1990. Measure X requires that any urban development in the unincorporated areas of Stanislaus County occur only in conjunction with primary and secondary sewage treatment and is more restrictive than the building standards contained in the 2010 Building Standards Code. In accordance with Health and Safety Code Section 17958, the Board must make the findings contained in the proposed ordinance that such changes are reasonably necessary due to local climatic, geological, or topographical conditions. Measure X is currently adopted in the Stanislaus County Code Section 16.10.040 and is appearing in this amendment for update and informational purposes.

**SUMMARY**

Adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) in that, pursuant to CEQA Guidelines Section 15061(b)(3), there is no possibility that the ordinance may have a significant effect on the environment.

In accordance with Government Code Section 50022.3, the Board must schedule a public hearing after the first reading of the title of the proposed ordinance. At the public hearing, staff will recommend the Board:

- a. Find that the proposed changes and modification to the 2010 California Building Standards contained in the proposed ordinance are necessary because of local climatic, geological, and/or topographical conditions, as detailed in the proposed ordinance;
- b. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act Pursuant to State Guidelines Section 15061(b)(3);
- c. Direct the Building Official to file the adopted ordinance and the Board's findings with the California Building Standards Commission; and,
- d. Order the Clerk of the Board to publish the ordinance in accordance with Government Code Section 25124(b).

A copy of the 2010 California Code of Regulations Title 24 is available for review by the public in the office of the Building Official.

Public Hearing to Consider the Waiving of the Second Reading and Adoption of an Ordinance Amending Title 16 of the Stanislaus County Code to Adopt by Reference the California Code of Regulations Title 24, 2010 Edition of the California Building Standards

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**POLICY ISSUE:**

The amendment to the subject ordinance supports the Board's priorities of striving for A Safe Community, A Healthy Community and A Well Planned Infrastructure System by complying with State law to enforcement California Code of Regulations Title 24.

**STAFFING IMPACT:**

There is a high potential for increased staff time needed to ensure compliance with the new requirements as mandated by the State. This potential increase will not be completely known until plan check, inspections, and enforcement needs are tracked during the upcoming year. No additional staff is required at this time.

**CONTACT PERSON:**

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330

**ATTACHMENTS:**

1. An Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code
2. An Ordinance Amending Title 16 of the Stanislaus County Code, and Adopting by Reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code. (Strike-Out Version)

November 9, 2010

9:05 a.m.

2010-699

ORDINANCE NO. C.S. 1086

**AN ORDINANCE AMENDING TITLE 16 OF THE STANISLAUS COUNTY CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2010 EDITION, OF THE CALIFORNIA BUILDING STANDARDS CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

**Section 1. Section 16.00.020 of the Stanislaus County Code is amended to read as follows:**

"16.00.020 Conflicting Provisions

The provisions of this title are to operate in conjunction with the provisions of the California Building Code 2010 Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as adopted; the California Residential Code 2010 Edition Part 2.5; the California Residential Code Appendices as adopted; the California Plumbing Code, 2010 Edition Part 5; the California Electrical Code, 2010 Edition Part 3; the California Mechanical Code, 2010 Edition Part 4; the California Energy Code 2010 Edition Part 6; California Historical Building Code 2010 Edition Part 8; the California Existing Building Code 2010 Edition Part 10; the California Green Building Standards Code 2010 Edition Part 11; the California Referenced Standards Code 2010 Edition Part 12 and the International Property Maintenance Code 2006 Edition. Whenever any provision of this chapter is in conflict with the provisions of the California Building Code, 2010 Edition; the California Building Code Appendices as adopted; the California Residential Code 2010 Edition; the California Residential Code Appendices as adopted; the California Plumbing Code, 2010 Edition; the California Electrical Code, 2010 Edition; or the California Mechanical Code, 2010 Edition, the provisions of this title shall govern."

**Section 2. Section 16.00.040 of the Stanislaus County Code is amended to read as follows:**

"16.00.040 Enforcement

The Chief Building Official is authorized and directed to enforce all the provisions of this title in accordance with the provisions of 2010 California Building Code Chapter 1, Division I, Scope and Administration, Section 1.8.3 and Division II, Scope and Administration Section 104."

ORD-55-N-1

**Section 3. Section 16.05.010 of the Stanislaus County Code is amended to read as follows:**

“16.05.010 California Building Code and Appendixes Adopted

Except as hereafter changed or modified, the California Building Code, as published by the International Code Council, 2010 Edition, Part 2, Volume 1, Chapter 1, Division II Scope and Administration and Part 2, Volumes 2,”, Appendix “C” “Group U - Agricultural Buildings”, Appendix “H” “Signs”, and Appendix “J” “Grading”, are adopted by reference and incorporated in this Chapter 16.05 as if fully set forth herein, and shall be known and referred to as the Building Code of the County. A copy of said code, together with all adopted appendices, shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 4. Section 16.05.020 of the Stanislaus County Code is amended to read as follows:**

“16.05.020 Amendment of the California Building Code, 2010 Edition, Chapter 1, Division II Scope and Administration.

A. 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.

B. 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.

C. 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 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.

D. 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.

E. Section 105.1 Permits, is amended to read:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

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

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

H. Section 105.2 Work Exempt from Permit, is amended to add the following paragraph under "Building":

14. Produce Stands as defined in Stanislaus County Ordinance Section 21.90.020, which have less than 120-sq. ft. (11.15m<sup>2</sup>) floor area.

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

J. Section 111.2 is amended to delete the following paragraphs:

9. The type of construction as defined in Chapter 6.

10. The design occupant load.

11. Any special stipulations and conditions of the building permit.

K. Section 113 Board of Appeals, is deleted in its entirety."

**Section 5. Section 16.05.040 of the Stanislaus County Code is amended to read as follows:**

"16.05.040 Amendment of California Building Code, Appendix C--Agricultural Buildings

The 2010 California Building Code Appendix C, Agricultural Buildings is hereby adopted and amended to read as follows:

A. Section C101.1 Scope, is amended to read:

The provisions of this appendix shall apply exclusively to agricultural buildings. Such buildings shall be classified as U-3 and U-4 and shall include the following uses:

U-3 Classifications

1. Milking Barns
2. Poultry Buildings
3. Storage

U-4 Classifications:

1. Livestock shelters, including shade structures
2. Barns, Private stables
3. Horticultural structures (greenhouse and crop protection)
4. Storage of equipment and machinery used exclusively in agriculture

B. Section C101.2 is added to read as follows:

U-4 Unoccupied Agricultural Buildings. A U-4 Unoccupied Agricultural Building is a building limited to one story, which does not have a work station or repair shop and is used exclusively for the storage of crops, feed, farm equipment or as an animal shade structure. Such a building must be open on one or more sides; have no more than a 100-amp electrical service; and have no plumbing.

U-4 Unoccupied Agricultural Buildings shall not be a place for human occupancy or as a place of employment. Agriculture products shall not be processed, treated, or packaged; nor shall it be a place used by the public. Garages and repair shops are not unoccupied agricultural buildings.

C. Section C101.3 is added to read as follows:

Earthquake loads. Agricultural structures classified as U-4 and intended only for incidental human occupancy are exempt from earthquake design to resist the effects of earthquake motion pursuant to California Building Code Section 1613.1, exception 3.

D. Section C102.2 One-Story Unlimited Area, is amended to read as follows:

The area of a one-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (12192 mm) in width.

E. Section C102.3 Two-Story Unlimited Area, is amended to read as follows:

The area of a two-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (18 288 mm) in width and is provided with an approved automatic sprinkler system throughout in accordance with Section 903.3.1.1.”

**Section 6. Section 16.10.010 of the Stanislaus County Code is amended to read as follows:**

“16.10.010 California Plumbing Code Adopted

The 2010 California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 2009 Edition, Chapter 1 Division II Administration sections 103.1.2 through 103.1.2.2 and Appendices A, D, I and K, are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Plumbing Code for the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 7. Section 16.15.010 of the Stanislaus County Code is amended to read as follows:**

“16.15.010 California Electrical Code Adopted

The 2010 California Electrical Code, as published by the National Fire Protection Agency 2008 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Electrical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 8. Section 16.20.010 of the Stanislaus County Code is amended to read as follows:**

“16.20.010 California Mechanical Code and Appendices Adopted

The 2010 California Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, 2009 Edition Chapter 1 Division II Administration Sections 112.2 through 112.2.5 only and Appendices A and D are adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Mechanical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 9. Section 16.30.010 of the Stanislaus County Code is amended to read as follows:**

“16.30.010 California Historical Building Code Adopted

The California Historical Building Code, as published by the International Code Council, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Historical Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 10. Section 16.35.010 of the Stanislaus County Code is amended to read as follows:**

“16.35.010 California Existing Building Code Adopted

The California Existing Building Code, as published by the International Code Council, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Existing Building Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 11. Section 16.45.030 of the Stanislaus County Code is amended to read as follows:**

“16.45.030 Authority to Disconnect Service Utilities

Section 112 of the 2010 California Building Code, ~~Appendix~~ Chapter 1 Division II Administration, Section 112.3 "Authority to disconnect service utilities" is amended to read as follows:

The Chief Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code in case of an emergency where necessary to eliminate an immediate hazard to life or property. The Chief Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, of the decision to disconnect prior to taking such action under the following conditions:

- A. There is an immediate hazard to life or property
- B. Continued use of public utilities present a hazard to life or property
- C. The public interest is served by removing the utilities
- D. The lack of maintenance presents a hazard to life or property
- E. The utilities contribute to the structure being an active nuisance
- F. The structure has been posted “UNSAFE TO OCCUPY”, and the disconnection of the utilities will deter illegal reoccupation of the structure
- G. Modifications have been made to a structure or equipment and said modification create a hazard to life or property.”

**Section 12. Section 16.50.060 of the Stanislaus County Code is amended to read as follows:**

“16.50.060 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the report entitled "Flood Insurance Study For the Unincorporated Areas of Stanislaus County," dated September 2008, and accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated September 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This flood insurance study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the board of supervisors by the floodplain administrator. The study, FIRMs and FBFMs are on file at the county administration building, Planning & Community Development Department 1010 10<sup>th</sup> Street, Modesto, California.”

**Section 13. Section 16.60.010 of the Stanislaus County Code is amended to read as follows:**

“16.60.010 California Referenced Standards Code Adopted

The California Referenced Standards Code, as published by the International Code Council, 2010 Edition, is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Referenced Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 14. Section 16.65.010 of Stanislaus County Code is amended to read as follows:**

“16.65.010 California Energy Code and Appendixes Adopted

The California Energy Code, as published by the International Code Council, 2010 Edition, and Appendix 1-A is adopted by reference and incorporated in this Chapter as if fully set forth herein, and shall be referred to as the Energy Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 15. Section 16.70.010 is added to the Stanislaus County Code to read as follows:**

“16.70.010 California Residential Code Adopted and Appendixes Adopted

Except as hereafter changed or modified, the California Residential Code, as published by the International Code Council, 2010 Edition, Chapter 1, Division II Administration Sections R105.2 and Section R109.1 through R109.1.6 except R109.1.2, Appendix “H” “Patio Covers” are adopted by reference and incorporated in this Chapter 16.70 as if fully set forth herein, and shall be referred to as the California Residential Code of the County. A copy of said code, together with all adopted appendices, shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 16. Chapter 16.80.010 is added to the Stanislaus County Code to read as follows:**

“16.80.010 California Green Building Standards Code Adopted

Except as hereafter changed or modified, the California Green Building Standards Code is adopted by reference and incorporated in this Chapter 16.80 as fully set forth herein, and shall be referred to as the California Green Building Standards Code of the County. A copy of said code shall be kept and maintained by the Building Official for use and examination by the public.”

**Section 17. Findings for Changes, Modifications and Additions to the California Building Standards**

Various provisions of this ordinance contain changes, modifications and additions to the 2010 Edition of the California Building Standards Code. Many changes are administrative in nature and do not constitute changes or modifications to requirements contained in the California Building Standards Code.

Pursuant to California Health and Safety Code Section 17958.5, 17958.7 and 18941.5 the Board of Supervisors hereby expressly finds that all of the changes and modifications to the California Building Standards Code made by this ordinance, and which are not merely administrative changes, are reasonably necessary because of local climatic, geological or topographical conditions in Stanislaus County as more particularly described in the table set forth below.

Ordinance Section	Condition	Findings
Section 16.10.020 Section 16.10.030 Section 16.10.040	Geologic and Topographic	In June 1990, Measure X, a local voter initiative entitled, "Primary and Secondary Sewage Initiative" was approved by the voters of Stanislaus County. The measure took effect July 13, 1990, and requires that

		<p>any urban development in the unincorporated areas of Stanislaus County occur only in conjunction with primary and secondary sewage treatment. Ordinance code sections 16.10.020, 16.10.030, and 16.10.040 implement the requirements of Measure X and modify the requirements of the California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 2010 Edition, Chapter 1 Division II Administration sections 103.1.2 through 103.1.2.2 and Appendices A, D, I and K.</p>
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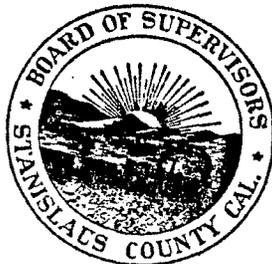
**Section 18.** This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California in accordance with Government Code section 21124(b)(1).

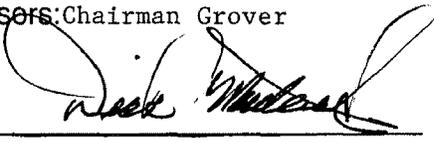
Upon motion of Supervisor O'Brien seconded by Supervisor DeMartini, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 9th day of November, 2010, by the following-called vote:

AYES: Supervisors: O'Brien, Chiesa, DeMartini, and Vice-Chairman Monteith

NOES: Supervisors: None

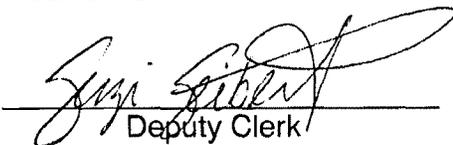
ABSENT: Supervisors: Chairman Grover



  
Dick Monteith, Vice-Chairman  
of the Board of Supervisors of the  
County of Stanislaus, State of California

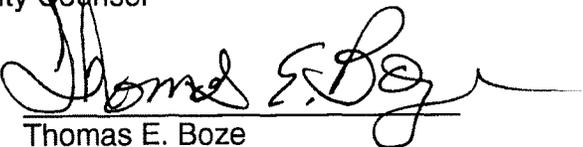
ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the  
Board of Supervisors of the County of Stanislaus,  
State of California

By   
Deputy Clerk

APPROVED AS TO FORM:

John P. Doering  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel

STANISLAUS COUNTY ORDINANCE C.S. 1086

Upon motion of Supervisor O'Brien, seconded by Supervisor DeMartini, Ordinance C.S. 1086 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 9th day of November 2010, by the following called vote:

AYES: SUPERVISORS: O'Brien, Chiesa, DeMartini and Vice-Chairman Monteith  
NOES: None  
ABSENT: Chairman Grover  
ABSTAINING: None

Ordinance C.S. 1086 amends Title 16 of the Stanislaus County Code, and adopts by reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code. Ordinance C.S. 1086 amends those sections of Title 16 of the Stanislaus County Code that incorporate superseded standards to incorporate by reference the 2010 Building Standards Code, as published by the Building Standards Commission. Ordinance C.S. 1086 further adopts administrative procedures for implementation of the 2010 Building Standards Code.

A full copy of the ordinance and the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code is available for review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, 3rd Floor, Modesto, CA. For further information, contact Steve Treat in the Department of Planning and Community Development at (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 9, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY:

  
Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Nov 17, 2010

-----  
I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

**MODESTO, California on**

November 17th, 2010

(By Electronic Facsimile Signature)

*Marie Dieckmann*

**STANISLAUS COUNTY  
ORDINANCE C.S. 1086**

Upon motion of Supervisor O'Brien, seconded by Supervisor DeMartini, Ordinance C.S. 1086 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 9th day of November 2010, by the following called vote:

AYES: SUPERVISORS: O'Brien, Chiesa, DeMartini and Vice-Chairman Montelitti; NOES: None; ABSENT: Chairman Grover; and, ABSTAINING: None.

Ordinance C.S. 1086 amends Title 16 of the Stanislaus County Code, and adopts by reference the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code. Ordinance C.S. 1086 amends those sections of Title 16 of the Stanislaus County Code that incorporate superseded standards to incorporate by reference the 2010 Building Standards Code, as published by the Building Standards Commission. Ordinance C.S. 1086 further adopts administrative procedures for implementation of the 2010 Building Standards Code.

A full copy of the ordinance and the California Code of Regulations Title 24, 2010 Edition, of the California Building Standards Code is available for review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, 3rd Floor, Modesto, CA. For further information, contact Steve Treat in the Department of Planning and Community Development at (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS, DATED: November 9, 2010.  
ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk  
Pub Dates Nov 17, 2010

## **Title 16**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 16.00 General Provisions**
- 16.05 Building Code**
- 16.09 Public Sewer Connection**
- 16.10 Plumbing Code**
- 16.15 Electrical Code**
- 16.20 Mechanical Code**
- 16.25 Property Maintenance Code**
- 16.30 Historical Building Code**
- 16.35 Existing Building Code**
- 16.40 Prerequisites to Issuance of Final  
Clearance and Building Permits**
- 16.45 Disconnection of Public Utilities from  
Hazardous Structures**
- 16.50 Flood Damage Prevention**
- 16.55 Fire Code**
- 16.60 Referenced Standards Code**
- 16.65 Energy Code**

## Chapter 16.00

### GENERAL PROVISIONS

#### Sections:

- 16.00.010 Purpose.**
- 16.00.020 Conflicting provisions.**
- 16.00.030 Definitions.**
- 16.00.040 Enforcement.**
- 16.00.050 Building, electrical, mechanical, plumbing permit—Fee.**
- 16.00.060 References to adopted codes and appendices defined.**
- 16.00.070 Violation—Penalty.**
- 16.00.080 Violation—Abatement.**
- 16.00.090 Remedies cumulative.**

#### **16.00.010 Purpose.**

The purpose of Title 16 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, and maintenance of all buildings and structures within the unincorporated areas of the county; 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. (Ord. CS 625 §2 (part), 1996).

#### **16.00.020 Conflicting provisions.**

The provisions of this title are to operate in conjunction with the provisions of the California Building Code 2007 Edition Part 2, Volumes 1 and 2; the California Building Code Appendices as adopted; the California Plumbing Code, 2007 Edition Part 5; the California Electrical Code, 2005 Edition Part 3; the California Mechanical Code, 2007 Edition Part 4; the California Energy Code 2007 Edition Part 6; California Historical Building Code 2007 Edition Part 8; the California Existing

Building Code 2007 Edition Part 10; the California Referenced Standards Code 2007 Edition Part 12 and the International Property Maintenance Code 2006 Edition. Whenever any provision of this chapter is in conflict with the provisions of the California Building Code, 2007 Edition; the California Building Code Appendices as adopted; the California Plumbing Code, 2007 Edition; the California Electrical Code, 2005 Edition; or the California Mechanical Code, 2007 Edition, the provisions of this title shall govern. (Ord. CS 1017 §1, 2007: Ord. CS 625 §2 (part), 1996).

#### **16.00.030 Definitions.**

Whenever the following words appear in the California Building Code, they shall be deemed to mean as follows:

A. "Chief of the fire department" means the county fire warden.

B. "City" means the unincorporated portions of the county.

C. "City attorney" means district attorney, save and except where the duties provided to be performed are those of the county counsel, in which event the words city attorney means county counsel.

D. "City council" means board of supervisors.

E. "Mayor" means chairman of the board of supervisors.

F. "Municipality" means county.

G. "State" means the state of California. (Ord. CS 1017 §2, 2007: Ord. CS 625 §2 (part), 1996).

#### **16.00.040 Enforcement.**

The chief building official is authorized and directed to enforce all the provisions of this title in accordance with the provisions of California Building Code Section 108.3 and Appendix Chapter 1 Section 104. (Ord. CS 1017 §3, 2007: Ord. CS 625 §2 (part), 1996).

**16.00.050 Building, electrical, mechanical, plumbing permit—Fee.**

A. The fee for each permit shall be as established by resolution of the board of supervisors.

B. The determination of value or valuation under any of the provisions of this chapter shall be established by resolution of the board of supervisors. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finished work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and other permanent equipment. (Ord. CS 625 §2 (part), 1996).

**16.00.060 References to adopted codes and appendices defined.**

Where any adopted codes or appendices contain references to the California Fire Code, such reference shall mean the current adopted edition of the California Fire Code. (Ord. CS 1017 §4, 2007; Ord. CS 625 §2 (part), 1996).

**16.00.070 Violation—Penalty.**

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title, shall be guilty of misdemeanor and, upon conviction, shall be punished as provided by Section 1.36.010. Pursuant to Health and Safety Code Section 17995.1, any person who is convicted for a second or subsequent time within a five-year period for violations at the same property shall be punishable by a fine not to exceed five thousand dollars or by imprisonment not exceeding six months, or both such fine and imprisonment. (Ord. CS 705 §25, 1999; Ord. CS 625 §2 (part), 1996).

**16.00.080 Violation—Abatement.**

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this title, and any use of land, building, or premises established, conducted, operated, or maintained contrary to the provisions of this title, shall be and the same is declared to be unlawful and a public nuisance and may be enjoined, abated and prevented in the manner provided for the abatement of a public nuisance by the laws of the state or by local ordinance. (Ord. CS 705 §26, 1999; Ord. CS 625 §2 (part), 1996).

**16.00.090 Remedies cumulative.**

The remedies provided for in this chapter shall be cumulative and not exclusive. (Ord. CS 625 §2 (part), 1996).

**Chapter 16.05**  
**BUILDING CODE\***

**Sections:**

- 16.05.010 California Building Code and appendixes adopted.**
- 16.05.020 Amendment of California Building Code, Appendix Chapter 1 Administration.**
- 16.05.030 Building Code board of appeals.**
- 16.05.040 Amendment of California Building Code, Appendix C—Agricultural Buildings.**
- 16.05.050 Disabled access board of appeals.**
- 16.05.060 Amendment of California Building Code, Appendix J—Grading.**

\*Prior Ordinance History: Ord. 625

**16.05.010 California Building Code and appendixes adopted.**

Except as hereafter changed or modified, the California Building Code, as published by the International Code Council, 2007 Edition, Part 2, Volumes 1, and Appendix Chapter 1 "Administration," Appendix "C" "Group U - Agricultural Buildings," Appendix "H" "Signs," Appendix "I" "Patio Covers," and Appendix "J" "Grading," are adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be known and referred to as the building code of the county. A copy of the code, together with all adopted appendices, shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 §5, 2007).

**16.05.020 Amendment of California Building Code, Appendix Chapter 1 Administration.**

California Building Code, 2007 Edition, Appendix Chapter 1, Administration, is amended to read as follows:

A. Section 105.1 Permits, is amended to read:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

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

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

D. Section 105.2 Work Exempt from Permit, is amended to add the following paragraph under "Building":

14. Produce Stands as defined in Stanislaus County Ordinance Section 21.90.020, which have less than 120 sq. ft. (11.15m<sup>2</sup>) projected roof area.

E. Section 109.3.5 delete the following sentence:

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

F. Section 110.2 is amended to delete the following paragraphs:

9. The type of construction as defined in Chapter 6.

10. The design occupant load.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

12. Any special stipulations and conditions of the building permit.

G. Section 112 Board of Appeals, is deleted in its entirety. (Ord. CS 1017 §6, 2007).

### **16.05.030 Building Code board of appeals.**

A. 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.

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

C. 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.

D. Application. The application for an appeal shall be filed with the building official within twenty days after the notice code violation was served.

E. 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.

F. Chairperson. The board shall annually select one of its members to serve as chairperson.

G. Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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. (Ord. CS 1017 §7, 2007).

**16.05.040 Amendment of California Building Code, Appendix C—Agricultural Buildings.**

The 2007 California Building Code Appendix C, Agricultural Buildings is hereby adopted and amended to read as follows:

A. Section C101.1 Scope, is amended to read:

The provisions of this appendix shall apply exclusively to agricultural buildings. Such buildings shall be classified as U-3 and U-4 and shall include the following uses:

U-3 Classifications

1. Milking Barns
2. Poultry Buildings
3. Storage

U-4 Classifications:

1. Livestock shelters, including shade structures
2. Barns, Private stables
3. Horticultural structures (greenhouse and crop protection)
4. Storage of equipment and machinery used exclusively in agriculture

B. Section C101.2 is added to read as follows:

U-4 Unoccupied Agricultural Buildings. A U-4 Unoccupied Agricultural Building is a building limited to one story, which does not have a work station or repair shop and is used exclusively for the storage of crops, feed, farm equipment or as an animal shade structure. Such a building must be open

on one or more sides; have no more than a 100-amp electrical service; and have no plumbing.

U-4 Unoccupied Agricultural Buildings shall not be a place for human occupancy or as a place of employment. Agriculture products shall not be processed, treated, or packaged; nor shall it be a place used by the public. Garages and repair shops are not unoccupied agricultural buildings.

C. Section C101.3 is added to read as follows:

Earthquake loads. Agricultural structures classified as U-4 and intended only for incidental human occupancy are exempt from earthquake design to resist the effects of earthquake motion pursuant to California Building Code Section 1613, exception 3.

D. Section C102.2 One-Story Unlimited Area, is amended to read as follows:

The area of a one-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (18,288 mm) in width.

E. Section C102.3 Two-Story Unlimited Area, is amended to read as follows:

The area of a two-story Group U Agricultural building shall not be limited if the building is surrounded and adjoined by public ways or yards not less than 40 feet (18,288 mm) in width and is provided with an approved automatic sprinkler system throughout in accordance with Section 903.3.1.1.

(Ord. CS 1017 §8, 2007).

**16.05.050 Disabled access board of appeals.**

A. General. In order to hear appeals to actions taken by the county 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.

B. 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.

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

C. 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.

D. Application. The application for an appeal shall be filed with the building official within twenty days after the notice code violation was served.

E. Chairperson. The board shall annually select one of its members to serve as chairperson.

F. Disqualification of a Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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. (Ord. CS 1017 §9, 2007).

**16.05.060 Amendment of California Building Code, Appendix J—Grading.**

Appendix Chapter J, Grading, of the California Building Code is amended as follows:

A. Section J112 General is hereby added.

B. Section J112.1 General, is added to read as follows:

Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee(s) involved.  
(Ord. CS 1017 §10, 2007).

C. Section J112.2 Plan Review Fees, is added to read as follows:

When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Table J-1 or as set forth in the fee schedule adopted by the board of supervisors. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere. For excavation and fill on the same site, the fee(s) shall be based on the volume of excavation or fill, whichever is greater.

D. Section J112.3 Grading Permit Fees, is added to read as follows:

A fee for each grading permit shall be paid to the building official as set forth in the fee schedule adopted by the Board of Supervisors. Separate permits and fees shall apply to retaining walls or major drainage structures as required. There shall be no separate charge for standard terrace drains and similar facilities.

E. Section J112.4 Other Fees, is added to read as follows:

Other fees: Additional plan review required by changes, additions or revisions to approved plans shall be based as set forth in the fee schedule adopted by the Board of Supervisors. The minimum charge shall be one-half hour, or the total hourly cost to the county,

## Chapter 16.09

### PUBLIC SEWER CONNECTION

#### Sections:

- 16.09.010 Purpose.**
- 16.09.020 Definitions.**
- 16.09.030 Connection to public sewer.**
- 16.09.040 When connection to sewage system is required.**
- 16.09.050 Consequences of non-connection to sewage system as required.**

#### **16.09.010 Purpose.**

It is the purpose of this chapter to provide a just, equitable and practical method of requiring connection to public sewer when available in the Bret Harte neighborhood. (Ord. CS 646, §1 (part), 1997).

#### **16.09.020 Definitions.**

As used in this chapter:

“Public sewer,” as used in this chapter, means the facilities provided by the county, a municipality or a district authorized by the laws of the state of California to provide domestic sewage service to the public.

“Sewage system,” as used in this chapter, means the facilities that are operated as a public sewer. (Ord. CS 646, §1 (part), 1997).

#### **16.09.030 Connection to public sewer.**

A. Every building or structure located within the Bret Harte neighborhood in which plumbing fixtures are installed shall be connected to the sewage system when a sewer lateral is available within the time period provided for in Section 16.09.040.

B. A sewer lateral is available for the purpose of this section when such a sewer lateral is located within fifty feet from the property line of any lot which can be served by such sewer lateral. (Ord. CS 646, §1 (part), 1997).

#### **16.09.040 When connection to sewage system is required.**

A. Every building or structure connected to a septic tank at the time a sewer lateral becomes available as defined in Section 16.09.030 shall be connected to the sewage system within five years after the sewer lateral becomes available.

B. Buildings or structures in the Bret Harte neighborhood located within the Modesto Municipal Sewer District shall be connected to a sewer lateral with five years from the effective date of annexation, where a sewer lateral is available or within five years after a sewer lateral becomes available, whichever occurs later. (Ord. CS 646, §1 (part), 1997).

#### **16.09.050 Consequences of non-connection to sewage system as required.**

Stanislaus County shall take whatever action is necessary to cause the connection to the sewage system of those properties that fail to connect within the time required in Section 16.09.040. Any costs borne by the county in causing the connection to occur will be recorded as a lien against the subject property. (Ord. CS 646, §1 (part), 1997).

## Chapter 16.10

### PLUMBING CODE

#### Sections:

- 16.10.010 California Plumbing Code adopted.**
- 16.10.020 Appendix K (K)—Private sewage disposal.**
- 16.10.030 Appendix K, California Plumbing Code.**
- 16.10.040 Primary and secondary onsite wastewater treatment notification.**
- 16.10.050 Amendment of California Plumbing Code, Appendix D—Stormwater Drainage Systems**

#### **16.10.010 California Plumbing Code adopted.**

The California Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 2006 Edition, Appendix Chapter 1 Administration Sections 103.1.2 through 103.1.2.2 and Appendices A, D, I and K, are adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be referred to as the plumbing code for the county. A copy of said code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 §13, 2007; Ord. CS 625 §4 (part), 1996).

#### **16.10.020 Appendix K (K)—Private sewage disposal.**

Appendix K (K) allows alternative systems. For purposes of this code, “primary and secondary onsite wastewater treatment systems” and “individual aerobic systems” are considered alternative systems and are subject to the following conditions:

Operation and Maintenance. In those areas within the county where individual pri-

mary and secondary onsite wastewater treatment systems are required, it shall be unlawful for any person who owns or operates such a system to permit the system to be improperly operated or maintained in a manner inconsistent with the design and operation specifications of that system. (Ord. CS 1017 §14, 2007; Ord. CS 893 §1, 2004; Ord. CS 625 §4 (part), 1996).

#### **16.10.030 Appendix K, California Plumbing Code.**

A. Appendix K, Section K 6 Disposal Fields, Subsection (C) Table of the California Plumbing Code is amended by adding the following:

Note: A. Septic tank leaching lines shall be spaced a minimum of twelve feet, center-to-center.

B. Appendix K, Table K-1 Location of Sewage Disposal System of the California Plumbing Code is amended by adding Notes: 1 and 2 to read as follows:

Note 1. No portion of a septic tank/aerobic tank or leach line shall be located closer than fifty feet to a private well supplying water, or closer than one hundred feet to a well supplying water for public use.

Note 2. Septic tanks and leaching areas can be permitted within the one hundred-year flood plain only if the sewage system and expansion area can be installed a minimum of two hundred feet from the main river channel.

(Ord. CS 1017 §15, 2007; Ord. CS 625 §4 (part), 1996).

**16.10.040 Primary and secondary onsite wastewater treatment notification.**

A. To provide all property owners with constructive notice of Stanislaus County's Measure X guidelines concerning primary and secondary onsite wastewater treatment requirements, the ordinance codified in this chapter shall be recorded with the clerk-recorder of the county.

B. For all discretionary approvals of parcel maps or subdivision maps requiring primary and secondary onsite wastewater treatment, the county department of planning and community development shall include as a condition of approval that the final recorded map shall contain the following statement:

As per Stanislaus County Code Sections 16.10.020 and 16.10.040, all persons purchasing lots within the boundaries of this approved map should be prepared to accept the responsibilities and costs associated with the operation and maintenance of the required primary and secondary onsite wastewater treatment system. All persons are required to provide adequate maintenance and operate the onsite wastewater treatment system as prescribed by the manufacturer, so as to prevent groundwater degradation.

C. The county department of public works development services division shall provide all applicants for building permits for new residential construction or commercial project construction with a "primary and secondary onsite wastewater treatment notice" in substantially the form provided in subsection F of this section.

D. Commencing in the year 2004, and every year thereafter, the department of environmental resources shall annually mail a copy of the "primary and secondary onsite wastewater treatment notice," in substantially the form provided in subsection F of this section, to all owners of real property in Stanislaus County

required to have primary and secondary onsite wastewater treatment.

E. The clerk-recorder of the county shall include a "primary and secondary onsite wastewater treatment notice," in substantially the form provided in subsection F of this section, with any land sale contract, grant deed, quitclaim deed or any other instrument of conveyance returned to the grantee by the clerk-recorder after recording.

F. The "primary and secondary onsite wastewater treatment notice" shall contain, and be substantially in the form of, the following:

**STANISLAUS COUNTY  
PRIMARY AND SECONDARY  
ONSITE WASTEWATER  
TREATMENT NOTICE**

**As per Stanislaus County Code  
Sections 16.10.020 and 16.10.040**

In June of 1990 Measure X, a voter initiative, was passed. Measure X went into effect July 13, 1990. The Stanislaus County Board of Supervisors has adopted guidelines for implementation of Measure X.

Except for those properties excluded pursuant to the Measure X guidelines, all owners of property on lots subdivided after July 13, 1990, all owners of new residential sized parcels created from agricultural designated parcels after July 13, 1990, and all new commercial or industrial projects requiring building permits are required to dispose of all liquid waste through an approved primary and secondary onsite wastewater treatment system. The resident and/or property owner shall be responsible for the operation and maintenance of the primary and secondary onsite wastewater treatment system. The

resident and/or property owner shall operate and maintain the primary and secondary wastewater treatment system as prescribed by the manufacturer specifications and system design. Groundwater degradation caused by improper operation and maintenance of the primary and secondary onsite wastewater treatment system shall be unlawful.

G. The county department of environmental resources shall be responsible for the printing of the "primary and secondary onsite wastewater treatment notice" set forth in subsection F of this section and shall supply the department of public works development services division and the clerk-recorder with notices as needed. (Ord. CS 893 §2, 2004).

**16.10.050 Amendment of California Plumbing Code, Appendix D— Stormwater Drainage Systems**

Appendix Chapter D, Stormwater Drainage Systems, of the California Plumbing Code is hereby amended by adding the following:

Section D4 Storm Water Drainage Requirement.

In all cases where proposed construction is for commercial, industrial, or public or quasi-public buildings or structures, for single-family subdivisions of 10-units or more or single-family hillside residences, for two-family, three-family, four-family, or multi-family dwellings, or for other uses which similarly involve structural ground coverage likely to affect storm drainage in the areas in which they are located, including but not limited to trailer parks and parking lots, drainage facilities for the property shall be con-

structed in a manner approved by the Department of Public Works, which may include discharge into a publicly maintained storm drain system or ponding basin. Submission of the drainage plans for approval shall be the responsibility of the owner or the developer of the property on which the construction is proposed, and the application for a building permit shall be accompanied by a drainage plan suitable for review. The new development shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 and applicable Stormwater Codes as adopted by Stanislaus County.

(Ord. CS 1017 §16, 2007).

## Chapter 16.15

### ELECTRICAL CODE

#### Sections:

- 16.15.010 California Electrical Code adopted.**
- 16.15.020 Technical clarifications to Electrical Code.**

#### **16.15.010 California Electrical Code adopted.**

The California Electrical Code, as published by the National Fire Protection Agency 2005 Edition, is adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be referred to as the electrical code of the county. A copy of the code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 §17, 2007; Ord. CS 625 §5 (part), 1996).

#### **16.15.020 Technical clarifications to Electrical Code.**

A. Penetrations of the fire resistive wall separation between an R and U occupancy shall be by a length of EMT extended through the wall for a distance of thirty feet from each face of the wall. The ends of the EMT are to be securely fastened and terminate in approved connectors. The EMT must be of a size as permitted by the California Electrical Code. Ends are to be packed with rock wool or equivalent protection. Where the EMT penetrates gypsum wallboard, the void between the EMT and the wallboard must be solidly packed with wallboard compound to the thickness of the wallboard.

B. Additional buildings or structures on the property shall not have additional service equipment installed unless approved by the authority having jurisdiction and the service provider(s). Permit applicant/owner to submit written justification for the request of

additional service and written evidence that demonstrates the building or structure meets all applicable zoning and building codes and that permits have been obtained and all applicable fees paid. Parcels with an approved single-family dwelling shall be served with one service.

C. Not more than ten outlets, either lighting or convenience, shall be permitted on any residential circuit on No. 14 AWG wire and not more than thirteen outlets, either lighting or convenience, shall be permitted on any residential circuit on No. 12 AWG wire. Dedicated circuits are excluded. (Ord. CS 1017 § 18, 2007; Ord. CS 625 §5 (part), 1996).

## Chapter 16.20

### MECHANICAL CODE

#### Sections:

**16.20.010 California Mechanical Code and appendices adopted.**

**16.20.010 California Mechanical Code and appendices adopted.**

The California Mechanical Code, as published by the International Association of Plumbing and Mechanical Officials, 2006 Edition Appendix Chapter 1 Administration Sections 112.2 through 112.2.5 only and Appendices A and D are adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be referred to as the mechanical code of the county. A copy of said code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 § 19, 2007; Ord. CS 625 §6 (part), 1996).

## Chapter 16.25

### PROPERTY MAINTENANCE CODE

#### Sections:

- 16.25.010 2006 International Property Maintenance Code adopted.**
- 16.25.020 Enforcement.**
- 16.25.030 Amendments to the International Property Maintenance Code.**

#### **16.25.010 2006 International Property Maintenance Code adopted.**

The International Property Maintenance Code as published by the International Code Council 2006 Edition, is adopted by reference and incorporated in this chapter as if fully set forth herein, with the following amendments, and shall be referred to as the housing code of the county. A copy of said code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 §20, 2007; Ord. CS 625 §7 (part), 1996).

#### **16.25.020 Enforcement.**

The Chief Building Official and the Director of Environmental Resources are authorized and directed to enforce all the provisions of this chapter in accordance with the provisions of Section 1.24.040. (Ord. CS 625 §7 (part), 1996).

#### **16.25.030 Amendments to the International Property Maintenance Code.**

1. 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.

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

3. 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 record owner of the building. Notices for condemnation procedures shall also comply with Section 108.3.

4. 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 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.

5. 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 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.

6. 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.

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

8. 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 re-

quired corrections have been made so that the building is no longer substandard, whichever is appropriate.

9. 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

10. 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, mortgage 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 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.

11 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.

12. Section 110.4 Salvage materials, is deleted.

13. Section 111.2 Membership of Board, is amended to read as follows:

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

14. Sections 111.2 through 111.2.5 are deleted.

15. Section 111.7 is deleted.

16. 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.

17. 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.

18. Section 304.14 Insect screens is amended as follows:

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

19. 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."

20. Section 307.2.1 is deleted.

21. Section 307.2.2 is renumbered to "307.2.1."

22. Sections 307.3, 307.3.1 and 307.3.2 are deleted.

23. 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.

24. Section 403.1 is amended to read as follows:

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.

25. Section 403.2 is deleted.

26. Sections 403.3 though 403.5 are renumbered as follows:

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"

27. 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.

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

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

30. 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.

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

32. Section 505.1 is amended as follows:

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

33. 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.

34. Section 602.2 is amended to read as follows:

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 En-

ergy Code, Title 24, Part 6. Nonconditioned passive solar energy collectors are exempt from Title 24, Part 6.

4. Processing, storage and operation areas that require cooling or special temperature conditions.

35. Section 602.3 "Heat supply" is deleted.

36. Section 602.4 "Occupiable work spaces" is deleted.

37. Section 602.5 "Room temperature measurement" is deleted.

38. 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 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.

39. Sections 605.2, 605.3, 606.1 and 606.2 are deleted.

40. 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.

41. Section 702.1 is amended as follows:

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

42. Section 702.3 is amended as follows:

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

43. Section 704.1 is amended as follows:

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

44. Section 704.2 is amended as follows:

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

45. 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.

46. Chapter 8 Referenced Standards is amended as follows:

Delete the entire table titled, "ICC." (Ord. CS 1017 §21, 2007).

## Chapter 16.30

### HISTORICAL BUILDING CODE

#### Sections:

**16.30.010 California Historical Building Code adopted.**

**16.30.010 California Historical Building Code adopted.**

The California Historical Building Code, as published by the International Code Council, 2007 Edition, is adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be referred to as the historical building code of the county. A copy of said code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 §22, 2007).

## Chapter 16.35

### EXISTING BUILDING CODE

#### Sections:

**16.35.010 California Existing Building Code adopted.**

**16.35.010 California Existing Building Code adopted.**

The California Existing Building Code, as published by the International Code Council, 2007 Edition, is adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be referred to as the existing building code of the county. A copy of the code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 §24, 2007).

## Chapter 16.40

### PREREQUISITES TO ISSUANCE OF FINAL CLEARANCE AND BUILDING PERMITS

#### Sections:

#### **16.40.010 Final Clearance—Building Occupancy.**

#### **16.40.010 Final Clearance—Building Occupancy.**

The chief building official shall not issue a final clearance or allow occupancy of any building without the clearance of fire authority having jurisdiction. To include Group R occupancies located in the State Responsibility Lands in the Fire Hazard Severity Zone.

#### Exceptions:

A. Except certain Residential Group R occupancies as defined in Section 310 of the California Building Code if on-site water or access is not required.

(Ord. CS 1017 §27, 2007; Ord. CS 625 §10 (part), 1996).

## Chapter 16.45

### DISCONNECTION OF PUBLIC UTILITIES FROM HAZARDOUS STRUCTURES

#### Sections:

- 16.45.010 Purpose.**
- 16.45.020 Definitions.**
- 16.45.030 Authority to disconnect service utilities.**
- 16.45.040 Notice of disconnection.**
- 16.45.050 Appeal.**
- 16.45.060 Disconnection.**

#### **16.45.010 Purpose.**

It is the purpose of this chapter to provide a just, equitable, and practicable method whereby utilities served by a public utility may be disconnected from structures or properties. (Ord. CS 625 §11 (part), 1996).

#### **16.45.020 Definitions.**

A. "Public utility", as used in this chapter, means an authorized agency that serves gas, electricity, water or telephone service to the general public and shall include, but not be limited to, Pacific Gas and Electric Company, Modesto Irrigation District, Turlock Irrigation District, and Pacific Telephone and Telegraph Company.

B. "Utilities," as used in this chapter, means the gas, electricity, water, or telephone service served by a public utility. (Ord. CS 625 §11 (part), 1996).

#### **16.45.030 Authority to disconnect service utilities.**

Section 111.3 of the 2007 California Building Code, Appendix Chapter 1 Administration, "Authority to disconnect service utilities" is amended to read as follows:

The Chief Building Official shall have the authority to authorize disconnection

of utility service to the building, structure or system regulated by this code in case of an emergency where necessary to eliminate an immediate hazard to life or property. The Chief Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, of the decision to disconnect prior to taking such action under the following conditions:

A. There is an immediate hazard to life or property

B. Continued use of public utilities present a hazard to life or property

C. The public interest is served by removing the utilities

D. The lack of maintenance presents a hazard to life or property

E. The utilities contribute to the structure being an active nuisance

F. The structure has been posted "UNSAFE TO OCCUPY," and the disconnection of the utilities will deter illegal reoccupation of the structure

G. Modifications have been made to a structure or equipment and said modification create a hazard to life or property.

(Ord. CS 1017 §28, 2007; Ord. CS 625 §11 (part), 1996).

#### **16.45.040 Notice of disconnection.**

A. When the chief building official has determined that utilities are to be disconnected in accordance with Section 16.45.030, he or she shall notify the owner of the property. The notice shall state the nature of the hazard and the length of time for the owner to correct or eliminate the hazard.

B. The notice shall be in writing and shall be posted in a conspicuous place upon the property for a period of seven days and be mailed to the property owner as shown on the assessment roll. The mailed notice shall be ac-

accompanied by a copy of this chapter. (Ord. CS 1017 §29, 2007; Ord. CS 625 §11 (part), 1996).

**16.45.050 Appeal.**

If the property owner objects to the determination of the chief building official that the condition of the property is such as is described in Section 16.45.030, the property owner may file an objection in writing with the board of supervisors through the department of planning and community development within seven days after the date of the notice, and the objection shall be heard as soon thereafter as the business of the board will permit. If the board upholds the determination of the chief building official, the property owner shall be allowed seven days thereafter to comply after which the procedure in Section 16.45.040 shall be employed. If the board does not uphold the determination of the chief building official, such action may be taken as the board directs. (Ord. CS 1017 §30, 2007; Ord. CS 625 §11 (part), 1996).

**16.45.060 Disconnection.**

If, at the end of the period set forth in Section 16.45.040, the owner has failed to comply with the notice or has not successfully objected thereto, the chief building official shall cause the utilities to be disconnected. (Ord. CS 625 §11 (part), 1996).

## Chapter 16.50

### FLOOD DAMAGE PREVENTION

#### Sections:

- 16.50.010 Statutory authorization.
- 16.50.020 Findings of fact.
- 16.50.030 Statement of purpose.
- 16.50.040 Methods of reducing flood losses.
- 16.50.050 Lands to which this chapter applies.
- 16.50.060 Basis for establishing the areas of special flood hazard.
- 16.50.070 Compliance.
- 16.50.080 Abrogation and greater restrictions.
- 16.50.090 Interpretation.
- 16.50.100 Warning and disclaimer of liability.
- 16.50.110 Severability.
- 16.50.120 Definitions.
- 16.50.130 Establishment of development permit.
- 16.50.140 Designation of the floodplain administrator.
- 16.50.150 Duties and responsibilities of the floodplain administrator.
- 16.50.160 Appeals.
- 16.50.170 Standards of construction.
- 16.50.180 Standards for utilities.
- 16.50.190 Standards for subdivisions.
- 16.50.200 Standards for manufactured homes.
- 16.50.210 Standards for recreational vehicles.
- 16.50.220 Floodways.
- 16.50.230 Nature of variances.
- 16.50.240 Appeal board.
- 16.50.250 Conditions for variances.
- 16.50.260 Setting hearing date and time.

#### 16.50.010 Statutory authorization.

The Legislature of the State of California has, in Government Code Sections 65302, 65560 and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of Supervisors of Stanislaus County does hereby adopt the following floodplain management regulations. (Ord. CS 638 §1 (part), 1996).

#### 16.50.020 Findings of fact.

A. The flood hazard areas of Stanislaus County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, flood-proofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss. (Ord. CS 638 §1 (part), 1996).

#### 16.50.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. CS 638 §1 (part), 1996).

#### **16.50.040 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. CS 638 §1 (part), 1996).

#### **16.50.050 Lands to which this chapter applies.**

This chapter shall apply to all areas of special flood hazards within the unincorporated areas of Stanislaus County. (Ord. CS 638 §1 (part), 1996).

#### **16.50.060 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the most current report entitled "Flood Insurance Study For the Unincorporated Areas of Stanislaus County," and the most current accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This flood insurance study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the board of supervisors by the floodplain administrator. The study, FIRMs and FBFMs are on file at the county administration building, Building Department, 1010 10th Street, Modesto, California. (Ord. CS 1089 §20, 2010; Ord. CS 1017 §31, 2007; Ord. CS 638 §1 (part), 1996).

#### **16.50.070 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements of this chapter (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the board of supervisors from taking such lawful action as is nec-

essary to prevent or remedy any violation. (Ord. CS 638 §1 (part), 1996).

**16.50.080 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another chapter, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. CS 638 §1 (part), 1996)

**16.50.090 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. CS 638 §1 (part), 1996).

**16.50.100 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Stanislaus County, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. CS 638 §1 (part), 1996).

**16.50.110 Severability.**

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. CS 638 §1 (part), 1996).

**16.50.120 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

2. "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

3. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

4. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

5. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

6. "Area of special flood hazard" see "special flood hazard area".

7. "Base flood" means a flood which has a one-percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

8. "Basement" means any area of the building having its floor subgrade—i.e., below ground level—on all sides.

9. "Building" see "structure".

10. "Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

11. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

12. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date, November 13, 1980, of the floodplain management regulations codified in this chapter.

13. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

14. "Flood, flooding or flood water" means a general and temporary condition of partial or complete inundation of normally dry

land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or run-off of surface waters from any source.

15. "Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

16. "Flood hazard boundary map (FHBM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

17. "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

18. "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map and the water surface elevation of the base flood.

19. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source—see "flooding".

20. "Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

21. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

22. "Floodplain management regulations" means this chapter, zoning ordinances, subdivision regulations, building codes, health

regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

23. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

24. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway".

25. "Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

26. "Fraud and victimization," as related to §§16.50.230, 16.50.240, 16.50.250 and 16.50.260 of this chapter, means that the variance granted must not cause fraud on, or victimization of, the public. In examining this requirement, the board of supervisors will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood dam-

age and can be insured only at very high flood insurance rates.

27. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities and does not include long-term storage or related manufacturing facilities.

28. "Governing body" is the board of supervisors of Stanislaus County who is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

29. "Hardship," as related to §§16.50.230, 16.50.240, 16.50.250 and 16.50.260 of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The board of supervisors requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

30. "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

31. "Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of

the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

32. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

33. "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

34. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement—see "basement".

A. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided it conforms to applicable non-elevation design requirements, including, but not limited to:

1. The wet floodproofing standard in §16.50.170.C.3.

2. The anchoring standards in §16.50.170.A.

3. The construction materials and methods standards in §16.50.170.B.

4. The standards for utilities in §16.50.180.

B. For residential structures, all sub-grade enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

35. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

36. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

37. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevation shown on the flood insurance rate map are referenced.

38. "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

39. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date (No-

vember 13, 1980) of floodplain management regulations adopted by this community.

40. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

41. "One-hundred year flood" or "100-year flood"—see "base flood".

42. "Public safety and nuisance", as related to §§16.50.230, 163.50.240, 16.50.250 and 16.50.260 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal or basin.

43. "Recreational vehicle" means a vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

44. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

45. "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

46. "Riverine" means relating, formed by or resembling a river (including tributaries), stream, brook, etc.

47. "Sheet flow area"—see "area of shallow flooding".

48. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards and is shown on an FHBM or FIRM as Zone A, AO, AR, AE, A99 or AH.

49. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or

sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

50. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

51. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

52. "Substantial improvement" means any reconstruction, rehabilitation, addition or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

53. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

54. "Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or

other development without the elevation certificate, other certifications, or other evidence of compliance in this chapter is presumed to be in violation until such time as that documentation is provided.

55. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) or 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

56. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. CS 1017 §32, 2007; Ord. CS 638 §2 (part), 1996)

#### **16.50.130 Establishment of development permit.**

A development (construction) permit shall be obtained before any construction or other development begins within any area of special flood hazard established in §16.50.060. Application for a development (construction) permit shall be made on forms furnished by the county building official and may include, but not be limited to: plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoings. Specifically, the following information is required:

A. Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structure—zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

B. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in §16.50.170.C.3; and

C. All appropriate certifications listed in Section 16.50.150(D) of this chapter; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. CS 638 §2 (part), 1996).

**16.50.140 Designation of the floodplain administrator.**

The director of planning and community development or designee is hereby appointed to administer, implement and enforce this chapter by granting or denying development (construction) permits in accordance with its provisions. (Ord. CS 1089 §19, 2010; Ord. CS 638 §2 (part), 1996).

**16.50.150 Duties and responsibilities of the floodplain administrator.**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Permit review: Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied;
2. All required federal, state, and local governmental agency permits or approvals have been obtained before approving the development permit;
3. The site is reasonably safe from flooding; and
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and use of any other base flood date: When base flood elevation data has not been provided in accordance with Section

16.50.060, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 16.50.170, 16.50.180, 16.50.190, 16.50.200, 16.50.210 and 16.50.220 of this chapter. Any such information shall be submitted to the board of supervisors for adoption.

C. Notification of other agencies: In alteration or relocation of a watercourse:

1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of floodplain development: Obtain and maintain for public inspection and make available, as needed, the following:

1. Certification required by Section 16.50.170(C)(1) (lowest floor elevations);
2. Certification required by Section 16.50.170(C)(2) (elevation or floodproofing of non-residential structures);
3. Certification required by Section 16.50.170(C)(3) (wet floodproofing standard);
4. Certification of elevation required by Section 16.50.190(B) (subdivision standards); and
5. Certification required by Section 16.50.220(A) (floodway encroachments).

E. Map determinations: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in as related to Sec-

tions 16.50.230, 16.50.240, 16.50.250 and 16.50.260 of this chapter.

F. Remedial action: Take action to remedy violations of this chapter as specified in Section 16.50.070. (Ord. CS 638 §2 (part), 1996).

#### **16.50.160 Appeals.**

The board of supervisors of Stanislaus County shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. (Ord. CS 638 §2 (part), 1996).

#### **16.50.170 Standards of construction.**

In all areas of special flood hazards the following standards are required:

A. Anchoring:

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, as determined by an engineering analysis.

2. All manufactured homes shall meet the anchoring standards of Section 16.50.200.

B. Construction Materials and Methods: All new construction and substantial improvement shall be constructed:

1. With materials and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the

components during conditions of flooding; and

4. If within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing: (See §§ 16.50.120.8 for definition of "basement", 16.50.120.34 for "lowest floor", 16.50.120.51 for "substantial damage", and 16.50.120.52 for "substantial improvement".)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement;

a. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;

b. In an A zone, elevated to or above the base flood elevation, as determined by this community;

c. In all other zones, elevated to or above the base flood elevation. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

2. Non-residential construction, new or substantial improvement, shall either be elevated to conform with § 16.50.170.C.1 or together with attendant utility and sanitary facilities:

a. Be floodproofed below the elevation recommended under § 16.50.170.C.1 so that the structure is watertight with walls substantially

impermeable to the passage of water;

b. Have structure components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this section (16.50.170.C.2) are satisfied. Such certification shall be provided to the floodplain administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. Be certified by a registered professional engineer or architect; or

b. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in § 16.50.200.(Ord. CS 638 § 2 (part), 1996).

#### **16.50.180 Standards for utilities.**

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters

into the systems; and

2. Discharge from systems into flood waters.

B. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. CS 638 § 2 (part), 1996).

#### **16.50.190 Standards for subdivisions.**

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. CS 638 § 2 (part), 1996).

#### **16.50.200 Standards for manufactured homes.**

A. All manufactured homes that are placed or substantially improved, within zones A1-30, AH and AE on the community's flood insurance rate map, on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an

existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement as certified by a registered professional engineer or architect.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's flood insurance rate map that are not subject to the provisions of § 16.50.200.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation as certified by a professional engineer or licensed surveyor; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade. (Ord. CS 638 § 2 (part), 1996).

#### **16.50.210 Standards for recreational vehicles.**

All recreational vehicles placed on sites within zones A1-30, AH and AE on the community's flood insurance rate map will either:

A. Be on the site for fewer than one hundred eighty consecutive days, and be fully

licensed and ready for highway use — a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions; or

B. Meet the permit requirements of § 16.50.130 of this chapter and the elevation and anchoring requirements for manufactured homes in § 16.50.200.A. (Ord. CS 638 § 2 (part), 1996).

#### **16.50.220 Floodways.**

Located within areas of special flood hazard, established in § 16.50.060, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvement and other new development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

B. If § 16.50.220.A is satisfied, all new construction and substantial improvement and other proposed new development shall comply with all other applicable flood hazard reduction provisions of §§ 16.50.170, 16.50.180, 16.50.190, 16.50.200, 16.50.210 and 16.50.220. (Ord. CS 638 § 2 (part), 1996)

#### **16.50.230 Nature of variances.**

The variance criteria set forth in §§ 16.50.230, 16.50.240, 16.50.250 and 16.50.260 of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in

nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the board of supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. CS 638 § 2 (part), 1996).

#### **16.50.240 Appeal board.**

A. In passing upon requests for variances, the board of supervisors shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and

the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the Stanislaus County recorder and shall be recorded in a manner so that it

appears in the chain of title of the affected parcel of land.

C. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. CS 638 § 2 (part), 1996).

#### **16.50.250 Conditions for variances.**

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of articles IV and V of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in § 16.50.120.31 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve this historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in

the case of variances to an elevation requirement, this means the board of supervisors need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the board of supervisors believes will both provide relief and preserve the integrity of this chapter.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 16.50.120.29 of this chapter) to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 16.50.120.42—"Public safety and nuisance"), cause fraud or victimization (as defined in Section 16.50.120.26) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 16.50.250.A—16.50.250.E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 16.50.240.A and the purposes of this chapter, the board of supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. CS 638 §2 (part), 1996).

#### **16.50.260 Setting hearing date and time.**

The board of supervisors shall hear and decide appeals and requests for variances from the requirements of this chapter. Any appeal or request for variance shall be in writing and clearly set forth the reasons why the appeal or variance ought to be granted. The board shall set a specific time at a regular meeting to hear an appeal or request for variance no later than forty-five days from the date it is filed with the clerk of the board, and the appellant notified thereof in writing. Notice of the hearing shall be given by mailing, at least ten days prior to the hearing, of post card notices through the United States mail with postage prepaid, to all property owners within five hundred feet of the property on which the proposed variance is to be established, as shown on the current assessment roll of the county, and using addresses from the last adopted tax roll. (Ord. CS 638 §2 (part), 1996).

## Chapter 16.55

### FIRE CODE

#### Sections:

- 16.55.010 California Fire Code adopted.
- 16.55.030 Conflicting provisions deleted.
- 16.55.040 Amendments, deletions and additions to the California Fire Code and appendices.
- 16.55.050 County Fire Warden and Fire Chief defined.
- 16.55.061 Fire hazard.
- 16.55.070 Fire breaks.
- 16.55.080 Fire extinguishers required on harvesting machinery.
- 16.55.090 Spark arrestor required on agricultural machinery.
- 16.55.100 Muffler and exhaust requirements on agricultural machinery.
- 16.55.110 Grain warehouse fire protection.
- 16.55.150 Leaving fire unattended prohibited.
- 16.55.160 Allowing fire to escape prohibited.
- 16.55.190 Interfering with fire extinguishing.
- 16.55.200 Fire break around structures.
- 16.55.210 Assistance at fires.
- 16.55.240 Homes—Inspection required.
- 16.55.260 Enforcement.
- 16.55.270 Arrest powers.
- 16.55.280 Authority to carry firearms.

#### 16.55.010 California Fire Code adopted.

Except as hereafter changed or modified, the California Fire Code, 2007 Edition, including Appendix Chapters 1 and 4, Appendices A, B, C, D, E, F, G, and H as published by the International Code Council, are adopted

by reference and incorporated in this Chapter 16.55 as if fully set forth herein, and shall be known and referred to as the fire code of the county. A copy of said fire code, together with all adopted appendices, shall be kept and maintained in the office of Stanislaus County fire prevention bureau for use and examination by the public. (Ord. CS 1025 §1, 2008; Ord. CS 969 §1, 2006; Ord. CS 649 §1 (part), 1997; Ord. CS 625 §13 (part), 1996).

#### 16.55.030 Conflicting provisions deleted.

Any other provisions of the primary code or secondary codes in conflict or inconsistent with, or the subject matter of which is regulated by the laws of the state, are deleted therefrom and are not adopted. (Ord. CS 625 §13 (part), 1996).

#### 16.55.040 Amendments, deletions and additions to the California Fire Code and appendices.

The following sections of the California Fire Code, are amended, deleted, and added as follows:

1. Section 307.1.2 Permitted Open Burning is hereby added to the fire code to read as follows:

Section 307.1.2 Permitted 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, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and in compliance with all safeguards pursuant thereto. Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the County in which agricultural uses are lawful.

2. Section 309.7 Powered Industrial trucks is hereby added to the fire code to read as follows:

309.7 Powered Industrial trucks. Powered Industrial trucks shall be listed and labeled for use in the environment intended and shall be in accordance with nationally recognized standards.

3. Section 312.2 of the fire code is hereby amended to read as follows:

312.2 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.

4. Section 405.10 False Alarms is hereby added to the fire code to read as follows:

405.10 False Alarms. No person shall give, signal, or transmit a false alarm, or cause or permit a false alarm to be given, signaled or transmitted. The County may adopt by resolution reasonable fees to recover the costs associ-

ated with responses to building or structures that have excessive false alarms.

5. Fire code Section 508.5.1 is amended to read as follows:

508.5.1 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 fire code official. 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.

6. Fire code Section 903.2 is amended to add the following at the end of the paragraph:

Area Separation walls shall not be used in lieu of the automatic sprinklers required by this section.

7. Fire code Section 903.2.1.1 Group A-1, subparagraph 1 is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

8. Fire code Section 903.2.1.2 Group A-2, subparagraph 1 is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

9. Fire code Section 903.2.1.3 Group A-3, subparagraph 1 is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

10. Fire code Section 903.2.1.4 Group A-4, subparagraph 1 is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

11. Fire code Section 903.2.2 Group E, subparagraph 1 is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

12. Fire code Section 903.2.3 Group F-1, subparagraph 1 is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

13. Fire code Section 903.2.6 Group M, subparagraph 1 is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

14. Fire code Section 903.2.7, is amended to read as follows:

903.2.7 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area for any building exceeding 5,000 square feet (465 m<sup>2</sup>) or for all residential structures containing 5 or more dwelling units under a single roof. For buildings and structures classified as R-3 occupancies, the square footage of the structures shall include garages and all other enclosed spaces under one roof. Garages that share at least one common wall, roof or attic with the dwelling shall be considered under the same roof as the dwelling and shall be provided with automatic fire sprinklers when required by this chapter.

15. Section 903.2.7.1 Buildings 30 Feet or 3 Stories in Height is hereby added to the fire code to read as follows

903.2.7.1 Buildings 30 Feet or 3 Stories in Height. An automatic fire sprinkler system shall be installed throughout buildings with a floor level that is located 30 feet (9,144 m) or more above the lowest level of fire department vehicle access or 3 or more stories in height.

16. Section 903.2.7.2 Cluster Homes is hereby added to the fire code to read as follows:

903.2.7.2 Cluster homes. Cluster homes will be defined as a community of three or more buildings or structures over 120 square feet (11 m<sup>2</sup>) in area, with a single point of fire truck access, when the access is less than 30 feet (9 m) in width. Constructed of lightweight building materials spaced ten feet or less apart. The construction is Type 5,

in which walls, beams, girders, trusses and roofs are made of dimensional lumber. They have narrow travel lanes separating each occupancy.

17. Section 903.2.7.3. R Occupancy is hereby added to the fire code to read as follows:

903.2.7.3. R Occupancy. Any building on plot sizes less than 5,000 square feet.

18. Fire code Section 903.2.8 Group S-1, subparagraph 1, is amended to read as follows.

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

19. Fire code Section 903.2.8.1 Repair Garages, subparagraph 1, is amended to read as follows:

1. The building exceeds 5,000 square feet (465 m<sup>2</sup>).

20. Section 903.2.18 Existing Buildings and Structures is hereby added to the fire code to read as follows:

903.2.18 Existing Buildings and Structures. An approved automatic fire sprinkler system shall be installed in all existing buildings and structures when additions, alterations, or repairs are made within any twelve-month period that exceed fifty (50) percent of the total value (current county assessed valuation or valuation determined by a certified real estate appraiser) of an existing building or structure that exceeds five thousand (5,000) square feet (total floor area under roof) or which result in said building or structure exceeding

five thousand (5,000) square feet (total floor area under roof).

Exceptions:

(1) Non-residential buildings and structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A).

(2) All buildings and structures classifies as R-3 or U occupancies.

(3) Each portion of an existing building or structure separated by one or more area separation walls, constructed in accordance with the current adopted edition of the Building Code, when each portion does not exceed five thousand (5,000) square feet.

(4) Existing buildings or structures and their addition(s) are exempt from automatic sprinklers when the cost of the remodel of the existing building(s) or structures(s) is less than fifty (50) percent of the value (current county assessed valuation for improvements) of the buildings or structures, and sprinklers are permitted to be omitted from the addition(s), due to type of construction, use, or other special situations, by the California Fire Code or National Fire Protection Association Standard 13.

21. Section 903.2.18.1 Isolated Buildings or Groups of Buildings is hereby added to the fire code to read as follows:

903.2.18.1 Isolated Buildings or Groups of Buildings. For isolated buildings or groups of buildings (meeting the requirements of subsection 6 or 7 in rural area where no water is available from a municipal water system, a fire sprinkler system meeting all of the following criteria shall be considered as an alterna-

tive to systems that are in full compliance with the applicable NFPA Standard.

1. Sprinklers will be designed and installed per the applicable NFPA Standards.

2. The required sprinkler demand (not including hose stream allowance) shall be provided by a hydro pneumatic tank for a minimum duration of 15 minutes. The Tank may be pressurized by the domestic well pump and may serve both the fire supply and domestic supply for the building. The tank must have a capacity equal to or greater than the calculated sprinkler demand. Calculations shall be provided to determine the actual size of tank required for each project.

3. A separate storage tank or other water source acceptable to the Fire Chief shall be provided to accommodate sprinkler and hose demand for an additional 30 minutes beyond the storage required in 8(b).

4. An Approved sprinkler system monitoring alarm as defined in section 1003.3.1 of the Stanislaus County Fire Code shall be provided.

Exception: Buildings and structures classified as R-3 are exempt from the storage tank requirements of 8(c).

22. Section 903.2.19 U Occupancy is hereby added to the fire code to read as follows:

903.2.19 U Occupancy. An automatic fire sprinkler system shall be installed in any building that exceeds 5,000 square feet (465 m<sup>2</sup>).

Exception:

(1) Non-residential buildings and unoccupied structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A).

23. Section 903.2.20 B Occupancy is hereby added to the fire code to read as follows:

903.2.20 B Occupancy. An automatic fire sprinkler system shall be installed throughout all buildings when the building exceeds 5,000 square feet (465 m<sup>2</sup>).

24. Section 907.1.5 Fire Alarm Systems is hereby added to the fire code to read as follows:

907.1.5 Fire Alarm Systems. 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 throughout the life of the alarmed building.

25. Section 907.2.1.4 Supervision is hereby added to the fire code to read as follows:

907.2.1.4 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 Fire 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.

26. Section 1008.1.10 Special Latching Devices is hereby added to the fire code to read as follows:

1008.1.10 Special Latching Devices. An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which is not able open from inside without the use of a key or which requires special knowledge or effort so long as all of the following conditions are met during all times that the business is open to the public:

1. The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;

2. The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;

3. Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and

4. A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that the management electronically controls ingress and egress.

27. Section 2604.2.6 of the fire code is hereby amended by adding the following to the end of the paragraph:

When required by the Fire Chief a minimum 2-A: 20B: C-rated fire extinguisher shall be mounted to each portable welding cart.

28. Section 2701.5.3 Key Box is hereby added to the fire code to read as follows:

2701.5.3 Key Box. When required by the Fire Chief, an approved key box, sized to contain emergency information, shall be provided.

29. Section 2703.3.1.4 of the fire code is hereby amended to read as follows:

2703.3.1.4 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 jurisdiction. When deemed necessary by the Fire 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 County shall include, but shall not necessarily be limited to, the following: actual labor costs of County personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation;

cost of materials obtained directly by the County; 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.

30. Section 3308.1 is amended to read as follows:

3308.1 General. The display of fireworks, including proximate audience displays and pyrotechnic special effects in theatrical, and group entertainment productions, shall comply with this chapter, Title 19 California Code of Regulations, Chapter 6 - Fireworks, and Stanislaus County Code Chapter 9.84 Fireworks.

31. Section 3404.2.7.3.5.4 Protected aboveground tanks is hereby added to the fire code to read as follows:

3404.2.7.3.5.4 Protected aboveground tanks. 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.

32. Section 3404.2.9.5.1 of the fire code is hereby amended to read as follows:

3404.2.9.5.1 Locations where aboveground tanks are prohibited. Storage of Class I and II Liquids in aboveground tanks outside of buildings is prohibited,

with the exception of protected tanks designed, installed and maintained in accordance with the 2007 California Fire Code. The provisions of this 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 Stanislaus County.

33. Section 3405.3.3 of the fire code is hereby amended to read as follows:

3405.3.3 Heating, lighting and cooking appliances. Heating, lighting and cooking appliances which utilize Class I, Class II, and Class III liquids shall not be operated within a building or structure. Exception: Operation in single-family dwellings.

34. Section 3406.4 of the fire code is hereby amended to read as follows:

3406.4 Bulk plants or terminals. The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of Stanislaus County zoned Heavy Industrial Zones. 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 if the Fire Chief grants a permit.

35. Section 3406.5.1.1 of the fire code is hereby amended by adding the following paragraph:

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.

36. Section 3801.2 of the fire code is hereby amended to read as follows:

3801.2 Permits. Permits shall be required as set forth in Appendix Chapter 1, Sections 105.6 and 105.7. 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.

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.

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

37. Section 3804.2 of the fire code is amended as follows:

3804.2 Maximum capacity within established limits. The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of Stanislaus County 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 Stanislaus County zoned as Commercial-Light Industrial, Heavy Industrial, 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 Fire Chief, may be permitted in those areas of the Stanislaus County zoned General Commercial. 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 Fire Chief.

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

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

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

8. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the Stanislaus County, including those zoned Neighborhood Commercial, when approved by the Fire Chief and stored in accordance with Section 3809. Such

storage shall be located a minimum of twenty (20) feet from any fuel dispenser.

9. Containers that exceed 2,000 gallons shall comply with procedure FPB 82-01

38. Fire code Appendix Chapter 1, Section 109.2.2 is amended to read as follows:

109.2.2 Compliance with Orders, Notices and Tags. Criminal Violations. 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 Stanislaus County District Attorney, be charged and prosecuted as an infraction. 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.

39. Fire code Appendix, Chapter 1, Sections 105.6.15, 105.6.19, and 105.6.30 related to permits are deleted in their entirety.

40. Fire code Appendix Chapter 1, Section 109.3 is amended to read as follows:

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 directives 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.

41. Fire code Appendix Chapter 1, Section 111.4 is amended to read as follows:

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 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.

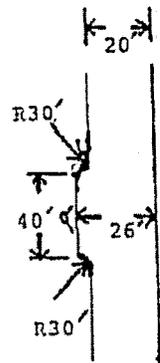
42. Fire code Appendix D, Table D103.4 is amended to read as follows:

Requirements for Dead-End Fire Apparatus Access Roads

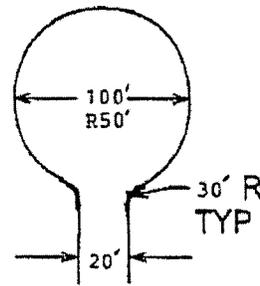
Length (feet)	Width (feet)	Turnarounds Required
0-150	20	None Required
151-500	20	100-foot hammerhead or 100 foot cul-de-sac
501-750	26	100-foot hammerhead or 100 foot cul-de-sac
Over 750		Special Approval Required

43. Fire Code Appendix D, Figure D103.1 is amended to read as follows:

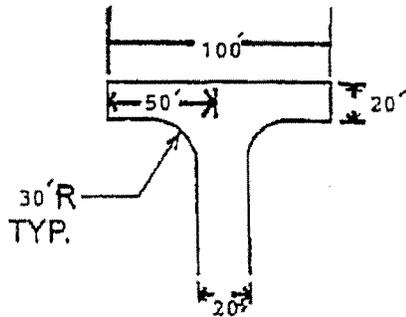
Dead-End Fire Apparatus Access Road Turnaround



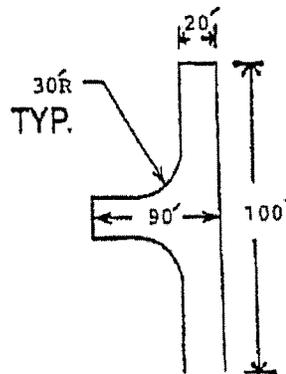
MINIMUM CLEARANCE  
AROUND A FIRE  
HYDRANT



100' DIAMETER  
CUL-DE-SAC



100' HAMMERHEAD



ACCEPTABLE ALTERNATIVE  
TO 100' HAMMERHEAD

Note: Drawing not to scale.

(Ord. CS 1025 §4, 2008; Ord. CS 969 §2, 2006; Ord. CS 649 §2, 1997; Ord. CS 625 §13 (part), 1996).

**16.55.050 County Fire Warden and Fire Chief defined.**

The terms "county fire warden" or "fire warden" mean the person appointed by the county board of supervisors pursuant to Government Code Section 24008. The terms "fire chief" or "chief" mean the chief officer of each regularly organized fire department of a city, county, city and county, or any district formed under the Fire Protection District Law of 1961 (Health and Safety Code, sections 13801 et seq.), or any fire company formed under Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code, serving the jurisdiction in which such department is located. As used in this chapter and in the Uniform Fire Code, the terms "county fire warden," "fire warden," "fire chief," and "chief" are interchangeable and include such officer's assistant, deputy or duly authorized agent. (Ord. CS 649 §4, 1997; Ord. CS 625 §13 (part), 1996).

**16.55.061 Fire hazard.**

The chief may order the operation or use stopped or the evacuation of any premises, building or vehicle or portion thereof which has or is a fire hazard. (Ord. CS 625 §13 (part), 1996).

**16.55.070 Fire breaks.**

Every person, firm, corporation, co-partnership, district, or association of persons whatsoever, being in possession of, or occupying, or having control of any land within the county outside of incorporated cities and towns, upon which there has been sown, or is standing, growing, or grown, any wheat, oats, barley, hay or other vegetation of any kind whatsoever, which when so sown, standing, growing, grown or being upon said land in any way has become inflammable and in such a condition as to be easily set on fire, at all times during the season when the wheat, oats, barley, hay or other vegetation is inflammable and in

such a condition as to be easily set on fire, shall maintain on every portion of the boundary of the land where the land adjoins other land upon which the other land there is standing, growing, or being any wheat, oats, barley, hay or other vegetation of any kind which is inflammable and in such a condition as to be easily burned, an effective fire protection or fire break, the fire protection or fire break to be made by plowing along the boundary a strip of the land not less than three feet in width, or by the removal of all inflammable matter from a strip of the land not less than six feet in width along the boundary when the fire protection or fire break is made in some other manner than by plowing; provided that when the land adjoins a highway the fire break may be made by removing all inflammable matter from the half of the highway next to the land. (Ord. CS 625 §13 (part), 1996).

**16.55.080 Fire extinguishers required on harvesting machinery.**

Every person, firm, corporation, co-partnership, district or any association of persons whatsoever, harvesting grain or causing grain to be harvested by means of a combined harvester, header or stationary threshing machines, or baling hay by means of a hay press shall keep at all times in convenient places upon each combined harvester, header or stationary threshing machine, or hay press, one fully equipped fire extinguisher, having no less than a 2A 10BC rating and one fully equipped fire extinguisher, having a capacity of not less than two and one-half gallons of water. (Ord. CS 625 §13 (part), 1996).

**16.55.090 Spark arrestor required on agricultural machinery.**

Every person, firm, corporation, co-partnership, district or any association of persons, whatsoever, operating or causing to be operated any gas or diesel tractor or gas or diesel harvesting machine or field trucks, in har-

vesting grain or hay in the county shall maintain attached to the exhaust of the gas or diesel tractor, field truck, and harvesting machine an effective spark arresting and burning carbon arresting devices as defined in Volume I, Health and Safety Code, Section (13005(b)) and Public Resources Code (Section 4442). (Ord. CS 625 §13 (part), 1996).

**16.55.100 Muffler and exhaust requirements on agricultural machinery.**

No person shall operate or drive a motor vehicle of any kind other than gas tractors or gas propelled harvesting machines over or across any land upon which there is any inflammable vegetation of any kind unless the motor vehicle is so constructed that the exhaust from the engine must pass from the engine into and through a muffler before being released to the air and the exhaust must be released to the air through the muffler. (Ord. CS 625 §13 (part), 1996).

**16.55.110 Grain warehouse fire protection.**

Every person, firm, corporation, co-partnership, district or association of persons whatsoever being in possession or occupying or having control of any warehouse or building maintained for the storage of grain, hay or foodstuffs, or other property of any kind or character, for hire, outside of incorporated cities and towns, shall at all times maintain around the warehouse or building an effective fire protection or fire break, the fire protection or fire break to be made by removing all inflammable material from the ground around the warehouse or building for a distance of not less than twenty feet from the exterior walls of the warehouse or building; and, in addition to the fire protection or fire break, the persons shall maintain in each of the warehouse or buildings one chemical fire extinguisher of a capacity of two and one-half gallons, for each

two thousand five hundred square feet of floor space in the warehouse or building; or a forty-two gallon barrel filled with water and three, two and one-half gallon pails for each two thousand five hundred square feet of floor space in the warehouse or building. (Ord. CS 625 §13 (part), 1996).

**16.55.150 Leaving fire unattended prohibited.**

It is unlawful to leave or cause or permit to be left any outdoor or open fire unattended by an adult person, or by the person or persons named in any permit issued by the county fire warden or his duly authorized agent. Before leaving any such fire, the person or persons in charge of the fire shall thoroughly extinguish same by completely covering it with dirt, saturating it with water, or otherwise treating it in a manner to prevent rekindling of the fire. (Ord. CS 625 §13 (part), 1996).

**16.55.160 Allowing fire to escape prohibited.**

It is unlawful for any person to allow a fire kindled or attended by him or her to escape from his control or to spread to the lands of another. (Ord. CS 625 §13 (part), 1996).

**16.55.190 Interfering with fire extinguishing.**

It is unlawful for any person at the scene of any fire to disobey the lawful orders of the County Fire Warden, or of his or her duly authorized agents; to offer any resistance to or interference with the lawful efforts of the County Fire Warden to extinguish any fire; to engage in any disorderly conduct calculated to prevent any fire from being extinguished, or to forbid, prevent, or dissuade others from assisting in extinguishing any fire. (Ord. CS 625 §13 (part), 1996).

**16.55.200 Fire break around structures.**

Any person owning, leasing, controlling, operating, or maintaining any cabin, house, hotel, apiary, incinerator, or other building or structure upon or adjoining any mountainous, or forest, or brush covered land or land covered with flammable growth, and any person owning, leasing or controlling any land adjacent to such structures, shall at all times maintain on such person's land around and adjacent to such cabin, house, hotel, apiary, incinerator, building or structure an effective fire protection or fire break made by removing and clearing away, for a distance therefrom of not less than 30 feet on each side thereof, flammable vegetation or growth or other combustible material. (Ord. CS 625 §13 (part), 1996).

**16.55.210 Assistance at fires.**

The County Fire Warden and his duly authorized agents shall have authority to call upon able-bodied male persons between the ages of 19 and 50 years in the County for assistance in putting out fires, and it shall be the duty of such persons to obey such summons. (Ord. CS 625 §13 (part), 1996).

**16.55.240 Homes—Inspection required.**

Homes for the full care of six or fewer individuals shall be required to have an inspection by the County Fire Warden Department. (Ord. CS 625 §13 (part), 1996).

**16.55.260 Enforcement.**

The County Fire Warden and his or her deputies are empowered, and it shall be their duty, to enforce the provisions of this chapter. Any person whose duty it is to enforce the provisions of this chapter may, at any reasonable time, enter upon private property for such purpose. It is unlawful for any person to interfere with, oppose or resist any authorized person enforcing this chapter. (Ord. CS 625 §13 (part), 1996).

**16.55.270 Arrest powers.**

Pursuant to the provisions of California Penal Code Section 836.5, the County Fire Warden and his deputies are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of this chapter or a violation of any other ordinance or statute which he or she has a duty to enforce. (Ord. CS 625 §13 (part), 1996).

**16.55.280 Authority to carry firearms.**

Pursuant to the provision so Section 830.3 of the California Penal Code, the County Fire Warden and such employees as he or she may designate, in writing, are authorized to carry weapons when acting in the course and scope of their employment. (Ord. CS 625 §13 (part), 1996).

## Chapter 16.60

### REFERENCED STANDARDS CODE

#### Sections:

**16.60.010 California Referenced Standards Code adopted.**

**16.60.010 California Referenced Standards Code adopted.**

The California Referenced Standards Code, as published by the International Code Council, 2007 Edition, is adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be referred to as the referenced standards code of the county. A copy of the code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS 1017 §33, 2007).

## Chapter 16.65

### ENERGY CODE

#### Sections:

**16.65.010 California Energy Code and appendixes adopted.**

**16.65.010 California Energy Code and appendixes adopted.**

The California Energy Code, as published by the International Code Council, 2007 Edition, and Appendix 1-A is adopted by reference and incorporated in this chapter as if fully set forth herein, and shall be referred to as the energy code of the county. A copy of the code shall be kept and maintained by the building official for use and examination by the public. (Ord. CS §34, 2007).

**BUILDING STANDARDS COMMISSION**

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



February 22, 2011

Mimi DeSimoni, Office of Fire Warden  
Fire Prevention Bureau  
County of Stanislaus  
3705 Oakdale Road  
Modesto, CA 95357

Dear Ms. DeSimoni:

This letter is to acknowledge receipt on January 28, 2011 of the County of Stanislaus submittal pertaining to Ordinance No. C.S. 55-N-6 with findings and its acceptability for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Enrique M. Rodriguez". The signature is written in a cursive style.

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



**OFFICE OF FIRE WARDEN  
FIRE PREVENTION BUREAU**

**Gary Hinshaw**  
Fire Warden

**Ray Jackson**  
Deputy Fire Warden

**Ken Slamon**  
Fire Marshal

3705 Oakdale Road, Modesto, CA 95357  
Phone: 209.552.3700 Fax: 209.552.3602

January 26, 2011

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

To Whom It May Concern,

The Stanislaus County Board of Supervisors recently adopted the California Fire Code, 2010 Edition with certain changes, additions, and modifications thereto, based on their findings of fact (for local climate, topography or geology). Enclosed you will find the Board action reflecting that ordinance along with the findings of fact (pages 10-12). This correspondence should satisfy the requirement for filing with the commission. If you have any questions, please contact me.

Sincerely,

Mimi DeSimoni  
Stanislaus County Fire Warden's Office  
Stanislaus County Fire Prevention Bureau  
(209)552-3600

2011 JAN 28 AM 10:38  
COMMUNICATIONS SECTION

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: CEO/Office of Emergency Svcs/Fire Warden *GH* BOARD AGENDA # 6:35 p.m.

Urgent

Routine

AGENDA DATE January 18, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Adopt and Waive the Second Reading of an Ordinance Amending Chapter 16.55 of the Stanislaus County Code, and Adopting by Reference the California Fire Code, 2010 Edition with Certain Changes, Additions, and Modifications Thereto

STAFF RECOMMENDATIONS:

1. Waive the second reading of an ordinance amending Chapter 16.55 of the Stanislaus County Code, and adopting by reference the California Fire Code, 2010 Edition with certain changes, additions, and modifications thereto.
2. Find that the proposed changes and modification to the 2010 California Fire Code standards contained in the proposed ordinance are necessary because of local climatic, geographical, and/or topographical conditions, as detailed in the proposed ordinance. (Continued - Page 2)

FISCAL IMPACT:

There is minimal fiscal impact associated with this item for new code books, research, and staff training which will be funded through the current Fire Prevention budget. There is no additional cost to the General Fund.

BOARD ACTION AS FOLLOWS:

No. 2011-055

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa  
and approved by the following vote,  
Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION: Adopted and waived the second reading of Ordinance C.S. 1097

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-N-6

**STAFF RECOMMENDATIONS (Continued):**

3. Adopt the ordinance amending Chapter 16.55 of the Stanislaus County Code, and Adopting by Reference the California Fire Code, 2010 Edition with certain changes, additions, and modifications thereto.
4. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act pursuant to State Guidelines section 15061(b)(3);
5. Direct the Fire Marshal to file the adopted ordinance and the Board's findings with the California Building Standards Commission; and
6. Order the Clerk of the Board to publish the ordinance in accordance with Government Code section 25124(b).

**DISCUSSION:**

The proposed ordinance, when adopted, will update the County's regulations for the enforcement of the Fire Code within the unincorporated area of the County, in accordance with the State Fire Code and local amendments.

The Stanislaus County Fire Warden's Office has responsibility for providing specified fire prevention services to the districts and cities that contribute to the Less Than Countywide Fire Tax. Among those responsibilities is the coordination of codes and ordinances. The California Fire Code is the primary code used to regulate and enforce fire safety standards in California. Every three years, as part of the California Building Standards Code, the State of California amends the International Fire Code and adopts it as the California Fire Code. The California Fire Code is applicable throughout the State 180 days after its adoption by the State. (Health and Safety Code §17958.) The State most recently adopted revisions to the California Fire Code on July 1, 2010. The proposed ordinance updates the local fire code to be consistent with the current California Fire Code/ International Fire Code.

A local jurisdiction, such as the County, may establish more restrictive standards in the County Fire Code than those contained in the State Fire Code that are reasonably necessary because of local climatic, geological, or topographical conditions. (Health and Safety Code §§13143.5, 17958, 18941.5 (b).) Stanislaus County has historically amended the California Fire Code to better address local conditions. Before making changes or modifications to the State Fire Code, the County must make findings that the changes are necessary due to local climatic, geological or topographical conditions. (§17958.7.)

Public Hearing to Adopt and Waive the Second Reading of an Ordinance  
Amending Chapter 16.55 of the Stanislaus County Code, and Adopting by  
Reference the California Fire Code, 2010 Edition with Certain Changes,  
Additions, and Modifications Thereto  
Page 3

In addition, as part of the Fire Code adoption process, each local fire agency may also adopt a more restrictive building standard than those adopted by the State or the County. Once a local agency has followed the process to adopt their local ordinance, it must be transmitted to the County where it will apply. The Board of Supervisors may ratify, modify, or deny an adopted ordinance. Some local agencies have already adopted their ordinances; those are being brought to the Board under a separate item for ratification. As other agencies complete the adoption process, they will bring theirs to the Board for ratification as well.

Adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) in that, pursuant to CEQA guidelines section 15061(b)(3), there is no possibility that the ordinance may have a significant effect on the environment.

In accordance with Government Code section 50022.3, the Board must hold a public hearing regarding the proposed ordinance. After the public hearing, staff will recommend the Board:

- a. Find that the proposed changes and modification to the 2010 California Fire Code standards contained in the proposed ordinance are necessary because of local climatic, geographical, and/or topographical conditions, as detailed in the proposed ordinance;
- b. Find that the proposed ordinance is exempt under the provision of the California Environmental Quality Act pursuant to State Guidelines section 15061(b)(3);
- c. Direct the Fire Marshal to file the adopted ordinance and the Board's findings with the California Building Standards Commission; and
- d. Order the Clerk of the Board to publish the ordinance in accordance with Government Code section 25124(b).

**POLICY ISSUE:**

Approval of this ordinance supports the Board's priorities of A Safe Community and A Healthy Community by ensuring that local fire code is current and applicable to this County.

**STAFFING IMPACT:**

There is no staffing impact associated with this request.

**CONTACT PERSON:**

Gary Hinshaw, Stanislaus County Fire Warden, Telephone: (209)552-3600

Date 1-18-2011

ORDINANCE NO. CS. ORD-55-N-6

**AN ORDINANCE AMENDING CHAPTER 16.55 OF THE STANISLAUS COUNTY CODE, AND ADOPTING BY REFERENCE THE CALIFORNIA FIRE CODE, 2010 EDITION WITH CERTAIN CHANGES, ADDITIONS, AND MODIFICATIONS THERETO**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA ORDAINS AS FOLLOWS:

**Section 1. Section 16.55.010 of the Stanislaus County Code is amended to read as follows:**

16.55.010 California Fire Code Adopted.

Except as hereafter changed or modified, the California Fire Code, 2010 Edition, including Appendix Chapter 4, and Appendices A, B, C, D, E, F, G, H, I and J as published by the International Code Council, are adopted by reference and incorporated in this Chapter 16.55 as if fully set forth herein, and shall be known and referred to as the Fire Code of the County. A copy of said fire code, together with all adopted appendices, shall be kept and maintained in the office of Stanislaus County Fire Prevention Bureau for use and examination by the public.

**Section 2. Section 16.55.040 of the Stanislaus County Code is amended to read as follows:**

16.55.040 Amendments, Deletions and Additions to the California Fire Code and Appendices

The following sections of the California Fire Code, are amended, deleted, and added as follows:

1. Fire Code Sections 105.6.15, 105.6.19, and 105.6.30 related to permits are deleted in their entirety.
2. Fire Code Section 109.2.2 is amended to read as follows:

**109.2.2 Compliance with Orders, Notices and Tags, Criminal Violations.** 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 Stanislaus County District Attorney, be charged and prosecuted as an infraction. 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.

3. Fire Code Section 109.3 is amended to read as follows:

**Section 109.3 Violation Penalties.** Persons who shall violate a provision of this code or 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 directives 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.

4. Fire Code Section 111.4 is amended to read as follows:

**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 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.

5. Section 307.1.2 Permitted Open Burning is hereby added to the Fire Code to read as follows:

**Section 307.1.2 Permitted 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, conducted, or maintained without a permit as required by

the San Joaquin Valley Unified Air Pollution Control District and in compliance with all safeguards pursuant thereto. Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the County in which agricultural uses are lawful.

6. Section 312.2 of the Fire Code is hereby amended to read as follows:

**312.2 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.

7. Section 318 Solar Photovoltaic Systems is hereby added to read as follows:

**318 Solar Photovoltaic Systems.** Solar 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 Guidelines.

8. Section 401.5 False Alarms is hereby amended to read as follows:

**401.5 False Alarms.** No person shall give, signal, or transmit a false alarm, or cause or permit a false alarm to be given, signaled or transmitted. The County may adopt by resolution reasonable fees to recover the costs associated with responses to building or structures that have excessive false alarms.

9. Fire Code section 507.1 is amended to read as follows:

**507.1 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 faculty or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the fire code official. 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. 2

10. Section 507.3.1 Fire Protection Water Supply For Pallets is hereby added to the Fire Code read as follows.

**507.3.1 Fire Protection Water Supply for Pallets.** Fire protection water supply for pallets shall be in accordance with section 1909.5

11. Section 907.1.6 Fire Alarm Systems is hereby added to the Fire Code to read as follows:

**907.1.6 Fire Alarm Systems.** 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 throughout the life of the alarmed building.

12. Section 907.2.1.3 Supervision Is hereby added to the Fire Code to read as follows:

**907.2.1.3 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 Fire 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.

13. Section 1008.1.9.9 Special Latching Devices is hereby added to the Fire Code to read as follows:

**1008.1.9.9 Special Latching Devices.** An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which is not able open from inside without the use of a key or which requires special

knowledge or effort so long as all of the following conditions are met during all times that the business is open to the public:

1. The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;
2. The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;
3. Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and
4. A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that the management electronically controls ingress and egress.

14. Section 2701.5.3 Key Box is hereby added to the Fire Code to read as follows:

**2701.5.3 Key Box.** When required by the Fire Chief, an approved key box, sized to contain emergency information, shall be provided.

15. Section 2703.3.1.4 Responsibility for cleanup is hereby amended to read as follows:

**2703.3.1.4 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 jurisdiction. When deemed necessary by the Fire 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 County shall include, but shall not necessarily be limited to, the following: actual labor costs of County personnel, including workers compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the County; 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.

16. Section 3404.2.9.6.1 of the Fire Code is hereby amended to read as follows:
- 3404.2.9.6.1 Locations Where Aboveground Tanks are Prohibited.** Storage of Class I and II Liquids in aboveground tanks outside of buildings is prohibited, with the exception of protected tanks designed, installed and maintained in accordance with the 2007 California Fire Code. The provisions of this 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 Stanislaus County.
17. Section 3404.2.9.7.1.1 Protected aboveground tanks is hereby added to the Fire Code to read as follows:
- 3404.2.9.7.1.1 Protected Aboveground Tanks.** 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.
18. Section 3405.3.3 of the Fire Code is hereby amended to read as follows:
- 3405.3.3 Heating, Lighting and Cooking Appliances.** Heating, lighting and cooking appliances which utilize Class I, Class II, and Class III liquids shall not be operated within a building or structure. Exception: Operation in single-family dwellings
19. Section 3405.3.5.2 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.
20. Section 3405.3.5.2 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.
21. Section 3406.4 of the Fire Code is hereby amended by adding the following at the end of the paragraph:

**3406.4 Bulk Plants or Terminals.** The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of Stanislaus County zoned Heavy Industrial Zones. 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 if the Fire Chief grants a permit.

22. Section 3406.5.1.1 of the Fire Code is hereby amended by adding the following paragraph:

**3406.5.1.1 Tank Vehicles and Tank Cars.** 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.

23. Section 3801.2 of the Fire Code is hereby amended to read as follows:

**3801.2 Permits.** Permits shall be required as set forth Sections 105.6 and 105.7. 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.

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

24. Section 3804.2 of the Fire Code is amended as follows:

**3804.2 Maximum Capacity Within Established Limits.** The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of Stanislaus County 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 Stanislaus County zoned as Commercial-Light

- Industrial, Heavy Industrial, 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 Fire Chief, may be permitted in those areas of the Stanislaus County zoned General Commercial. 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 Fire Chief.
  5. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Fire Chief.
  6. For use with certain mobile vending and certain commercial barbecue equipment and other specific uses when authorized by the Fire Chief.
  7. For use by Artisans in pursuit of their trade, when authorized by the Fire Chief.
  8. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the Stanislaus County, including those zoned Neighborhood Commercial, when approved by the Fire Chief and stored in accordance with Section 3809. Such storage shall be located a minimum of twenty (20) feet from any fuel dispenser.
  9. Containers that exceed 2,000 gallons shall comply with procedure FPB 82-01
25. Fire Code Appendix D, Table D103.4 is amended to read as follows:

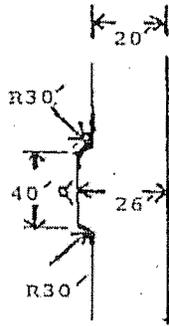
**Requirements for Dead-End Fire Apparatus Access Roads**

Length (feet)	Width (feet)	Turnarounds Required
0-150	20	None Required
151-500	20	100-foot hammerhead or 100 foot cul-de-sac
501-750	26	100-foot hammerhead or 100 foot cul-de-sac
Over 750	Special Approval Required	

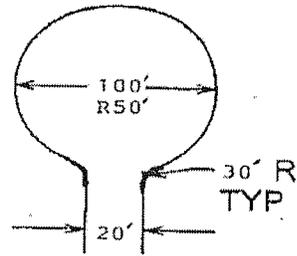
26. Fire Code

Appendix D, Figure D103.1 is amended to read as follows:

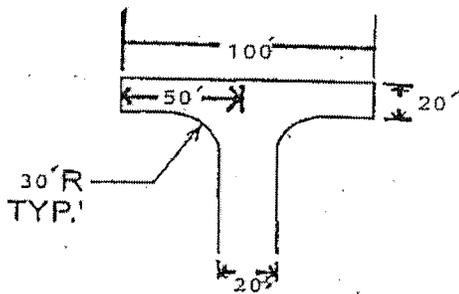
**Dead-End Fire Apparatus Access Road Turnaround**



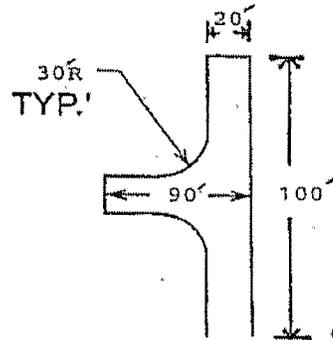
MINIMUM CLEARANCE  
AROUND A FIRE  
HYDRANT



100' DIAMETER  
CUL-DE-SAC



100' HAMMERHEAD



ACCEPTABLE ALTERNATIVE  
TO 100' HAMMERHEAD

Note: Drawing not to scale.

**Section 9. Findings for Deletions, Modifications and Additions to the California Fire Code, 2010 Edition.**

Various provisions of this ordinance contain changes, modifications and additions to the 2007 Edition of the California Fire Code. Many changes are administrative in nature and do not constitute changes or modifications to requirements contained in the California Fire Code.

Pursuant to California Health and Safety Code Section 17958.5, 17958.7 and 18941.5 the Board of Supervisors hereby expressly finds that all of the changes and modifications to the California Fire Code made by this ordinance, and which are not merely administrative changes, are reasonably necessary because of local climatic, geological or topographical conditions in Stanislaus County as more particularly described in the table set forth below.

Fire Code Section(s)	Condition	Findings
105.6.15	Administrative	
105.6.19	Administrative	
105.6.30	Administrative	
109.2.2	Administrative	
109.3	Administrative	
111.4	Administrative	
307.1.2	Climatic, Geologic and Topographic	1,2,3,4,5,6
312.2	Topographic	3,4,5
318	Topographic	3,4,5
405.1.5	Topographic	3,4,5
507.1	C, C, and T	1,2,3,4,5,6
507.3.1	C,S, and T	1,2,3,4,5,6
907.1.6	C, S , and T	1,2,3,4,5,6
907.2.1. 3	C, S. and T	1,2,3,4,5,6
1008.1. 9.9	Administrative	
2701 .5.3	C, S ,and T	1,2,3,4,5,6
2703.3.1.4	A	1,2,3,4,5,6
3404.2. 9.7.1.1	C, S. and T	1,2,3,4,5,6

3404.2.9.6.1	C, S ,and T	1,2,3,4,5,6
3404.3.5.2 No. 7.1	C, S , and T	1,2,3,4,5,6
3404.3.5.2 No. 7.2	C, S , and T	1,2,3,4,5,6
3405.3.3	C, C , and T	1,2,3,4,5,6
3405.3.5.2	C, S, and T	1,2,3,4,5,6
3406.4	C, S ,and T	1,2,3,4,5,6
3406.5.1.1	C, S , and T	1,2,3,4,5,6
3801.2	C, S , and T	1,2,3,4,5,6
3804.2	C, G , and 1	1,2,3,4,5,6
Appendix D Table D103.4	C, S , and T	1,2,3,4,5,6
Appendix D Figure 0103.1	C, S ,and T	1,2,3,4,5,6

1. Summer Weather Conditions are very dry, hot and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading.
2. Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response.
3. Fire response is delayed by railroad tracks which:
  - Extend through the county, running north to south from Riverbank through Empire, Hughson, and Denair;
  - Extend through the county, running north to south from Salida through Modesto and Turlock;
  - Extend through the county, running north to south from Modesto, through Ceres, and the rural area west of Keyes and Turlock;
  - Extend through the eastern portion of the county, running east and west from Oakdale to the county line; and
  - Extend through the county, running north and south through Grayson, Patterson, Crows Landing and Newman, parallel to Highway 33.

4. Fire response is delayed by the following rivers and creeks:
  - The San Joaquin River, which runs north to south in the western portion of the county;
  - The Stanislaus River, which runs east to west from the eastern edge near Knights Ferry through Oakdale, Riverbank, and Salida before it reaches the San Joaquin near the western county boundary;
  - The Tuolumne river, which runs east to west from La Grange and through Modesto before it reaches the San Joaquin near the western county boundary; and Dry Creek, an uncontrolled creek that originates in the watershed in the eastern foothills and runs west and southwest until it reaches the Tuolumne River in Modesto.
5. Irrigation canals run through nearly every community and restrict access to neighborhoods and developments throughout the county.
6. Many areas of Stanislaus County are rural agricultural and many residents are not located near fire stations.

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on January 18, 2011 at 6:35 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to hold a public hearing to consider the adoption of an Ordinance amending Chapter 16.55 of the Stanislaus County Code, and adopting by reference the California Fire Code, 2010 Edition, with Certain Changes, Additions, and Modifications Thereto. This ordinance amends those sections of Chapter 16.55 of the Stanislaus County Code that incorporate superseded Fire Code standards to incorporate by reference the 2010 California Fire Code, as published by the Building Standards Commission, and makes changes to those standards to as required by local climatic, geologic, and topographic conditions. The ordinance further adopts administrative procedures for implementation of the 2010 Fire Code.

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinance and the California Fire Code, 2010 Edition will be available for review at the Office of the Fire Warden, Fire Prevention Bureau at 3705 Oakdale Road, Modesto, California 95357.

NOTICE IS FURTHER GIVEN that at any time prior to the time fixed for the hearing, any interested person may file written comments on the proposed ordinance with the Clerk of the Board of Supervisors of the County of Stanislaus. Both oral and written comments will be considered by the Board of Supervisors at the time and place fixed for hearing.

For further information, contact Ken Slamon, Fire Marshal, Office of the Fire Warden, Fire Prevention Bureau at (209) 552-3700, 3705 Oakdale Road, Modesto, California, 95357.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: December 14, 2010

ATTEST: Christine Ferraro Tallman, Clerk of  
the Board of Supervisors  
of the County of Stanislaus,  
State of California.

BY: Elizabeth A. King, Assistant Clerk