

OLIVEHURST PUBLIC UTILITY DISTRICT

ORDINANCE NO. 203

An ordinance adopting the 2001 California Fire Code prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion; providing for the issuance of permits for hazardous uses or operations; and establishing a bureau of fire prevention and providing officers therefor and defining their powers and duties

Be it ordained by the Board of Directors of the Olivehurst Public Utility District.

Sec 1. ADOPTION OF UNIFORM FIRE CODE.

There is hereby adopted by the *Board of Directors of the Olivehurst Public Utility District* for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the *California Fire Code*, published by the International Fire Code Institute, being particularly the 2001 edition thereof and the whole thereof. Three (3) copies of which have been and are now filed in the office of the clerk of the *Olivehurst Public Utility District* and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the *Olivehurst Public Utility District*.

Sec. 2. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

2.1 The *California Fire Code* as adopted and amended herein shall be enforced by the bureau of fire prevention (or other designated agency) in the fire department of the *Olivehurst Public Utility District* which is hereby established and which shall be operated under the supervision of the chief of the fire department.

2.2 The chief (or fire marshal) in charge of the bureau of fire prevention (or other designated agency) shall be appointed by the *Board of Directors of the Olivehurst Public Utility District* on the basis of examination to determine his or her qualifications.

2.3 The chief of the fire department shall recommend to the *General Manager of the Olivehurst Public Utility District* the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

Sec. 3. DEFINITIONS.

3.1 Wherever the word "jurisdiction" is used in the *California Fire Code*, it is the *Olivehurst Public Utility District*.

3.2 Where the party responsible for the enforcement of the *Uniform Fire Code* is given the title of "fire marshal," add the following definition:

FIRE MARSHAL is the chief of the bureau of fire prevention.

Sec. 4. APPEALS.

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the *Board of Directors of the Olivehurst Public Utility District* within 30 days from the date of the decision appealed.

Sec. 5. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The general manager and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the *California Fire Code*. The chief of the bureau of fire prevention shall post such list in a conspicuous place at the bureau of fire prevention and distribute copies thereof to interested persons.

Sec. 6. PENALTIES.

6.1 Any person who violates any of the provisions of the *California Fire Code* as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the *Board of Directors of the Olivehurst Public Utility District* or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine and/or imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

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

Sec. 7. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the *California Fire Code* as adopted and amended herein are hereby repealed.

NOTE: In some jurisdictions, reference to specific laws that are amended or repealed is preferred or may be required.

Sec. 8. VALIDITY.

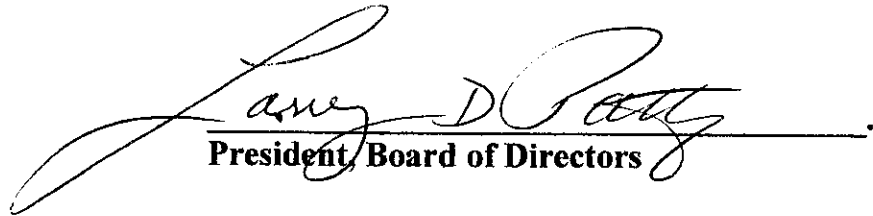
The *Board of Directors of the Olivehurst Public Utility District* hereby declares that should any section, paragraph, sentence or word of this ordinance or of the *California Fire Code* as adopted and amended herein be declared for any reason to be invalid, it is the intent of the *Olivehurst Public Utility District* that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Sec. 9. DATE OF EFFECT.

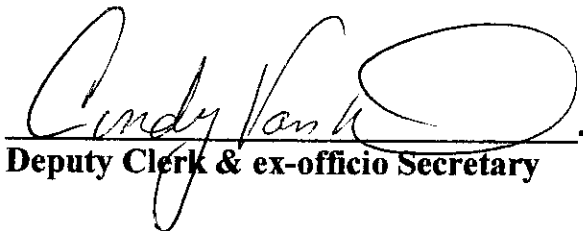
This ordinance shall take effect and be in force from and after its approval as required by law.

PASSED AND ADOPTED THIS 19th DAY OF DECEMBER, 2002.

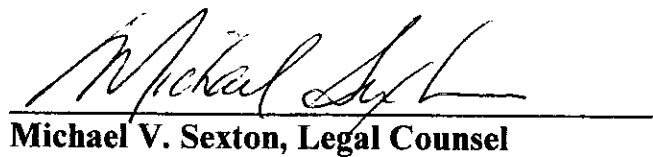
OLIVEHURST PUBLIC UTILITY DISTRICT


President, Board of Directors

ATTEST:


Deputy Clerk & ex-officio Secretary

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**


Michael V. Sexton, Legal Counsel

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I hereby certify that the foregoing is a full, true and correct copy of an Ordinance duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 19th day of December, 2002, by the following vote:

AYES, AND IN FAVOR THEREOF:	Directors Carpenter, Donahue, Souza, Patty, and Miller.
NOES,	: None
ABSTAIN	: None
ABSENT	: None


Deputy Clerk & ex-officio Secretary