

PROJECT REPORT

TO: PLANNING COMMISSION **AGENDA DATE** September 22, 2021
FROM: Planning & Development Services Dept. **AGENDA TIME** 9:00 am/No. 3

Notice of Violation #01106
PROJECT TYPE: Code Enforcement for Ronald Gist, SUPERVISOR DIST. #1
LOCATION: 2149 W. G St. APN: 056-273-001-000
Winterhaven , CA PARCEL SIZE: +/- 6,250 Sqft.
GENERAL PLAN (existing) Urban Area GENERAL PLAN (proposed) N/A
ZONE (existing) R-1 (Low Density Residential) ZONE (proposed) N/A

GENERAL PLAN FINDINGS CONSISTENT INCONSISTENT MAY BE/FINDINGS

PLANNING COMMISSION DECISION: HEARING DATE: 09/22/2021
 APPROVED DENIED OTHER

PLANNING DIRECTORS DECISION: HEARING DATE: _____
 APPROVED DENIED OTHER

VIOLATION:

THE PROPERTY IS STORING INOPERABLE AND/OR UNREGISTERED VEHICLES, MISCELLANEOUS ITEMS, AND HAS ADDED TO THE FENCING. THE PROPERTY HAS ADVERTISING (SPRAY PAINT) ON THE ROOF AND SIDE OF THE RESIDENCE AND HAS OVERGROWN VEGETATION THAT HAS BECOME A FIRE MENACE.

CODE SECTIONS:

- IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9, DIVISION 26, CHAPTER 1, SECTION 92601.01
- IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9, DIVISION 26, CHAPTER 1, SECTION 92601.05
- IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9, DIVISION 4, CHAPTER 3, SECTION 90403.02
- IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9, DIVISION 4, CHAPTER 1, SECTION 90401.03
- IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9, DIVISION 18, CHAPTER 1, 91801.01
- IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9, DIVISION 18, CHAPTER 1, 90502.12
- 2019 CALIFORNIA FIRE CODE CHAPTER 3, SECTION 304.1.2
- 2019 CALIFORNIA FIRE CODE CHAPTER 3, SECTION 304.1.1
- 2019 CALIFORNIA FIRE CODE CHAPTER 3, SECTION 304.1
- 2019 CALIFORNIA FIRE CODE CHAPTER 3, SECTION 304.2
- 2019 CALIFORNIA FIRE CODE CHAPTER 3, SECTION 311.1.1
- 2019 CALIFORNIA FIRE CODE CHAPTER 3, SECTION 311.3

REQUESTED ACTION:

IT IS RECOMMENDED THAT YOU CONDUCT A PUBLIC HEARING, THAT YOU HEAR ALL OPPONENTS AND PROPONENTS OF THE CODE ENFORCEMENT CASE. STAFF WOULD THEN RECOMMEND THAT YOU TAKE THE FOLLOWING ACTIONS:

1. DECLARES THAT STORAGE OF THE TWO (2) VEHICLES, ONE (1) UTILITY TRAILER, TWO (2) INOPERATIVE VEHICLES, TWO (2) RECREATIONAL VEHICLES, A CAMPERS SHELL, MISCELLANEOUS TRASH, AND OVERGROWN VEGETATION ON A RESIDENTIAL LOT (R-1 ZONE) TO BE A VIOLATION PURSUANT TO 2019 CALIFORNIA FIRE CODE.
2. DECLARES THAT STORAGE OF THE TWO (2) VEHICLES, ONE (1) UTILITY TRAILER, TWO (2) INOPERATIVE VEHICLES, TWO (2) RECREATIONAL VEHICLES, A CAMPERS SHELL, MISCELLANEOUS TRASH, AND OVERGROWN VEGETATION ON A RESIDENTIAL LOT (R-1 ZONE) TO BE A VIOLATION PURSUANT TO IMPERIAL COUNTY LAND USE ORDINANCE TITLE 9.
3. DIRECTS THE OWNER(S) RONALD GIST TO ABATE THE CONDITIONS ON THE PROPERTY WITHIN FORTY-FIVE (45) DAYS OF THIS DECISION.
4. GRANTS PERMISSION TO THE ENFORCEMENT OFFICER TO HAVE THE CONDITIONS ABATED ON THE PROPERTY AND PLACE A LIEN ON THE PROPERTY FOR COSTS INCURRED IF PROPERTY OWNERS FAIL TO COME INTO COMPLIANCE WITHIN FORTY-FIVE (45) DAYS.
5. DECLARES THAT DUE TO THE ABOVE MENTIONED VIOLATIONS, AND THAT NO ACTION BY RONALD GIST HAS BEEN TAKEN TO BRING THE PROPERTY INTO COMPLIANCE, THE CONDITIONS OF THE PROPERTY CONSTITUTE A PUBLIC NUISANCE.

STAFF REPORT

DATE: September 22, 2021

TO: I.C. Planning Commission

PROJECT TYPE: Code Enforcement

PETITIONER: County Counsel

PROPERTY OWNER: Ronald Gist

LOCATION: The violation is located at 2149 W. G St., Winterhaven, CA, also known as Assessor's Parcel 056-273-001-000, legally known as Lots One (1) and Two (2), Townsite of Winterhaven, in the County of Imperial, State of California, according to Map No. 181 on file in the office of the County Recorder of Imperial County (see Plat Map).

CASE SUMMARY: This property has been reported to be in violation since February 2010 with various property owners. However, County records indicate that the current property, Ronald Gist, has owned the property since July 25, 2017.

Between the dates of July 25, 2017 and September 2, 2021, several "Official Notices" were sent via certified mail, regular mail and was posted on site by the Imperial County Planning & Development Services Department (ICPDS), the Imperial County Fire Department (ICFD), and County Counsel. These letters informed the property owner of record of the violations on his property and what needs to be done to bring property into compliance and the time frame to do so.

Over the past couple of years, the property owner has failed to bring the property into compliance with both ICPDS and ICFD requirements

Due to non-compliance with these "Official Notices", the violation case was forwarded to County Counsel for legal assistance to have the property brought into compliance.

Between the dates of January 11, 2021 and September 2, 2021, two joint Notice of Violations were sent via certified mail to the property owner and posted on the property, after ICFD and ICPDS inspected the property. After each joint inspection on January 11, 2021 and May 10, 2021, there had been no attempt to bring the property into compliance.

On September 2, 2021, the Office of County Counsel sent the property owner a letter via certified mail a letter informing Ronald Gist of the various violations existing on the property and directed him to appear at the Planning Commission scheduled for September 22, 2021. The Imperial County Sheriff's Department also posted this letter to the site on September 2, 2021 and found that there had been no attempt to bring the property into compliance.

VIOLATIONS:

The property was found to be in violation for the following reason(s):

1. The accumulation and storage of miscellaneous items
2. Abandonment of the property resulting in overgrown vegetation and has become a fire hazard
3. Advertising (spray paint) on the roof and side of the residence
4. Violating fencing requirements

CODE SECTIONS:

The violations cited above violate the following code sections:

- Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01
- Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05
- Imperial County Land Use Ordinance Title 9, Division 4, Chapter 3, Section 90403.02
- Imperial County Land Use Ordinance Title 9, Division 4, Chapter 1, Section 90401.03
- Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 91801.01
- Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 90502.12
- 2019 California Fire Code Chapter 3, Section 304.1.2
- 2019 California Fire Code Chapter 3, Section 304.1.1
- 2019 California Fire Code Chapter 3, Section 304.1
- 2019 California Fire Code Chapter 3, Section 304.2
- 2019 California Fire Code Chapter 3, Section 311.1.1
- 2019 California Fire Code Chapter 3, Section 311.3

FOR COMPLIANCE:

The property can be brought into compliance by taken the following action(s):

1. Removing the two (2) vehicles, one (1) utility trailer, two (2) inoperative vehicles, two (2) recreational vehicles, a campers shell, miscellaneous trash, spray painted advertisement, and overgrown vegetation on the residential lot
2. Calling the Imperial County Planning & Development Services Department when the above items have been removed so that an inspection can be scheduled verify compliance and the violation file can be closed out.

RECOMMENDATIONS:

Based on the testimony and evidence provided by the parties at the September 22, 2021, public hearing, County of Imperial Planning Commission hereby:

1. Declares that storage of the two (2) vehicles, one (1) utility trailer, two (2) inoperative vehicles, two (2) recreational vehicles, a campers shell, miscellaneous trash, and overgrown vegetation

on a residential lot (R-1 Zone) to be a violation pursuant to 2019 California Fire Code.

2. Declares that storage of the two (2) vehicles, one (1) utility trailer, two (2) inoperative vehicles, two (2) recreational vehicles, a campers shell, miscellaneous trash, and overgrown vegetation on a residential lot (R-1 Zone) to be a violation pursuant to Imperial County Land Use Ordinance Title 9.
3. Directs the owner(s) Ronald Gist to abate the conditions on the property within forty-five (45) days of this Decision.
4. Grants permission to the enforcement officer to have the conditions abated on the property and place a lien on the property for costs incurred if property owners fail to come into compliance within forty-five (45) days.
5. Declares that due to the above mentioned violations, and that no action by Ronald Gist has been taken to bring the property into compliance, the conditions of the property constitute a public nuisance.

PREPARED BY:




Jeanine Ramos, Planner I

REVIEWED BY:



Faye Winkler, Deputy County Counsel

REVIEWED BY:



Michael Abraham, Asst. ICPDS Director

APPROVED BY:



Jim Minnick, ICPDS Director

Exhibit 1: Planning Commission Project Report for this Code Enforcement Action, which includes the following documents:

- A. Proof of Ownership
 - i. Grant Deed, Doc# 2017016928
 - ii. Full Property Details
- B. Chronology
- C. ICFD Notices
 - i. 2018 ICFD Notices
 - ii. 2020 ICFD Notices
- D. ICPDS Notices
 - i. ICPDS 2018 Notice of Violation and Photos
- E. ICFD and ICPDS Inspection Reports and Photos
 - i. January 11, 2021 Inspection Report and Photos
 - ii. May 5, 2021 Inspection Report and Photos
- F. ICFD and ICPDS Notice of Violations and Photos
 - i. March 4, 2021 Notice of Violation and Photos
 - ii. August 27, 2021 Notice of Violation and Photos
- G. County Counsel Letter
 - i. September 2, 2021 Letter and Photos
- H. Proposed Findings
- I. Relevant Law

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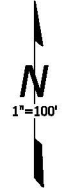
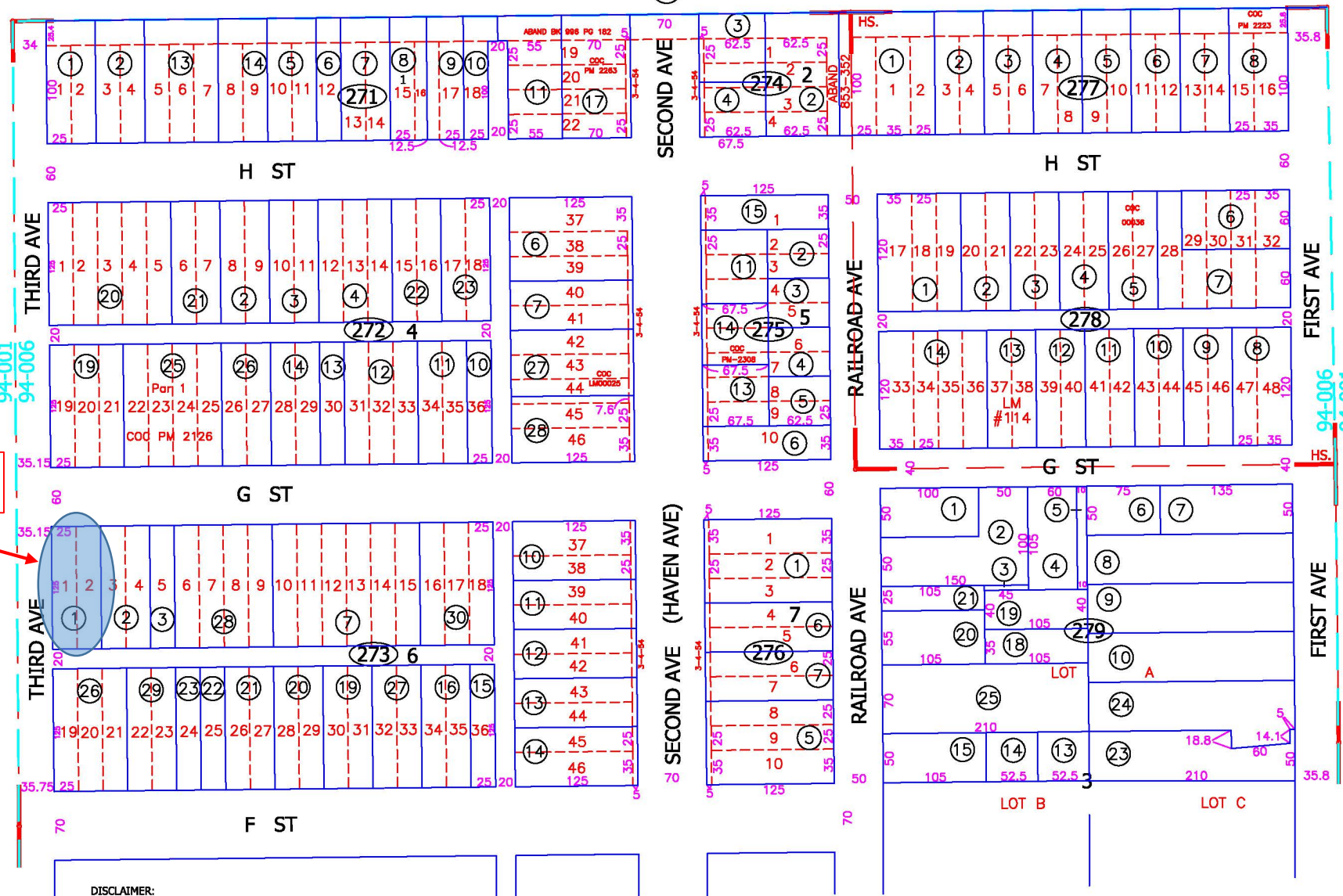
HENDRICKSON SUB. & POR. TOWNSITE OF WINTERHAVEN

SUB. OF N460' BLOCK 3
O.M. 6-49 POR. SEC. 27 T16S, R22E

O.M. 3-25
R.O.S. 5-79

Tax Area Code
94-006 MPR

56-27



Violation Is Here



8-26-02 AR
11-15-00 AR
11-12-97 RM
2-26-96 LS
2-2-95 LS

5-23-13 MF
9-4-08 MF
9-15-03 AR
2-18-03 AR

DISCLAIMER:
THIS IS NOT AN OFFICIAL MAP.
THIS MAP WAS CREATED FOR THE IMPERIAL COUNTY
ASSESSOR, FOR THE SOLE PURPOSE OF AIDING IN
THE PERFORMANCE OF THE DUTIES OF THE ASSESSOR.
ANY ERRORS OR OMISSIONS IN THIS MAP ARE NOT
THE RESPONSIBILITY OF THE COUNTY OF IMPERIAL
OR THE ASSESSOR. (REV. & TAX. CODE SEC.327)



EXHIBIT A

Proof of Ownership

- i. Grant Deed, Doc# 2017016928
- ii. Full Property Details

Recorded in Official Records, IMPERIAL COUNTY

07/25/2017

08:22 AM

AlexisLeimgruber

Recording requested by (name):

Gerald W. Hunt, Esq.

CHUCK STOREY

COUNTY CLERK/RECORDER

P PUBLIC

And when recorded, mail this deed to (name and address):

Gerald W. Hunt, Esq.

Doc#: 2017016928

Titles: 1 Pages: 3

Hunt, Walsma & Gale



Fees 30.00

Taxes 0.00

Other 0.00

PAID 30.00

256 S. 2nd Avenue, Suite

* \$ R 0 0 0 0 2 6 1 8 1 3 \$ *

Yuma, AZ 85364

GRANT DEED

DOCUMENTARY TRANSFER TAX \$-0-
EXEMPTION (R&T CODE) 11930
EXPLANATION

APN: 056-273-001

Roger D. Gist Jr
Signature of Declarant or Agent determining tax

For a valuable consideration, receipt of which is hereby acknowledged,

GRANTOR(S) Roger D. Gist, Jr., Trustee of the Roger F. Gist Revocable Trust dated June 21, 2007, as restated and modified on March 22, 2017,
(Current Owner(s), including form of title)

hereby grant(s) to GRANTEE(S) Ronald Gist
(New Owner(s))

as (An Unmarried Person / Joint Tenants / Tenants in Common / Community Property / Community Property with Right of Survivorship / etc.)

the following real property in the City of Winterhaven, County of

Imperial, California: (insert legal description)

Lots One (1) and Two (2), Block Six (6), TOWNSITE OF WINTERHAVEN, in the County of Imperial, State of California, according to Map No. 181 on file in the office of the County Recorder of Imperial County.

Date: 3/22/17 Roger D. Gist Jr Roger F. Gist Revocable Trust dated June 21, 2007, as restated and modified on March 22, 2017

(Signature of declarant)
Roger D. Gist, Jr. - Trustee
(Typed or written name of declarant)

Date: _____ (Signature of declarant)

(Typed or written name of declarant)

This form must be signed in front of a notary.

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ARIZONA

County of Yuma

On March 22, 2017, before me, Nancy Atchley, Notary Public, personally appeared Roger D. Gist, Jr., who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Nancy Atchley (Seal)



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE:
Ronald D. Gist, PO Box 101, Winterhaven, CA 92283

Government Code 27361.7

I certify under penalty of perjury under the laws of the State of California that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary: Nancy Atchley

Name of County: Yuma, Arizona

Date of Commission Expires: November 29, 2017

Notary Identification Number: 45994

Nancy Atchley

Signature of person (firm names if any) making verification

Date: 3/22/17

Location: Yuma, Arizona

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Imperial

MBS Intranet for Imperial County

[Assessor Inquiry](#)

[Tax Collector Inquiry](#)
[Assessor Inquiry](#)

IMPERIAL County Intranet

Main



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Assessment Information

Assessment No.	056-273-001-000	camera No Images	
Parcel Number	056-273-001-000		
Asmt Desc	LOTS 1 & 2 BLK 6 TOWNSITE OF WINTERHAVEN OM 3 25		
Status	A	Date	
Taxability	000	TRA	094006
Supl Cnt.	3	Base Date	
Zoning	01	Dwelling	0
Acres	0.00	N/C	1401
Flags			
Ag Preserve	N	EtAI	N
Notes	Y	Bonds	Y
Multiple Situses		Flag1	N
Flag2	N	Asmt PP Pen	
Tax PP Pen		Appeal Pend	N
Split Pend	N		

Taxroll Values

Land	16082
Structure	8576
Fixtures	0
Growing	0
Total L&I	24658
Fix R/P	0
MM PP	0
PP	
Hox Exmpt.	0
Other Exmpt.	0
Net	24658
RC No.	
T/R Date	
R/C Status	

Address

PO BOX 101
WINTERHAVEN CA 92283

Situs

2149 W G ST WINTERHAVEN CA 92283

Document	Number	Date
Creating	1900I9999999	
Current	2017R016928	7/25/2017
Terminating		

Comments

From 0562730101 07/25/2005

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OwnerShip [New Search](#) | [Print](#)

Assesment Grantin Doc No.	Name	Own %	Title Type	RTCode	Pri.	SetSeq.
056-273-001-000 2017R016928	GIST RONALD	100.000000%			Y	5 1

[056-273-001-000](#)

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EXHIBIT B
Chronology

**IC PLANNING & DEVELOPMENT SERVICES DEPARTMENT
PERMIT CHRONOLOGY (RECAP)**

DATE: SEPTEMBER 22, 2021

APN: 056-273-001-000

OWNER: RONALD GIST

SITUS: 2149 W. G ST, WINTERHAVEN, CA

NOTICE OF VIOLATION #01106

- 07/25/2017- Grant Deed recorded with the Imperial County Clerk Recorders office. Property was granted to Ronald Gist from Roger D. Gist, Jr, Trustee of the Roger F. Gist Revocable Trust. Document #2017016928.
- 11/24/2017- Imperial County Fire Department (ICFD) Incident reported at the site: Incident Number 2017-3740. Incident Time 19:47:00. Incident Type-160 Special outside fire, other. Station Number 8.
- 01/05/2018- Note from Permits Plus: NOV01106 Site inspection performed by David Black in response to complaint and request by Supervisor John Renison; property found to be overgrown with vegetation and yard for of vehicles and junk – LDH
- 03/16/2018- Note from Permits Plus: NOV01106 Approx. 12:10pm returned call to complainant; Reporting Party (RP) alleges that the residence is being occupied (last 2 years) without running water and power; RP states that there has now been painted in read a sign that sign "woman with...wanted"; RP states that there is now a fence over 7ft in height; RP is asking what is it going to take to have this residence condemned and to have this guy moved out – LDH
 - 03/16/2018- Note from Permits Plus: NOV01106 Email sent to Winterhaven Water District and to IID to see if the property is currently receiving services – LDH
 - 03/16/2018- Note from Permits Plus: NOV01106 Rec'd response email from IID (Sylvia) - meter was pulled at this location in October 2017 – LDH
 - 03/16/2018- Note from Permits Plus: NOV01106 Rec'd response email from Winterhaven Water District - property has been without services since June 2000 – LDH
- 03/16/2018- Inspection Request to provide an update on the condition of the property.
- 03/19/2018- Inspection Report for the site inspection performed by Albert Godinez, Building Inspector. Found the following items: No one on site and neighbor stated that she had not seen anyone on the property in a while, no trespassing signs posted, windows were boarded up, no power to the single family residence, travel trailers were not connected to utilities, and sign/ad on roof did not have a phone number.

- 03/29/2018- Notice of Code Violation was sent to the property owner on file by ICFD.
- 04/11/2018- Notice of Violation letter was sent to property owner via certified mail by Joe Hernandez, Planner III, and Sergio Rubio, Building Division Manager.
- 04/30/2018- Return receipt received by the ICPDS Department signed by Renee Gist.
- 08/15/2018- Notice of Code Violation (2nd Notice) was sent to the property owner on file by ICFD.
- 08/15/2018- Site Inspection performed by Alert Godinez, Building Inspector. Found all conditions to have been the same as the previous inspection.
- 02/06/2019- ICFD Incident reported at the site: Incident Number 2019-434. Incident Time 18:50:15. Incident Type-143 Grass Fire. Station Number 8.
- 06/04/2019- Note from Permits Plus: Gentleman with CO Behavioral Health came into the office on behalf of Ronald Gist to submit a pmt. application to have the power re-energized to the property; adv. him that the prop has outstanding violations that must be addressed prior to our office granting power; showed him a few photographs, provided him with planner's name (Joe Hernandez) and NOV #; also provided him with my business card; highlighted the missing information on the application and prop owner acknowledgment form; let him know that a site plan must also be submitted with the application (\$180 fee); explained the pre-insp. process to him; also let him know to double check to make sure the prop was in Ronald's name-LDH
- 06/17/2019- Note from Permits Plus NOV01106 Rec'd complaint about all the inoperative vehicles and misc. junk on the property; overgrown vegetation - reporting party states it's getting worse; RP also states that roofing materials (shingles) have been brought to the property in preparation of a reroof; RP also states that the prop smells of feces; site insp. to be requested to investigate-LDH
- 06/18/2019- Inspection Request submitted by Linda Hunt, Permit Specialist to investigate a complaint about inoperative vehicles, miscellaneous junk, overgrown vegetation, and feces smell on the property. Also stated that roofing materials are on the property.
- 06/19/2019- Site Inspection performed by Steve Butler, Building Inspector. The gate was shut and he was unable to speak with anyone on the property. Stated that the site seemed a little cleaner and that the inoperative vehicles and RV's are still onsite. There was also an extension cord that ran across the street, but was unable to verify if it was plugged in or in use.
- 08/03/2019- ICFD Incident reported at the site: Incident Number 2019-434. Incident Time 6:57:31. Incident Type-561 Unauthorized burning. Station Number 8.

- 09/03/2019- Note from Permits Plus: I received a phone call from Steve Taylor complaining about his neighbors three blocks down from him. He told me that 2148 G Street is sending power from a heavy duty extension cord to 2149 G Street. I filled out a complaint request form and handed it to the building division manager to follow up with inspection. SKB
- 10/10/2019- ICFD Incident reported at the site: Incident Number 2019-3999. Incident Time 19:07:55. Incident Type-622 No incident found on arrival at dispatch address. Station Number 8.
- 01/01/2020- ICFD Incident reported at the site: Incident Number 2020-20. Incident Time 14:30:40. Incident Type-151 Outside rubbish, trash or waste fire. Station Number 8.
- 03/03/2020- ICFD Incident reported at the site: Incident Number 2020-1145. Incident Time 5:02:52. Incident Type-151 Outside rubbish, trash or waste fire. Station Number 8.
- 05/18/2020- Note from Permits Plus: Rec'd call from Lt. Andrew Loper (Fire Dept.); property reported to be overgrown with vegetation; Fire Dept. will be investigate complaint; insp. will be requested to investigate for land use and/or bldg. violations-LDH
- 05/19/2020- Notice of Code Violation (1st Notice) was sent to the property owner on file by ICFD.
- 05/19/2020- Complaint and/or Investigation Request submitted by Linda Hunt, Permit Specialist, to investigate a complaint about overgrown vegetation on the property that is a fire hazard.
- 05/20/2020- Site Inspection performed by Albert Godinez, Building Inspector. Found the following: inoperable vehicles, fifth wheel, motor camper, miscellaneous junk, no power to the property with wires cut from IID pole, the remaining roof painting, and overgrown trees.
- 07/14/2020- ICFD Incident reported at the site: Incident Number 2020-3431. Incident Time 17:25:29. Incident Type-142 Brush or brush-and-grass mixture fire. Station Number 8.
- 08/24/2020- ICFD Incident reported at the site: Incident Number 2020-4111. Incident Time 6:56:35. Incident Type-151 Outside rubbish, trash or waste fire. Station Number 8.
- 08/31/2020- Notice of Code Violation (2nd and Final Notice) was sent to the property owner on file by ICFD.
- 10/20/2020- Note from Permits Plus: NOV01106 Email sent to assigned planner providing copies of CEO's emails and Fire Dept. emails; prop owner has now spray

painted the side of his house which a photo has been taken and placed on social media; County Fire Dept. to pursue legal action due to non-compliance – LDH

- 11/18/2020- Site Inspection Requested by Linda Hunt, Permit Specialist.
- 11/19/2020- Site Inspection performed by Steve Butler, Building Inspector. The property appeared to be in the same condition as the last inspection.
- 01/11/2021- Joint Site Inspection performed by Michael Abraham (ICPDS Department Assistant Director), Steve Butler (Building Inspector III), Lt. Andrew Loper (ICFD). They spoke with a gentleman who identified himself as the property Owner, Mr. Ronald Gist. They discussed why they were there and explained that both departments will be preparing official notices, and to expect them in the mail. Property had an existing single family residence with no power, two vehicles, one utility trailer, two inoperative vehicles, miscellaneous trash, and overgrown vegetation.
- 03/04/2021- Joint Notice of Violation/Non-Compliance was sent to the property owner on record by Jeanine Ramos, Planner I, and Lt. Andrew Loper, ICFD.
- 03/11/2021- USPS tracking system shows that the Joint Notice of Violation/Non-Compliance was delivered at 4:01 PM.
- 03/24/2021- Site Inspection requested by Jeanine Ramos, Planner I, to post the joint Notice of Violation letter dated March 4, 2021 between ICPD and ICFD.
- 03/26/2021- Site Inspection performed by Steve Butler, Building Inspector III, and Lt. Andrew Loper, ICFD) to post the Joint Notice of Violation/Non-Compliance.
- 05/05/2021- Site Inspection request by Jeanine Ramos, Planner I, to verify if any of the issues detailed in the joint Notice of Violation letter dated March 4, 2021 have been cleared.
- 05/10/2021- Site Inspection performed by Albert Godinez, Building Inspector IV, and Lt. Andrew Loper, ICFD, to follow up on the Joint Notice of Violation/Non-Compliance. Found the following: two RVs, camper shell, miscellaneous items around the rear and side yard, and painted roof sign is still visible.
- 06/08/2021 - ICFD Incident reported at the site: Incident Number 2021-2876. Incident Time 20:40:21. Incident Type-622 No incident found on arrival at dispatch address. Station Number 8.
- 08/27/2020- a joint Notice of Violation was mailed via certified mailed to the property owner of record, Ronald Gist and All Legal Heirs, notifying that the conditions of the property mentioned in the joint Notice of Violation mailed March 4, 2021 and posted on March 26, 2021 still remains posted on the chain link fence. Additionally, the Notice of Violation notified of the hearing date scheduled before the County of Imperial Planning

Commission on September 22, 2021. This same day, the joint Notice of Violation was posted on the property by Steve Butler (Building Inspector III) and Andrew Loper (ICFD Lieutenant).

- 8/31/2021- Office of County Counsel made contact with the attorney listed on the grant deed from 2017, Gerald W. Hunt. Mr. Hunt explained he has had issues with making contact with Ronald Gist and, the only contact information he had was P.O. Box 101 in Winterhaven, CA.
- 8/31/2021- Office of County Counsel made contact with Renee Gist, who has signed previous ICFD notices. Renee Gist stated she did not have contact information for Ronald Gist other than the P.O. Box 101 in Winterhaven, CA.
- 9/2/2021- On September 2, 2021, County Counsel mailed via certified mail and to the property owner of record, Ronald Gist, a letter notifying of that the conditions of the property still remain and actions required to bring the property into compliance. Additionally, the letter notified of the hearing date scheduled before the County of Imperial Planning Commission on September 22, 2021. This same day, the letter was posted on the property by Luisa Ibarra (Imperial County Sherriff's Office Senior Deputy).

EXHIBIT C

ICFD Notices

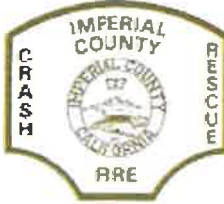
- i. 2018 ICFD Notices
- ii. 2020 ICFD Notices

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (760)482-2420
Fax: (760)482-2427

Training
Phone: (760)482-2429
Fax: (760)482-2427



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (760)366-1191 EXT. #1
Fax: (760)366-1482

Prevention
Phone: (760)366-1191 Ext. #2
Fax: (760)366-7051

March 29, 2016

Notice of Code Violation (1st Notice)

APN: 056-273-001
Address: 2149 West G Street
Location: Winterhaven, CA 92283
Property Owner(s): Robert Gist
Hazards(s)/Violations(s): Overgrown and piled cut vegetation, illegal dumping of tires and refuse, extreme fire hazard to on site and neighboring properties.

Madam or Sir,

You are hereby notified that a representative from the Imperial County Fire Department has inspected your property at the location referenced above. As a result of such inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

The Imperial County Tax Assessor has identified you as the current legal owner(s) of this property. Pursuant to the current edition of the 2016 California Fire Code as well as national standards and local ordinances, you are ordered to comply with the mitigation of such violations/hazards. Failure to comply with this notice shall result in citations and the possibility of future penalties up to and including prosecution as stipulated in the 2016 California Fire Code Sections 109.2, 109.3, and 109.4, (see attachment 1).

The Imperial County Fire Department is ordering the compliance of the aforementioned hazards/violations within 30 days from the date of delivery shown on the postal service's return receipt.

Please contact this office at upon receipt of this notice.

Sincerely,

Thank You,
Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
2514 LaBrucherie Road
Imperial, Ca 92251

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald Gist
P.O. Box 101
Winterhaven, CA 92283

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
X Renee Gist
- B. Received by (Printed Name) Agent
Renee GIST
- C. Date of Delivery Addressee
4/3/18
- D. Is delivery address different from item 1? Yes
- If YES, enter delivery address below: No

3. Service Type
- Certified Mail® Priority Mail Express™
 Registered Return Receipt for Merchandise
 Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7017 1000 0000 6386 9756

PS Form 3811, July 2013

Domestic Return Receipt

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (760)482-2420
Fax: (760)482-2427

Training
Phone: (760)482-2429
Fax: (760)482-2427



OPERATIONS / PREVENTION

2514 La Brucherie Road
Imperial, CA 92251

Operations
Phone: (760)355-1191 EXT. #1
Fax: (760)355-1482

Prevention
Phone: (760)355-1191 Ext. #2
Fax: (760)355-7061

August 15, 2013

Notice of Code Violation (2nd Notice)

APN: 056-273-001
Address: 2149 West G Street
Location: Winterhaven, CA 92283
Property Owner(s): Robert Gist
Hazards(s)/Violations(s): Overgrown and piled cut vegetation, illegal dumping of tires and refuse, extreme fire hazard to on site and neighboring properties.

Madam or Sir,

You are hereby notified that a representative from the Imperial County Fire Department has inspected your property at the location referenced above. As a result of such inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

The Imperial County Tax Assessor has identified you as the current legal owner(s) of this property. Pursuant to the current edition of the 2016 California Fire Code as well as national standards and local ordinances, you are ordered to comply with the mitigation of such violations/hazards. Failure to comply with this notice shall result in citations and the possibility of future penalties up to and including prosecution as stipulated in the 2016 California Fire Code Sections 109.2, 109.3, and 109.4. (see attachment 1).

The Imperial County Fire Department is ordering the compliance of the aforementioned hazards/violations within 15 days from the date of delivery shown on the postal service's return receipt.

Please contact this office at upon receipt of this notice.

Sincerely,

Thank You,
Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
2514 LaBrucherie Road
Imperial, Ca 92251

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald Gist
 P.O. Box 101
 Winter Haven CA 92283



9590 9402 3833 8032 8254 09

2. Article Number (transfer from service label)

001 7397 0831

Form 3811, July 2000

PSN 7530-02-000-9063

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Ronald Gist

Agent

Addressee

B. Received by (Printed Name)

Ronald Gist

C. Date of Delivery

8/20/18

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Registered Mail Restricted Delivery

(500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92261

Operations
Phone: (442) 265-3000
Fax: (760) 355-1452

Prevention
Phone: (442) 265-3020

May 19, 2020

Notice of Code Violation (1st Notice)

APN: 056-273-001
Address: 2149 West G Street
Location: Winterhaven, CA 92283
Property Owner(s): Ronald Gist
Hazards(s)/Violations(s): Overgrown and piled cut vegetation, illegal dumping of tires and refuse, extreme fire hazard to on site and neighboring properties.

Madam or Sir,

You are hereby notified that a representative from the Imperial County Fire Department has inspected your property at the location referenced above. As a result of such inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

The Imperial County Tax Assessor has identified you as the current legal owner(s) of this property. Pursuant to the current edition of the 2016 California Fire Code as well as national standards and local ordinances, you are ordered to comply with the mitigation of such violations/hazards. Failure to comply with this notice shall result in citations and the possibility of future penalties up to and including prosecution as stipulated in the 2016 California Fire Code Sections 109.2, 109.3, and 109.4, (see attachment 1).

The Imperial County Fire Department is ordering the compliance of the aforementioned hazards/violations within 30 days from the date of delivery shown on the postal service's return receipt.

Please contact this office at upon receipt of this notice.

Sincerely,

Thank You,
Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
2514 LaBrucherie Road

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

SENDER, COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald Gist
 P.O. Box 101
 Winterhaven CA 92283



9590 9402 3833 8032 8215 24

2. Article Number (Transfer from service label)

7018 0360 0001 7397 6802

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Renee Gist Agent
 Addressee

B. Received by (Printed Name) *Renee Gist* C. Date of Delivery *5/26/00*

D. Is delivery address different from Item 1? Yes
 No
 If YES, enter delivery address below:

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

ADMINISTRATION / TRAINING

1078 Dogwood Road
Heber, CA 92245

Administration
Phone: (442) 266-6000
Fax: (760) 482-2427

Training
Phone: (442) 266-6011



OPERATIONS/PREVENTION

2514 La Brucherie Road
Imperial, CA 92261

Operations
Phone: (442) 266-3000
Fax: (760) 366-1482

Prevention
Phone: (442) 266-3020

August 31, 2020

Notice of Code Violation (2nd and Final Notice)

APN: 056-273-001
Address: 2149 West G Street
Location: Winterhaven, CA 92283
Property Owner(s): Runaki Gisl
Hazards(s)/Violations(s): Overgrown and piled cut vegetation, illegal dumping of tires and refuse, extreme fire hazard to on site and neighboring properties.

Madam or Sir,

You are hereby notified that a representative from the Imperial County Fire Department has inspected your property at the location referenced above. As a result of such inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

The Imperial County Tax Assessor has identified you as the current legal owner(s) of this property. Pursuant to the current edition of the 2016 California Fire Code as well as national standards and local ordinances, you are ordered to comply with the mitigation of such violations/hazards. Failure to comply with this notice shall result in citations and the possibility of future penalties up to and including prosecution as stipulated in the 2016 California Fire Code Sections 109.2, 109.3, and 109.4, (see attachment 1).

The Imperial County Fire Department is ordering the compliance of the aforementioned hazards/violations within 15 days from the date of delivery shown on the postal service's return receipt.

Please contact this office at upon receipt of this notice.

Sincerely,

Thank You,
Andrew Loper
Lieutenant/Fire Prevention Specialist
Imperial County Fire Department
2514 LaBrucherie Road

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald Gist
 P.O. Box 101
 Winterhaven CA 92203



9590 9402 6022 0069 7805 70

2. Article Number (Transfer from service label)
 019 1640 0000 2862 8350

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X Ronald Gist

B. Received by (Printed Name) C. Date of Delivery
Ronald Gist 9/14/20

D. Is delivery address different from Item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation®
 - Signature Confirmation Restricted Delivery

Domestic Return I

EXHIBIT D

ICPDS Notices

- i. ICPDS 2018 Notice of Violation and Photos



Imperial County Planning & Development Services Planning / Building / Parks & Recreation

Jim Minnick
DIRECTOR

April 11, 2018

NOTICE OF VIOLATION/NON-COMPLIANCE **CERTIFIED MAIL 7015 1520 0000 8964 7643** (copy posted on site)

Ronald Gist
P.O. Box 101
Winterhaven, CA 92283

Subject: 2149 West G Street, Winterhaven, CA (APN 056-273-001-000)

Dear Property Owners:

Based on a site inspection and photographs taken of your property on March 19, 2018 (copy enclosed), the Imperial County Planning & Development Services Department has determined that conditions exist at the property, legally known as **LOT 1, AND 2 BLOCK 6 TOWNSITE OF WINTERHAVEN OM 3**, located on 2149 West G Street, Winterhaven, CA 92283, Assessor's Parcel Number 056-273-001-000, that violate Sections 90502.00 and 92601.00 et. seq. of the Imperial County Codified Ordinance Title 9. The property is currently zoned "R-1" (Low Density Residential). The Imperial County Tax Assessor's "Inquiry" identifies the above persons as the current owners of the subject property.

To wit:

The above subject property is currently zoned "R-1" (Low Density Residential) was found to be in violation for the following reason(s):

1. The storage of an inoperable and/or unregistered vehicle(s) (i.e. recreational vehicle, dismantled car, travel trailer) is prohibited. (ICLUO Title 9, Division 26, Chapter 1)
2. The storage of miscellaneous junk (i.e. used lumber, tire, metal scraps, auto parts, appliances, trash, debris, etc.) is prohibited. (ICLUO Title 9, Division 14, Chapter 1)
3. The additional height of fencing within front yard setback and rear property and barbed wire is not allowed. (ICLUO Title 9, Division 4, Chapter 4)
4. Advertising on roof is prohibited. ICLUO Title 9, Division 4, Chapter 1)

The storage of the inoperative vehicles and miscellaneous junk on an R-1 lot is a direct violation of Section 90502.12 of the Imperial County Land Use Ordinance Title 9, Division 5 Chapter 2 which states "...the areas with an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazard either to the occupants or the public..."

Additionally, the storage of the abandoned and inoperative vehicle(s) (i.e. recreation vehicle, travel trailer, dismantled car) is a direct violation of the following:

- Imperial County Codified Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01, which states *"...The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, not including highways except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter..."*
- Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05, which states, *"...It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the County for a period in excess of 72 or more consecutive hours unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard..."*

Furthermore, the placement of barbed wire is prohibited as well as the addition of fencing placed above the existing chain-link fence exceed the height limits within the front yard and rear yard setback as listed per Title 9, Division 4, Chapter 3.

And, the advertising placed on the roof is prohibited per Title 9, Division 4, Chapter 1 of the Land Use Ordinance.

Based our computer records this property has an outstanding violation that has yet to be cleared up. Records show that the single family residence was posted with an "unsafe for human occupancy" (condemnation) back in February 2011. Records show that a permit (#54812) was issued on January 23, 2017, to make the necessary repairs to the single family residence to clear the violation. Said permit was not signed off as finalized and has now expired by the 3-year time limitation. Thus, the "condemnation" remains in effect.

That having been said, you are hereby ordered to bring the property into compliance with the above County Ordinance within forty-five (45) days by:

1. The single family residence must remain vacant (unoccupied).
2. Obtaining the required permit to make the necessary repairs to the single family residence; or required demolition permit to remove the single family residence from the property;
3. Removing "ALL" inoperative and/or unregistered vehicles from the property;
4. Removing all the miscellaneous junk stored on property from property and properly dispose of them;
5. Remove the fencing material and barbed-wire placed above the existing chain-lined fence;
6. Remove the advertising placed on the roof.
7. Calling the Imperial County Planning & Development Services Department when the items have been removed so that an inspection can be scheduled to verify compliance and the violation file can be closed out.

If your full compliance is obtained within forty-five (45) days of receipt of this notice, no further action will be taken.

Failure to comply with this notice may be assessed with civil penalties of up to \$1,000.00 a day pursuant to provision of the Imperial County Codified Ordinance Title 9, Division 13, Chapter 4, Section 91304.01. The individual committing the violation and the property owner(s) are jointly liable for any costs fines, penalties or assessments.

You have the right to appeal this Notice of Violation/Non-Compliance or to object to these charges by filing a Request for Hearing with the Planning Commission within ten (10) days of the service of notice. Said appeal must be in the form of writing and must be submitted to the Building Official at Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243) within ten (10) days of receipt of this notice. Said appeal must be accompanied by a filing fee of \$650.00 payable to the County of Imperial. The appeal letter should include the property owner's name, address, contact phone number and a brief description of the issues being disputed. The issues shall be restricted to the items cited in the Notice of Violation/Non-Compliance.

Notice is hereby given that at the conclusion of this case, and without voluntary compliance, you will receive a bill of administrative costs associated with the processing of such violation(s), pursuant to Section 91309.03 of Imperial County Codified Ordinances.

If you should have any questions on this matter, please direct them to me at (442) 265-1736, extension 1748, or by e-mail at joehernandez@co.imperial.ca.us.

Sincerely,

Jim Minnick, Director
IC Planning & Development Services Dept.

BY:



Joe Hernandez, Planner III



Sergio Rubio, Building Division Manager

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Gerald W. Hunt, Esq (Hunt, Walsma & Gale) (256 S. 2nd Avenue, Suite E, Yuma, AZ 86364)
Jim Minnick, ICPDS Director
Michael Abraham, AICP, ICPDS Assistant Director
John Fougler, Planning Division Manager
Sergio Rubio, Building Division Manager
APN 056-273-001-000 (violation file); 10.141
(copy posted on site)

S:\APN\056\273\001\NOV\1106\NOV - 1106.doc

Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07 states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.29, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

Imperial County Codified Land Use Ordinance Title 9 Division 13 Chapter 2 Section 91302.01 states, "...any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law..."

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.09(J), defines "junk" as all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald Gist
 P O Box 101
 Winterhaven, CA 92283
LI/MH APN 056-273-001-000

9590 9402 2002 0132 8804 U 1

2. Article Number (Transfer from service label)

7015 1520 0000 8964 7643

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- X *Ronald Gist*
- B. Received by (Printed Name) Yes No
- Renee GIST
- C. Date of Delivery
- Is return address different from item 1? Yes No
- If "Yes," enter delivery address below

RECEIVED

APR 30 2018

IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICE

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery



Domestic Return Receipt

INSPECTION REQUEST



Please perform a site inspection at 2149 West G Street, in Winterhaven, to provide an update on the condition of the property and investigate a complaint reported that residence is being occupied without water and power.

Please provide a detailed report and photographs of your findings. (photos from G Street and Third Avenue – entire property)

1. What's on site?
2. Is the residence occupied? Owner occupied?
3. Are there travel trailers on site? Occupied?
4. Are there inoperative vehicles and miscellaneous junk stored in the rear yard?
5. Is the property overgrown with vegetation?
6. Is there a perimeter fence installed? If so, what kind of fence and how high is it?
7. Are you able to verify if something has been spray painted in red on the roof? If so, what does it say?
8. Does your findings warrant an "Unsafe Notice" (condemnation)?

NOTE: Rec'd confirmation from WH Water District that property has been without water since June 2000; also rec'd confirmation from IID that the meter was pulled in October 2017.

PURPOSE

REQUESTED BY:

DATE:

PROJECT (SITUS/ADDRESS)

2149 West G Street

LOCATION

Winterhaven

NAME

Roger Gist

PHONE NO.

ASSESSORS PARCEL NO.

056-273-001-001

CONTACT (if any)

NA

PROJECT TYPE

Code Enforcement

STAFF NAME

Linda Hunt, Permit Specialist

DATE

03/16/2018

REPORT



ARRIVED AT 12 NOON FOR INVESTIGATION OF SFD OCCUPIED WITHOUT WATER AND POWER. NO ANSWER TO MY APPROACH.

NO ONE ON SITE. NEIGHBOR TO THE NORTH SAID SHE HADN'T SEEN ANY ONE ON PROPERTY FOR A WHILE.

ALL GATES AND PL FENCED. NO TRESPASSING POSTED ON TRAVEL TRAILER IN BACK YARD. WINDOWS ARE BOARDED UP. FRONT AND BACK DOORS ARE CLOSED.

NO POWER TO SFD.

TRAVEL TRAILERS ARE NOT HOOKED UP TO UTILITES. NO ONE WAS IN THEM. NO DOGS.

ONE INOPERATIVE JUNKED REMAINS OF VEHICLE IN BACK YARD.

FENCE IS PARTIALLY CHAIN LINK, LIVE STOCK. SOME BARBED.

NOT ACCESS TO INTERIOR TO ACCURATELY DETERMINE IF BEING OCCUPIED AND IF CONDEMNABLE.

SIGN/AD ON ROOF DOES NOT PROVIDE PHONE NUMBER.

PURPOSE INVESTIGATE COMPLAINT

REQUESTED BY: LINDA HUNT

DATE: 3-16-18

PROJECT (SITUS/ADDRESS)
2149 WEST G STREET

LOCATION
WINTERHAVEN

NAME
ROGER GIST

PHONE NO.

ASSESSORS PARCEL NO.
056-273-001-001

CONTACT (if any)
NONE

PROJECT TYPE
CODE ENFORCEMENT

STAFF NAME
ALBERT GODINEZ

DATE
3-19-18

056-273-001;AAG;3-19-18;Lookg S, no meter,barb wire on fence.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

056-273-001;AAG;3-19-18;E PL,lookg S,camper on ground.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

056-273-001;AAG;3-19-18;from road in to Winterhaven.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

056-273-001;AAG;3-19-18;front fence, N PL.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

056-273-001;AAG;3-19-18;lookg E,painted sign on roof.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

056-273-001;AAG;3-19-18;lookg E,2 T.T. back yard.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

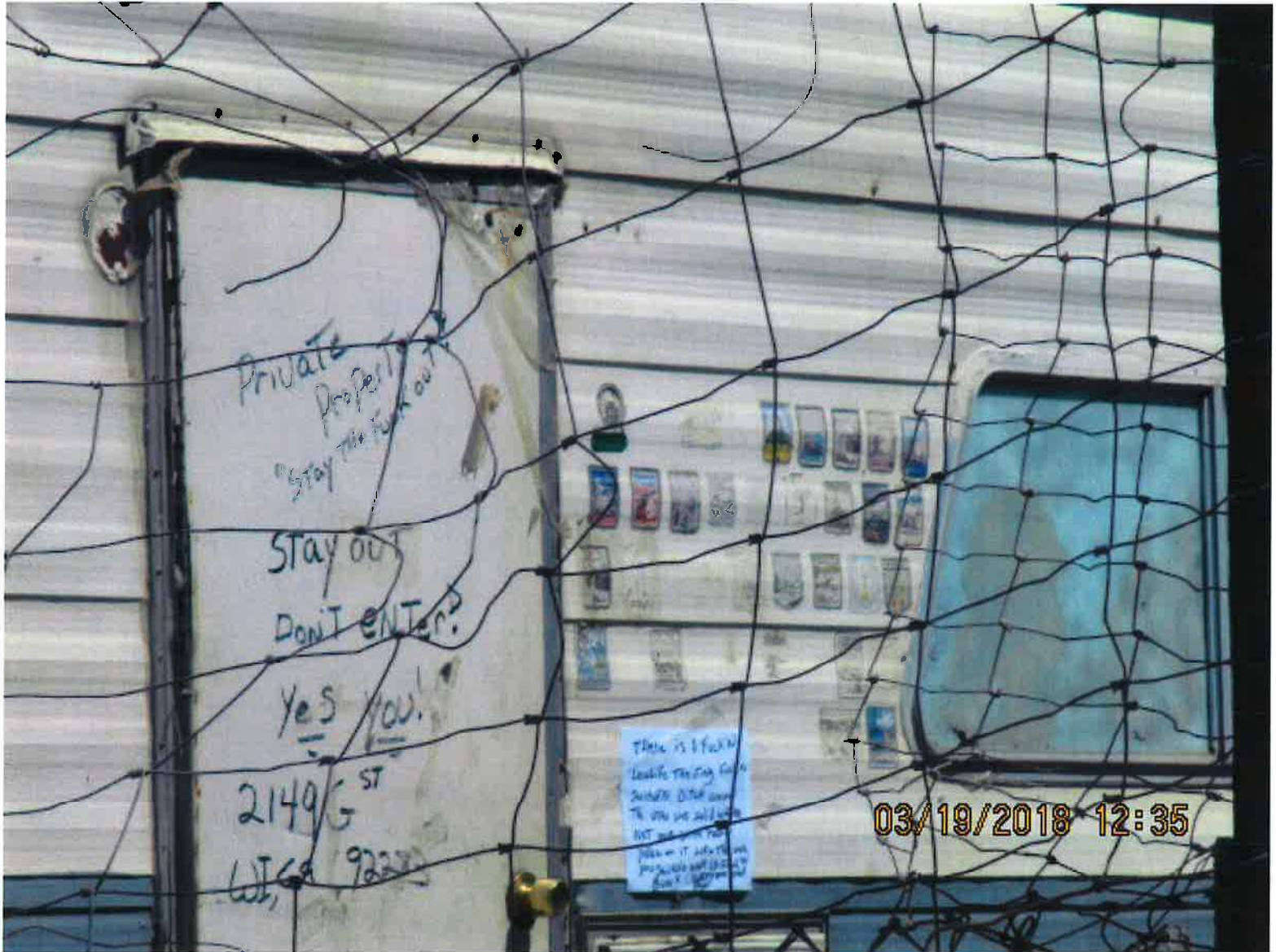
056-273-001;AAG;3-19-18;lookg E,S PL,junk tires,car.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

056-273-001;AAG;3-19-18;T.T. with no trespassing.jpg



APN 056-273-001-001
2149 West G Street, Winterhaven, CA

Photos Taken By:
Albert Godinez, Building Inspector IV
March 19, 2018

EXHIBIT E

ICFD and ICPDS Inspection Reports and Photos

- i. January 11, 2021 Inspection Report and Photos
- ii. May 5, 2021 Inspection Report and Photos

REPORT



On Monday, January 11, 2021, at 9 a.m., I arrived on site at 2149 West G Street, in Winterhaven, as requested by Management to meet with the County Fire Department to conduct a follow up joint investigation to report the conditions of the property.

Upon arriving on site I met Michael Abraham (Planning Department Asst. Director) along with Lt. Andrew Loper (County Fire Department) to conduct our requested joint investigation inspection of the habitual issues revolving around this property.

We also took photographs of the property to document our findings, a gentleman stepped out of an old RV in the rear yard. Lt. Andrew Loper approached the gentleman and introduced himself and explained to him the reasons for us being there. The gentleman identified himself as the Ronald Gist (property owner).

Lt Loper proceeded to ask Mr. Gist if he ever received any Notices regarding the issues with the property and he stated that he never received anything of that nature. I asked him a similar question and let him know that we also post our Notices on the property and Mr. Gist denied receiving any of our Notices as well. I informed Mr. Gist that both of our offices would be preparing official notices so he can be on the look out for them in the US Mail.

At this time, the property was observed to have a single family residence with no power (also confirmed by Mr. Gist's statement to Lt Loper). There were 2 vehicles that seemed operational within the county ROW in the front of the residence. There one (1) utility trailer, two (2) inoperative vehicles and piles of miscellaneous rubbish, spread throughout the rear yard. The property was also found to be overgrown with vegetation.

PURPOSE	Investigation / Follow Up Inspection (Joint Inspection with Fire)	
REQUESTED BY:	Office (per County Counsel)	DATE: 01-11-21

PROJECT (SITUS/ADDRESS) 2149 West G Street
LOCATION Winterhaven
NAME Ronald Gist
PHONE NO.

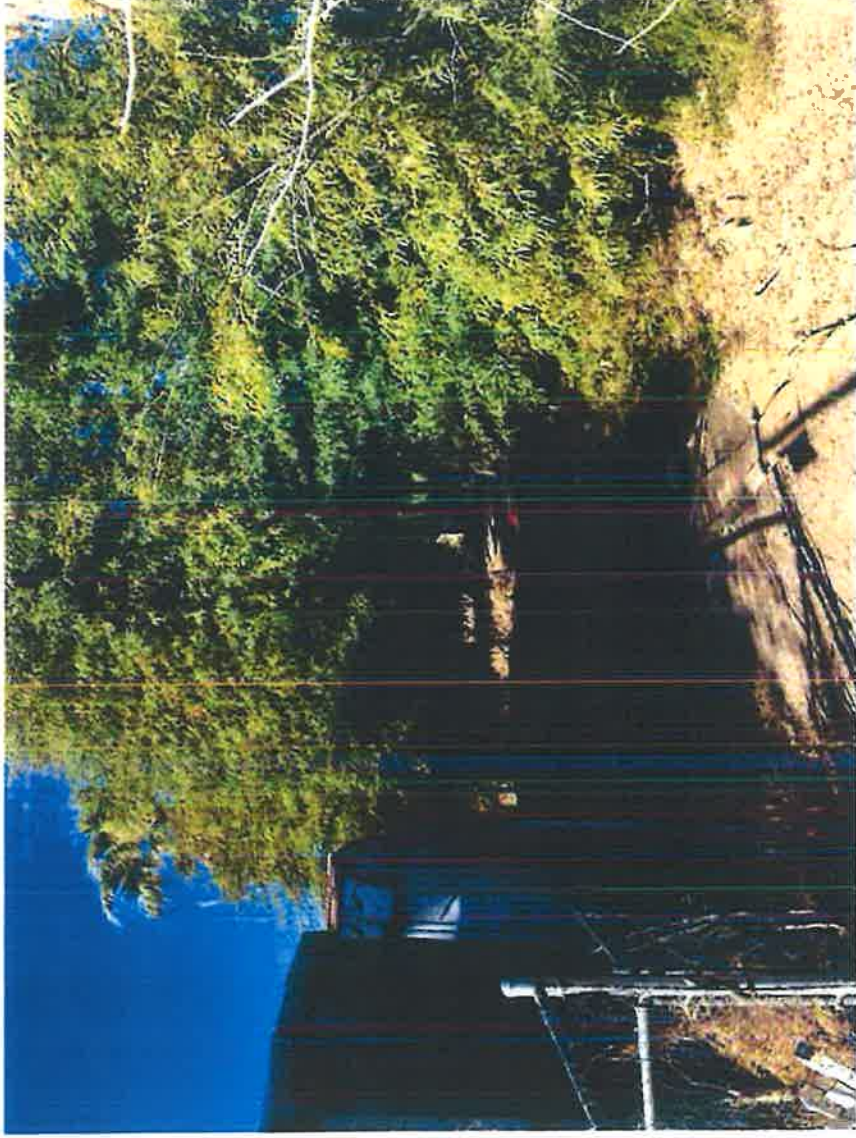
ASSESSORS PARCEL NO 056-273-001-000	
CONTACT (if any) Mr. Gist (property owner)	
PROJECT TYPE Code Enforcement	
STAFF NAME Steve Butler, Building Inspector III	DATE 01/11/2021



056-273-001 OCCUPIED RV IN THE REAR YARD SAB 01-11-21



056-273-001 OVERALL VIEW OF REAR YARD SAB 01-11-21



056-273-001 ALLEY VIEW OF OVERGROWN VEGETATION ON THE EAST SIDE OF PROPERTY SAB 01-11-21



056-273-001 ALLEY VIEW OVERGROWN VEGETATION SAB 01-11-21



056-273-001 EAST SIDE OF HOUSE UTILITY TRAILER AND RV SAB 01-11-21



056-273-001 ELECTRIC METER SAB 01-11-21



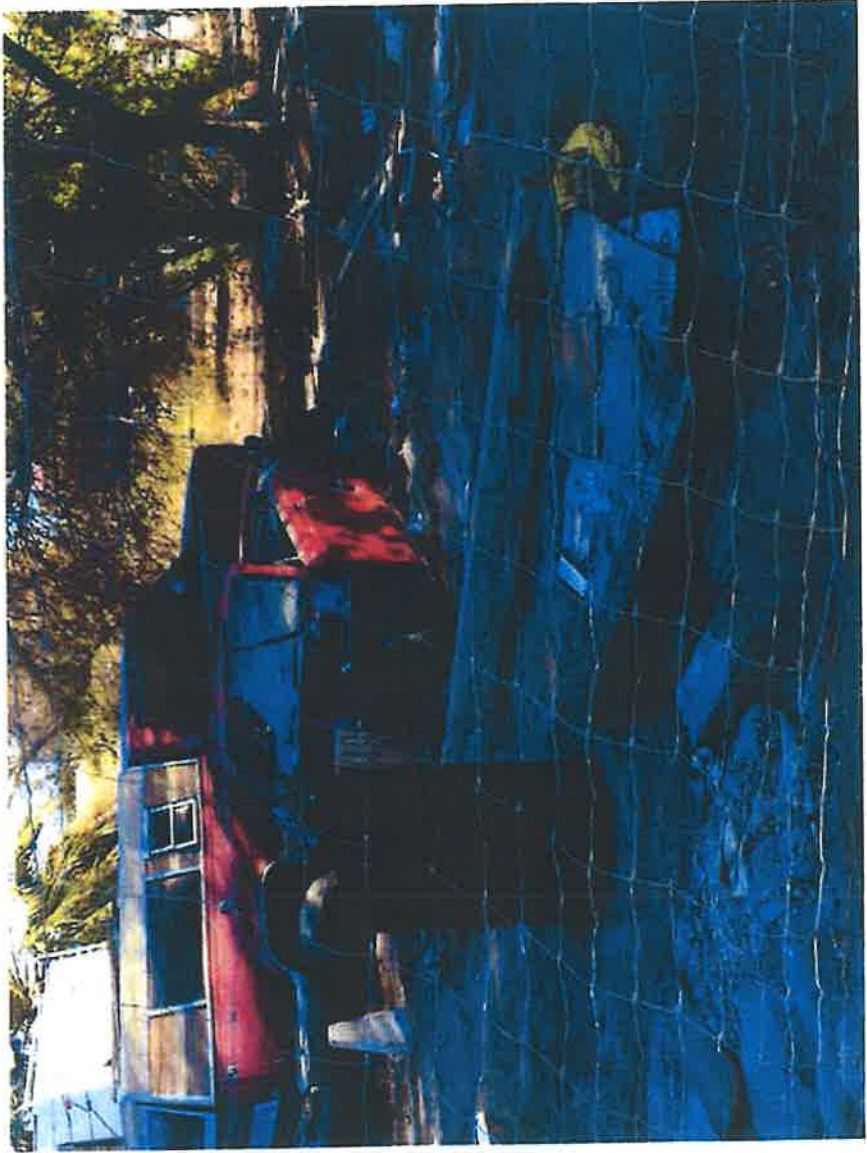
056-273-001 ELECTRICAL SERVICE SAB 01-11-21



056-273-001 IID TRANSFORMER AND SERVICE ON SIDE OF THE HOUSE SAB 01-11-21



056-273-001 INOPERATIVE VEHICLE IN THE REAR YARD SAB 01-11-21



056-273-001 INOPERATIVE VEHICLE IN THE REAR YARD SAB 01-11-21



056-273-001 MISC RUBISH IN THE REAR YARD SAB 01-11-21



056-273-001 NORHT SIDE FRONTAGE OF HOUSE SAB 01-11-21



056-273-001 NORTH WEST VIEW OF CORNER OF HOUSE SAB 01-11-21



056-273-001 RV ON NORTH SIDE OF HOUSE SAB 01-11-21



056-273-001 UTILITY TRAILER ON NORTH SIDE OF HOUSE SAB 01-11-21



056-273-001 VEHICL IN ROW SAB 01-11-21



056-273-001 VEHICLE IN ROW SAB 01-11-21



056-273-001 WEST SIDE OF HOUSE SAB 01-11-21



056-273-001 WEST SIDE VIEW SAB 01-11-21 (2)



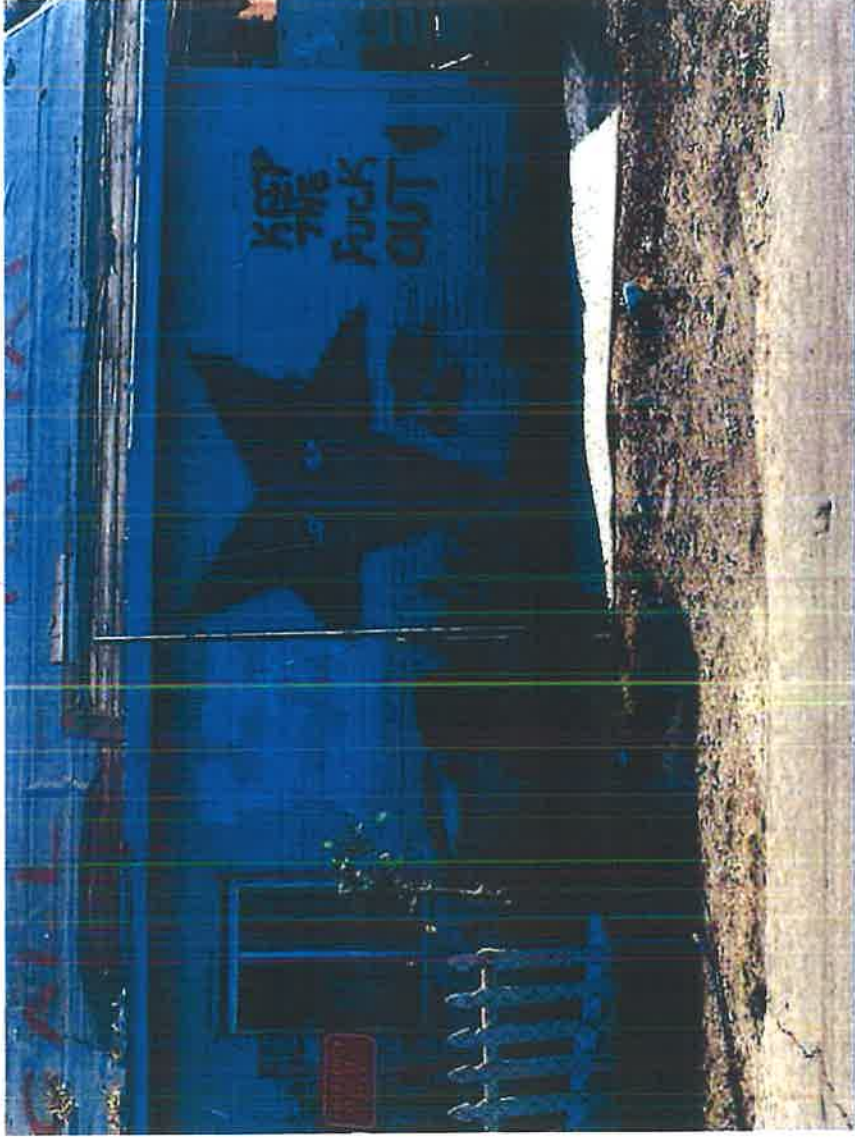
056-273-001 WEST SIDE VIEW SAB 01-11-21 (3)



056-273-001 WEST SIDE VIEW SAB 01-11-21



056-273-001 WRITIN ON ROOF OF THE HOUSE SAB 01-11-21



056-273-001 WRITING ON WALL OF THE HOUSE SAB 01-11-21

REPORT



ARRIVED AT 10 AM FOR FOLLOW UP INSPECTION ON PROPERTY ALONG WITH ANDREW LOPER FROM FIRE DEPARTMENT.

NO ONE ON SITE.

TWO RECREATIONAL VEHICLES IN THE BACK AND EAST SIDE YARD ARE STILL IN SAME PLACE.

CAMPER SHELL AND OTHER MISC ITEMS AROUND REAR YARD REMAIN. FRONT YARD ALSO CLUTTERED WITH ITEMS AND NOW A WOOD CRATE IN RIGHT OF WAY.

VEHICLE WITH TRAILER PARKED IN FRONT OF THIS RESIDENCE. PAINTED ROOF SIGN FADING BUT STILL VISIBLE.

PHOTOS TAKEN

PURPOSE FOLLOW UP

REQUESTED BY: JEANINE RAMOS **DATE:** 5-5-2021

PROJECT (SITUS/ADDRESS) 2149 G STREET
LOCATION WINTERHAVEN
NAME
PHONE NO

ASSESSORS PARCEL NO 056-273-001-001	
CONTACT (if any) NONE	
PROJECT TYPE CODE ENFORCEMENT	
STAFF NAME ALBERT GODINEZ	DATE MAY 10, 2021



056-273-001;AAG;5-10-21;Durango w trailer in front right of way



056-273-001;AAG;5-10-21;lookg S at front yard



056-273-001;AAG;5-10-21;lookg SE at corner lot



056-273-001;AAG;5-10-21;rear yard RVs and junk



056-273-001;AAG;5-10-21;W barb wire in small section



056-273-001;AAG;5-10-21;W barb wire, RVs in backyard



056-273-001;AAG;5-10-21;W side fencing,painted roof sign



056-273-001;AAG;5-10-21;wood crate in front right of way

EXHIBIT F

ICFD and ICPDS Notice of Violations and Photos

- i. March 4, 2021 Notice of Violation and Photos
- ii. August 27, 2021 Notice of Violation and Photos



**Imperial County Planning & Development Services Department
Imperial County Fire Department**



Jim Minnick
DIRECTOR

March 4, 2021

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249
Administration
Phone: (442) 265-6000
Fax: (760) 482-2427
Training
Phone: (442) 265-6011
OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251
Operations
Phone: (442) 265-3000
Fax: (760) 355-1482
Prevention
Phone: (442) 265-3020

**NOTICE OF VIOLATION/ NON-COMPLIANCE
CERTIFIED MAIL 7016 2140 0000 2120 0978**

(copy posted on site)

Ronald D. Gist, Jr.
P.O. Box 101
Winterhaven, CA 92283

Subject: 2149 West G Street, Winterhaven, CA (APN 056-273-001-000)

Dear Property Owners:

Based on a joint site inspection and photographs taken of your property on January 11, 2021 (copy enclosed), the Imperial County Planning & Development Services Department and the Imperial County Fire Department has determined that conditions exist at the property, legally known as **LOT 1, AND 2 BLOCK 6 TOWNSITE OF WINTERHAVEN OM 3**, located on 2149 West G Street, Winterhaven, CA 92283, Assessor's Parcel Number 056-273-001-000, that violate Sections 90401.00, 90403.00, 90502.00, 91801.00, and 92601.00 et. seq. of the Imperial County Codified Ordinance Title 9, and Sections 110.2, 110.3, and 110.4, 111.1.1, 111.4, 304.1.1, 304.1.2. of the California Fire Code. The property is currently zoned "R-1" (Low Density Residential). The Imperial County Tax Assessor's "Inquiry" identifies the above persons as the current owners of the subject property.

To wit:

The above subject property is currently zoned "R-1" (Low Density Residential) was found to be in violation for the following reason(s):

1. The storage of an inoperable and/or unregistered vehicle(s) (i.e. two recreational vehicle, two dismantled cars, one utility trailer) is prohibited. (ICLUO Title 9, Division 26, Chapter 1)
2. The storage of miscellaneous junk (i.e. used lumber, tire, metal scraps, auto parts, appliances, trash, debris, etc.) is prohibited. (ICLUO Title 9, Division 14, Chapter 1)
3. The additional height of fencing within front yard setback and rear property and barbed wire is not allowed. (ICLUO Title 9, Division 4, Chapter 3)

4. Advertising (spray paint) on roof and side of the residence is prohibited. (ICLUO Title 9, Division 4, Chapter 1)
5. The abandonment of a property that leads to growing of weeds, which become a fire menace when dry and otherwise noxious or dangerous. (ICLUO Title 9 Division 18 Chapter 1)

The storage of the inoperative vehicles and miscellaneous junk on an R-1 lot is a direct violation of Section 90502.12 of the Imperial County Land Use Ordinance Title 9, Division 5 Chapter 2 which states "...the areas with an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazard either to the occupants or the public..."

The abandonment of the property that leads to the growing of weeds is a direct violation of Section 91801.01 of the Imperial County Land Use Ordinance Title 9 Division 18 Chapter 1 which states, "... It shall be unlawful for the owner or occupant of any land, lot, yard, or tract of land in an unincorporated area of the County of Imperial to cause or to allow such premises to become overgrown and infested with weeds and other vegetation..."

Additionally, the storage of the abandoned and inoperative vehicle(s) (i.e. recreation vehicles, utility trailer, dismantled cars) is a direct violation of the following:

- Imperial County Codified Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01, which states *"...The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, not including highways except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter..."*
- Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05, which states, *"...It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the County for a period in excess of 72 or more consecutive hours unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard..."*

Furthermore, the placement of barbed wire is prohibited as well as the addition of fencing placed above the existing chain-link fence exceed the height limits within the front yard and rear yard setback as listed per Title 9, Division 4, Chapter 3.

In addition, the advertising placed on the roof is prohibited per Title 9, Division 4, Chapter 1 of the Land Use Ordinance.

Based on our records this property has an outstanding violation that has yet to be cleared. Records show that the single-family residence was posted with an "unsafe for human occupancy" (condemnation) on February 8, 2011. On January 23, 2013 Building Permit #54812 was issued, to make the necessary repairs to the single family residence to clear the violation. Said permit was not signed off as finalized and has now expired by the 3-year time limitation. Thus, the "condemnation" remains in effect.

You are also hereby notified by Imperial County Fire Department, that as a result of the above mentioned inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

1. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. (2019 CFC Chapter 3 section 304.1.2)

- *[California Code of Regulations, Title 19, Division 1, §3.07(b)] Clearances. (b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following: Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following: (1) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure. (2) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. (3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe. (4) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building. (5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth. (6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1 /2 inch in size. (7) Vegetation around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations: (A) Public Resources Code Section 4291. (B) California Code of Regulations Title 14 - Natural Resources, Division 1.5 - Department of Forestry and Fire Protection, "General Guideline to Create Defensible Space." (C) California Government Code Section 51182. (D) California Code of Regulations, Title 24, Part 9.*

2. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure. (2019 CFC Chapter 3 section 304.1.1)
3. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. (2019 CFC Chapter 3 section 304.1)
 - *[California Code of Regulations, Title 19, Division 1, §3.07(a)] Clearances. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.*
4. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare. (2019 CFC Chapter 3 section 304.2)
5. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the California Property Maintenance Code and the California Building Code. (2019 CFC Chapter 3 section 311.1.1)
6. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials. (2019 CFC Chapter 3 section 311.3)

That having been said, you are hereby ordered to bring the property into compliance with the above County Ordinance within forty-five (45) days by:

1. The single-family residence must remain vacant (unoccupied).
2. Obtaining the required permit to make the necessary repairs to the single family residence; or required demolition permit to remove the single family residence from the property;
3. Removing "ALL" inoperative and/or unregistered vehicles, recreational vehicles, and utility trailers from the property;
4. Removing all the miscellaneous junk stored on property from property and properly dispose of them;
5. Removing all overgrown vegetation from the property;
6. Remove the fencing material and barbed-wire placed above the existing chain-lined fence;

7. Remove the advertising placed on the roof and side of the residence.
8. Calling the Imperial County Planning & Development Services Department and the Imperial County Fire Department when the items have been removed so that an inspection can be scheduled to verify compliance and the violation file can be closed out.

If your full compliance is obtained within forty-five (45) days of receipt of this notice, no further action will be taken.

Failure to comply with this notice may be assessed with civil penalties of up to \$1,000.00 a day pursuant to provision of the Imperial County Codified Ordinance Title 9, Division 13, Chapter 4, Section 91304.01. The individual committing the violation and the property owner(s) are jointly liable for any costs fines, penalties or assessments. It is unlawful for any person to violate any provision of Title 9 of the Imperial County Codified Ordinances. Any person violating any provision of the Imperial County Codified Ordinances shall be deemed guilty of an infraction or misdemeanor pursuant to Imperial County Codified Ordinance Title 9, Division 13, Chapter 5, Section 91305.00. Such person shall be deemed guilty of a separate offense for each and every day during which a violation of the Imperial County Codified Ordinances is committed, continued, or permitted. Maximum punishment under Imperial County Codified Ordinances Title 9, Division 13, Chapter 5, Section 91305.00 is a fine of \$1,000 or imprisonment of six (6) months, or both.

Pursuant to Imperial County Codified Ordinance Title 9, Division 13, Chapter 4, Section 91306.02, failure to bring the property into compliance could result in the imposition of a lien on the property at issue for costs related to the enforcement of Title 9 of the Imperial County Codified Ordinances.

Additionally, pursuant to California Health and Safety Code Division 12, Chapter 1, Subchapter 1, Article 1, Section 13112, maximum penalties for violating the California Fire Code include being found guilty of a misdemeanor punishable of a fine of \$500 or by imprisonment for six (6) months, or both. A person is guilty of a separate offense each day during which he/she commits, continues or permits a violation of the California Fire Code pursuant to California Health and Safety Code Title 19, Division 1, Chapter 1, Subchapter 1, Article 1, Section 13112.

You have the right to appeal this Notice of Violation/Non-Compliance or to object to these charges by filing a Request for Hearing with the Planning Commission within ten (10) days of the service of notice. Said appeal must be in the form of writing and must be submitted to the Building Official at Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243) within ten (10) days of receipt of this notice. Said appeal must be accompanied by a filing fee of \$650.00 payable to the County of Imperial. The appeal letter should include the property owner's name, address, contact phone number and a brief description of the issues being disputed. The issues shall be restricted to the items cited in the Notice of Violation/Non-Compliance.

Notice is hereby given that at the conclusion of this case, and without voluntary compliance, you will receive a bill of administrative costs associated with the processing of such violation(s), pursuant to Section 91309.03 of Imperial County Codified Ordinances.

Please see the following contact information should you have any questions on this matter:

Imperial County Planning & Development Services

Jeanine Ramos, Planner I
(442) 265-1750
jeanineramos@co.imperial.ca.us
801 Main Street
El Centro, CA 92243

Imperial County Fire Department

Andrew Loper, Lieutenant/Fire
Prevention Specialist
(442) 265-3021
andrewloper@co.imperial.ca.us
2514 La Brucherie Road
El Centro, CA 92243

Sincerely,

Jim Minnick, Director
IC Planning & Development Services Dept.

Alfredo Estrada, Jr., Fire Chief
Imperial County Fire Department

BY: 
Andrew Loper, Lieutenant/Fire Prevention Specialist &
Jeanine Ramos, Planner I

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director
Alfredo Estrada, Jr., ICFD Fire Chief
Michael Abraham, AICP, ICPDS Assistant Director
Andrew Loper, ICFD, Lieutenant/ Fire Prevention Specialist
Jeanine Ramos, ICPDS Planner I
Mistelle Abdelmagied, Deputy County Counsel
Faye Winkler, Deputy County Counsel
APN 056-273-001-000 (violation file); 10.103
(copy posted on site)

S:\AllUsers\APN\056\273\001\NOV1106\APN 056-273-001-000 PDS-FIRE joint notice_ with Ltr head.doc

Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07 states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.29, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

Imperial County Codified Land Use Ordinance Title 9 Division 13 Chapter 2 Section 91302.01 states, "...any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law..."

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.09(J), defines "junk" as all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.



[FAQs >](#)

Track Another Package +

Tracking Number: 70162140000021200978

[Remove X](#)

Your item was delivered at 4:01 pm on March 11, 2021 in WINTERHAVEN, CA 92283.

Delivered

March 11, 2021 at 4:01 pm
WINTERHAVEN, CA 92283

[Feedback](#)

Get Updates v

Text & Email Updates



Tracking History



Product Information



See Less ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

REPORT



ONSITE AT OFFICE REQUEST TO MEET WITH ANDREW LOPER AND DO A JOINT VENTURE POSTING OF THE NOV. UPON ARRIVAL MET WITH ANDREW, NO ONE WAS ONSITE AT THE TIME OF INSPECTION. WE PLACED THE POSTING ON THE FRONT GATE AND ADDED A COUPLE EXTRA CLIPS TO INSURE THAT IT WOULDN'T BLOW AWAY. TOOK PHOTOS TO DOCUMENT THE CONDITION OF THE SITE. SEE PHOTOS PROVIDED.

PURPOSE	NOV POSTING	
REQUESTED BY:	OFFICE	DATE: 03-26-21
PROJECT (SITUS/ADDRESS) 2149 W G ST.	ASSESSORS PARCEL NO. 056-273-001	
LOCATION WINTERHAVEN	CONTACT (if any)	
NAME	PROJECT TYPE Code Enforcement	
PHONE NO.	STAFF NAME STEVE BUTLER	DATE

PLANNING & DEVELOPMENT SERVICES DEPT. (IMPERIAL COUNTY) (760) 482-4236



056-273-001 FRONT FENCE AREA SAB 03-26-21



056-273-001 FRONT GATE WITH POSTING SAB 03-26-21



056-273-001 FRONTAGE OF PROPERTY SAB 03-26-21



056-273-001 REAR YARD AREA SAB 03-26-21 (2)



056-273-001 REAR YARD AREA SAB 03-26-21 (3)



056-273-001 REAR YARD AREA SAB 03-26-21



056-273-001 SIDE OF HOUSE AREA SAB 03-26-21



Imperial County Planning & Development Services Department
Imperial County Fire Department



Jim Minnick
DIRECTOR

August 27, 2021

**Notice of Violation & Notice of Hearing Before the
Imperial County Planning Commission**

CERTIFIED MAIL 7016 2140 0000 2121 4463

(copy posted on site)

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Bruchene Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

Ronald D. Gist, Jr. and All Legal Heirs
P.O. Box 101
Winterhaven, CA 92283

Subject: 2149 West G Street, Winterhaven, CA (APN 056-273-001-000)

Dear Property Owners:

Based on the second joint site inspection and photographs taken of your property on January 11, 2021 and May 5, 2021 (copy enclosed), the Imperial County Planning & Development Services Department and the Imperial County Fire Department have determined that conditions continue to exist at the property, legally known as **LOT 1, AND 2 BLOCK 6 TOWNSITE OF WINTERHAVEN OM 3**, located on 2149 West G Street, Winterhaven, CA 92283, Assessor's Parcel Number 056-273-001-000, that violate Sections 90401.00, 90403.00, 90502.00, 91801.00, and 92601.00 et. seq. of the Imperial County Codified Ordinance Title 9, and Sections 110.2, 110.3, and 110.4, 111.1.1, 111.4, 304.1.1, 304.1.2. of the California Fire Code. The property is currently zoned "R-1" (Low Density Residential). The Imperial County Tax Assessor's "Inquiry" identifies the above persons as the current owners of the subject property.

To wit:

The above subject property is currently zoned "R-1" (Low Density Residential) was found to still be in violation for the following reason(s) based on the inspection on both March 26, 2021 and May 5, 2021:

1. The storage of an inoperable and/or unregistered vehicle(s) (i.e. two recreational vehicle, two dismantled cars, one utility trailer) is prohibited.
(ICLUO Title 9, Division 26, Chapter 1)
2. The storage of miscellaneous junk (i.e. used lumber, tire, metal scraps, auto parts, appliances, trash, debris, etc.) is prohibited. (ICLUO Title 9, Division 14, Chapter 1)

3. The additional height of fencing within front yard setback and rear property and barbed wire is not allowed. (ICLUO Title 9, Division 4, Chapter 3)
4. Advertising (spray paint) on roof and side of the residence is prohibited. ICLUO Title 9, Division 4, Chapter 1)
5. The abandonment of a property that leads to growing of weeds, which become a fire menace when dry and otherwise noxious or dangerous. (ICLUO Title 9 Division 18 Chapter 1)

The storage of the inoperative vehicles and miscellaneous junk on an R-1 lot is a direct violation of Section 90502.12 of the Imperial County Land Use Ordinance Title 9, Division 5 Chapter 2 which states "...the areas with an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazard either to the occupants or the public..."

The abandonment of the property that leads to the growing of weeds is a direct violation of Section 91801.01 of the Imperial County Land Use Ordinance Title 9 Division 18 Chapter 1 which states, "... It shall be unlawful for the owner or occupant of any land, lot, yard, or tract of land in an unincorporated area of the County of Imperial to cause or to allow such premises to become overgrown and infested with weeds and other vegetation..."

Additionally, the storage of the abandoned and inoperative vehicle(s) (i.e. recreation vehicles, utility trailer, dismantled cars) is a direct violation of the following:

- Imperial County Codified Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01, which states *"...The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, not including highways except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter..."*
- Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05, which states, *"...It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the County for a period in excess of 72 or more consecutive hours unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard..."*

Furthermore, the placement of barbed wire is prohibited as well as the addition of fencing placed above the existing chain-link fence exceed the height limits within the front yard and rear yard setback as listed per Title 9, Division 4, Chapter 3.

In addition, the advertising placed on the roof is prohibited per Title 9, Division 4, Chapter 1 of the Land Use Ordinance.

Based our records this property has an outstanding violation that has yet to be cleared. Records show that the single-family residence was posted with an "unsafe for human occupancy" (condemnation) on February 8, 2011. On January 23, 2013 Building Permit #54812 was issued, to make the necessary repairs to the single family residence to clear the violation. Said permit was not signed off as finalized and has now expired by the 3-year time limitation. Thus, the "condemnation" remains in effect.

You are also hereby notified by Imperial County Fire Department, that as a result of the above mentioned inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

1. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. (2019 CFC Chapter 3 section 304.1.2)
 - *[California Code of Regulations, Title 19, Division 1, §3.07(b)] Clearances. (b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following: Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following: (1) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure. (2) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. (3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe. (4) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building. (5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth. (6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1 /2 inch in size. (7) Vegetation around all applicable buildings and structures shall be maintained in*

accordance with the following laws and regulations: (A) Public Resources Code Section 4291. (B) California Code of Regulations Title 14 - Natural Resources, Division 1.5 - Department of Forestry and Fire Protection, "General Guideline to Create Defensible Space." (C) California Government Code Section 51182. (D) California Code of Regulations, Title 24, Part 9.

2. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure. (2019 CFC Chapter 3 section 304.1.1)
3. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. (2019 CFC Chapter 3 section 304.1)
 - *[California Code of Regulations, Title 19, Division 1, §3.07(a)] Clearances. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.*
4. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare. (2019 CFC Chapter 3 section 304.2)
5. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the California Property Maintenance Code and the California Building Code. (2019 CFC Chapter 3 section 311.1.1)
6. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials. (2019 CFC Chapter 3 section 311.3)

Pursuant to *Imperial County Codified Land Use Ordinance* section 91302.09, you are hereby notified that continued failure to bring the property into compliance with the above violations may subject you to civil and criminal penalties. You are further notified that failure to bring your property into compliance may also result in the imposition of a lien on the property for costs related to the enforcement of the ordinances and abatement of the conditions.

Additionally, you are hereby notified that this matter has been referred to the Imperial County Planning Commission ("Planning Commission") for hearing on **September 22, 2021 at 9:30 a.m. in the Board of Supervisors Chambers at the County Administration Building, located at 940 Main Street, El Centro, California 92243.** Pursuant to *Imperial County Codified Land Use Ordinance* section 91302.03 subdivision (C), you are directed to appear

before the Planning Commission at this hearing and show cause as to the conditions on your property should not be abated.

In order to resolve this matter, you must come into full compliance with the above violations and pay all required fees and/or costs as required by the Planning Department.

Please see the following contact information should you have any questions on this matter:

Imperial County Planning & Development Services

Jeanine Ramos, Planner I
(442) 265-1750
jeanineramos@co.imperial.ca.us
801 Main Street
El Centro, CA 92243

Imperial County Fire Department

Andrew Loper, Lieutenant/Fire
Prevention Specialist
(442) 265-3021
andrewloper@co.imperial.ca.us
2514 La Brucherie Road
El Centro, CA 92243

Sincerely,

Jim Minnick, Director
IC Planning & Development Services Dept.

Alfredo Estrada, Jr., Fire Chief
Imperial County Fire Department

BY: 
Andrew Loper, Lieutenant/Fire Prevention Specialist &
Jeanine Ramos, Planner I

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director
Alfredo Estrada, Jr., ICFD Fire Chief
Michael Abraham, AICP, ICPDS Assistant Director
Andrew Loper, ICFD, Lieutenant/ Fire Prevention Specialist
Jeanine Ramos, ICPDS Planner I
Mistelle Abdelmagied, Deputy County Counsel
Faye Winkler, Deputy County Counsel
APN 056-273-001-000 (violation file); 10.109
(copy posted on site)

S:\AllUsers\APN\056\273\001\NOV1106\PC\NOV1106 Final PC Letter to the Prop Owner 08.25.2021.doc

Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07 states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.29, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

Imperial County Codified Land Use Ordinance Title 9 Division 13 Chapter 2 Section 91302.01 states, "...any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law..."

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.09(J), defines "junk" as all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.

Track Another Package +

Tracking Number: 70162140000021214463

Remove X

Your item arrived at the WINTERHAVEN, CA 92283 post office at 9:26 am on September 7, 2021 and is ready for pickup.

Available for Pickup

September 7, 2021 at 9:26 am
WINTERHAVEN, CA 92283

Feedback

Get Updates ∨

Text & Email Updates



Tracking History



Product Information



See Less ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

REPORT



ONSITE AT OFFICE REQUEST. MET WITH ANDREW LOPER FROM IMPERIAL COUNTY FIRE DEPARTMENT. POSTED THE JOINT NOV NOTICE ON THE FRONT GATE AFTER HE SIGNED HIS PORTION OF THE NOTICE. THE PREVIOUS NOTICE WAS STILL POSTED ON THE GATE IN THE ORIGINAL LOCATION THAT IT WAS POSTED ON. SEE PHOTOS OF THE POSTING AND GENERAL PHOTOS OF THE PROPERTY PROVIDED.

PURPOSE	NOV JOINT POSTING WITH FIRE DEPARTMENT	
REQUESTED BY:	OFFICE	DATE: 08-27-21

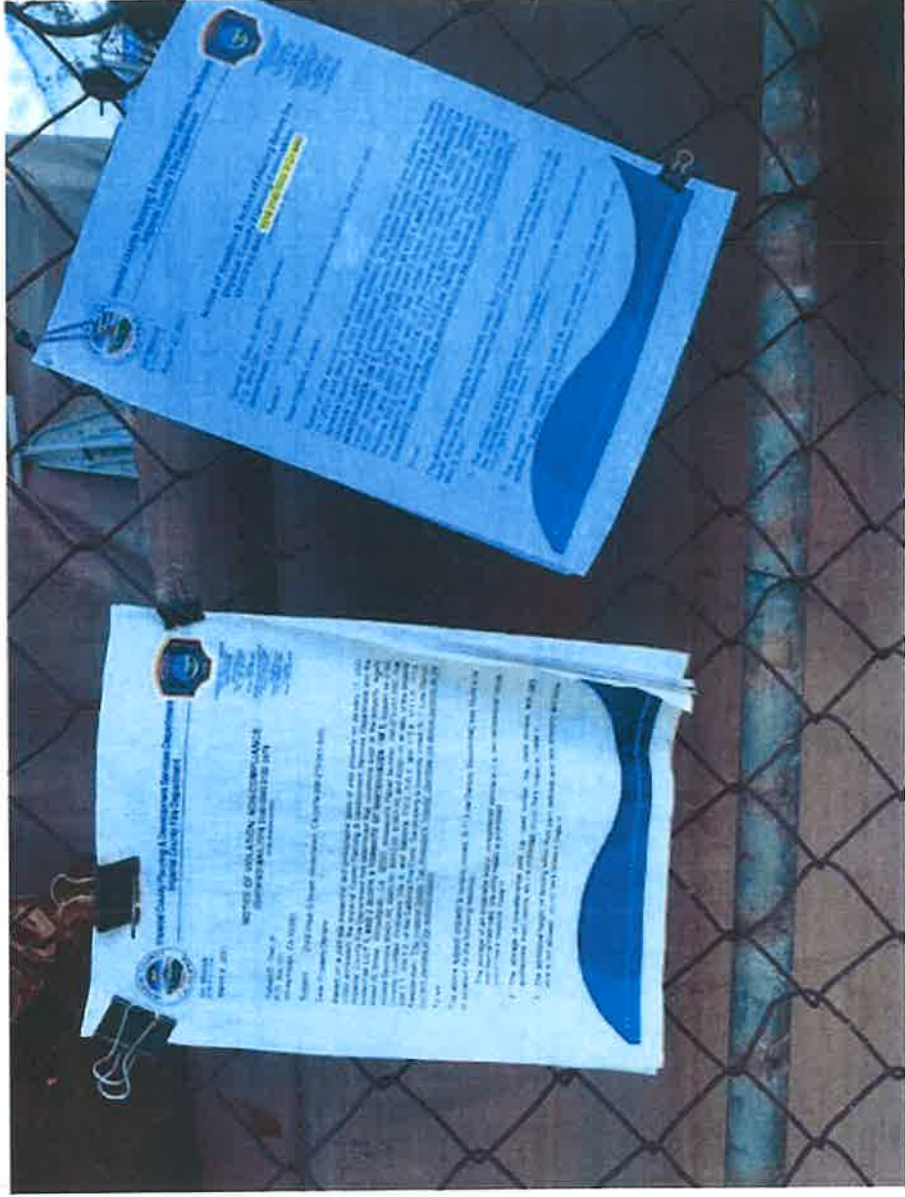
PROJECT (SITUS/ADDRESS) 2149 W G STREET
LOCATION WINTERHAVEN
NAME
PHONE NO

ASSESSORS PARCEL NO. 056-273-001	
CONTACT (if any)	
PROJECT TYPE Code Enforcement	
STAFF NAME STEVE BUTLER	DATE

PLANNING & DEVELOPMENT SERVICES DEPT. (IMPERIAL COUNTY) (760) 482-4236



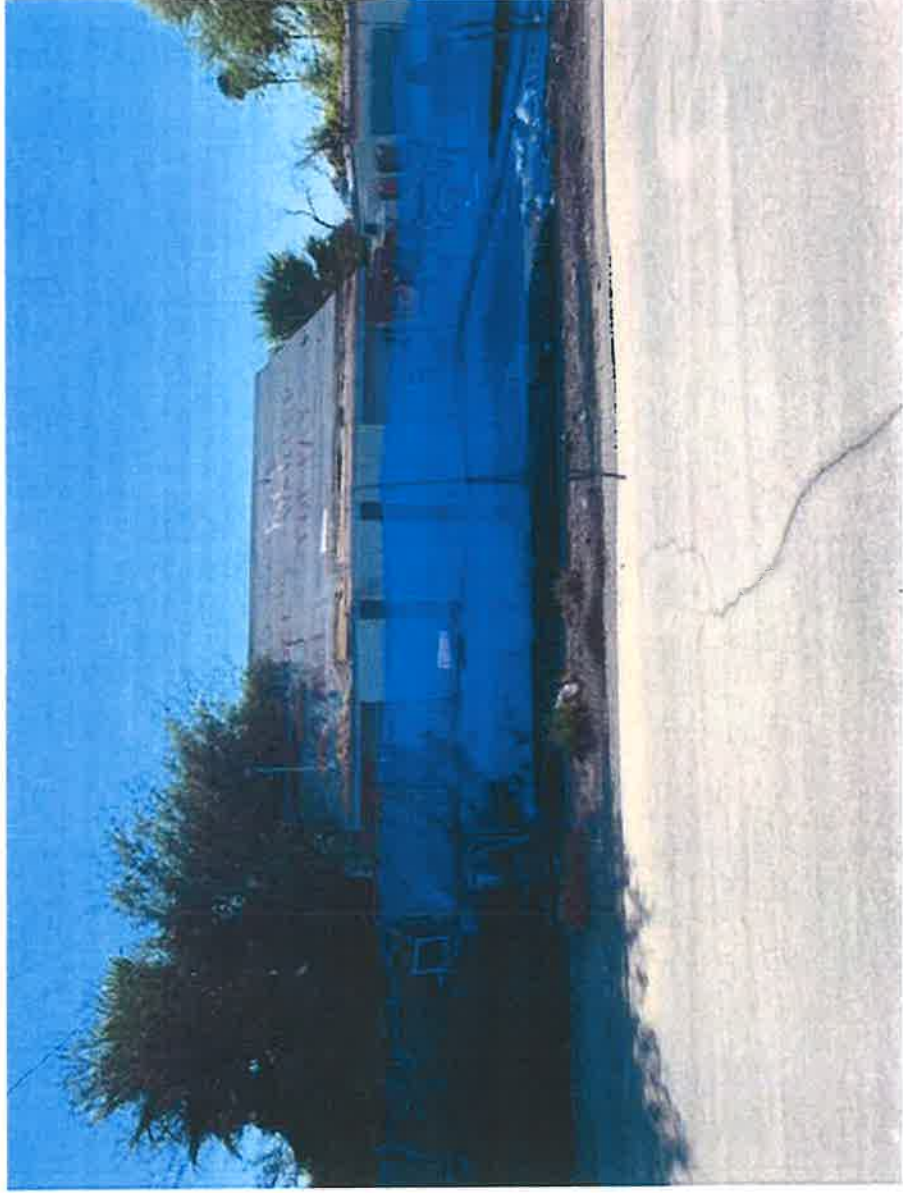
056-273-001 NORTH FRONTAGE OF PROPERTY SAB 08-27-21



056-273-001 POSTING BESIDE PREVIOUS POSTING SAB 08-27-21



056-273-001 POSTING FRONT GATE SAB 08-27-21



056-273-001 WEST SIDE OF PROPERTY SAB 08-27-21

EXHIBIT G

County Counsel Letter

- i. September 2, 2021 Letter and Photos

*Adam G. Crook
County Counsel*



*Eric Havens
Assistant County Counsel*

County Counsel

*County Administration Center
940 West Main Street, Suite 205
El Centro, CA 92243
Telephone (442) 265-1120
Fax No. (760) 353-9347
countycounsel@co.imperial.ca.us*

September 2, 2021

Ronald Gist
P.O. Box 101
Winterhaven, CA 92283

RE: 2149 West G Street, Winterhaven, California 92283 (APN 056-273-001-000) – Notice of Violation/Non-Compliance and Notice of Hearing before the County of Imperial Planning Commission

Dear Mr. Gist:

The Imperial County Planning & Development Services (“ICPDS”) and Imperial County Fire Department (“ICFD”) referred the above-captioned enforcement action to this office for legal action. You were previously notified by ICDP and ICFD on or about March 4, 2021 and August 27, 2021 that your property is in violation of the following:

1. Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01 and 9206.05
2. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 3, Section 90403.02
3. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 1, Section 90401.03
4. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 91801.01
5. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 90502.12
6. 2019 California Fire Code Chapter 3, Section 304.1.2
7. 2019 California Fire Code Chapter 3, Section 304.1.1
8. 2019 California Fire Code Chapter 3, Section 304.1
9. 2019 California Fire Code Chapter 3, Section 304.2
10. 2019 California Fire Code Chapter 3, Section 311.1.1
11. 2019 California Fire Code Chapter 3, Section 311.3

As of the date of this letter, there has yet to be any improvement of the conditions of the property. The above listed violations still exist on your property and require your prompt attention and remediation. In accordance with the above cited violations and code non-compliance, you were directed on March 4, 2021 Notice of Violation/Non-Compliance to bring your property into compliance within forty-five (45) days of receipt of the notice. No improvement was made as to the conditions of the property during this timeframe. You were then directed in the August 27, 2021 Notice of Violation /Non-Compliance that your property was still in violation of the above cited violations and code non-compliance.

At the time of this writing, your property remains non-compliant and there has been no action taken to bring the property into compliance. The following actions are still required:

1. The single family residence, if occupied, does not have power connected and needs to be reconnected to power before being resided in.
2. Removing all vehicles, debris and miscellaneous trash and items from the property.
3. Removing all overgrown vegetation.
4. Contacting ICPDS and ICFD when these actions are completed so that an inspection can be scheduled to verify compliance and the code enforcement file can be closed.

Pursuant to Imperial County Codified Land Use Ordinance section 91302.01, you are hereby notified that continued failure to bring the property into compliance may subject you to civil and criminal penalties. You are further notified that failure to bring your property into compliance may also result in the imposition of a lien on the property for costs related to the enforcement of the ordinances and abatement of the conditions.

The matter has now been referred to the County of Imperial Planning Commission for hearing on September 22, 2021, at 9:00 a.m. The hearing location is 940 W. Main Street, El Centro, CA 92243 in the Board Chambers located on the second floor. Pursuant to Imperial County Codified Land Use Ordinance section 91302.05, you are directed to appear before the County of Imperial Planning Commission at this hearing and show cause as to why the conditions on your property should not be abated. I have enclosed the previous two Notice of Violations/Non-Compliance mentioned above to this letter for your reference.

If you have any questions regarding this matter, please feel free to contact the following individuals:

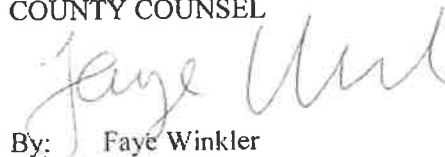
Imperial County Planning & Development Services
Jeanine Ramos, Planner I
(442) 265-1750
jeanineramos@co.imperial.ca.us

Imperial County Fire Department
Andrew Loper, Lieutenant/Fire
Prevention Specialist
(442) 265-3021
andrewloper@co.imperial.ca.us

Office of County Counsel
Faye Winkler, Deputy County Counsel
(442) 265-1140
fayewinkler@co.imperial.ca.us

Sincerely,

ADAM G. CROOK
COUNTY COUNSEL



By: Faye Winkler
Deputy County Counsel

Encl.

CC: Jeanine Ramos, ICPDS
Andrew Loper, ICFD



Imperial County Planning & Development Services Department
Imperial County Fire Department



Jim Minnick
DIRECTOR

March 4, 2021

NOTICE OF VIOLATION/ NON-COMPLIANCE
CERTIFIED MAIL 7016 2140 0000 2120 0978

(copy posted on site)

Ronald D. Gist, Jr.
P.O. Box 101
Winterhaven, CA 92283

Subject: 2149 West G Street, Winterhaven, CA (APN 056-273-001-000)

Dear Property Owners:

Based on a joint site inspection and photographs taken of your property on January 11, 2021 (copy enclosed), the Imperial County Planning & Development Services Department and the Imperial County Fire Department has determined that conditions exist at the property, legally known as **LOT 1, AND 2 BLOCK 6 TOWNSITE OF WINTERHAVEN OM 3**, located on 2149 West G Street, Winterhaven, CA 92283, Assessor's Parcel Number 056-273-001-000, that violate Sections 90401.00, 90403.00, 90502.00, 91801.00, and 92601.00 et. seq. of the Imperial County Codified Ordinance Title 9, and Sections 110.2, 110.3, and 110.4, 111.1.1, 111.4, 304.1.1, 304.1.2. of the California Fire Code. The property is currently zoned "R-1" (Low Density Residential). The Imperial County Tax Assessor's "Inquiry" identifies the above persons as the current owners of the subject property.

To wit:

The above subject property is currently zoned "R-1" (Low Density Residential) was found to be in violation for the following reason(s):

1. The storage of an inoperable and/or unregistered vehicle(s) (i.e. two recreational vehicle, two dismantled cars, one utility trailer) is prohibited. (ICLUO Title 9, Division 26, Chapter 1)
2. The storage of miscellaneous junk (i.e. used lumber, tire, metal scraps, auto parts, appliances, trash, debris, etc.) is prohibited. (ICLUO Title 9, Division 14, Chapter 1)
3. The additional height of fencing within front yard setback and rear property and barbed wire is not allowed. (ICLUO Title 9, Division 4, Chapter 3)

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249
Administration
Phone: (442) 265-6000
Fax: (760) 482-2427
Training
Phone: (442) 265-6011
OPERATIONS/PREVENTION
2514 La Brucherie Road
Imperial, CA 92251
Operations
Phone: (442) 265-3000
Fax: (760) 355-1482
Prevention
Phone: (442) 265-3020

4. Advertising (spray paint) on roof and side of the residence is prohibited. ICLUO Title 9, Division 4, Chapter 1)
5. The abandonment of a property that leads to growing of weeds, which become a fire menace when dry and otherwise noxious or dangerous. (ICLUO Title 9 Division 18 Chapter 1)

The storage of the inoperative vehicles and miscellaneous junk on an R-1 lot is a direct violation of Section 90502.12 of the Imperial County Land Use Ordinance Title 9, Division 5 Chapter 2 which states "...the areas with an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazard either to the occupants or the public..."

The abandonment of the property that leads to the growing of weeds is a direct violation of Section 91801.01 of the Imperial County Land Use Ordinance Title 9 Division 18 Chapter 1 which states, "... It shall be unlawful for the owner or occupant of any land, lot, yard, or tract of land in an unincorporated area of the County of Imperial to cause or to allow such premises to become overgrown and infested with weeds and other vegetation..."

Additionally, the storage of the abandoned and inoperative vehicle(s) (i.e. recreation vehicles, utility trailer, dismantled cars) is a direct violation of the following:

- Imperial County Codified Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01, which states *"...The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, not including highways except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter..."*
- Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05, which states, *"...It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the County for a period in excess of 72 or more consecutive hours unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard..."*

Furthermore, the placement of barbed wire is prohibited as well as the addition of fencing placed above the existing chain-link fence exceed the height limits within the front yard and rear yard setback as listed per Title 9, Division 4, Chapter 3.

In addition, the advertising placed on the roof is prohibited per Title 9, Division 4, Chapter 1 of the Land Use Ordinance.

Based on our records this property has an outstanding violation that has yet to be cleared. Records show that the single-family residence was posted with an "unsafe for human occupancy" (condemnation) on February 8, 2011. On January 23, 2013 Building Permit #54812 was issued, to make the necessary repairs to the single family residence to clear the violation. Said permit was not signed off as finalized and has now expired by the 3-year time limitation. Thus, the "condemnation" remains in effect.

You are also hereby notified by Imperial County Fire Department, that as a result of the above mentioned inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

1. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. (2019 CFC Chapter 3 section 304.1.2)

- *[California Code of Regulations, Title 19, Division 1, §3.07(b)] Clearances. (b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following: Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following: (1) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure. (2) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. (3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe. (4) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building. (5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth. (6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1 /2 inch in size. (7) Vegetation around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations: (A) Public Resources Code Section 4291. (B) California Code of Regulations Title 14 - Natural Resources, Division 1.5 - Department of Forestry and Fire Protection, "General Guideline to Create Defensible Space." (C) California Government Code Section 51182. (D) California Code of Regulations, Title 24, Part 9.*

2. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure. (2019 CFC Chapter 3 section 304.1.1)
3. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. (2019 CFC Chapter 3 section 304.1)
 - *[California Code of Regulations, Title 19, Division 1, §3.07(a)] Clearances. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.*
4. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare. (2019 CFC Chapter 3 section 304.2)
5. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the California Property Maintenance Code and the California Building Code. (2019 CFC Chapter 3 section 311.1.1)
6. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials. (2019 CFC Chapter 3 section 311.3)

That having been said, you are hereby ordered to bring the property into compliance with the above County Ordinance within forty-five (45) days by:

1. The single-family residence must remain vacant (unoccupied).
2. Obtaining the required permit to make the necessary repairs to the single family residence; or required demolition permit to remove the single family residence from the property;
3. Removing "ALL" inoperative and/or unregistered vehicles, recreational vehicles, and utility trailers from the property;
4. Removing all the miscellaneous junk stored on property from property and properly dispose of them;
5. Removing all overgrown vegetation from the property;
6. Remove the fencing material and barbed-wire placed above the existing chain-lined fence;

7. Remove the advertising placed on the roof and side of the residence.
8. Calling the Imperial County Planning & Development Services Department and the Imperial County Fire Department when the items have been removed so that an inspection can be scheduled to verify compliance and the violation file can be closed out.

If your full compliance is obtained within forty-five (45) days of receipt of this notice, no further action will be taken.

Failure to comply with this notice may be assessed with civil penalties of up to \$1,000.00 a day pursuant to provision of the Imperial County Codified Ordinance Title 9, Division 13, Chapter 4, Section 91304.01. The individual committing the violation and the property owner(s) are jointly liable for any costs fines, penalties or assessments. It is unlawful for any person to violate any provision of Title 9 of the Imperial County Codified Ordinances. Any person violating any provision of the Imperial County Codified Ordinances shall be deemed guilty of an infraction or misdemeanor pursuant to Imperial County Codified Ordinance Title 9, Division 13, Chapter 5, Section 91305.00. Such person shall be deemed guilty of a separate offense for each and every day during which a violation of the Imperial County Codified Ordinances is committed, continued, or permitted. Maximum punishment under Imperial County Codified Ordinances Title 9, Division 13, Chapter 5, Section 91305.00 is a fine of \$1,000 or imprisonment of six (6) months, or both.

Pursuant to Imperial County Codified Ordinance Title 9, Division 13, Chapter 4, Section 91306.02, failure to bring the property into compliance could result in the imposition of a lien on the property at issue for costs related to the enforcement of Title 9 of the Imperial County Codified Ordinances.

Additionally, pursuant to California Health and Safety Code Division 12, Chapter 1, Subchapter 1, Article 1, Section 13112, maximum penalties for violating the California Fire Code include being found guilty of a misdemeanor punishable of a fine of \$500 or by imprisonment for six (6) months, or both. A person is guilty of a separate offense each day during which he/she commits, continues or permits a violation of the California Fire Code pursuant to California Health and Safety Code Title 19, Division 1, Chapter 1, Subchapter 1, Article 1, Section 13112.

You have the right to appeal this Notice of Violation/Non-Compliance or to object to these charges by filing a Request for Hearing with the Planning Commission within ten (10) days of the service of notice. Said appeal must be in the form of writing and must be submitted to the Building Official at Imperial County Planning & Development Services Department, 801 Main Street, El Centro, CA 92243) within ten (10) days of receipt of this notice. Said appeal must be accompanied by a filing fee of \$650.00 payable to the County of Imperial. The appeal letter should include the property owner's name, address, contact phone number and a brief description of the issues being disputed. The issues shall be restricted to the items cited in the Notice of Violation/Non-Compliance.

Notice is hereby given that at the conclusion of this case, and without voluntary compliance, you will receive a bill of administrative costs associated with the processing of such violation(s), pursuant to Section 91309.03 of Imperial County Codified Ordinances.

Please see the following contact information should you have any questions on this matter:

Imperial County Planning & Development Services

Jeanine Ramos, Planner I
(442) 265-1750
jeanineramos@co.imperial.ca.us
801 Main Street
El Centro, CA 92243

Imperial County Fire Department

Andrew Loper, Lieutenant/Fire
Prevention Specialist
(442) 265-3021
andrewloper@co.imperial.ca.us
2514 La Brucherie Road
El Centro, CA 92243

Sincerely,

Jim Minnick, Director
IC Planning & Development Services Dept.

Alfredo Estrada, Jr., Fire Chief
Imperial County Fire Department

BY: 
Andrew Loper, Lieutenant/Fire Prevention Specialist &
Jeanine Ramos, Planner I

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director
Alfredo Estrada, Jr., ICFD Fire Chief
Michael Abraham, AICP, ICPDS Assistant Director
Andrew Loper, ICFD, Lieutenant/ Fire Prevention Specialist
Jeanine Ramos, ICPDS Planner I
Mistelle Abdelmagied, Deputy County Counsel
Faye Winkler, Deputy County Counsel
APN 056-273-001-000 (violation file); 10.103
(copy posted on site)

S:\AllUsers\APN056273001\NOV1106\APN 056-273-001-000 PDS-FIRE joint notice_ with Ltr head.doc

Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07 states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.29, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

Imperial County Codified Land Use Ordinance Title 9 Division 13 Chapter 2 Section 91302.01 states, "...any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law..."

Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.09(J), defines "junk" as all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.



Imperial County Planning & Development Services Department
Imperial County Fire Department



Jim Minnick
DIRECTOR

August 27, 2021

**Notice of Violation & Notice of Hearing Before the
Imperial County Planning Commission**

CERTIFIED MAIL 7016 2140 0000 2121 4463

(copy posted on site)

ADMINISTRATION / TRAINING
1078 Dogwood Road
Heber, CA 92249

Administration
Phone: (442) 265-6000
Fax: (760) 482-2427

Training
Phone: (442) 265-6011

OPERATIONS/PREVENTION
2514 La Bruchene Road
Imperial, CA 92251

Operations
Phone: (442) 265-3000
Fax: (760) 355-1482

Prevention
Phone: (442) 265-3020

Ronald D. Gist, Jr. and All Legal Heirs
P.O. Box 101
Winterhaven, CA 92283

Subject: 2149 West G Street, Winterhaven, CA (APN 056-273-001-000)

Dear Property Owners:

Based on the second joint site inspection and photographs taken of your property on January 11, 2021 and May 5, 2021 (copy enclosed), the Imperial County Planning & Development Services Department and the Imperial County Fire Department have determined that conditions continue to exist at the property, legally known as **LOT 1, AND 2 BLOCK 6 TOWNSITE OF WINTERHAVEN OM 3**, located on 2149 West G Street, Winterhaven, CA 92283, Assessor's Parcel Number 056-273-001-000, that violate Sections 90401.00, 90403.00, 90502.00, 91801.00, and 92601.00 et. seq. of the Imperial County Codified Ordinance Title 9, and Sections 110.2, 110.3, and 110.4, 111.1.1, 111.4, 304.1.1, 304.1.2. of the California Fire Code. The property is currently zoned "R-1" (Low Density Residential). The Imperial County Tax Assessor's "Inquiry" identifies the above persons as the current owners of the subject property.

To wit:

The above subject property is currently zoned "R-1" (Low Density Residential) was found to still be in violation for the following reason(s) based on the inspection on both March 26, 2021 and May 5, 2021:

1. The storage of an inoperable and/or unregistered vehicle(s) (i.e. two recreational vehicle, two dismantled cars, one utility trailer) is prohibited. (ICLUO Title 9, Division 26, Chapter 1)
2. The storage of miscellaneous junk (i.e. used lumber, tire, metal scraps, auto parts, appliances, trash, debris, etc.) is prohibited. (ICLUO Title 9, Division 14, Chapter 1)

3. The additional height of fencing within front yard setback and rear property and barbed wire is not allowed. (ICLUO Title 9, Division 4, Chapter 3)
4. Advertising (spray paint) on roof and side of the residence is prohibited. ICLUO Title 9, Division 4, Chapter 1)
5. The abandonment of a property that leads to growing of weeds, which become a fire menace when dry and otherwise noxious or dangerous. (ICLUO Title 9 Division 18 Chapter 1)

The storage of the inoperative vehicles and miscellaneous junk on an R-1 lot is a direct violation of Section 90502.12 of the Imperial County Land Use Ordinance Title 9, Division 5 Chapter 2 which states "...the areas with an R-1 lot area shall at all times be maintained so as to not create a fire or life safety, or health hazard either to the occupants or the public..."

The abandonment of the property that leads to the growing of weeds is a direct violation of Section 91801.01 of the Imperial County Land Use Ordinance Title 9 Division 18 Chapter 1 which states, "... It shall be unlawful for the owner or occupant of any land, lot, yard, or tract of land in an unincorporated area of the County of Imperial to cause or to allow such premises to become overgrown and infested with weeds and other vegetation..."

Additionally, the storage of the abandoned and inoperative vehicle(s) (i.e. recreation vehicles, utility trailer, dismantled cars) is a direct violation of the following:

- Imperial County Codified Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01, which states *"...The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, not including highways except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter..."*
- Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05, which states, *"...It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the County for a period in excess of 72 or more consecutive hours unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard..."*

Furthermore, the placement of barbed wire is prohibited as well as the addition of fencing placed above the existing chain-link fence exceed the height limits within the front yard and rear yard setback as listed per Title 9, Division 4, Chapter 3.

In addition, the advertising placed on the roof is prohibited per Title 9, Division 4, Chapter 1 of the Land Use Ordinance.

Based our records this property has an outstanding violation that has yet to be cleared. Records show that the single-family residence was posted with an "unsafe for human occupancy" (condemnation) on February 8, 2011. On January 23, 2013 Building Permit #54812 was issued, to make the necessary repairs to the single family residence to clear the violation. Said permit was not signed off as finalized and has now expired by the 3-year time limitation. Thus, the "condemnation" remains in effect.

You are also hereby notified by Imperial County Fire Department, that as a result of the above mentioned inspection, your property has been deemed a fire hazard with conditions that constitute a threat to your property as well as those neighboring it.

1. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. (2019 CFC Chapter 3 section 304.1.2)
 - *[California Code of Regulations, Title 19, Division 1, §3.07(b)] Clearances. (b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following: Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following: (1) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure. (2) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. (3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe. (4) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building. (5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth. (6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than 1 /2 inch in size. (7) Vegetation around all applicable buildings and structures shall be maintained in*

accordance with the following laws and regulations: (A) Public Resources Code Section 4291. (B) California Code of Regulations Title 14 - Natural Resources, Division 1.5 - Department of Forestry and Fire Protection, "General Guideline to Create Defensible Space." (C) California Government Code Section 51182. (D) California Code of Regulations, Title 24, Part 9.

2. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure. (2019 CFC Chapter 3 section 304.1.1)
3. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. (2019 CFC Chapter 3 section 304.1)
 - *[California Code of Regulations, Title 19, Division 1, §3.07(a)] Clearances. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.*
4. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare. (2019 CFC Chapter 3 section 304.2)
5. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the California Property Maintenance Code and the California Building Code. (2019 CFC Chapter 3 section 311.1.1)
6. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials. (2019 CFC Chapter 3 section 311.3)

Pursuant to *Imperial County Codified Land Use Ordinance* section 91302.09, you are hereby notified that continued failure to bring the property into compliance with the above violations may subject you to civil and criminal penalties. You are further notified that failure to bring your property into compliance may also result in the imposition of a lien on the property for costs related to the enforcement of the ordinances and abatement of the conditions.

Additionally, you are hereby notified that this matter has been referred to the Imperial County Planning Commission ("Planning Commission") for hearing on **September 22, 2021 at 9:30 a.m. in the Board of Supervisors Chambers at the County Administration Building, located at 940 Main Street, El Centro, California 92243.** Pursuant to *Imperial County Codified Land Use Ordinance* section 91302.03 subdivision (C), you are directed to appear

before the Planning Commission at this hearing and show cause as to the conditions on your property should not be abated.

In order to resolve this matter, you must come into full compliance with the above violations and pay all required fees and/or costs as required by the Planning Department.

Please see the following contact information should you have any questions on this matter:

Imperial County Planning & Development Services
Jeanine Ramos, Planner I
(442) 265-1750
jeanineramos@co.imperial.ca.us
801 Main Street
El Centro, CA 92243

Imperial County Fire Department
Andrew Loper, Lieutenant/Fire
Prevention Specialist
(442) 265-3021
andrewloper@co.imperial.ca.us
2514 La Brucherie Road
El Centro, CA 92243

Sincerely,

Jim Minnick, Director
IC Planning & Development Services Dept.

Alfredo Estrada, Jr., Fire Chief
Imperial County Fire Department

BY: 
Andrew Loper, Lieutenant/Fire Prevention Specialist &
Jeanine Ramos, Planner I

(Si usted requiere esta información en español, por favor de llamar al (442) 265-1736)

cc: Jim Minnick, ICPDS Director
Alfredo Estrada, Jr., ICFD Fire Chief
Michael Abraham, AICP, ICPDS Assistant Director
Andrew Loper, ICFD, Lieutenant/ Fire Prevention Specialist
Jeanine Ramos, ICPDS Planner I
Mistelle Abdelmagied, Deputy County Counsel
Faye Winkler, Deputy County Counsel
APN 056-273-001-000 (violation file); 10.109
(copy posted on site)

S:\AllUsers\APN\056\273\001\NOV1106\PC\NOV1106 Final PC Letter to the Prop Owner 08.25.2021.doc

Imperial County Codified Land Use Ordinance Title 9 Division 1 Chapter 1 Section 90101.07 states, "...any person, firm or corporation using any facility, building, structure, acreage, lot or parcel of land in violation of any provision of this Title is guilty of a misdemeanor and shall be prosecuted to fullest extent of the law as provided under Division 13..."

Imperial County Codified Land Use Ordinance Title 9 Division 10 Chapter 2 Section 91002.29, states "...any person, firm or corporation violating any provision of this Division shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$1,000.00 or by imprisonment in County Jail for not to exceed six months, or by both fine and imprisonment..."

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Imperial County Codified Land Use Ordinance Title 9, Division 14, Chapter 1, Section 91401.09(J), defines "junk" as all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.

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<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
Total Postage and Fees	
\$	



Sent To	Ronald Gist.
Street and Apt. No., or PO Box No.	P.O. Box 101
City, State, ZIP+4®	Winterhaven, CA 92283

Faye Winkler

From: Alfredo Estrada Jr
Sent: Thursday, September 2, 2021 3:36 PM
To: Faye Winkler
Cc: Andrew Loper
Subject: FW: 2189 G Street. Winterhaven

Thanks,

Alfredo Estrada, M.S.
Fire Chief/ OES Coordinator
Imperial County Fire Department
1078 Dogwood Road, Suite 101
Heber Ca.92249

Office: 442-265-6010
Cell: 760 222-0177
Email: alfredoestradajr@co.imperial.ca.us

“It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly; who errs and comes short again and again; because there is not effort without error and shortcomings; but who does actually strive to do the deed; who knows the great enthusiasm, the great devotion, who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement and who at the worst, if he fails, at least he fails while daring greatly. So that his place shall never be with those cold and timid souls who know neither victory nor defeat.”

Theodore Roosevelt

NOTE: This e-mail transmission, including any attachments, is intended only for the named recipient(s) and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this transmission in error, or are not the named recipient(s), please notify [<alfredoestradajr@co.imperial.ca.us>](mailto:alfredoestradajr@co.imperial.ca.us) immediately by return e-mail and permanently delete this transmission, including any attachments.

From: Danny Stauf <DannyStauf@co.imperial.ca.us>
Sent: Thursday, September 2, 2021 1:17 PM
To: Alfredo Estrada Jr <AlfredoEstradaJr@co.imperial.ca.us>
Subject: FW: 2189 G Street. Winterhaven

Good afternoon Chief,

See pic below, house has no physical address available.

Thank you
BC Stauf

From: Rudy Valdez <rvaldez84@icloud.com>
Sent: Thursday, September 2, 2021 12:43 PM
To: Danny Stauf <DannyStauf@co.imperial.ca.us>
Subject: 2189 G Street. Winterhaven









CAUTION: This email originated outside our organization; please use caution.

Sent from my iPhone 12 Pro

Faye Winkler

From: De Leon, Manuel <MDeLeon@icso.org>
Sent: Tuesday, September 7, 2021 2:19 PM
To: Alfredo Estrada Jr
Cc: Robert Malek; Andrew Loper; Faye Winkler
Subject: RE: County Counsel Letter -- Gist

CAUTION: This email originated outside our organization; please use caution.

Yes sir, his name is Senior Deputy Luis Ibarra.



Manuel A. De Leon
Sheriff's Lieutenant
328 Applestill Road
El Centro, Ca. 92243
442-265-2043

IMPERIAL COUNTY SHERIFF'S OFFICE

From: [Alfredo Estrada Jr](#)
Sent: Tuesday, September 7, 2021 12:06 PM
To: [De Leon, Manuel](#)
Cc: [Robert Malek](#); [Andrew Loper](#); [Faye Winkler](#)
Subject: RE: County Counsel Letter -- Gist

CAUTION: This email originated outside our organization; please use caution.

Sgt. De Leon,

At your convenience, could you tell us the first and last name of the deputy you assigned to posting our request for the Winterhaven property. County counsel is requesting his name for their documentation. Much appreciated good Sir, and stay safe out there.

Thanks,
Alfredo Estrada

Alfredo Estrada, M.S.
Fire Chief/ OES Coordinator
Imperial County Fire Department
1078 Dogwood, Suite 101
Heber Ca.92249

Office: 442-265-6010
Email: alfredoestradajr@co.imperial.ca.us

“It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly; who errs and comes short again and again; because there is not effort without error and shortcomings; but who does actually strive to do the deed; who knows the great enthusiasm, the great devotion, who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement and who at the worst, if he fails, at least he fails while daring greatly. So that his place shall never be with those cold and timid souls who know neither victory nor defeat.”

Theodore Roosevelt

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From: Alfredo Estrada Jr

Sent: Thursday, September 2, 2021 11:27 AM

To: De Leon, Manuel <MDeLeon@icso.org>

Cc: Robert Malek <RobertMalek@co.imperial.ca.us>; Andrew Loper <AndrewLoper@co.imperial.ca.us>; Faye Winkler <fayewinkler@co.imperial.ca.us>

Subject: County Counsel Letter -- Gist

Sgt. Leon,

As mentioned on the phone, could you have one of you deputies post this notice today on the property of 2149 G Street.

Thanks,

Alfredo Estrada, M.S.
Fire Chief/ OES Coordinator
Imperial County Fire Department
1078 Dogwood Road, Suite 101
Heber Ca.92249

Office: 442-265-6010

Cell: 760 222-0177

Email: alfredoestradajr@co.imperial.ca.us

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in the end the triumph of high achievement and who at the worst, if he fails, at least he fails while daring greatly. So that his place shall never be with those cold and timid souls who know neither victory nor defeat.”
Theodore Roosevelt

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EXHIBIT H
Proposed Findings

**BEFORE THE PLANNING COMMISSION
OF THE
COUNTY OF IMPERIAL**

Hearing in the Matter of:)	PROPOSED
)	
Ronald Gist)	Findings and Decision
)	After Hearing
)	
)	
)	
)	

BACKGROUND

The violation is located at 2149 West G. Street, Winterhaven, California, also known as Assessor’s Parcel 056-273-001-000, legally known as Lots One (1) and Two (2), Block Six (6), TOWNSITE OF WINTERHAVEN, in the County of Imperial, State of California, according to Map No. 181 on file in the office of the County Recorder of Imperial County.

This property has been reported to be in violation since 2010 with various property owners. County records indicate that Ronald Gist (“Gist”) has owned the property since 2017, as indicated by the Grant Deed attached hereto as Exhibit “A.” Since 2017, there have been numerous attempts by the Imperial County Fire Department (“ICFD”) and the Imperial County Planning & Development Services Department (“ICPDS”) to bring the property into compliance.

In 2018, ICFD sent two (2) Notices of Code Violation to Gist via certified mail, requesting that he make contact with ICFD in order to obtain compliance with fire hazard violations, attached hereto as Exhibit “B”. In 2020, ICFD sent two (2) more Notices of Code Violation to Gist via certified mail that informed him to make contact with ICFD in order to obtain compliance with fire hazard violations, attached hereto as Exhibit “C.” Although the four (4) notices sent to him were signed for by a Ronald Gist and a Renee Gist, and certified delivered by the United States Postal Service, Gist did not make contact with ICFD following delivery of the notices.

ICPDS sent one (1) Notice of Violation to Gist in 2018 via certified mail, informing Gist of various land use ordinance violations, attached hereto as Exhibit “D.” The property was not brought into compliance after the delivery of this notice.

In 2021, ICFD and ICPDS inspected the property numerous times as well as sent two (2) joint Notice of Violations to Gist. On January 11, 2021, ICFD and ICPDS inspected the property. At this time, County staff came in contact with a man on the property who identified himself as Gist. County staff informed the man that they were performing an inspection of the property following complaints regarding the conditions of the property, and that both ICDPS and ICFD would likely be preparing a joint Notice of Violation given the current conditions of the property at the time of the inspection. ICFD staff asked the man if he had received any of ICFD notices from 2018 or 2020, to which the man had stated he did not. An inspection report and photos from January 11, 2021 are attached hereto as Exhibit “E.”

On March 4, 2021, ICFD and ICPDS sent Gist the first Notice of Violation, attached hereto as Exhibit “F,” via certified mail. This notice was posted on the property on March 26, 2021, a report of which is attached hereto as Exhibit “G.” At the time this notice was posted, there had been no attempt to bring the property into compliance.

On May 10, 2021, ICFD and ICPDS conducted a second inspection of the property. During the inspection, County staff did not come in contact with Gist. At the time of this inspection, there had been no attempt to bring the property into compliance. An inspection report and photos from the May 5, 2021 inspection are attached hereto as Exhibit “H.”

On August 27, 2021, ICFD and ICPDS sent Gist the second Notice of Violation, attached hereto as Exhibit “I,” via certified mail as well as posted the notice on the property that same day. At the time the notice was posted, there had been no attempt to bring the property into compliance. This Notice of Violation also informed Gist that the code enforcement matter regarding the conditions of his property is scheduled to be heard by the County of Imperial Planning Commission (“Planning Commission”) on Wednesday, September 22, 2021, at 9:00 a.m. in the Imperial County Board of Supervisors’ Chambers located at 940 Main Street, 2nd Floor, El Centro, California, 92243. The Notice of Violation also directed Gist to appear at the hearing to show cause as to why the conditions on the subject property should not be abated. Gist did not make contact with ICFD or ICPDS following the delivery and posting of this notice.

On August 31, 2021, the Office of County Counsel (“County Counsel”) made contact with the attorney listed on the above mentioned grant deed from 2017, Gerald W. Hunt (“Hunt”). County Counsel explained the above mentioned code enforcement actions taken in regards to the subject property and explained that County staff has had trouble making contact with Gist. Hunt explained that he too had trouble contacting Gist when working on the property transaction associated with the grant deed, and that the only contact information that he had for Gist was the address to the subject property as well as P.O. Box 101 in Winterhaven, California. That same day, County Counsel also made contact with Renee Gist, who is assumed to be a relative of Gist as she signed for ICFD notices that were sent in 2018 and 2020. County Counsel explained to Renee Gist the above code enforcement actions taken in regards to the subject property and explained that County staff has had trouble making contact with Gist. Renee Gist stated that she no longer had contact with Gist and did not have contact information for Gist other than the physical address of the subject property as well as P.O. Box 101 in Winterhaven, California.

On September 2, 2021, the Office of County Counsel sent Gist a letter, attached hereto as Exhibit “J,” via certified mail and posted the letter onto the property that same day, informing Gist of the various violations existing on his property. The letter also informed Gist of the actions required to bring his property into compliance and directed him to appear at the above mentioned Planning Commission hearing regarding the code enforcement action against the subject property. As of the date of the letter, no improvement of the conditions of the property had been made.

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TESTIMONY AND EVIDENCE

Both parties submitted documentary evidence, gave oral testimony and had the opportunity to cross examine witnesses. OR Ronald Gist was not present for the hearing. The Office of County Counsel Presented Testimony and Evidence.

The following documents were submitted and admitted into evidence:

- Documents submitted by County Counsel:

Exhibit 1: Planning Commission Project Report for this Code Enforcement Action, which includes the following documents:

- A. Proof of Ownership
 - i. Grant Deed, Doc# 2017016928
 - ii. Full Property Details
- B. Chronology
- C. ICFD Notices
 - i. 2018 ICFD Notices
 - ii. 2020 ICFD Notices
- D. ICPDS Notices
 - i. ICPDS 2018 Notice of Violation and Photos
- E. ICFD and ICPDS Inspection Reports and Photos
 - i. January 11, 2021 Inspection Report and Photos
 - ii. May 5, 2021 Inspection Report and Photos
- F. ICFD and ICPDS Notice of Violations and Photos
 - i. March 4, 2021 Notice of Violation and Photos
 - ii. August 27, 2021 Notice of Violation and Photos
- G. County Counsel Letter
 - i. September 2, 2021 Letter and Photos
- H. Proposed Findings
- I. Relevant Law

- Documents submitted by Ronald Gist:

Individuals Who Testified:

- Faye Winkler, Deputy County Counsel, Office of County Counsel
- Andrew Loper, Lieutenant, Imperial County Fire Department
- Jeanine Ramos, Planner, Imperial County Planning & Development Services

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FACTS SUPPORTED BY EVIDENCE

The testimonial and documentary evidence supports the following facts:

1. Ronald Gist is the owner of the property located at 2149 West G Street, Winterhaven, California (APN 056-273-001-000).
2. The property is zoned R-1 (Low Density Residential) per ICPDS Zone Map 65.
3. A site inspection was performed on January 11, 2021 by Michael Abraham (ICPDS Assistant Director), Steve Butler (Building Inspector III) and Andrew Loper (ICFD Lieutenant). This inspection showed:
 - a. Property had an existing single family residence with no power, two vehicles, one utility trailer, two inoperative vehicles, miscellaneous trash, and overgrown vegetation.
4. On March 4, 2021, a joint Notice of Violation was mailed via certified mail to the property owner of record, Ronald Gist, notifying him that the conditions of his property violated the following Imperial County Ordinance and California Fire Code sections:
 - a. Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01
 - b. Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05
 - c. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 3, Section 90403.02
 - d. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 1, Section 90401.03
 - e. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 91801.01
 - f. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 90502.12
 - g. 2019 California Fire Code Chapter 3, Section 304.1.2
 - h. 2019 California Fire Code Chapter 3, Section 304.1.1
 - i. 2019 California Fire Code Chapter 3, Section 304.1
 - j. 2019 California Fire Code Chapter 3, Section 304.2
 - k. 2019 California Fire Code Chapter 3, Section 311.1.1
 - l. 2019 California Fire Code Chapter 3, Section 311.3
5. On March 26, 2021, the joint Notice of Violation was posted on the property by Steve Butler (Building Inspector III) and Andrew Loper (ICFD Lieutenant).
6. A follow up site inspection of the property performed on May 5, 2021 was conducted by Albert Gonzalez (Building Inspector IV) and Andrew Loper (ICFD Lieutenant) revealed that the property was in bad condition as County staff found the following:
 - a. Two (2) recreational vehicles, a camper shell, miscellaneous items around the rear and side yard and a painted roof sign. None of the conditions listed in the joint Notice of Violation sent on March 4, 2021 and posted on March 26, 2021 had been abated and still existed on the property.
7. On August 27, 2021 a joint Notice of Violation was mailed via certified mailed to the property owner of record, Ronald Gist and All Legal Heirs, notifying that the conditions of the property mentioned in the joint Notice of Violation mailed March 4, 2021 and posted on March 26, 2021 still remains posted on the chain link fence. Additionally, the Notice of Violation notified of the hearing date scheduled before the County of Imperial Planning Commission on September 22, 2021. This same day, the joint Notice of Violation was posted on the property by Steve Butler

(Building Inspector III) and Andrew Loper (ICFD Lieutenant).

8. On September 2, 2021, County Counsel mailed via certified mail and to the property owner of record, Ronald Gist, a letter notifying of that the conditions of the property still remain and actions required to bring the property into compliance. Additionally, the letter notified of the hearing date scheduled before the County of Imperial Planning Commission on September 22, 2021. This same day, the letter was posted on the property by Luisa Ibarra (Imperial County Sherriff's Office Senior Deputy).
9. Ronald Gist was given timely notice of this public hearing.
10. There has been no action by Ronald Gist to bring the property into compliance with the above mentioned violations since January 11, 2021.
11. The condition of the property constitutes a public nuisance.

FINDINGS

1. We find that the evidence shows that Ronald Gist is the owner of the property located at 2149 West G. Street, Winterhaven, California (APN 056-273-001-000).
2. We find that the evidence shows that the property is zoned R-1 (Low Density Residential) per ICPDS Zone Map 65.
3. We find that the evidence shows that the property was in violation of the following Imperial County Ordinance and California Fire Code sections on January 11, 2021:
 - a. Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01
 - b. Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05
 - c. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 3, Section 90403.02
 - d. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 1, Section 90401.03
 - e. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 91801.01
 - f. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 90502.12
 - g. 2019 California Fire Code Chapter 3, Section 304.1.2
 - h. 2019 California Fire Code Chapter 3, Section 304.1.1
 - i. 2019 California Fire Code Chapter 3, Section 304.1
 - j. 2019 California Fire Code Chapter 3, Section 304.2
 - k. 2019 California Fire Code Chapter 3, Section 311.1.1
 - l. 2019 California Fire Code Chapter 3, Section 311.3
4. We find that the evidence shows that the property continues to be in violation of the following Imperial County Ordinance and California Fire Code sections on May 10, 2021:
 - a. Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.01
 - b. Imperial County Land Use Ordinance Title 9, Division 26, Chapter 1, Section 92601.05
 - c. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 3, Section 90403.02
 - d. Imperial County Land Use Ordinance Title 9, Division 4, Chapter 1, Section 90401.03

- e. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 91801.01
 - f. Imperial County Land Use Ordinance Title 9, Division 18, Chapter 1, 90502.12
 - g. 2019 California Fire Code Chapter 3, Section 304.1.2
 - h. 2019 California Fire Code Chapter 3, Section 304.1.1
 - i. 2019 California Fire Code Chapter 3, Section 304.1
 - j. 2019 California Fire Code Chapter 3, Section 304.2
 - k. 2019 California Fire Code Chapter 3, Section 311.1.1
 - l. 2019 California Fire Code Chapter 3, Section 311.3
5. We find that the evidence shows that Ronald Gist was given timely notice of these violations and the appropriate timeframe to come into compliance.
 6. We find that the evidence shows no action was taken to bring the property into compliance.
 7. We find that timely notice was properly given to Ronald Gist of this hearing.
 8. We find that the conditions of the property constitute a public nuisance.

DECISION

Based on the testimony and evidence provided by the parties at the September 22, 2021, public hearing, County of Imperial Planning Commission hereby:

1. Declares that storage of the two (2) vehicles, one (1) utility trailer, two (2) inoperative vehicles, two (2) recreational vehicles, a campers shell, miscellaneous trash, and overgrown vegetation on a residential lot (R-1 Zone) to be a violation pursuant to 2019 California Fire Code.
2. Declares that storage of the two (2) vehicles, one (1) utility trailer, two (2) inoperative vehicles, two (2) recreational vehicles, a campers shell, miscellaneous trash, and overgrown vegetation on a residential lot (R-1 Zone) to be a violation pursuant to Imperial County Land Use Ordinance Title 9.
3. Directs the owner(s) Ronald Gist to abate the conditions on the property within forty-five (45) days of this Decision.
4. Grants permission to the enforcement officer to have the conditions abated on the property and place a lien on the property for costs incurred if property owners fail to come into compliance within forty-five (45) days.
5. Declares that due to the above mentioned violations, and that no action by Ronald Gist has been taken to bring the property into compliance, the conditions of the property constitute a public nuisance.

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The above Findings and Decision was passed _____ to _____ by the roll call vote of the members of the Imperial County Planning Commission as follows:

For:

Against:

The above Findings and Decision were adopted at a regular meeting of the Imperial County Planning Commission on September 22, 2021.

Rudy Schaffner, Chairman
Imperial County Planning Commission

Attest:

Jim Minnick, Secretary of the Imperial
County Planning Commission

EXHIBIT I
Relevant Law

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE COUNTY OF IMPERIAL RELATING TO ABATEMENT AND REMOVAL OF ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

The Board of Supervisors of the County of Imperial, State of California, ordains as follows:

SECTION 1: Chapter 1 of Division 6 of Title 8 of the Codified Ordinances of the County of Imperial entitled "Abatement and Removal of Abandoned, Wrecked, Dismantled or Inoperative Vehicle" is hereby rescinded.

SECTION 2: A new Chapter 1 of Division 26 of Title 9 of the Codified Ordinances of the County of Imperial entitled "Abatement and Removal of Abandoned, Wrecked, Dismantled or Inoperative Vehicles" is hereby re-enacted to read as follows:

CHAPTER 1: ABANDONED VEHICLE ABATEMENT

§ 92601.00	ABANDONED VEHICLES AS NUISANCES
§ 92601.01	DEFINITIONS
§ 92601.02	EXCEPTIONS
§ 92601.03	NONEXCLUSIVITY OF REGULATION
§ 92601.04	OFFICER DESIGNATED
§ 92601.05	ACT OF ABANDONMENT
§ 92601.06	AUTHORITY OF VEHICLE ABATEMENT OFFICER
§ 92601.07	AUTHORITY OF PRIVATE CONTRACTOR
§ 92601.08	ADMINISTRATION COSTS
§ 92601.09	NOTICE OF INTENTION TO ABATE
§ 92601.10	PUBLIC HEARING REQUESTED
§ 92601.11	PUBLIC HEARING PROCEDURE
§ 92601.12	APPEALS
§ 92601.13	VEHICLE DISPOSAL
§ 92601.14	NOTICE TO DEPARTMENT OF MOTOR VEHICLES
§ 92601.15	COST RECOVERY
§ 92601.16	REFUSAL TO ABATE
§ 92601.17	SEVERABILITY

§ 92601.00 ABANDONED VEHICLES AS NUISANCES

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the California Vehicle Code (VC) to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the County of Imperial makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways creates a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property, not including highways except as expressly permitted in this chapter, constitutes a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

§ 92601.01 DEFINITIONS

As used in this Chapter, the following words and phrases are defined as set out in this section:

- a. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- b. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- c. "Owner of the vehicle" means the last registered owner and legal owner of record.
- d. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway except a device moved by human power or used exclusively upon stationary rails or tracks.
- e. "Public Property" does not include highways.

§ 92601.02 EXCEPTIONS

This Chapter shall not apply to:

- a. A vehicle, or part thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the highway or other public or private property;
- b. A vehicle, or part thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section authorizes the maintenance of a public or private nuisance as defined under provision of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this Chapter.

§ 92601.03 NONEXCLUSIVITY OF REGULATION

This Chapter is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the unincorporated area of the County. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the County of Imperial, the State, or any other legal entity or agency having jurisdiction.

§ 92601.04 OFFICER DESIGNATED

Except as otherwise provided herein, the provisions of this Chapter shall be administered and enforced by the vehicle abatement officer as designated by the (designated agency head responsible for abandoned vehicle abatement operations in the designated County). In the enforcement of this Chapter, such officers and deputies may enter upon private or public property to examine a vehicle, or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this Chapter.

§ 92601.05 ACT OF ABANDONMENT

It is unlawful and an infraction for any person to abandon, store, leave, or permit the abandonment, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is abandoned, wrecked, dismantled or inoperative upon any private property or public property, including highways, within the County for a period in excess of 72 or more consecutive hours unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or

unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer or a junkyard.

§ **92601.06 AUTHORITY OF VEHICLE ABATEMENT OFFICER**

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperable vehicle, or parts thereof, on private property or public property within the County, the vehicle abatement officer shall have the authority to cause the abatement and removal thereof in accordance with the procedure described in this Chapter.

§ **92601.07 AUTHORITY OF PRIVATE CONTRACTOR**

When the County has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

§ **92601.08 ADMINISTRATION COSTS**

The County shall, from time to time, determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or part thereof) under this Chapter.

§ **92601.09 NOTICE OF INTENTION TO ABATE**

- a. A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land as shown on last equalized assessment roll and to the last registered and legal owner of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following form:

**"NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE
VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE"**

(Name and address of owner of the land)

"Based on a site inspection of your property, the Vehicle Abatement Officer has determined that conditions exist at the property legally known as _____, Assessor's Parcel Numbers _____ which are not in compliance with Section 92601 the Imperial County Land Use Ordinance. On the subject property there exists an (or parts of an) abandoned, wrecked, dismantled, or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provision of (Chapter of Division 26 of Title 9 Imperial County)." The Imperial County Tax Assessor's "Current Roll" identifies the above person(s) as the current owners of the subject property.

"You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the County and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located."

"As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Imperial County within such 10-day period, the County Vehicle Abatement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for a hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement in time for consideration at such hearing."

- b. A notice of intention to abate shall not be required if (1) the property owner and the owner of the vehicle has signed releases authorizing removal and waives further interest in the vehicle or part thereof, or (2) all the following conditions are satisfied:
- 1) The vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed:
 - 2) The vehicle or part thereof is valued at less than three hundred dollars (\$300.00) by the Vehicle Abatement Office:
 - 3) Imperial County has determined that the vehicle or part thereof is a public nuisance presenting an immediate threat to public health or safety;
 - 4) the property owner has signed a release authorizing the removal and waiving further interest in the vehicle or part thereof; and
 - 5) the vehicle is located upon a parcel that is either zoned for agricultural use or is not improved with a residential structure containing one or more dwelling units.

If a vehicle is removed pursuant to subdivision (2), prior to final disposition, the registered or legal owner shall be notified of the intent to dispose of the vehicle or parts thereof. If the vehicle or part thereof is not claimed and removed from the scrapyards, automobile dismantler's yard or public disposal area within 12 days after the notice to dispose of vehicle is mailed, final disposition may proceed.

§ 92601.10 PUBLIC HEARING – REQUESTED

Upon request by the owner of the vehicle or owner of the land received by the County's Vehicle Abatement Officer within 10 days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the (Planning Director or his designated subordinate as hearing officer) on the question of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and cost of removal of the vehicle, or parts thereof, against the property on which it is located.

If the owner of the land submits a sworn written statement-denying responsibility for the presence of the vehicle on his/her land within such 10-day period, said statement shall be construed as a request for a hearing, which does not require his/her presence. Notice of the hearing shall be mailed, by registered mail, at least 10 days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within said 10 days after mailing of the notice of intention to abate and remove, the County shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding a public hearing.

§ 92601.11 PUBLIC HEARING PROCEDURE

All hearings under this Chapter shall be held before the (Planning Director or his designated subordinate as hearing officer), which shall hear all facts and testimony deemed pertinent. Said facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning the vehicle's location on the private property or public property. The (Planning Director or his designated subordinate as hearing officer) shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial. The (hearing officer) may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Chapter. This may delay the time for removal of the vehicle, or part thereof, if, in the opinion of the hearing officer, the circumstances justify the delay.

At the conclusion of the public hearing, the (hearing officer) may find that a vehicle, or part thereof, has been abandoned, wrecked, dismantled or is inoperative on private or public property, and by resolution order the same removed from the property as a public nuisance and disposed of as provided in this Chapter and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle, or part thereof, is located.

The order requiring removal shall include a description of the vehicle, or part thereof, and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner and that (s)he has not subsequently acquiesced in its presence, the (hearing officer) shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner.

If an interested party makes a written presentation to the (hearing officer), but does not appear, (s)he shall be notified in writing of the decision.

§ 92601.12 APPEALS

Any interested party may appeal the decision of the hearing office by filing a written notice of appeal with the said hearing office within five days after this decision. Such appeal shall be heard by the Board of Supervisors, which may affirm, amend or reverse the order or take other action deemed appropriate. The Clerk of the Board of Supervisors shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 92601.11. In conducting the hearing the Board of Supervisors shall not be limited by the technical rules of evidence.

§ 92601.13 VEHICLE DISPOSAL

(a) Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance or five days from the date of mailing of notice of the decision, as required by Section 92601.10, whichever date is later, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. If such commercial sites are not available or are inadequate the vehicle/or parts may be disposed at any public disposal, which will accept the same. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates pursuant to Section 5004 of the California Vehicle Code, in which case the vehicle may be reconstructed or made operable.

(b) With respect to abandoned or inoperable vehicles located upon a parcel that is either (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units, prior to the final disposition of a vehicle or part therefore where notice pursuant to Section 92601.09 was not required and for which evidence of registration was recovered pursuant to Section 92601.14 the Enforcement Officer or a contractor or franchisee under Section 92601.07 shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within 12 days after the notice is mailed, from a location specified in Vehicle Code 22662, final disposition may proceed. Neither the County nor a contractor or franchise under this chapter shall be liable for damage caused to a vehicle or part thereof for removal pursuant to this ordinance.

§ 92601.14 NOTICE TO DEPARTMENT OF MOTOR VEHICLES

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles by the persons authorized to remove the vehicle identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title, and license plates.

§ 92601.15 COST RECOVERY

If the administrative costs and the costs of removal which are charged against the owner of a parcel of land pursuant to Section 92601.11 are not paid within 30 days of the date of the order, such costs shall be assessed against the parcel of land pursuant to Government Code Section 25845 or 38773.5 and shall be

transmitted to the tax collector for collection. Said assessment shall have the same priority as other county taxes.

§ **92601.16 REFUSAL TO ABATE**

It is unlawful and an infraction for any person to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof, or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this Chapter or state law, where such state law is applicable.

§ **92601.17 SEVERABILITY**

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

SECTION 3: This ordinance shall take effect and shall be in force thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Holtville Tribune, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of the County of Imperial this

_____ day of _____, 2002.

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TITLE 9

DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS

- CHAPTER 1: SIGNS
- CHAPTER 2: PARKING
- CHAPTER 3: FENCES
- CHAPTER 4: HOME OCCUPATIONS
- CHAPTER 5: ACCESSORY DWELLING UNITS (ADUs)
- CHAPTER 6: CANNABIS & INDUSTRIAL HEMP OPERATIONS

CHAPTER 1: SIGNS

- § 90401.00 PURPOSE/APPLICATION
- § 90401.01 DESIGN/DEVELOPMENT STANDARDS FOR MONUMENT SIGNS
- § 90401.02 DESIGN/DEVELOPMENT STANDARDS/POLE SIGNS
- § 90401.03 DESIGN/DEVELOPMENT STANDARDS/SIGNS ATTACHED TO BUILDINGS
- § 90401.04 DESIGN/DEVELOPMENT STANDARDS/OFF-SITE ADVERTISING SIGNS
- § 90401.05 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY REAL ESTATE SIGNS
- § 90401.06 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY SUBDIVISION SIGNS
- § 90401.07 DESIGN/DEVELOPMENT STANDARDS/PERMANENT SUBDIVISION AREA SIGNS
- § 90401.08 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY CONSTRUCTION SIGNS
- § 90401.09 DESIGN/DEVELOPMENT STANDARDS/TEMPORARY CAMPAIGN SIGNS
- § 90401.10 DESIGN/DEVELOPMENT STANDARDS/AGRICULTURAL SIGNS
- § 90401.11 DESIGN/DEVELOPMENT STANDARDS/AGRICULTURAL INDUSTRY SIGNS
- § 90401.12 DESIGN/DEVELOPMENT STANDARD/INSTITUTIONAL IDENTIFICATION SIGNS
- § 90401.13 EXEMPT SIGNS
- § 90401.14 PROHIBITED SIGNS
- § 90401.15 SPECIAL SIGN PROVISIONS
- § 90401.16 DESIGN AND DEVELOPMENT STANDARDS FOR WIND-FETHERED BANNER FLAG SIGNS (FEATHER SIGNS)
- § 90401.17 NON-CONFORMING SIGNS
- § 90401.18 ILLUSTRATIONS

§ 90401.00 PURPOSE/APPLICATION

The purpose and intent of this Chapter is to provide and promote for the orderly and attractive construction, placement, and display of signs throughout the County of Imperial. It is the policy of the County of Imperial that the primary purpose of signs is for identification and public information. All signs shall be located on the property on which they are advertising unless otherwise specified. Signs that cause a distraction and present potential safety hazards, as well as, aesthetic problems or public nuisance problems are discouraged and/or prohibited. The provisions of this Chapter serve as specific development standards to be applied in addition to the sign codes required under the building construction provisions.

§ 90401.01 DESIGN AND DEVELOPMENT STANDARDS FOR MONUMENT SIGNS

Freestanding monument signs shall comply with all of the following standards.

- A. No monument sign shall be located within the existing road right-of-way or designated future road right-of-way.
- B. The maximum area of the sign shall not exceed 48 square feet per side.

- C. The maximum height of a monument sign shall not exceed six feet (6') above ground level, measured within radius of thirty feet (30') from the center of the sign.
- D. The monument sign shall be a minimum of ten feet (10') from any common property line, they shall be no closer than twenty feet (20') on center on any property or between properties.
- E. Lighting of monument signs shall be arranged and installed as not to produce glare on other properties in the vicinity or upon the adjacent highway.
- F. Monument signs shall be no closer than five feet (5') to a public right-of-way.
- G. Monument signs shall be constructed of durable materials and maintained in an aesthetic acceptable fashion.

§ 90401.02 DESIGN AND DEVELOPMENT STANDARDS FOR POLE SIGNS

Free standing pole signs (single, double or triple poles) shall comply with the following standards.

- A. The maximum area of the sign shall not exceed 200 square feet per side.
- B. Pole signs shall be located so that no part of the sign extends into or beyond any existing street right-of-way or any proposed street right-of-way.
- C. The maximum height of a pole sign shall not exceed twenty-four feet (24') to the top of the sign.
- D. Pole signs shall be a minimum of ten feet (10') from any side yard common property line and shall be a minimum of forty feet (40') on center, if on the same property or between properties.
- E. Lighting of pole signs shall be arranged so as not to produce glare on other adjacent properties in the vicinity or upon adjacent highways.
- F. Pole signs shall be at least three feet (3') back from public right-of-way lines.
- G. Pole signs shall be erected to withstand a minimum of 110 mile an hour wind velocities and meet all CBC requirements.

§ 90401.03 DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS ATTACHED TO BUILDINGS

Signs attached to a building, not residential, or wall shall comply with all of the following standards.

- A. All signs attached to a building or a wall shall be attached flat against the building or wall and parallel thereto and shall not extend more than eighteen inches (18") from the surface of the building/wall. Exceptions to this provision are as follows:
 - 1. Signs may be mounted below the soffit of a canopy, or over-hang or below a porch and may be perpendicular to the building provided that they do not exceed twelve inches (12") above the soffit or beam and maintain a minimum of eight foot (8') vertical clearance above any travel way, corridor, exit or court.
 - 2. Signs may be attached to a building above the wall or parapet provided the sign does not exceed four feet (4') in height, and does not exceed height limitations set forth elsewhere in this Title and does not contribute to the roof loading.
- B. Lighting of signs attached to buildings shall be arranged as not to produce glare on adjacent properties in the vicinity and the source of light shall not be visible from adjacent property or public street.

- C. The maximum area of the primary sign shall not exceed 100 square feet per side which include company logos.
- D. The maximum area of the secondary signs (sides & rear of building) shall not exceed 60 square feet per side which include company logos.

§ 90401.04 DESIGN AND DEVELOPMENT STANDARDS FOR OFF-SITE ADVERTISING SIGNS (BILLBOARDS)

Off-site advertising signs shall comply with all of the following standards.

- A. The total area of any side of any off-site advertising sign (billboard) shall not exceed 700 square feet. Nor shall the sign exceed a length of fifty feet (50'). In no case shall the square footage exceed the amounts specified by the sign regulation of the zone within which the sign is to be located.
- B. Each off-site advertising sign shall be located no less than 500 feet from any other off-site advertising sign located on the same side of the street or highway. No off-site advertising sign shall be located within 1320 feet of the business or activity, which it advertises. No off-site advertising sign may be located closer than twenty-five feet (25') from any other sign. No off-site advertising sign may be located closer than ten feet (10') from any public street or right-of-way.
- C. No part of an advertising sign shall be located within an existing right-of-way or proposed street right-of-way.
- D. Maximum height for off-site advertising signs shall be 30 feet to the top of the sign.
- E. Lighting of off-site advertising shall be arranged as not to produce glare on adjacent properties in the vicinity. The source of lighting shall not be visible from the adjacent property or public street and the lighting shall not cause glare or nuisance to adjacent street or highway traffic.
- F. Off-site advertising signs shall not be located along State, Federal or County highways, which either do not permit such signs or are regulated by another regulatory agency.
- G. Off-site advertising signs shall be installed according to the California Sign Code requirements.

§ 90401.05 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY REAL ESTATE SIGNS

Temporary real estate signs advertising a particular property on which the sign is located shall comply with the following standards.

- A. Not more than one (temporary real estate sign) shall be placed on any lot, parcel or section of land provided, however auxiliary rider signs may be allowed if attached to the same sign support and further provide that where a lot is bounded by more than one street, one sign with an auxiliary rider may be located along each street frontage.
- B. Temporary real estate signs shall not be illuminated.
- C. Temporary real estate signs shall be minimum of ten feet (10') from any street right-of-way or proposed street right-of-way or property line.
- D. If attached to a building a temporary real estate sign shall not extend above the roofline or the parapet wall of the building.
- E. If free standing, a temporary real estate sign shall not exceed eight feet (8') in height to the top of the sign.

- F. This section does not apply and shall not restrict the number of or size of temporary real estate signs erected outdoors within a courtyard, or mall space below the height of the enclosed building or within buildable areas or within display windows of existing buildings.
- G. This section shall not apply to temporary portable directional real estate signs used in conjunction with open house, real estate sales activity, provided that each portable directional sign not exceed nine square feet (9'), including the support and does not exceed the height of five feet (5') and is not located within any street right-of-way.
- H. All real estate signs shall be removed from the premises within fifteen (15) days after sale of the property or immediately upon being leased.

§ 90401.06 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY SUBDIVISION SIGNS

Temporary subdivision signs shall comply with the following standards:

- A. Temporary directional subdivision signs shall comply with the following:
 - 1. The sign shall be located at primary streets providing directions to the subdivision.
 - 2. Each sign shall not exceed five feet (5') in height and twenty-four square feet (24') in area.
 - 3. Temporary directional signs shall not be lit.
 - 4. Temporary directional signs shall be located a minimum of three feet (3') back from any street right-of-way or proposed street right-of-way.
- B. On-site subdivision signs shall comply with the following standards:
 - 1. The sign shall be located at primary entrance to the subdivision or entrance to or at the model homes.
 - 2. Each sign shall not exceed six feet (6') in height and shall not exceed thirty-two square feet (32') in area.
 - 3. Subdivision signs shall not be lit.

§ 90401.07 DESIGN AND DEVELOPMENT STANDARDS FOR PERMANENT SUBDIVISION AREA SIGNS

The permanent identification signs including signs for the identification of the subdivision, a mobile home park, an apartment, a townhouse, condominium, or any other residential development project shall comply with the following standards:

- A. Permanent subdivision identification signs may be either attached to an entrance fence or structure or be a monument sign. The sign shall not exceed four feet (4') in height, and thirty-two square feet (32') in size and shall be located in a maintained landscaped area on the parcel for which the advertising is intended.
- B. The sign shall not be illuminated, except for low silhouette spot lighting that does not create glare to adjoining properties or adjacent streets.
- C. The design and materials sign shall be approved by the Planning & Development Services Department Director prior to construction and shall meet all UBC requirements.

§ 90401.08 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CONSTRUCTION SIGNS

Where building is under construction, temporary signs may be erected to identify the project owner, applicant, architect, landscape architect, contractor, builder, proposed business, lender, etc., provided that the following standards are met:

- A. There shall be no more than three (3) temporary construction signs per project.
- B. Each sign shall not exceed thirty-two square feet (32') in area.
- C. The signs shall not be illuminated.
- D. If attached to a building the signs shall not exceed above the roof line or parapet wall and if free standing the maximum height shall not exceed eight feet (8').
- E. The signs shall be stationary.
- F. The signs shall be removed within ten (10) days from final inspection date.

§ 90401.09 DESIGN AND DEVELOPMENT STANDARDS FOR TEMPORARY CAMPAIGN SIGNS

Temporary political, religious or civic campaign signs may be erected for a period of not to exceed 120 days and shall comply with the following standards:

- A. All signs shall be removed within 15 days following the conclusion of the campaign (Election Day).
- B. In residential areas each sign shall not exceed twenty square feet (20') in area or a height of six feet (6').
- C. Any sign still remaining twenty (20) days after the end of the campaign shall be subject to a \$50.00 fine per day.
- D. These signs shall not be located at road intersections in a manner that obstructs visibility to the motoring public or be a distraction to the vehicle operator.

§ 90401.10 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL SIGNS

Agricultural signs advertising agricultural products that are raised or produced on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than one (1) agricultural sign per legal lot, however, if the lot or acreage fronts on more than one (1) highway, one sign shall be permitted along each such highway.
- B. The sign shall not exceed sixteen square feet (16') in area, for parcels less than ten (10) acres and twenty-four square feet (24') for all other acreage. No sign shall exceed eight feet (8') in height.
- C. The sign shall be a minimum of ten feet (10') from any street or proposed street right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ **90401.11 DESIGN AND DEVELOPMENT STANDARDS FOR AGRICULTURAL INDUSTRY SIGNS**

A sign identifying agricultural industry as located on subject property may be erected in all agricultural zoned areas, provided they comply with the following standards:

- A. There shall not be more than two (2) agricultural industrial signs per legal lot.
- B. Each sign shall not exceed 48 square feet in area, nor exceed 20 feet in height.
- C. The sign shall be a minimum of ten feet from any street or road right-of-way.
- D. The sign shall not be illuminated.
- E. The sign shall be stationary.
- F. The sign shall not be for off-site advertising use.

§ **90401.12 DESIGN AND DEVELOPMENT STANDARD FOR INSTITUTIONAL IDENTIFICATION SIGNS**

Signs that identify churches, public and private schools, colleges, hospitals, universities, fraternal, benevolent or social service organizations, located on the same property shall comply with the following standards. When such institutions are located in a commercial zone the sign regulations application to the commercial zone district shall apply.

- A. There shall be not more than two (2) institutional identification signs per street frontage per legal lot and shall not exceed a total of six (6) signs on any single lot.
- B. Each sign shall not exceed forty-eight square feet (48') in area.
- C. Signs shall not extend into any existing or proposed road or street right-of-way.
- D. Free standing signs shall not exceed eight feet (8') in height. Signs attached to buildings shall not exceed above the roof line or parapet wall.
- E. All signs shall be stationary.
- F. Lighting of institutional identifications signs shall be indirect, non-flashing, and shall not produce light or glare onto adjoining properties or adjacent roadways.
- G. Generally recognized and accepted religious symbols that are free standing or attached as part of the church or part of the freestanding sign are exempt.

§ **90401.13 EXEMPT SIGNS**

The following signs except as provided elsewhere in this Title or in other State or Federal laws are exempt from the provisions of this Chapter.

- A. Highway directional signs installed, maintained by appropriate public agency.
- B. Railroad signal signs.
- C. Signs prohibiting trespassing and hunting.
- D. Warning signs required by law or erected by public agencies.

- E. Utility company signs identifying cables, conduits or hazards.
- F. Public notices and announcements authorized by courts and/or public officials.
- G. Advertising signs on buses, taxis, or other vehicles.
- H. Signs attached to bus stops, bus shelters, or kiosks.
- I. Signs on operational and registered automobiles and trucks that are painted on or attached flat against the vehicle to advertise the associated business, provided that the vehicle is primarily used for the business. The parking of vehicles in a manner that creates a billboard is prohibited.
- J. Window display signs.
- K. Signs that are painted and/or attached to the windshield of a vehicle, or boat.
- L. Public telephone identification signs.
- M. Signs of an instructive nature or which include information required by a county, state or federal enforcement agency, including telephone booth, gas pump instruction, instruction for recreational vehicle dump stations, brake and smog certification, restroom identification, and the like.
- N. Signs erected within enclosed buildings or malls.
- O. Signs erected outdoors within courtyards and malls below the height of the enclosed buildings within buildable portions of the building.
- P. Direction warning or identification signs for patrolling and drilling, geothermal drilling, and excavation activities.
- Q. Residential name and address signs not exceeding three square feet (3') in area.

§ 90401.14 PROHIBITED SIGNS

The following signs are prohibited in all zones, unless specifically designated within the zone.

- A. Site affixed or stationary signs which mechanically rotate or move.
- B. Any sign displaying any obscene, indecent or immoral material.
- C. Advertising signs that include the words stop, look and listen, or any other word phrases symbol, light, motion, sound, fume, mist, or substance that may interfere, mislead or confuse a driving public.
- D. Signs extending above roofs and roof signs except where specific provided within the provisions of this chapter.
- E. Signs projecting from the building, except for where specifically provided for within this Chapter.
- F. Wind activated signs.
- G. Any advertising device attached to a building, fence, pole or structure or vehicle, on display not specifically authorized by this Chapter.

§ **90401.15 SPECIAL SIGN PROVISIONS**

- A. An electronic time and temperature sign as part of an approved on-site advertising sign is permitted as regulated by this Division.
- B. Exit, entrance and other on-site traffic and directional signs are permitted provided the signs do not exceed six feet (6') in height and contain no advertising message, other than directional instructions.
- C. Illuminated signs in storefront glazing visible for public street shall be considered signs and complies with this requirement.
- D. Special signing required for drive-in windows, drive through restaurants, drive through banks or similar businesses are allowed, provided a sign is necessary for the information, instruction or direction.
- E. Signs for uses approved in conjunction with conditional use permits shall be as specified in the conditions of approval for that permit.
- F. All digital signs, also known as changeable electronic variable message signs, will require a Conditional Use Permit.
- G. Any deviation from the sign code will require a Conditional Use Permit.

§ **90401.16 DESIGN AND DEVELOPMENT STANDARDS FOR WIND-FEATHERED BANNER FLAG SIGNS (FEATHER SIGNS)**

Temporary Wind-feather banner flag signs are portable signs that advertise business name, logo, and business colors or associated message and shall comply with the following standards:

- A. Feather signs shall **ONLY** advertise messages related to the associated business and are consistent with other requirements in this Ordinance.
- B. No Feather sign (temporary sign) shall be used until a permanent sign is permitted.
- C. The signs area shall not exceed twenty-five square feet (20 ft²);
 - 1. Fabrics width shall not exceed thirty inches (30").
- D. The sign shall not exceed ten feet (10') in height.
- E. Feather signs shall not be permanently fastened directly onto the roof/rooftops or exterior wall or face of any building or structure. All signs shall be ground mounted.
- F. The signs and pole shall be maintained in good conditions at all times, and nothing shall be added to the sign or pole, such as balloons or streamers.
- G. Feather signs shall only be allowed in the High Density Residential R-3, R-4, Commercial Zones C-1, C-2, C-3 and Industrial Zones M-1, M-2 and M-3.
- H. Feather signs shall only be allowed on the Frontage of Property and must be set back at least 5' feet from the property line, 5' from the property line of an adjacent property and 15' feet from the property line on corner lots.

§ **90401.17 NON-CONFORMING SIGNS**

Non-conforming signs shall be subject to the requirements of Section 90105.06.

§ 90401.18 ILLUSTRATIONS

The following drawings are intended as illustrations to further explain the intent of this chapter.

ILLUSTRATIONS ONLY

(FOR FUTURE USE)

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TITLE 9

DIVISION 4: SIGNS, PARKING, FENCE, HOME OCCUPATIONS, ACCESSORY DWELLING UNITS AND CANNABIS & INDUSTRIAL HEMP OPERATIONS

CHAPTER 3: FENCE

- § 90403.00 PURPOSE
- § 90403.01 APPLICATION
- § 90403.02 PROHIBITED MATERIALS
- § 90403.03 LOCATION
- § 90403.04 CONSTRUCTION STANDARDS
- § 90403.05 PERMITS
- § 90403.06 HEIGHT LIMITS

§ 90403.00 PURPOSE

The purpose of this chapter is to provide standards and promote safety by requiring provisions for adequate and well-designed fence and garden walls.

§ 90403.01 APPLICATION

All fence and other land use separation walls or devices shall meet the regulations established by this chapter.

EXCEPTION:

The following shall not be required to obtain permits:

- A. Animal containment corrals in approved feed yards.
- B. Animal containment field fencing (temporary).
- C. Temporary security fencing for construction sites.
- D. Emergency or security fencing.
- E. Wood, stucco, wrought iron or chain link fencing less than 6' in height in any zone.

§ 90403.02 PROHIBITED MATERIALS

- A. Fences shall be constructed of approved "fencing" or construction materials. Materials such as tires, cans, broken glass, used car components, vehicles or other similar products are not allowed.
- B. Barbed, or razor edge wire is prohibited in all residential zones, or on property abutting residential zones.
- C. Electrified fences are prohibited in all zones except for use in animal containment in the "A" Zones, or security fencing in Federal, State or County institutions.

§ 90403.03 LOCATION

All fences shall be located on or within the property lines of the applicant's property. Fences on property line may be allowed if a mutual agreement by or between adjacent property owner is recorded at the County Recorder's Office. Absent an agreement between owners, the fence shall set back from property line by a minimum of 2 inches.

§ 90403.04 CONSTRUCTION STANDARDS

- A. All fences shall meet Code or accepted fence construction standards.

§ 90403.05 PERMITS

A construction permit for the placement of a fence is required for the following:

- A. Retaining walls that are over one (1) feet (914.4 mm) in height measured from natural grade to the top of the wall, or retaining walls that are supporting a sur-charge or impounding Class I, II or IIIA liquids, regardless of the height.
- B. All masonry fences in all zones that are more than four (4) feet in height, including masonry pilasters with solid grouted cells or concrete columns for wall reinforcement or support of chain link, wrought iron, etc. The construction shall follow specifications from the 2019 California Building Code adopted by the County of Imperial, and the construction shall be designed by a registered professional civil engineer or architect, licensed in the State of California. Plans, calculations and a soils report may be required.

However, even though masonry walls four (4) feet or less in height are exempt from a building permit, the construction must still comply with the minimum requirements contained in the masonry fences handout, available at the Planning & Development Services Department's Building Division, and a compliance inspection for foundation, reinforcement and final must be requested.

- C. All other fences (e.g., wood, chain-link, wrought iron, etc.) in all zones that are more than eighty-four inches (84") in height.
- D. All razor edge, or barbwire in any authorized location except where used as animal containment or in State or Federal or County approved facilities.

§ 90403.06 HEIGHT LIMIT

- A. Within any "R" Zone, or "A" Zone with primary residential use or characteristics of a residential enclave, fencing located within the required front yard setback area shall not exceed thirty (30) inches in height if obscure, or forty-eight (48) inches if translucent. Decorative ornaments up to twelve (12) inches and not exceeding the width of post will be allowed above the heights shown above in 90403.05.
- B. Within any zone on a corner parcel, the fencing if installed shall not obstruct or hinder the line of sight for traffic conditions; and shall not exceed thirty (30) inches in height.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 1: GENERAL
CHAPTER 2: ABATEMENT OF NUISANCES
CHAPTER 3: MODIFICATION, SUSPENSION OR REVOCATION OF PERMITS
CHAPTER 4: CIVIL ACTIONS
CHAPTER 5: CRIMINAL ACTIONS
CHAPTER 6: COSTS AND DAMAGES
CHAPTER 7: NON-COMPLIANCE
CHAPTER 8: REMEDIES AND PENALTIES
CHAPTER 9: RECOVERY OF COSTS WHERE NO PERMIT IS REQUIRED TO CURE VIOLATION

CHAPTER 1: GENERAL

§ 91301.00	PURPOSE & APPLICATION
§ 91301.01	DEFINITIONS
§ 91301.02	NO PERMITS TO BE ISSUED
§ 91301.03	AUTHORITY TO INSPECT
§ 91301.04	CITATIONS
§ 91301.05	CITATION PROCEDURES
§ 91301.06	TRAINING
§ 91301.07	VIOLATION OF PROMISE TO APPEAR
§ 91301.08	WARRANT FOR ARREST FOR FAILURE TO APPEAR
§ 91301.09	AUTHORIZATION TO MAKE ARRESTS

§ 91301.00 PURPOSE & APPLICATION

The purpose of this Division is to provide for the enforcement of this Title 9, Land Use Ordinance for the County of Imperial. All persons are hereby on notice of the proceedings and penalties involved if any provision of this Title 9 is violated. The procedures contained in this Chapter do not limit or modify the authority of the County of Imperial to pursue enforcement actions under any other federal, state or local law, rule or regulation.

It is the further purpose of Title 9 to impose upon property owners the responsibility to maintain, use or require that their real property and appurtenances be maintained and used in accordance with the County Land Use Ordinances. Accordingly, it is hereby made unlawful for any property owner to maintain or use, or allow the maintenance or use of their real property and appurtenances in violation of the said Ordinances. All violations will be treated as strict liability offenses.

The Enforcement Officer shall have the authority and powers necessary to ensure compliance with the provisions of the County Land Use Ordinances and applicable state laws, rules and regulations. These powers include the power to issue Notices of Violation and field citations, to inspect public and private property and to use whatever administrative and judicial remedies available.

§ 91301.01 DEFINITIONS

For the purpose of this ordinance, certain words are defined as follows:

- A. The term "County Land Use Ordinances" shall mean this Title 9.
- B. The term "Enforcement Officer" shall include the Director of Planning, Building Official, Director of Environmental Health, Sheriff, Director of Public Works and their designees.

- C. The term "person" means any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.
- D. The term "abatement costs" means any costs or expenses reasonably related to the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be limited to, enforcement, investigation and administrative costs, attorneys fees, and the costs associated with the removal or correction of the violation.
- E. The term "administrative costs" shall include staff time reasonably related to enforcement for items including, but not limited to, site inspections, investigations, summaries, reports, notices, telephone contacts and correspondence. For purposes of this Division, the term "staff" shall include any County employee, regardless of employment status.
- F. The term "permit" shall include any permit, license, authorization or entitlement issued by the County of Imperial.

§ 91301.02 NO PERMITS TO BE ISSUED

- A. No permit shall be issued, and no department, official or employee of the County of Imperial shall issue a permit, unless it is in accordance with all the provisions of Imperial County Codified Ordinances. Further, no permit shall be issued to any person who at the time such permit is ready to be issued has failed to pay any fines or penalties assessed for violations of the County Land Use Ordinances. Any permit issued contrary to the provisions of Imperial County Codified Ordinances shall be void and of no effect.
- B. No permit, whether ministerial or discretionary, shall be issued for any building, structure or use on a parcel of land if the department, official or employee authorized to issue such permit is aware that a violation of the County Land Use Ordinances exists, unless such permit directly results in the abatement of the violation.

§ 91301.03 AUTHORITY TO INSPECT

Whenever necessary to make an inspection to enforce any applicable state law or provision of the county land use ordinances, or whenever there is reasonable cause to believe there exists a violation of any applicable state law or provision of the county land use ordinances in any building or upon any premises within the jurisdiction of the county, any authorized enforcement officer may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he or she shall give the owner and/or occupant, if they can be located after reasonable effort, at least 24 hours' written notice of the enforcement officer's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner and/or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant by a duly authorized magistrate pursuant to code of civil procedure section 1822.50. In the event the owner and/or occupant refuses entry after such request has been made, the enforcement officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining an inspection warrant for such entry. It is a misdemeanor to willfully refuse access after an inspection warrant has been duly issued (code of civil procedure section 1822.57). The above 24-hour notice requirement shall not apply to any inspection where the enforcement officer conducts the observations and inspection while within the public right-of-way or within the unobstructed walkway between such right-of-way and the front entry of any residence; nor shall it apply to abandoned or inoperative motor vehicles inspected on site in accordance with applicable state law.

§ 91301.04 CITATIONS

The Enforcement Officer, or his designee(s) have the authority pursuant to Section 12401 of the Codified Ordinances of the County of Imperial to issue citations against any person, firm or corporation that is in violation of any provision of this Ordinance and/or any section, article, or regulation of the adopted codes, may issue a citation to effect compliance with all applicable laws, ordinances, and/or regulations.

The citation shall be issued only by duly qualified personnel and upon the format approved by the Courts.

§ 91301.05 CITATION PROCEDURES

The Enforcement Officer is authorized to issue notices to appear in court as prescribed by Chapter 5(c) of Title 5, Part 2 of the Penal Code, commencing with Section 853.5. If a violator to whom a notice is given fails to give his promise to appear, the Enforcement Officer shall request the assistance of Law Enforcement to take the individual into custody or shall refer the notice to appear to the District Attorney.

§ 91301.06 TRAINING

The Enforcement Officer shall not exercise the power to issue citations authorized by this chapter, unless he shall first have completed a course of training that meets the minimum standard prescribed by the commission on peace officers standards and training as established by Section 832(a) of the Penal Code.

§ 91301.07 VIOLATION OF PROMISE TO APPEAR

Any person who willfully violates his written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge set forth in the notice to appear and as established by Section 853.7 of the Penal Code.

§ 91301.08 WARRANT FOR ARREST FOR FAILURE TO APPEAR

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.6 of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised.

§ 91303.09 AUTHORIZATION TO MAKE ARRESTS

Pursuant to Penal Code Section 836.5, the Enforcement Officer is authorized to make arrests without warrant, subject to the limitations set forth in this Division 13, where there is a reasonable cause to believe that the person arrested has violated a statute or ordinance which the Enforcement Officer has the duty to enforce.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 2: ABATEMENT OF NUISANCES

§ 91302.00	PURPOSE AND DEFINITIONS
§ 91302.01	NUISANCE DEFINED
§ 91302.02	SCOPE OF CHAPTER
§ 91302.03	SUMMARY ABATEMENT
§ 91302.04	NUISANCE DECLARED
§ 91302.05	ADMINISTRATIVE ABATEMENT- PROCEDURE
§ 91302.06	JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS IMPOSING FINES OR PENALTIES

§ 91302.00 PURPOSE AND DEFINITIONS

- A. This chapter is intended to provide an administrative procedure for the abatement of any public nuisance. A violation of any applicable state law or provision of the county land use ordinances enforced by the county constitutes a nuisance. It is intended to provide a uniform procedure for notification, right of appeal and assessment of costs and collection thereof for the abatement of public nuisances. The administrative abatement procedure herein is intended to provide due process to all those required to abate a public nuisance.
- B. "Authorized person" means hearing officer, board, commission, agency or department head, or their respective designee, or any other person authorized by the board of supervisors to preside over the administrative process and procedure.
- C. "Responsible party" means any person or legal entity that has a possessory, equitable or beneficial interest in the subject property.
- D. "Written notice" means a written document which informs a responsible party of the time, date and place for a hearing, the nature of the penalty and/or the corrective action required of that responsible party and the code and/or ordinance section(s) applicable to the proceeding.
- E. "Hearing" means both the initial hearing and any and all subsequent appeals.

§ 91302.01 NUISANCE DEFINED

Nuisance, as defined in civil code section 3479, is anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street or highway.

Any condition caused, maintained or permitted to exist in violation of any of the provisions of the County Land Use Ordinances shall be and the same is hereby declared unlawful and a public nuisance that may be abated consistent with the procedures provided for in this ordinance, or in any other manner provided by law.

§ 91302.02 SCOPE OF CHAPTER

Whenever a public nuisance is declared, it may be abated in accordance with the procedures provided in this chapter and this chapter shall be applicable to all administrative procedures regarding the denial, suspension or revocation of a permit, license or entitlement. Nothing in this chapter shall be construed to limit the right and duty of any enforcement officer to take immediate action to preserve or protect public health or safety. The procedures set forth in this chapter are not exclusive but are cumulative to all other civil and criminal remedies provided by law. The seeking of other remedies shall not preclude the simultaneous commencement of proceedings pursuant to this chapter.

§ **91302.03 SUMMARY ABATEMENT**

Pursuant to government code section 25845(a), the enforcement officer is authorized to summarily abate public nuisances determined by the enforcement officer to constitute an immediate threat to public health or safety. The nuisance may be summarily abated by any reasonable means and without notice or hearing when immediate action is necessary to protect against the existence of a dangerous condition or imminent threat to life or safety on public or private property. Summary abatement actions shall not be subject to the notice and hearing requirements of this chapter. Summary abatement actions may be initiated after commencement of proceedings pursuant to this chapter, if immediate action becomes necessary to preserve or protect the public health or safety. Summary abatement shall be limited to actions that are reasonably necessary to immediately remove the threat. In the event a public nuisance is summarily abated, the enforcement officer may keep an account of the cost of abatement and such costs shall be charged to the responsible party. If the bill is not paid within 15 days from the date of mailing, the enforcement officer may proceed to obtain a special assessment and lien against the property in accordance with the procedures set forth in this code.

§ **91302.04 NUISANCE DECLARED**

An enforcement officer may declare a public nuisance for any reason specified in any county ordinance. Upon a public nuisance being declared, the enforcement officer shall issue a notice and order to abate substantially in the following form:

NOTICE AND ORDER TO ABATE

NOTICE IS HEREBY GIVEN THAT _____ [specify the condition constituting the nuisance] is in violation of Section ____ [insert section number] of the County of Imperial Codified Ordinances [or other applicable statute]. The violation is declared a public nuisance. The public nuisance is on property located at _____ [insert address or other legal property description].

YOU ARE HEREBY ORDERED TO ABATE SAID PUBLIC NUISANCE within ____ (____) [insert a reasonable number of days (not less than ten)] consecutive calendar days from the issuance of this order. The issuance date is specified below. You may abate the nuisance by _____ [insert desired action which, if taken, will adequately remedy the situation (for example, removal, demolition or repair)]. The nuisance must be abated by ____ [insert date certain]. If you fail to abate the public nuisance by the above date, the county may order its abatement by public employees, private contractor or other means, and the cost of said abatement may be levied and assessed against the property as a special assessment lien or billed directly to the property owner.

YOU MAY APPEAL FROM THIS ORDER OF ABATEMENT but any such appeal must be brought prior to the expiration of the number of days specified above for completion of abatement. The appeal must be in writing; specify the reasons for the appeal; contain your name, address and telephone number; be accompanied by an appeal fee of _____ dollars (\$____); and be submitted to the Director of Planning and Development Services at the following address:

801 West Main Street
El Centro, CA 92243

ISSUANCE DATE: _____ [insert date that the county issues the notice]

(Name, address and telephone number of officer issuing this notice)

§ **91302.05 ADMINISTRATIVE ABATEMENT – PROCEDURE**

These procedures shall be followed whenever it is necessary to corrector remove the conditions giving rise to a nuisance.

A. **FIRST NOTICE**

If the enforcement officer determines that public or private property or any portion thereof is being maintained or permitted to exist in a manner prohibited by the provisions of any county land use ordinance, the enforcement officer shall give written notice requiring abatement of the condition to all responsible parties concerned. The notice shall specify the following:

1. The manner in which the conditions on the property violate the provisions of county land use ordinances or other ordinances;
2. The corrective actions required to abate the violation;
3. Notice that failure to bring the property into compliance with the county land use ordinances or other ordinances could subject the owner and other responsible parties to civil and criminal penalties; and
4. Notice that failure to bring the property into compliance with county land use ordinances or other ordinances could result in the imposition of a lien on the property for costs related to the enforcement of the ordinances and abatement of the conditions.

The failure of the notice to set forth all required contents shall not affect the validity of the proceedings.

B. MANNER OF GIVING NOTICE

The enforcement officer may give personal notice. Alternatively, the enforcement officer shall send a copy of the notice by registered or certified mail, postage prepaid, return receipt requested, to the owner of the property (as such person's name and address appears on the county equalized assessment roll) and to each mortgagee or beneficiary under any recorded deed of trust or holder of any recorded lease and to the holder of any other asset or interest in the property, at the last known address of such interest holders. Service by mail shall be deemed complete at the time of deposit in the mail. In the event that the enforcement officer cannot give notice in the manner provided above, the enforcement officer shall post a copy of the notice in a conspicuous place on the property. The failure of any owner or other person, including any mortgagee or beneficiary or lease holder as mentioned above, to receive such notice shall not affect the validity of the proceedings.

C. SECOND NOTICE

If the first notice is not complied with in a timely manner, a second notice shall be given. Such second notice shall be sent to all responsible parties. The notice shall be dated and shall direct all responsible parties to appear at a hearing before the planning commission at a stated date, time and place to show cause why the conditions on the property should not be abated. The hearing shall be set not less than 15 days after service of the second notice. Prior to the hearing, a copy of the first and second notices and proof of service shall be filed with the planning commission. The failure of any responsible party to receive such notice shall not affect the validity of the proceedings.

D. HEARING

At the time fixed in the second notice, the Planning Commission shall receive evidence regarding the conditions of the property or any other relevant matter presented by any interested person. In conducting the hearing the planning commission shall not be limited by the technical rules of evidence. Upon the conclusion of the hearing, the planning commission shall make its decision and it may declare the conditions on the property or the property to be in violation of county land use ordinances or other ordinances and, therefore, a public nuisance. The decision shall be mailed to all parties concerned or be posted on the property in the same manner as the first notice. If the planning commission determines there is a public nuisance, it shall direct the responsible parties to abate the conditions on the property within 30 days after service of the decision. If the responsible parties fail to abate the conditions on the property within such time, the county may abate those conditions. If the county abates the conditions, after a hearing, the costs of abatement shall be a lien on the property which may be collected by an assessment against the property pursuant to government code

sections 25845 and 54988 or by any other means provided by law. The planning commission may grant any extension of time to abate such conditions that it may deem justifiable upon good cause being shown.

E. APPEAL TO BOARD OF SUPERVISORS

The decision of the Planning Commission shall be final unless appealed to the board of supervisors within 10 days of the date of the planning commission's decision.

F. TIME TO OBJECT

Unless a responsible party files a writ in a court of competent jurisdiction within 90 days after the date of service of the Board of Supervisors' decision, all objections to the proceedings and decision shall be deemed to have been waived.

G. TIME TO BRING ACTION – ADMINISTRATIVE FILES OR PENALTIES

A final decision shall be issued by the Board of Supervisors or other authorized person. The date of mailing of the final decision to the party by first class mail, with certificate of service attached, shall constitute the date of the exhaustion of administrative remedies. A party shall be advised that, pursuant to code of civil procedure section 1094.6, it has 90 days from that date in which to file for a writ of mandamus or other applicable judicial review, except that if the determination is made as to a decision imposing an administrative penalty, fine or charge pursuant to ordinance, the time to appeal to the superior court is limited to 20 days pursuant to government code section 53069.4. Failure to file for judicial review within the applicable time limit makes the final decision nonappealable and confirmed. Until a timely request for judicial review is filed, enforcement of the final decision may proceed in due course.

H. JURISDICTION TO ABATE

Once 95 days have passed after service of the decision of the board of supervisors, or 25 days have passed in the case of administrative penalty, fine or charge, the county shall have jurisdiction to abate such conditions, unless the Board of Supervisors grants an extension of time.

I. STATEMENT OF EXPENSE/NOTICE OF INTENT TO LIEN

The county shall mail, by certified and regular mail, and shall cause to be posted conspicuously on the property, a verified statement showing the abatement costs, together with a notice of the date, time, and place that the hearing on the statement shall be heard by the Board of Supervisors; service shall be in accordance with code of civil procedure sections 415.10, 415.20, 415.30 or 415.40 if the responsible party resides outside the state of California. The statement of expense shall include a notice that failure to pay the expenses shall result in a lien upon the property. The date for such hearing shall be not less than 50 days after the posting and mailing of the statement of expense. A copy of the statement of expense and notice shall be mailed to all responsible parties in the manner as it prescribed for the first notice. All supporting documentation and proofs of service shall be filed with the clerk of the board prior to any hearing.

J. HEARING ON STATEMENT OF EXPENSE

At the time fixed for the hearing on the statement of expense, the board of supervisors shall consider the statement of expense, together with any objections that may be raised by the responsible parties. The board of supervisors may make any such revision, correction or modification in the statement of expense as it may deem just and thereafter shall render its decision on the statement of expense. The board of supervisor's decision on the statement and all protests and objections that may be made shall be final and conclusive.

K. PAYMENT-LIEN

If payment of the amount due established in the statement of expense is not made within 10 days after the board of supervisor's decision, the county may transmit the statement of expense and the board of supervisor's decision to the county auditor-controller. The auditor-controller shall place the amount on the assessment roll as a special assessment on the property to be paid with county taxes, unless sooner paid. A notice of lien, including the following information, may be recorded with the county clerk/recorder:

1. A description of the real property affected, including the assessor's parcel number;
2. A summary of the action taken to abate the subject condition;
3. The date upon which abatement of the nuisance was ordered by the board of supervisors;
4. The date the abatement was complete; and
5. The amount of the lien claimed by the county.

L. RELEASE OF LIEN

Upon payment of the abatement costs in full, or upon order of the board of supervisors, if a lien has been recorded, the county shall execute and record a release of the lien on the property. If an assessment has been placed on the assessment roll and is thereafter paid to the county, the auditor-controller shall cancel the assessment on the roll.

M. INCURRING EXPENSE

The county is authorized to pay the cost of a title search to determine the responsible parties, mailing expense and the expense of all work done or caused to be done by the county in the abatement of the subject condition. All of such costs shall be included in the statement of expense.

N. CONTINUANCES – DECISION

The board of supervisors may continue any hearing for any amount of time. Upon the conclusion of the hearing, the board of supervisors shall render its decision within 15.

O. OTHER REMEDIES

The provisions of this chapter are to be construed as an added remedy of abatement and not in derogation of any other actions, proceedings or remedies otherwise provided by law.

§ 91302.06 JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS IMPOSING FINES OR PENALTIES

A. TWENTY DAY PERIOD TO APPEAL FINE OR PENALTY

Notwithstanding the provisions of sections 1094.5 or 1094.6 of the code of civil procedure, within 20 days after service of the final administrative order or decision of the board of supervisors or other authorized person is made, a responsible party contesting that final administrative order or decision may seek review by filing an appeal to be heard by the superior court, where the same shall be heard de novo, except that the contents of the file in the case shall be received in evidence. A proceeding under this section is a limited civil case. Copies of all notices and decisions shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the county by the responsible party contesting the final administrative order or decision of the board of supervisors.

B. FEE FOR APPEAL

The fee for filing the notice of appeal shall be as specified in section 70615 of the government code. The court shall request that the file on the case be forwarded to the court, to be received within 15 days of the request. The court shall retain the fee regardless of the outcome of the appeal. If the

court finds in favor of the responsible party contesting the final administrative order or decision by the board of supervisors, the amount of the fee shall be reimbursed by the county. Any deposit of the fine or penalty shall be refunded by the county in accordance with the judgment of the court.

C. CONDUCT OF APPEAL

The conduct of the appeal under this section is a subordinate judicial duty that may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

D. NO APPEAL – ORDER CONFIRMED

If a notice of appeal of the county's final administrative order or decision is not filed within the period set forth in this section, the order or decision shall be deemed confirmed.

E. COLLECTION OF FINE

If the fine or penalty has not been deposited and the decision of the court is against the responsible party contesting the final administrative order or decision by the board of supervisors, the county may proceed to collect the penalty pursuant to the procedures set forth herein.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 3: MODIFICATION, SUSPENSION OR REVOCATION OF PERMITS

- § 91303.00 GROUND
- § 91303.01 INITIATION OF ACTION TO MODIFY, SUSPEND OR REVOKE A PERMIT
- § 91303.02 NOTICE AND HEARING

§ 91303.00 GROUND

Any permit may be modified, suspended or revoked for any of the following reasons:

- A. The permit was obtained or extended by misrepresentation or fraud.
- B. One or more of the conditions upon which the permit was issued have been violated or not implemented.
- C. The use permitted is conducted in a manner that constitutes a nuisance or is detrimental to the public health, welfare or safety.

§ 91303.01 INITIATION OF ACTION TO MODIFY, SUSPEND OR REVOKE A PERMIT

An action to modify, suspend or revoke a permit may be initiated by the Board of Supervisors or the Planning Commission on its own motion or upon the request of the Enforcement Officer to the Planning Commission.

§ 91303.02 NOTICE AND HEARING

An action to modify, suspend or revoke a permit shall be subject to the procedures set out for administrative abatement.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 4: CIVIL ACTIONS

- § 91304.00 INJUNCTIVE RELIEF AND ABATEMENT
- § 91304.01 CIVIL REMEDIES AND PENALTIES

§ 91304.00 INJUNCTIVE RELIEF AND ABATEMENT

Whenever, in the judgment of the Enforcement Officer, any person is engaged in or about to engage in any act or practice which constitutes or will constitute a violation of any provision of Imperial County Land Use Ordinances or any rule, regulation, order, permit or conditions of approval, upon the request by the Enforcement Officer, the County Counsel or District Attorney may commence proceedings for the abatement, removal, correction and enjoinder thereof, and requiring the violator to pay civil penalties and/or abatement costs.

§ 91304.01 CIVIL REMEDIES AND PENALTIES

Any person, whether acting as principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator, contractor or otherwise, who willfully violates the provisions of Imperial County Land Use Ordinances or any rule, regulation, order or conditions of approval issued thereunder, shall be liable for a civil penalty not to exceed \$1,000.00 for each day or portion thereof, that the violation continues to exist. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the violator, whether corporate or individual, and any corrective action taken by the violator.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 5: CRIMINAL ACTIONS

§ 91305.00 CRIMINAL ACTIONS

§ 91305.00 CRIMINAL ACTIONS

It shall be unlawful for any person to violate any provision of Imperial County Ordinances, or to violate any provision of any permit or conditions of approval granted pursuant to the Imperial County Ordinances, or to cause, permit, aid or abet any such violation. Any person violating any provision of Imperial County Ordinances, or any permit or conditions of approval granted pursuant to Imperial County Ordinances, shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of Imperial County Ordinances or violation of any provision of any permit granted pursuant to this ordinance, is committed, continued or permitted.

Any person so convicted shall be (1) guilty of an infraction offense and punished by a fine not exceeding one thousand dollars (\$1,000.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding twelve hundred dollars (\$1250.00) for a second violation on the same site and perpetrated by the same person. The third and any additional violations on the same site and perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding fifteen hundred dollars (\$1,500.00) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person from the responsibility for correcting the violation.

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TITLE 9
DIVISION 13: ENFORCEMENT

CHAPTER 6: COSTS AND DAMAGES

- § 91306.00 PERSONS LIABLE
- § 91306.01 TREBLE DAMAGES
- § 91306.02 PAYMENT OF ABATEMENT COSTS, PENALTIES OR DAMAGES

§ 91306.00 PERSONS LIABLE

Any person, whether acting as a principal, agent, employee, owner, lessor, lessee, tenant, occupant, operator or contractor, or otherwise, violating any provisions of Imperial county ordinances or the rules, regulations, orders, permits or conditions of approval issued thereunder, shall be liable to the County of Imperial for costs of abatement and any damages suffered by the County, its agents and agencies, as a result of such violations,

§ 91306.01 TREBLE DAMAGES

Upon a second or subsequent civil or criminal judgment for a violation of County Land Use Ordinances within a two year period the violator shall be liable to the County of Imperial for treble the abatement costs, in accordance with Government Code Section 25845.5.

§ 91306.02 PAYMENT OF ABATEMENT COSTS, PENALTIES OR DAMAGES

If payment of an award of abatement costs, penalties or damages is not made within ten (10) days of an administrative (Section 5, subdivision 1 and or judicial determination of such costs, penalties or damages, the Enforcement Officer may file a Notice of Lien, describing the real property affected and the amount of the costs, penalties or damages claimed by the County, with the Office of the County Recorder of Imperial County. The Enforcement Officer may transmit the judgment or award of abatement costs, penalties or damages of the County Auditor, who shall place the amount thereof on the Assessment Roll as a special assessment to be paid with County taxes, unless sooner paid. A judgment or award of such costs, penalties or damages may also be enforced in any other manner provided by law.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 7: NONCOMPLIANCE

§ 91307.00 NOTICE OF NON-COMPLIANCE

§ 91307.00 NOTICE OF NON-COMPLIANCE

Whenever a notice of violation has been given, the Enforcement Officer may record a Notice of Noncompliance with the Office of the County Recorder of Imperial County and shall notify the owner of the property of such action. The Notice of Noncompliance shall describe the property, shall set forth the non-complying conditions, and shall state that any costs incurred by the County, including, but not limited to investigative, administrative and abatement costs and attorneys' fees as a result of the violation of Imperial county ordinances may become a lien on the property and that the owner has been so notified.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 8: REMEDIES AND PENALTIES

§ 91308.00 REMEDIES AND PENALTIES

§ 91308.00 REMEDIES AND PENALTIES

All remedies and penalties provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting, removing or abating the violation, nor prevent the enforced correction, removal or abatement thereof. Each and every day during any portion of which any violation of Imperial County Ordinances or the rules, regulations, orders, permits or conditions of approval issued thereunder is committed, continued, or permitted by such person, shall be deemed a separate and distinct offense.

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TITLE 9

DIVISION 13: ENFORCEMENT

CHAPTER 9: RECOVERY OF COSTS WHERE NO PERMIT IS REQUIRED TO CURE VIOLATION

§ 91309.00	RECOVERY OF COSTS
§ 91309.01	RECORDS
§ 91309.02	NOTICE
§ 91309.03	SUMMARY OF COSTS
§ 91309.04	APPEAL
§ 91309.05	REQUEST FOR HEARING
§ 91309.06	REVIEW OF COSTS

§ 91309.00 RECOVERY OF COSTS

The following section establishes procedures for the recovery of administrative costs in cases where no permit is required to cure a violation. The intent of this section is to recoup administrative costs reasonably related to enforcement.

§ 91309.01 RECORDS

The Enforcement Officer shall maintain records of all administrative costs, incurred by responsible county departments, associated with the processing of violations and enforcement of County Land Use Ordinances and shall recover such costs from the property owner as provided herein.

§ 91309.02 NOTICE

Upon investigation and determination that a violation of any of the provisions of County Land Use Ordinances is found to exist, the Enforcement Officer shall notify the record owner, or any person having possession or control of the subject property, of the existence of the violation(s), by issuing a Notice of Violation in person, by mail, or by posting the Notice on the property in a conspicuous place. The Notice shall also indicate the Department's intent to charge the property owner for all administrative costs associated with enforcement and of the owner's right to a hearing on objection thereto.

The Notice shall be in substantially the following form:

NOTICE OF VIOLATION

The Department of _____ has determined that conditions exist at the property at _____, Assessor's Parcel Number _____, which violates Section(s) _____ of the Imperial County Ordinance No(s),

to wit:

Notice is hereby given that at the conclusion of this case you will receive a summary of administrative costs associated with the processing of such violation(s).

You will have the right to appeal this Notice of Violation or to object to these charges by filing a Request for Hearing with the Planning Commission within ten (10) days of service of the summary of charges, pursuant to Section 91309.03 of Imperial County Codified Ordinances.

§ 91309.03 SUMMARY OF COSTS

Within ten (10) days of issuance of a Notice of Violation, the Enforcement Officer shall send a summary of costs associated with enforcement to the owner and/or person having possession or control of the subject

property by certified mail. If the owner and/or person having possession of control of the subject property cannot be located, the Enforcement Officer shall post a copy of the summary of costs at a conspicuous location on the property.

§ 91309.04 APPEAL

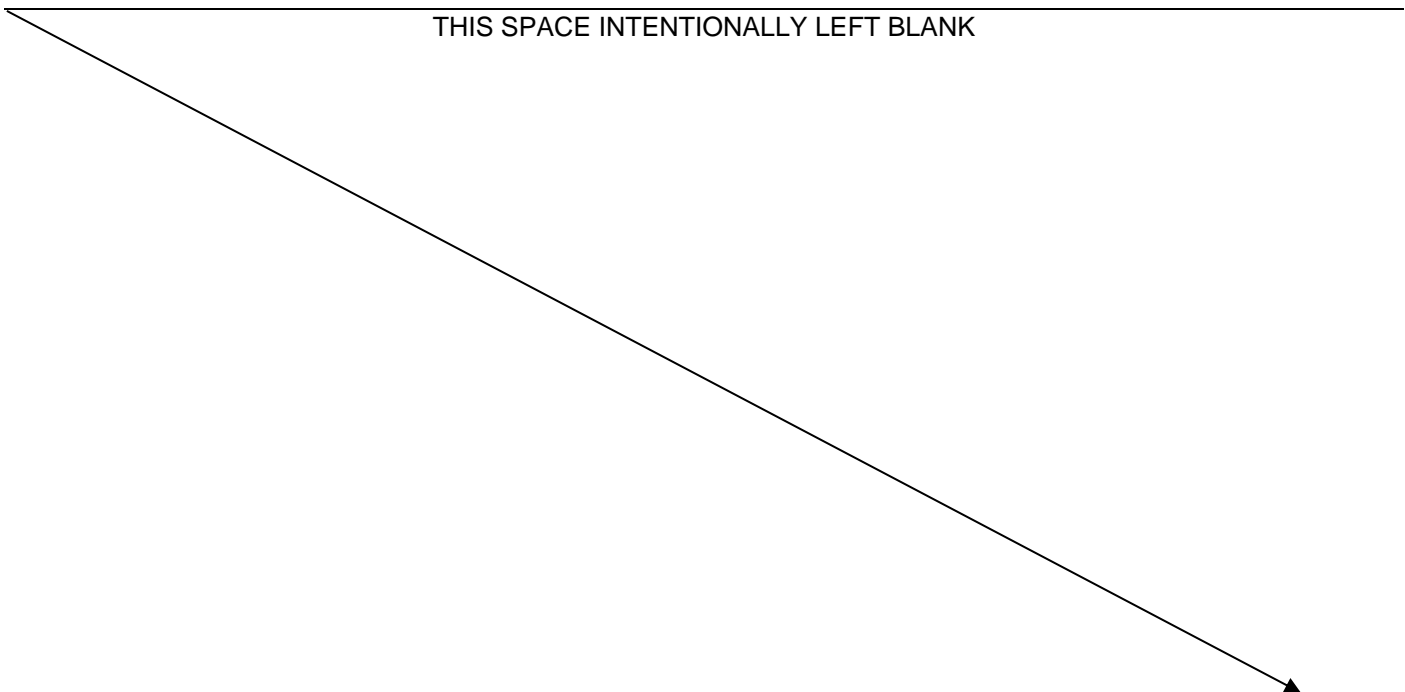
Any decision of the Enforcement Officer, including the determination of costs of enforcement. The appeal shall be heard by the Planning Commission which may affirm, amend or reverse the decision and may take any other action deemed appropriate. The Enforcement Officer shall give written notice of the time and the place of the hearing to appellant. In conducting the hearing, the Planning Commission shall not be limited by the technical rules of evidence.

§ 91309.05 REQUEST FOR HEARING

A request for hearing on the Notice of Violation and/or summary of costs shall be filed in writing with the Planning Commission within five (5) days of the service by mail or posting of the summary of costs, on a form provided by the Department. Within forty-five (45) days of the filing of the request, and on ten (10) days written notice to the owner, the Planning Commission shall hold a hearing on the owner's objections, and determine the validity thereof.

§ 91309.06 REVIEW OF COSTS

In determining the validity of the costs, the Planning Commission shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include, but are not limited to, the following: whether the present owner created the violation; whether there is a present ability to correct the violation; whether the owner acted promptly to correct the violation; and whether reasonable minds can differ as to whether a violation exists.



TITLE 9

DIVISION 18: ABATEMENT OF WEEDS & OTHER VEGETATION

[CHAPTER 1: APPLICABILITY](#)

[CHAPTER 2: ENFORCEMENT](#)

CHAPTER 1: APPLICABILITY

§ 91801.00	WEEDS AND OTHER VEGETATION DEFINED
§ 91801.01	UNLAWFUL FOR OWNER OR OCCUPANT OF LAND TO ALLOW WEEDS AND OTHER VEGETATION TO ACCUMULATE ON PREMISES
§ 91801.02	APPEAL PROCEDURES
§ 91801.03	APPEAL HEARING
§ 91801.04	EXPENSE OF ABATEMENT
§ 91801.05	COLLECTION OF EXPENSES

§ 91801.00 WEEDS AND OTHER VEGETATION DEFINED

Weeds and other vegetation as used in this Division, refer to weeds and other vegetation growing upon private or public property in the unincorporated areas of the County of Imperial and includes any of the following:

- A. Weeds as defined by Webster's Dictionary.
- B. Vegetation as defined by Webster's Dictionary.
- C. Sagebrush, chaparral or any other brush or weeds which attain such a large growth as to become, when dry, a fire menace to adjacent improved property;
- D. The Health and Safety Codes defines weeds as poison oak and poison ivy; and those that bear seeds of a downy or winged nature; those which become a fire menace when dry; and those which are otherwise noxious or dangerous.

§ 91801.01 UNLAWFUL FOR OWNER OR OCCUPANT OF LAND TO ALLOW WEEDS AND OTHER VEGETATION TO ACCUMULATE ON PREMISES.

It shall be unlawful for the owner or occupant of any land, lot, yard, or tract of land in an unincorporated area of the County of Imperial to cause or to allow such premises to become overgrown and infested with weeds and other vegetation.

§ 91801.02 APPEAL PROCEDURES

Any person who is affected by the notice set forth in Sections 91802.03 et seq. may appeal to the Board of Supervisors within the time for compliance with the order. Said appeal shall be writing and filed with the Planning Director (or his or her designee). Timely appeal shall stay further action until the hearing date. Along with the written appeal, a non-refundable filing fee of \$125.00 shall be submitted to the Director.

The Director shall set the matter for hearing before the Board of Supervisors and shall notify the applicant of the date set for such hearing at least fifteen days prior to such date.

§ 91801.03 APPEAL HEARING

At the date and time set for hearing, the Board of Supervisors shall receive any evidence or information it deems appropriate and shall render its decision based upon such evidence or information.

The determination of the Board of Supervisors shall be conclusive.

§ 91801.04 EXPENSE OF ABATEMENT

The expense of abatement of a nuisance as defined herein shall be determined, and notice shall be given, pursuant to Chapter 4 of Part 5 of Division 12 (commencing with Section 14905 et seq.) of the Health and Safety Code.

§ 91801.05 COLLECTION OF EXPENSES

The amounts of the cost for abating a nuisance shall constitute a special assessment against the respective parcels of land and are a lien on the property for the amount of the respective assessment. Expenses shall be collected through the levy of assessments as specified in Article 3, Chapter 4, of Part 5 of Division 12 (commencing with Section 14915 et seq.) of the Health and Safety Code.

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TITLE 9

DIVISION 18: ABATEMENT OF WEEDS & OTHER VEGETATION

CHAPTER 2: ENFORCEMENT

§ 91802.00	COMMISSION OF MISDEMEANOR
§ 91802.01	DECLARATION OF PUBLIC NUISANCE
§ 91802.02	CONTENTS OF DECLARATIONS
§ 91802.03	CONTENTS OF NOTICE
§ 91802.04	DESIGNATION OF PERSON TO GIVE NOTICE
§ 91802.05	NOTIFICATION
§ 91802.06	ABATEMENT ORDER
§ 91802.07	SEASONAL AND RECURRENT NUISANCE
§ 91802.08	NOTICE OF RECURRENT NUISANCE; POSTCARD NOTICE; CONTENTS
§ 91802.09	AUTHORITY TO ENTER UPON PROPERTY
§ 91802.10	ABATEMENT OF NUISANCE BY OWNER

§ 91802.00 COMMISSION OF MISDEMEANOR

Any person allowing weeds and/or other vegetation to accumulate on a premise as specified by Section 91801.00 et seq. herein shall be guilty of the commission of a misdemeanor, punishable as provided by this Title.

§ 91802.01 DECLARATION OF PUBLIC NUISANCE

Weeds and/or other vegetation may be declared to constitute a public nuisance and may be abated as provided for in this Chapter upon concurrence of any two (2) of the following County officials:

- A. The Fire Marshal;
- B. The Planning Director;
- C. The Director of Public Works
- D. The Agricultural Commissioner.

Whenever weeds and/or other vegetation exist upon any private or public property in the unincorporated area, said officials, by declaration, may declare the weeds and/or other vegetation a public nuisance.

§ 91802.02 CONTENTS OF DECLARATION

The declaration shall refer, by the name under which it is commonly known, to the property upon which the nuisance exists, or the declaration shall describe the property upon which, or in front of which, the nuisance exists by describing the property by reference to the tract, block, lot, code area, and parcel number as used in the records of the County Assessor or in accordance with the map used in describing property for taxation purposes.

§ 91802.03 CONTENTS OF NOTICE

The notice to abate weeds and/or vegetation shall be headed "Notice to Abate Weeds and/or Other Vegetation" and shall be substantially in the following form:

NOTICE TO ABATE WEEDS

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 19___, a declaration of Public Nuisance has been issued declaring that the weeds and/or other vegetation existing upon or in front of the property at _____, or nearest to _____ Street (or Road), in said County, and more particularly described in said declaration and that the same constitute a public nuisance which may be abated by the removal of

the same, otherwise the weeds and/or other vegetation will be removed and the nuisance will be abated by the County authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which, or in front of which, the weeds are removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said declaration for further particulars.

All property owners having any objections to the proposed removal of such weeds and/or other vegetation are hereby notified they have the right to appeal said declaration by filing said appeal in the Imperial County Planning & Development Services Department within two weeks of the date of this notice. A hearing will be held by the Board of Supervisors. The objections will be heard and given due consideration.

Dated this _____ day of _____, 19____.

Name of County Planning Director
Imperial County

§ 91802.04 DESIGNATION OF PERSON TO GIVE NOTICE

The Official designated to give notice to abate weeds and/or other vegetation is the County Planning Director.

§ 91802.05 NOTIFICATION

The notice to abate shall be mailed via return receipt/certified mail to the owner of record on the latest equalized tax rolls.

§ 91802.06 ABATEMENT ORDER

After final action is taken by the Board of Supervisors on the disposition of any protest or objections or in case no protests or objections are received, the Board of Supervisors shall order the officer, causing the notices to be posted to abate the nuisance, or to cause it to be abated by having the weeds and/or other vegetation removed.

§ 91802.07 SEASONAL AND RECURRENT NUISANCE

If the nuisance is seasonal and recurrent, the official shall so declare in his/her declaration. Thereafter, such recurring weeds and/or other vegetation shall be abated without the necessity of any further hearing.

§ 91802.08 NOTICE OF RECURRENT NUISANCE; POSTCARD NOTICE; CONTENTS

In the case of weeds and/or other vegetation previously declared to constitute a seasonal and recurring nuisance, it is sufficient to mail a letter notice by certified mail to the owners of the property as they and their addresses appear upon the current assessment roll.

The notice shall describe the property affected and shall state the nuisance that must be abated and that otherwise it will be abated by the County authorities, in which case the cost of such removal shall be assessed upon the lot and lands from which or in front of which such weeds and/or other vegetation are removed and that such cost will constitute a lien upon such lots or land until paid.

§ 91802.09 AUTHORITY TO ENTER UPON PROPERTY

The official and his/her assistants, deputies, employees, or contracting agents, or other representatives may enter upon private property for the purpose of removing the weeds and/or other vegetation.

§ 91802.10 ABATEMENT OF NUISANCE BY OWNER

Any property owner may have weeds and/or other vegetation removed at his or her own expense if it is done prior to the arrival of the official (or his/her representatives) to do it.

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Part I—Administrative

CHAPTER 1

SCOPE AND ADMINISTRATION

DIVISION I CALIFORNIA ADMINISTRATION

SECTION 1.1 GENERAL

1.1.1 Title. *These regulations shall be known as the California Fire Code, may be cited as such and will be referred to herein as "this code." The California Fire Code is Part 9 of thirteen parts of the official compilation and publication of the adoptions, amendment, and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. This part incorporates by adoption the 2018 California Fire Code of the International Code Council with necessary California amendments.*

1.1.2 Purpose. *The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.*

1.1.3 Scope. *The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building structures throughout the State of California.*

This code establishes regulations affecting or relating to buildings, structures, processes, premises and a reasonable degree of life and property safeguards regarding:

- 1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.*
- 2. Conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures or premises.*
- 3. Fire hazards in the buildings, structures or on premises from use of, occupancy of, or operation.*
- 4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.*
- 5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.*

1.1.3.1 Nonstate-regulated buildings, structures and applications. *Except as modified by local ordinance pursuant to Section 1.1.8, the following standards in the California Code of Regulations, Title 24, Parts 2, 3, 4, 5, 6, 9, 10 and 11 shall apply to all occupancies and applications not regulated by a state agency.*

1.1.3.2 State-regulated buildings, structures and applications. *The model code, state amendments to the model code, and/or state amendments where there are no relevant model code provisions, shall apply to the following buildings, structures and applications regulated by state agencies as specified in Sections 1.2 through 1.14, except where modified by local ordinance pursuant to Section 1.1.8. When adopted by a state agency, the provisions of this code shall be enforced by the appropriate enforcing agency, but only to the extent of authority granted to such agency by the state legislature.*

Note: *See the Preface to distinguish the model code provisions from the California provisions.*

- 1. State-owned buildings, including buildings constructed by the Trustees of the California State University, and to the extent permitted by California laws, buildings designed and constructed by the Regents of the University of California, and regulated by the Building Standards Commission. See Section 1.2 for additional scope provisions.*
- 2. Local detention facilities regulated by the Board of State and Community Corrections. See Section 1.3 for additional scope provisions.*
- 3. Barbering, cosmetology or electrolysis establishments, acupuncture offices, pharmacies, veterinary facilities and structural pest control locations regulated by the Department of Consumer Affairs. See Section 1.4 for additional scope provisions.*
- 4. Section 1.5 reserved for the California Energy Commission.*
- 5. Dairies and places of meat inspection regulated by the Department of Food and Agriculture. See Section 1.6 for additional scope provisions.*
- 6. Organized camps, laboratory animal quarters, public swimming pools, radiation protection, commissaries serving mobile food preparation vehicles and wild animal quarantine facilities regulated by the Department of Public Health. See Section 1.7 for additional scope provisions.*
- 7. Hotels, motels, lodging houses, apartments, dwellings, dormitories, condominiums, shelters for homeless persons, congregate residences, employee housing, factory-built housing and other types of dwellings containing sleeping accommodations with or without common toilets or cooking facilities. See Section 1.8.2.1.1 for additional scope provisions.*

8. *Accommodations for persons with disabilities in buildings containing newly constructed covered multifamily dwellings, new common use spaces serving existing covered multifamily dwellings, additions to existing buildings where the addition alone meets the definition of a "COVERED MULTIFAMILY DWELLING," and new common-use areas serving new covered multifamily dwellings which are regulated by the Department of Housing and Community Development. See Section 1.8.2.1.2 for additional scope provisions.*
9. *Permanent buildings and permanent accessory buildings or structures constructed within mobile home parks and special occupancy parks regulated by the Department of Housing and Community Development. See Section 1.8.2.1.3 for additional scope provisions.*
10. *Accommodations for persons with disabilities regulated by the Division of the State Architect. See Section 1.9.1 for additional scope provisions.*
11. *Public elementary and secondary schools, community college buildings and state-owned or state-leased essential service buildings regulated by the Division of the State Architect. See Section 1.9.2 for additional scope provisions.*
12. *Qualified historical buildings and structures and their associated sites regulated by the State Historical Building Safety Board with the Division of the State Architect. See Section 1.9.3 for additional scope provisions.*
13. *General acute care hospitals, acute psychiatric hospitals, skilled nursing and/or intermediate care facilities, clinics licensed by the Department of Public Health and correctional treatment centers regulated by the Office of Statewide Health Planning and Development. See Section 1.10 for additional scope provisions.*
14. *Applications regulated by the Office of the State Fire Marshal include, but are not limited to, the following in accordance with Section 1.11:*
 - 14.1. *Buildings or structures used or intended for use as an:*
 1. *Asylum, jail, prison.*
 2. *Mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school or any similar occupancy of any capacity.*
 3. *Theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education*
 4. *Small family daycare homes, large family daycare homes, residential facilities and residential facilities for the elderly, residential care facilities.*
 5. *State institutions or other state-owned or state-occupied buildings.*
 6. *High-rise structures.*
 7. *Motion picture production studios.*
 8. *Organized camps.*
 9. *Residential structures.*
 - 14.2. *Tents, awnings or other fabric enclosures used in connection with any occupancy.*
 - 14.3. *Fire alarm devices, equipment and systems in connection with any occupancy.*
 - 14.4. *Hazardous materials, flammable and combustible liquids.*
 - 14.5. *Public school automatic fire detection, alarm and sprinkler systems.*
 - 14.6. *Wildland-urban interface fire areas.*
15. *Public libraries constructed and renovated using funds from the California Library Construction and Renovation Bond Act of 1988 and regulated by the State Librarian. See Section 1.12 of the California Building Code for additional scope provisions.*
16. *Section 1.13 reserved for the Department of Water Resources.*
17. *For applications listed in Section 1.9.1 regulated by the Division of the State Architect—Access Compliance, outdoor environments and uses shall be classified according to accessibility uses described in Chapters 11A, 11B and 11C.*
18. *Marine Oil Terminals regulated by the California State Lands Commission. See Section 1.14 of the California Building Code for additional scope provisions.*
 - 1.1.4 *Appendices. Provisions contained in the appendices of this code shall not apply unless specifically adopted by a state agency or adopted by a local enforcing agency in compliance with Health and Safety Code, Section 18901 et. seq. for Building Standards Law, Health and Safety Code, Section 17950 for State Housing Law and Health and Safety Code, Section 13869.7 for Fire Protection Districts. See Section 1.1.8 of this code.*
 - 1.1.5 *Referenced codes. The codes, standards and publications adopted and set forth in this code, including other codes, standards and publications referred to therein are, by title and date of publication, hereby adopted as standard reference documents of this code. When this code does not specifically cover any subject related to building design and*

construction, recognized architectural or engineering practices shall be employed. The National Fire Codes, standards and the Fire Protection Handbook of the National Fire Protection Association are permitted to be used as authoritative guides in determining recognized fire prevention engineering practices.

1.1.6 Nonbuilding standards, orders and regulations. Requirements contained in the California Fire Code, or in any other referenced standard, code or document, which are not building standards as defined in Health and Safety Code, Section 18909 shall not be construed as part of the provisions of this code. For nonbuilding standards, orders and regulations, see other titles of the California Code of Regulations.

1.1.7 Order of precedence and use.

1.1.7.1 Differences. In the event of any differences between these building standards and the standard reference documents, the text of these building standards shall govern.

1.1.7.2 Specific provisions. Where a specific provision varies from a general provision, the specific provision shall apply.

1.1.7.3 Conflicts. When the requirements of this code conflict with the requirements of any other part of the California Building Standards Code, Title 24, the most restrictive requirements shall prevail.

1.1.7.3.1. Detached one- and two-family dwellings, efficiency dwelling units, lodging houses, live/work units, townhouses not more than three stories above grade plane with a separate means of egress, and their accessory structures, may be designed and constructed in accordance with the California Building Code or the California Residential Code, but not both, unless the proposed structure(s) or element(s) exceed the design limitations established in the California Residential Code, and the code user is specially directed by the California Residential Code to use the California Building Code.

1.1.8 City, county, or city and county amendments, additions or deletions. The provisions of this code do not limit the authority of city, county, or city and county governments to establish more restrictive and reasonably necessary differences to the provisions contained in this code pursuant to complying with Section 1.1.8.1. The effective date of amendments, additions or deletions to this code of a city, county, or a city and county filed pursuant to Section 1.1.8.1 shall be the date filed. However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code.

Local modifications shall comply with Health and Safety Code, Section 18941.5 for Building Standards Law, Health and Safety Code, Section 17958 for State Housing Law or Health and Safety Code, Section 13869.7 for Fire Protection Districts.

1.1.8.1 Findings and filings.

1. The city, county, or city and county shall make express findings for each amendment, addition or

deletion based upon climatic, topographical or geological conditions.

Exception: Hazardous building ordinances and programs mitigating unreinforced masonry buildings.

2. The city, county, or city and county shall file the amendments, additions or deletions expressly marked and identified as to the applicable findings. Cities, counties, cities and counties, and fire departments shall file the amendments, additions or deletions, and the findings with the California Building Standards Commission at 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

3. Findings prepared by fire protection districts shall be ratified by the local city, county, or city and county and filed with the California Department of Housing and Community Development, Division of Codes and Standards, P.O. Box 1407, Sacramento, CA 95812-1407 or 2020 West El Camino Avenue, Suite 250, Sacramento, CA 95833-1829.

1.1.8.2 Locally adopted energy standards—California Energy Code, Part 6

In addition to the provisions of Section 1.1.8.1 of this Part, the provisions of this section apply to cities, counties, and city and county amending adopted energy standards affecting buildings and structures subject to the California Energy Code, Part 6.

Applicable provisions of Public Resources Code Section 25402.1 and applicable provisions of Chapter 10 of the California Administrative Code, Part 1 apply to local amendment of energy standards adopted by the California Energy Commission.

1.1.9 Effective date of this code. Only those standards approved by the California Building Standards Commission that are effective at the time an application for building permit is submitted shall apply to the plans and specifications for, and to the construction performed under, that permit. For the effective dates of the provisions contained in this code, see the History Note page of this code.

1.1.10 Availability of codes. At least one complete copy each of Titles 8, 19, 20, 24 and 25 with all revisions shall be maintained in the office of the building official responsible for the administration and enforcement of this code. Each state department concerned and each city, county, or city and county shall have an up-to-date copy of the code available for public inspection. See Health and Safety Code, Section 18942(e)(1) and (2).

1.1.11 Format. This part fundamentally adopts the California Fire Code by reference on a chapter-by-chapter basis. When a specific chapter of the California Fire Code is not printed in the code and is marked "Reserved," such chapter of the California Fire Code is not adopted as a portion of this code. When a specific chapter of the California Fire Code is marked "Not adopted by the State of California," but appears in the code, it may be available for adoption by local ordinance.

Note: Matrix Adoption Tables at the front of each chapter may aid the code user in determining which chapter or sections within a chapter are applicable to buildings

under the authority of a specific state agency, but they are not to be considered regulatory.

1.1.12 Validity. *If any chapter, section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the state as stipulated by statutes or otherwise inoperative, such decision shall not affect the validity of the remaining portion of this code.*

SECTION 1.11

OFFICE OF THE STATE FIRE MARSHAL

1.11.1 SFM—Office of the State Fire Marshal. *Specific scope of application of the agency responsible for enforcement, the enforcement agency and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.*

Application:

Institutional, educational or any similar occupancy. *Any building or structure used or intended for use as an asylum, jail, prison, mental hospital, hospital, sanitarium, home for the elderly, children's nursery, children's home or institution, school or any similar occupancy of any capacity.*

Authority cited—Health and Safety Code, Section 13143.

Reference—Health and Safety Code, Section 13143.

Assembly or similar place of assemblage. *Any theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.*

Authority cited—Health and Safety Code, Section 13143.

Reference—Health and Safety Code, Section 13143.

Small family daycare homes.

Authority cited—Health and Safety Code, Sections 1597.45, 1597.54, 13143 and 17921.

Reference—Health and Safety Code, Section 13143.

Large family daycare homes.

Authority cited—Health and Safety Code, Sections 1597.46, 1597.54 and 17921.

Reference—Health and Safety Code, Section 13143.

Residential facilities and residential facilities for the elderly.

Authority cited—Health and Safety Code, Section 13133.

Reference—Health and Safety Code, Section 13143.

Any state institution or other state-owned or state-occupied building.

Authority cited—Health and Safety Code, Section 13108.

Reference—Health and Safety Code, Section 13143.

High-rise structures.

Authority cited—Health and Safety Code, Section 13211.

Reference—Health and Safety Code, Section 13143.

Motion picture production studios.

Authority cited—Health and Safety Code, Section 13143.1.

Reference—Health and Safety Code, Section 13143.

Organized camps.

Authority cited—Health and Safety Code, Section 18897.3.

Reference—Health and Safety Code, Section 13143.

Residential. *All hotels, motels, lodging houses, apartment houses and dwellings, including congregate residences and buildings and structures accessory thereto. Multiple-story structures existing on January 1, 1975, let for human habitation, including and limited to, hotels, motels and apartment houses, less than 75 feet (22 860 mm) above the lowest floor level having building access, wherein rooms used for sleeping are let above the ground floor.*

Authority cited—Health and Safety Code, Sections 13143.2 and 17921.

Reference—Health and Safety Code, Section 13143.

Residential care facilities. *Certified family care homes, out-of-home placement facilities, halfway houses, drug and/or alcohol rehabilitation facilities and any building or structure used or intended for use as a home or institution for the housing of any person of any age when such person is referred to or placed within such home or institution for protective social care and supervision services by any governmental agency.*

Authority cited—Health and Safety Code, Section 13143.6.

Reference—Health and Safety Code, Section 13143.

Tents, awnings or other fabric enclosures used in connection with any occupancy.

Authority cited—Health and Safety Code, Section 13116.

Reference—Health and Safety Code, Section 13143.

Fire alarm devices, equipment and systems in connection with any occupancy.

Authority cited—Health and Safety Code, Section 13114.

Reference—Health and Safety Code, Section 13143.

Hazardous materials.

Authority cited—Health and Safety Code, Section 13143.9.

Reference—Health and Safety Code, Section 13143.

Flammable and combustible liquids.

Authority cited—Health and Safety Code, Section 13143.6.

Reference—Health and Safety Code, Section 13143.

Public school automatic fire detection, alarm and sprinkler systems.

Authority cited—Health and Safety Code, Section 13143 and California Education Code, Article 7.5, Sections 17074.50, 17074.52 and 17074.54.

Reference—Government Code, Section 11152.5, Health and Safety Code, Section 13143 and California Education Code Chapter 12.5, Leroy F. Greene School Facilities Act of 1998, Article I.

Wildland-urban interface Fire Area.

Authority cited—Health and Safety Code, Sections 13143, 13108.5(a) and 18949.2(b) and (c) and Government Code, Section 51189.

Reference—Health and Safety Code, Sections 13143, Government Code, Sections 51176, 51177, 51178 and 51179 and Public Resources Code, Sections 4201 through 4204.

1.11.1.1 Adopting agency identification. *The provisions of this code applicable to buildings identified in this Subsection 1.11.1 will be identified in the Matrix Adoption Tables under the acronym SFM.*

1.11.2 Duties and powers of the enforcing agency.

1.11.2.1 Enforcement.

1.11.2.1.1 *The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be, except as provided in Section 1.11.2.1.2, as follows:*

1. *The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies, as described in Section 310.1 of Part 2 of the California Building Standards Code, to either of the following:*

1.1. *The chief of the fire authority of the city, county or city and county, or an authorized representative.*

1.2. *The chief building official of the city, county, or city and county, or an authorized representative.*

2. *The chief of any city or county fire department or of any fire protection district, and authorized representatives, shall enforce within the jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in Item 1 or 4.*

3. *The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.*

4. *The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services on request of the chief fire official or the governing body.*

5. *Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged pursuant to Section 66014 of the Government Code.*

[California Code of Regulations, Title 19, Division 1, §1.11] Enforcement of Regulations.

In most instances, the application of California Code of Regulations, Title 19, Division 1 to existing occupancies will necessitate the granting of sufficient time to effect the necessary changes. The inspection authority must, therefore, exercise good judgment in authorizing sufficient time to complete

the required changes, taking into consideration the degree of danger to life in event of fire while rectification is being carried out. The inspection authority may require immediate compliance with any or all of the regulations, or he may grant a reasonable length of time in which to conform.

[California Code of Regulations, Title 19, Division 1, §3.12] Enforcement Agency.

(a) *The provisions of California Code of Regulations, Title 19, Division 1 regulations shall be enforced by the State Fire Marshal, the chief of any city or county fire department or fire protection district, and their authorized representatives, in their respective areas of jurisdiction.*

(b) *The division of authority for the enforcement of these regulations shall be in accordance with the following:*

(1) *The chief of any city or county fire department or fire protection district, and their authorized representatives shall enforce the rules and regulations in their respective areas.*

(2) *The State Fire Marshal shall have authority to enforce the rules and regulations in areas outside of corporate cities and county fire protection districts.*

(3) *The State Fire Marshal shall have authority to enforce the rules and regulations in corporate cities and county fire protection districts upon request of the chief fire official or the governing body.*

(c) *Regardless of the provisions of subsections (a) and (b) above, these regulations shall be enforced in state institutions, state-owned and state-occupied buildings in accordance with the provisions of Section 13108, Health and Safety Code.*

(d) *Regardless of the above provisions of this section, these regulations shall be enforced only by the State Fire Marshal in every jail or place of detention for persons charged with or convicted of a crime, unless the chief of a city or county fire department or fire protection district, or such chief's authorized representative, indicates in writing to the State Fire Marshal that inspections of such jails or places of detention will be conducted by the chief or such person's authorized representative, in their respective area of jurisdiction. The inspections shall be made at least once every two years for the purpose of enforcing the regulations adopted by the State Fire Marshal, pursuant to Section 13143. Reports of inspection conducted pursuant to this subsection shall be on forms provided by the State Fire Marshal and shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal and the Corrections Standards Authority within 30 days of the inspections.*

1.11.2.1.2 *Pursuant to Health and Safety Code, Section 13108, and except as otherwise provided in this section, building standards adopted by the State Fire Marshal published in the California Building Standards Code relating to fire and panic safety shall be enforced*

by the State Fire Marshal in all state-owned buildings, state-occupied buildings, and state institutions throughout the state. Upon the written request of the chief fire official of any city, county or fire protection district, the State Fire Marshal may authorize such chief fire official and his or her authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or state-occupied buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section and building standards relating to fire and panic safety published in the California Building Standards Code. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts which maintain a fire prevention bureau staffed by paid personnel.

Pursuant to Health and Safety Code, Section 13108, any requirement or order made by any chief fire official who is authorized by the State Fire Marshal to make fire prevention inspections of state-owned or state-occupied buildings, other than state institutions, may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal and subject to the provisions of Chapter 5 (commencing with Section 18945) of Part 2.5 of Division 13 of the Health and Safety Code, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by the State Fire Marshal and building standards relating to fire and panic safety published in the California Building Code.

Any person may request a code interpretation from the State Fire Marshal relative to the intent of any regulation or provision adopted by the State Fire Marshal. When the request relates to a specific project, occupancy or building, the State Fire Marshal shall review the issue with the appropriate local enforcing agency prior to rendering such code interpretation.

1.11.2.1.3 Pursuant to Health and Safety Code, Section 13112, any person who violates any order, rule or regulation of the State Fire Marshal is guilty of a misdemeanor punishable by a fine of not less than \$100.00 or more than \$500.00, or by imprisonment for not less than six months, or by both. A person is guilty of a separate offense each day during which he or she commits, continues or permits a violation of any provision of, or any order, rule or regulation of, the State Fire Marshal as contained in this code.

Any inspection authority who, in the exercise of his or her authority as a deputy State Fire Marshal, causes any legal complaints to be filed or any arrest to be made shall notify the State Fire Marshal immediately following such action.

1.11.2.2 Right of entry. The fire chief of any city, county or fire protection district, or such person's authorized representative, may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program or for

the purpose of investigating any fire in a state-occupied building.

The State Fire Marshal, his or her deputies or salaried assistants, the chief of any city or county fire department or fire protection district and his or her authorized representatives may enter any building or premises not used for dwelling purposes at any reasonable hour for the purpose of enforcing this chapter. The owner, lessee, manager or operator of any such building or premises shall permit the State Fire Marshal, his or her deputies or salaried assistants and the chief of any city or county fire department or fire protection district and his or her authorized representatives to enter and inspect them at the time and for the purpose stated in this section.

[California Code of Regulations, Title 19, Division 1, §1.08] Report of Arrest.

Any inspection authority who, in the exercise of his authority as a Deputy State Fire Marshal, causes any legal complaints to be filed or any arrest to be made shall notify the State Fire Marshal immediately following such action.

[California Code of Regulations, Title 19, Division 1, §1.13] Penalty.

Section 13112 of the Health and Safety Code provides that:

- (a) "Every person who violates any provision of this chapter, or any order, rule or regulation made pursuant to this chapter is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) or more than five hundred dollars (\$500), or by imprisonment for not more than six months, or by both."
- (b) "A person is guilty of a separate offense each day during which he commits, continues, or permits a violation of any provision of, or any order, rule or regulation made pursuant to, this chapter."

1.11.2.3 More restrictive fire and panic safety building standards.

1.11.2.3.1 Any fire protection district organized pursuant to Health and Safety Code Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to Section 1.1.8.1.

1.11.2.3.2 Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to Section 1.11.2.3.1, to the city, county, or city and county where the ordinance will apply. The city, county, or city and county may provide the district

with written comments, which shall become part of the fire protection district's public hearing record.

1.11.2.3.3 The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county may ratify, modify or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, in accordance with Section 1.1.8.1(3).

1.11.2.4 Request for alternate means of protection. Requests for approval to use an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment or means of protection shall be made in writing to the enforcing agency by the owner or the owner's authorized representative and shall be accompanied by a full statement of the conditions. Sufficient evidence or proof shall be submitted to substantiate any claim that may be made regarding its conformance. The enforcing agency may require tests and the submission of a test report from an approved testing organization as set forth in California Code of Regulations, Title 19, to substantiate the equivalency of the proposed alternative means of protection.

When a request for alternate means of protection involves hazardous materials, the authority having jurisdiction may consider implementation of the findings and recommendations identified in a Risk Management Plan (RMP) developed in accordance with Title 19, Division 2, Chapter 4.5, Article 3.

Approval of a request for use of an alternative material, assembly of materials, equipment, method of construction, method of installation of equipment or means of protection made pursuant to these provisions shall be limited to the particular case covered by request and shall not be construed as establishing any precedent for any future request.

1.11.2.5 Appeals. When a request for an alternate means of protection has been denied by the enforcing agency, the applicant may file a written appeal to the State Fire Marshal for consideration of the applicant's proposal. In considering such appeal, the State Fire Marshal may seek the advice of the State Board of Fire Services. The State Fire Marshal shall, after considering all of the facts presented, including any recommendations of the State Board of Fire Services, determine if the proposal is, for the purposes intended, at least equivalent to that specified in these regulations in quality, strength, effectiveness, fire resistance, durability and safety, and shall transmit such findings and

any recommendations to the applicant and to the enforcing agency.

1.11.3 Construction documents.

1.11.3.1 Public schools. Plans and specifications for the construction, alteration or addition to any building owned, leased or rented by any public school district shall be submitted to the Division of the State Architect.

1.11.3.2 Movable walls and partitions. Plans or diagrams shall be submitted to the enforcing agency for approval before the installation of, or rearrangement of, any movable wall or partition in any occupancy. Approval shall be granted only if there is no increase in the fire hazard.

1.11.3.3 New construction high-rise buildings.

1. Complete plans or specifications, or both, shall be prepared covering all work required to comply with new construction high-rise buildings. Such plans and specifications shall be submitted to the enforcing agency having jurisdiction.
2. All plans and specifications shall be prepared under the responsible charge of an architect or a civil or structural engineer authorized by law to develop construction plans and specifications, or by both such architect and engineer. Plans and specifications shall be prepared by an engineer duly qualified in that branch of engineering necessary to perform such services. Administration of the work of construction shall be under the charge of the responsible architect or engineer except that where plans and specifications involve alterations or repairs, such work of construction may be administered by an engineer duly qualified to perform such services and holding a valid certificate under Chapter 7 (commencing with Section 65700) of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which said plans, specifications and estimates and work of construction are applicable.

This section shall not be construed as preventing the design of fire-extinguishing systems by persons holding a C-16 license issued pursuant to Division 3, Chapter 9, Business and Professions Code. In such instances, however, the responsibility charge of this section shall prevail.

1.11.3.4 Existing high-rise buildings.

1. Complete plans or specifications, or both, shall be prepared covering all work required by Chapter 11 and California Existing Building Code for existing high-rise buildings. Such plans or specifications shall be submitted to the enforcing agency having jurisdiction.
2. When new construction is required to conform with the provisions of these regulations, complete plans or specifications, or both, shall be prepared in accordance with the provisions of this subsection. As used in this section, "new construction" is not intended to include repairs, replacements or minor alterations which do not disrupt or appreciably add to or affect the structural aspects of the building.

1.11.3.5 Retention of plans. Refer to Building Standards Law, Health and Safety Code, Sections 19850 and 19851 for permanent retention of plans.

1.11.4 Fees.

1.11.4.1 Other fees. Pursuant to Health and Safety Code, Section 13146.2, a city, county or district which inspects a hotel, motel, lodging house or apartment house may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county or district, sufficient to pay its costs of that inspection.

1.11.4.2 Large family daycare. Pursuant to Health and Safety Code, Section 1597.46, Large Family Day-Care Homes, the local government shall process any required permit as economically as possible, and fees charged for review shall not exceed the costs of the review and permit process.

1.11.4.3 High-rise. Pursuant to Health and Safety Code, Section 13217, High-rise Structure Inspection: Fees and Costs, a local agency which inspects a high-rise structure pursuant to Health and Safety Code Section 13217 may charge and collect a fee for the inspection from the owner of the high-rise structure in an amount, as determined by the local agency, sufficient to pay its costs of that inspection.

1.11.4.4 Fire clearance preinspection. Pursuant to Health and Safety Code, Section 13235, Fire Clearance Preinspection, fee, upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child daycare facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall price consultation and interpretation of the fire safety regulations and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations which shall be enforced in order to obtain fire clearance approval. A fee equal to, but not exceeding, the actual cost of the preinspection may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee equal to, but not exceeding, the actual cost of the preinspection may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

1.11.4.5 Care facilities. The primary fire enforcing agency shall complete the final fire clearance inspection for a community care facility, residential care facility for the elderly, or child day-care facility within 30 days of receipt of the request for the final inspection, or as of the date the prospective facility requests the final preclosure inspection by the State Department of Social Services, whichever is later.

Pursuant to Health and Safety Code, Section 13235, a preinspection fee equal to, but not exceeding, the actual cost of the preinspection may be charged for a facility with

a capacity to serve 25 or less clients. A fee equal to, but not exceeding, the actual cost of the preinspection may be charged for a preinspection of a facility with a capacity to serve 26 or more clients.

Pursuant to Health and Safety Code, Section 13131.5, a reasonable final inspection fee, not to exceed the actual cost of inspection services necessary to complete a final inspection may be charged for occupancies classified as residential care facilities for the elderly (RCFE).

Pursuant to Health and Safety Code, Section 1569.84, neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to residential care facilities for the elderly (RCFE) which service six or fewer persons.

1.11.4.6 Requests of the Office of the State Fire Marshal. Whenever a local authority having jurisdiction requests that the State Fire Marshal perform plan review and/or inspection services related to a building permit, the applicable fees for such shall be payable to the Office of the State Fire Marshal.

1.11.5 Inspections. Work performed subject to the provisions of this Code shall comply with the inspection requirements contained in Section 106, as adopted by the Office of the State Fire Marshal.

1.11.5.1 Existing Group R occupancies. Licensed 24-hour care in a Group R occupancy in existence and originally classified under previously adopted state codes shall be reinspected under the appropriate previous code, provided there is no change in the use or character which would place the facility in a different occupancy group.

1.11.6 Certificate of Occupancy. A Certificate of Occupancy shall be issued as specified in Title 24, Part 2, California Building Code, Section 111.

Exception: Group R-3, and Group U occupancies.

1.11.7 Temporary Structures and Uses. See Title 24, Part 2, California Building Code, Section 108.

1.11.8 Service Utilities. See Title 24, Part 2, California Building Code, Section 112.

1.11.9 Stop Work Order. See Title 24, Part 2, California Building Code, Section 115.

1.11.10 Unsafe Buildings, Structures and Equipment. See Title 24, Part 2, California Building Code, Section 116.

[California Code of Regulations, Title 19, Division 1, §1.03] Scope.

(a) California Code of Regulations, Title 19, Division 1 regulations shall govern the use and maintenance of any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's home or institution, school or any similar occupancy of any capacity; and any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment,

instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and in any building or structure which is open to the public and is used or intended to be used for the showing of motion pictures when an admission fee is charged and when such building or structure has a capacity of 10 or more persons, and shall apply to both new and existing occupancies.

Exceptions:

- (1) Buildings controlled by the Federal Government, provided they are not subject to the provisions of Section 15452, Education Code.
- (2) Homes and institutions and day care facilities which provide nonmedical board, room, and care for six or fewer ambulatory children.

California Code of Regulations, Title 19, Division 1 regulations shall also apply to any building housing any occupancy when such building is used as an auxiliary or accessory structure to any of the occupancies specified herein. They do not apply to structural requirements not relating to fire and panic safety nor to matters dealing exclusively with health and sanitation.

- (b) In accordance with Section 13108 of the Health and Safety Code, California Code of Regulations, Title 19, Division 1 regulations shall govern the design and construction relating to fire protection in any state institution and in any state-owned or state-occupied building. For purposes of California Code of Regulations, Title 19, Division 1 regulations, "state-occupied buildings" are defined as those portions of a building which are leased or rented by the state and shall include all required exits leading therefrom to a public way. Portions of state-occupied buildings which are not leased or rented by the state shall not fall within the scope of this subsection unless such portions present an exposure hazard to the state-occupied area.
- (c) California Code of Regulations, Title 19, Division 1 regulations shall also govern the use and maintenance of "organized camps" as defined in Section 18897, Health and Safety Code.

- (d) California Code of Regulations, Title 19, Division 1 regulations shall also govern the use and maintenance of any building or structure used or intended for the housing of any person of any age when such person is referred to or placed within such home or facility for protective social care and supervision services by any governmental agency.
- (e) California Code of Regulations, Title 19, Division 1 regulations shall also govern the construction, use and maintenance of every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access. For the purpose of this subsection, "building access" shall mean an exterior door opening conforming to all of the following:
 - (1) Suitable and available for fire department use.
 - (2) Located not more than 2 feet above the adjacent ground level.
 - (3) Leading to a space, room or area having foot traffic communication capabilities with the remainder of the building.
 - (4) Designed to permit penetration through the use of fire department forcible entry tools and equipment unless other approved arrangements have been made with the fire authority having jurisdiction.
- (f) California Code of Regulations, Title 19, Division 1 regulations shall also apply to vehicles, ships and boats or other mobile structures when fixed in a specific location and used for any occupancy within the scope of this section.

Note: Unless otherwise specified, Title 19 applies to all building occupancies, and related features and equipment throughout the state.

[California Code of Regulations, Title 19, Division 1, §1.09.1] Order of Precedence.

In the event of any differences between California Code of Regulations, Title 19, Division 1 regulations and the standard reference documents or standard fire prevention practices, the text of California Code of Regulations, Title 19, Division 1 regulations shall govern. Where a specific provision varies from a general provision, the specific provision shall apply.

DIVISION II ADMINISTRATION

User note:

About this chapter: Chapter 1 establishes the limits of applicability of the code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—General Provisions (Sections 101–102) and Part 2—Administrative Provisions (Sections 103–113). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable.

This code is intended to be adopted as a legally enforceable document, and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.

PART 1—GENERAL PROVISIONS

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

Note: Sections adopted or amended by state agencies are specifically indicated by an agency banner or indicated in the Matrix Adoption Table.

[A] **101.1 Title.** These regulations shall be known as the *Fire Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

[A] **101.2 Scope.** This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

[A] **101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

[A] **101.3 Intent.** The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

[A] **101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

[A] **101.5 Validity.** In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions

hereof, which are determined to be legal; and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions.

SECTION 102 APPLICABILITY

[A] **102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the fire code official, constitute a distinct hazard to life or property.

[A] **102.2 Administrative, operational and maintenance provisions.** The administrative, operational and maintenance provisions of this code shall apply to:

1. Conditions and operations arising after the adoption of this code.
2. Existing conditions and operations.

[A] **102.3 Change of use or occupancy.** A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the *California Existing Building Code*.

Exception: Where approved by the fire code official, a change of occupancy shall be permitted without complying with the requirements of this code and the *California Existing Building Code*, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

[A] **102.4 Application of building code.** The design and construction of new structures shall comply with the *California Building Code*, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the *California Building Code*, shall be made in accordance therewith.

[A] **102.5 Application of residential code.** Where structures are designed and constructed in accordance with the *Califor-*

nia Residential Code, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

[A] 102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an approved fire protection plan as required in Section 1103.1.1.

[A] 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

[A] 102.7.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.7.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.8 Subjects not regulated by this code. Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the fire code official to determine compliance with codes or standards for those activities or installations within the fire code official's jurisdiction or responsibility.

[A] 102.9 Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, that are not specifically provided for by this code, shall be determined by the fire code official.

[A] 102.10 Conflicting provisions. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of this code specify different

materials, methods of construction or other requirements, the most restrictive shall govern.

[A] 102.11 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[A] 102.12 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATIVE PROVISIONS

SECTION 103 DEPARTMENT OF FIRE PREVENTION

[A] 103.1 General. The department of fire prevention is established within the jurisdiction under the direction of the fire code official. The function of the department shall be the implementation, administration and enforcement of the provisions of this code.

[A] 103.2 Appointment. The fire code official shall be appointed by the chief appointing authority of the jurisdiction; and the fire code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees.

[A] 103.4 Liability. The fire code official, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

[A] 103.4.1 Legal defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

SECTION 104

GENERAL AUTHORITY AND RESPONSIBILITIES

[A] **104.1 General.** The fire code official is hereby authorized to enforce the provisions of this code. The fire code official shall have the authority to render interpretations of this code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code. Such policies, procedures, rules and regulations shall not have the effect of waiving requirements specifically provided for in this code.

[A] **104.2 Applications and permits.** The fire code official is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] **104.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a building or on any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed on the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

[A] **104.3.1 Warrant.** Where the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code.

[A] **104.4 Identification.** The fire code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] **104.5 Notices and orders.** The fire code official is authorized to issue such notices or orders as are required to affect compliance with this code in accordance with Sections 110.1 and 110.2.

[A] **104.6 Official records.** The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] **104.6.1 Approvals.** A record of approvals shall be maintained by the fire code official and shall be available

for public inspection during business hours in accordance with applicable laws.

[A] **104.6.2 Inspections.** The fire code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire records. The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire code official.

[A] **104.6.4 Administrative.** Application for modification, alternative methods or materials and the final decision of the fire code official shall be in writing and shall be officially recorded in the permanent records of the fire code official.

[A] **104.7 Approved materials and equipment.** Materials, equipment and devices approved by the fire code official shall be constructed and installed in accordance with such approval.

[A] **104.7.1 Material and equipment reuse.** Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

[A] **104.7.2 Technical assistance.** To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire code official, the fire code official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the fire code official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] **104.8 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided that the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

[A] **104.9 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or

method of construction shall be approved where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] **104.9.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] **104.9.2 Tests.** Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the fire code official for the period required for retention of public records.

104.10 Fire investigations. The fire code official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

104.11 Authority at fires and other emergencies. The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.1 Barricades. The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private prop-

erty in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

104.11.2 Obstructing operations. Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

104.11.3 Systems and devices. Persons shall not render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

SECTION 105 PERMITS

[A] **105.1 General.** Permits shall be in accordance with Sections 105.1.1 through 105.7.25.

[A] **105.1.1 Permits required.** A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit.

105.1.2 Types of permits. There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:
 - 1.1. A prescribed period.
 - 1.2. Until renewed or revoked.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.7.

105.1.3 Multiple permits for the same location. Where more than one permit is required for the same location, the fire code official is authorized to consolidate such permits into a single permit provided that each provision is listed in the permit.

[A] **105.1.4 Emergency repairs.** Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the fire code official.

[A] **105.1.5 Repairs.** Application or notice to the fire code official is not required for ordinary repairs to structures, equipment or systems. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall any repairs include addition to, alteration of, replacement or relocation of any standpipe, fire protection water supply, automatic sprinkler system,

fire alarm system or other work affecting fire protection or life safety.

[A] 105.1.6 Annual permit. Instead of an individual construction permit for each alteration to an already approved system or equipment installation, the fire code official is authorized to issue an annual permit on application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 105.1.6.1 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The fire code official shall have access to such records at all times or such records shall be filed with the fire code official as designated.

[A] 105.2 Application. Application for a permit required by this code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official.

[A] 105.2.1 Refusal to issue permit. If the application for a permit describes a use that does not conform to the requirements of this code and other pertinent laws and ordinances, the fire code official shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, where requested, be in writing and shall contain the reasons for refusal.

[A] 105.2.2 Inspection authorized. Before a new operational permit is approved, the fire code official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with this code or any operational constraints required.

[A] 105.2.3 Time limitation of application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 105.2.4 Action on application. The fire code official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the fire code official shall reject such application in writing, stating the reasons therefor. If the fire code official is satisfied that the proposed work or operation conforms to the requirements of this code and laws and ordinances applicable thereto, the fire code official shall issue a permit therefor as soon as practicable.

[A] 105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes that produce conditions hazardous to life or

property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of this code where a permit is required by Section 105.6 or 105.7. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

[A] 105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

[A] 105.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit where work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

[A] 105.3.3 Occupancy prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a permit and conducting associated inspections indicating the applicable provisions of this code have been met.

[A] 105.3.4 Conditional permits. Where permits are required and on the request of a permit applicant, the fire code official is authorized to issue a conditional permit to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The fire code official shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

[A] 105.3.5 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

[A] **105.3.6 Compliance with code.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire code official from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire code official, as evidenced by the issuance of a new or amended permit.

[A] **105.3.7 Information on the permit.** The fire code official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire code official. Issued permits shall bear the signature of the fire code official or other approved legal authorization.

[A] **105.3.8 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents, operational documents and other data shall not prevent the fire code official from requiring correction of errors in the documents or other data.

[A] **105.4 Construction documents.** Construction documents shall be in accordance with Sections 105.4.1 through 105.4.6.

[A] **105.4.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed.

Exception: The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

[A] **105.4.1.1 Examination of documents.** The fire code official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of this code.

[A] **105.4.2 Information on construction documents.** Construction documents shall be drawn to scale on suit-

able material. Electronic media documents are allowed to be submitted where approved by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official.

[A] **105.4.2.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with this code and the construction documents, and shall be approved prior to the start of installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

[A] **105.4.3 Applicant responsibility.** It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

[A] **105.4.4 Approved documents.** Construction documents approved by the fire code official are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the fire code official shall not relieve the applicant of the responsibility of compliance with this code.

[A] **105.4.4.1 Phased approval.** The fire code official is authorized to issue a permit for the construction of part of a structure, system or operation before the construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

[A] **105.4.5 Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

[A] **105.4.6 Retention of construction documents.** One set of construction documents shall be retained by the fire code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

[A] **105.5 Revocation.** The fire code official is authorized to revoke a permit issued under the provisions of this code where it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which

the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. There have been any false statements or misrepresentations as to the material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the name for which it was issued.
6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or this code.

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.50.

105.6.1 Aerosol products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

105.6.2 Amusement buildings. An operational permit is required to operate a special amusement building.

105.6.3 Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

105.6.4 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

105.6.5 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.6 Combustible dust-producing operations. An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.

105.6.7 Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m³).

Exception: A permit is not required for agricultural storage.

105.6.8 Compressed gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

**TABLE 105.6.8
PERMIT AMOUNTS FOR COMPRESSED GASES**

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Carbon dioxide used in carbon dioxide enrichment systems	875 (100 lbs.)
Carbon dioxide used in insulated liquid carbon dioxide beverage dispensing applications	875 (100 lbs.)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot = 0.02832 m³.

105.6.9 Covered and open mall buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

105.6.10 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10.

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

105.6.11 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.

**TABLE 105.6.10
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L.

105.6.12 Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.6.13 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56. See *Health and Safety Code Division 11, Part 1, Sections 12000, et seq. for additional requirements.*

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 5606.

105.6.15 Fire hydrants and valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

105.6.16 Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.
 - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at

motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or combustible liquids.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.

105.6.16.1 Mobile fueling of hydrogen-fueled vehicles. An operational permit is required:

1. To engage in the mobile dispensing of gaseous hydrogen as a fuel into the fuel tanks of motor vehicles.
2. Where required by the fire code official, to utilize a site for the dispensing of gaseous hydrogen as a fuel from tank vehicles into the fuel tanks of motor vehicles.

Exception: In cases of an emergency, a site permit is not required.

105.6.17 Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

105.6.18 Fruit and crop ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

105.6.19 Fumigation and insecticidal fogging. An operational permit is required to operate a business of fumigation or insecticidal fogging, and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

105.6.21 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

105.6.22 High-piled storage. An operational permit is required to use a building or portion thereof with more than 500 square feet (46 m²), including aisles, of high-piled storage.

105.6.23 Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

3. Fixed-site hot work equipment, such as welding booths.
4. Hot work conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
6. Where approved, the fire code official shall issue a permit to carry out a hot work program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision.

105.6.24 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.

105.6.25 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).

105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

105.6.27 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

105.6.28 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.29 Miscellaneous combustible storage. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material.

105.6.30 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.

105.6.31 Motor fuel-dispensing facilities. An operational permit is required for the operation of automotive, marine and fleet motor fuel-dispensing facilities.

105.6.32 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires.

105.6.33 Open flames and torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.

105.6.34 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

105.6.35 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

[A] 105.6.36 Outdoor assembly event. An operational permit is required to conduct an outdoor assembly event where planned attendance exceeds 1,000 persons.

105.6.37 Places of assembly. An operational permit is required to operate a place of assembly.

[A] 105.6.38 Plant extraction systems. An operational permit is required to use plant extraction systems.

105.6.39 Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

105.6.40 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material. *See Health and Safety Code Division 11, Part 2, Sections 12500, et seq. for additional requirements.*

**TABLE 105.6.20
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	500 pounds
Explosive materials	See Section 105.6.14
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any Amount
Solids	Any Amount
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount
Class 3	1 gallons ^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds ^b
Class 2	100 pounds
Class 1	500 pounds
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds

(continued)

**TABLE 105.6.20—continued
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds where Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

105.6.41 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics, and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.42 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.43 Repair garages and motor fuel-dispensing facilities. An operational permit is required for operation of repair garages.

105.6.44 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

105.6.45 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24.

105.6.46 Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires, and for indoor storage of tires and tire byproducts.

105.6.47 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658

mm) shall not exceed 700 square feet (65 m²) total.

2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

105.6.48 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

105.6.49 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.50 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

105.6.51 Additional permits. *In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:*

1. **Production facilities.** *To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.*
2. **Pyrotechnics and special effects.** *To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.*
3. **Live audiences.** *To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.*

[A] 105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.25.

[A] 105.7.1 Automatic fire-extinguishing systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.2 Battery systems. A construction permit is required to install stationary storage battery systems regulated by Section 1206.2.

[A] 105.7.3 Capacitor energy storage systems. A construction permit is required to install capacitor energy storage systems regulated by Section 1206.3.

[A] 105.7.4 Compressed gases. Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.

2. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.7.5 Cryogenic fluids. A construction permit is required for installation of or alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a construction permit.

[A] 105.7.6 Emergency responder radio coverage system. A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.7 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.8 Fire pumps and related equipment. A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.9 Flammable and combustible liquids. A construction permit is required:

1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

[A] 105.7.10 Fuel cell power systems. A construction permit is required to install stationary fuel cell power systems.

[A] 105.7.11 Gas detection systems. A construction permit is required for the installation of or modification to gas detection systems. Maintenance performed in accordance with this code is not considered a modification and shall not require a permit.

[A] 105.7.12 Gates and barricades across fire apparatus access roads. A construction permit is required for the installation of or modification to a gate or barricade across a fire apparatus access road.

[A] 105.7.13 Hazardous materials. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated

by Chapter 50 where the hazardous materials in use or storage exceed the amounts listed in Table 105.6.20.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.7.14 High-piled combustible storage. A construction permit is required for the installation of or modification to a structure exceeding 500 square feet (46 m²), including aisles, for high-piled combustible storage. Maintenance performed in accordance with this code is not considered to be a modification and does not require a construction permit.

[A] 105.7.15 Industrial ovens. A construction permit is required for installation of industrial ovens covered by Chapter 30.

Exceptions:

1. Routine maintenance.
2. For repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

[A] 105.7.16 LP-gas. A construction permit is required for installation of or modification to an LP-gas system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.17 Motor vehicle repair rooms and booths. A construction permit is required to install or modify a motor vehicle repair room or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.18 Plant extraction systems. A construction permit is required for installation of or modification to plant extraction systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.19 Private fire hydrants. A construction permit is required for the installation or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.20 Smoke control or smoke exhaust systems. Construction permits are required for installation of or alteration to smoke control or smoke exhaust systems. Maintenance performed in accordance with this code is not considered to be an alteration and does not require a permit.

[A] 105.7.21 Solar photovoltaic power systems. A construction permit is required to install or modify solar photovoltaic power systems. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.22 Special event structure. A single construction permit is required to erect and take down a temporary special event structure.

[A] 105.7.23 Spraying or dipping. A construction permit is required to install or modify a spray room, dip tank or booth. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.24 Standpipe systems. A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

[A] 105.7.25 Temporary membrane structures and tents. A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all of the following:
 - 3.1. Individual tents shall have a maximum size of 700 square feet (65 m²).
 - 3.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 3.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

**SECTION 106
FEES**

[A] 106.1 Fees. A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

[A] 106.2 Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

[A] 106.3 Work commencing before permit issuance. A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

[A] 106.4 Related fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

[A] 106.5 Refunds. The applicable governing authority is authorized to establish a refund policy.

**SECTION 107
INSPECTIONS**

[A] **107.1 Inspection authority.** The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

[A] **107.2 Inspections.** The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as deemed necessary to report on unusual, detailed or complex technical issues subject to the approval of the governing body.

[A] **107.2.1 Inspection requests.** It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[A] **107.2.2 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, on notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected, and such portion shall not be covered or concealed until authorized by the fire code official.

[A] **107.3 Concealed work.** It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed for inspection purposes. Where any installation subject to inspection prior to use is covered or concealed without having first been inspected, the fire code official shall have the authority to require that such work be made visible and able to be accessed for inspection. Neither the fire code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] **107.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

**SECTION 108
MAINTENANCE**

[A] **108.1 Maintenance of safeguards.** Where any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the

provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

[A] **108.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

[A] **108.2.1 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

[A] **108.3 Recordkeeping.** A record of periodic inspections, tests, servicing and other operations and maintenance shall be maintained on the premises or other approved location for not less than 3 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the fire code official, and a copy of the records shall be provided to the fire code official on request.

The fire code official is authorized to prescribe the form and format of such recordkeeping. The fire code official is authorized to require that certain required records be filed with the fire code official.

[A] **108.4 Supervision.** Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

108.5 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall be provided with ready access and shall not be rendered inoperative, except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

[A] **108.6 Overcrowding.** Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, on finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

**SECTION 109
BOARD OF APPEALS**

[A] **109.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its busi-

ness, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

[A] 109.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

[A] 109.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.

SECTION 110 VIOLATIONS

[A] 110.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 110.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner or the owner's authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

[A] 110.3 Notice of violation. Where the fire code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, where compliance is not immediate, specifying a time for reinspection.

[A] 110.3.1 Service. A notice of violation issued pursuant to this code shall be served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility on the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, the owner's authorized agent, or occupant.

[A] 110.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

[A] 110.3.3 Prosecution of violations. If the notice of violation is not complied with promptly, the fire code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to

require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant hereto.

[A] 110.3.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with, or removed, without authorization from the fire code official.

[A] 110.4 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 directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF 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.

[A] 110.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

SECTION 111 UNSAFE BUILDINGS

[A] 111.1 General. If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

[A] 111.1.1 Unsafe conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress, that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

[A] 111.1.2 Structural hazards. Where an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this code, the fire code official shall immediately notify the building code official in accordance with Section 110.1.

[A] 111.2 Evacuation. The fire code official or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe where such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the struc-

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ture or premises and shall not enter or re-enter until authorized to do so by the fire code official or the fire department official in charge of the incident.

[A] **111.3 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.

[A] **111.4 Abatement.** The owner, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

SECTION 112 STOP WORK ORDER

[A] **112.1 Order.** Where the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, the fire code official is authorized to issue a stop work order.

[A] **112.2 Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

[A] **112.3 Emergencies.** Where an emergency exists, the fire code official shall not be required to give a written notice prior to stopping the work.

[A] **112.4 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 [AMOUNT] dollars or more than [AMOUNT] dollars.

SECTION 113 SERVICE UTILITIES

[A] **113.1 Authority to disconnect service utilities.** The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate

an immediate hazard. The fire code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, then the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Part II—General Safety Provisions

CHAPTER 3

GENERAL REQUIREMENTS

User note:

About this chapter: Chapter 3 provides general requirements for asphalt kettles, combustible waste material, ignition sources, motion picture projection rooms and film, open burning, recreational fires, portable outdoor fireplaces, open flames, powered industrial trucks and equipment, smoking, vacant premises, vehicle impact protection, fueled equipment, indoor displays, miscellaneous storage, outdoor pallet storage, hazards to fire fighters, roof gardens and landscaped roofs, laundry carts and mobile food preparation vehicles. These are intended to improve premises safety for everyone, including construction workers, tenants, operations and maintenance personnel, and emergency response personnel.

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the occupancy and maintenance of all structures and premises for precautions against fire and the spread of fire and general requirements of fire safety.

[California Code of Regulations, Title 19, Division 1, §3.14] Fire Hazard.

No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to California Code of Regulations, Title 19, Division 1 regulations shall permit any fire hazard, as defined in this article, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Note: "Fire Hazard" as used in California Code of Regulations, Title 19, Division 1 regulations means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of fire.

[California Code of Regulations, Title 19, Division 1, §3.19(a) through (g)] Housekeeping.

Every building or portion of a building governed by California Code of Regulations, Title 19, Division 1 regulations shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. Provisions shall be made for the proper storage and disposal of waste materials and rubbish consistent with the following:

(b) All combustible waste material and rubbish shall be stored in approved containers or shall be stored in a manner approved by the enforcing agency as being consistent with

standard fire prevention practices until such waste material and rubbish is removed from the premises or otherwise disposed of in a proper manner.

(1) Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall comply with the provisions of California Code of Regulations, Title 24, Part 9, Section 304.3.

(2) Wastebaskets and linen containers in Group I-2 and I-3 occupancies shall comply with the provisions of California Code of Regulations Title 24, Part 9, Section 808.

(c) Approved self-closing metal containers or listed disposal containers by an approved testing or listing agency shall be provided and maintained in all rooms or locations where oily rags, oily waste, paint rags, or similar materials subject to spontaneous ignition are used, or are stored temporarily. Such containers shall be emptied daily.

(d) Ashes shall not be placed in, on, or near combustible material, but shall be placed in approved metal containers, until removed from the premises or otherwise properly disposed of.

(e) No dry vegetation shall be permitted to exist within 20 feet of any building or occupancies subject to California Code of Regulations, Title 19, Division 1 regulations.

(f) Except when permitted by the enforcing agency, boiler rooms, mechanical rooms, transformer and switchgear vaults and electrical panel rooms, shall not be used for storage.

(g) Electric motors, filters on heating equipment, and grease hoods shall be checked periodically and kept clean and maintained in a safe operating condition.

301.2 Permits. Permits shall be required as set forth in Section 105.6 for the activities or uses regulated by Sections 306, 307, 308 and 315.

GENERAL REQUIREMENTS

SECTION 302 DEFINITIONS

302.1 Definitions. The following terms are defined in Chapter 2:

BONFIRE.

HI-BOY.

HIGH-VOLTAGE TRANSMISSION LINE.

OPEN BURNING.

PORTABLE OUTDOOR FIREPLACE.

POWERED INDUSTRIAL TRUCK.

RECREATIONAL FIRE.

SKY LANTERN.

SECTION 303 ASPHALT KETTLES

303.1 Transporting. Asphalt (tar) kettles shall not be transported over any highway, road or street when the heat source for the kettle is operating.

Exception: Asphalt (tar) kettles in the process of patching road surfaces.

303.2 Location. Asphalt (tar) kettles shall not be located within 20 feet (6096 mm) of any combustible material, combustible building surface or any building opening and within a controlled area identified by the use of traffic cones, barriers or other approved means. Asphalt (tar) kettles and pots shall not be utilized inside or on the roof of a building or structure. Roofing kettles and operating asphalt (tar) kettles shall not block means of egress, gates, roadways or entrances.

303.3 Location of fuel containers. Fuel containers shall be located not less than 10 feet (3048 mm) from the burner.

Exception: Containers properly insulated from heat or flame are allowed to be within 2 feet (610 mm) of the burner.

303.4 Attendant. An operating kettle shall be attended by not less than one employee knowledgeable of the operations and hazards. The employee shall be within 100 feet (30 480 mm) of the kettle and have the kettle within sight. Ladders or similar obstacles shall not form a part of the route between the attendant and the kettle.

303.5 Fire extinguishers. There shall be a portable fire extinguisher complying with Section 906 and with a minimum 40-B:C rating within 25 feet (7620 mm) of each asphalt (tar) kettle during the period such kettle is being utilized. Additionally, there shall be one portable fire extinguisher with a minimum 3-A:40-B:C rating on the roof being covered.

303.6 Lids. Asphalt (tar) kettles shall be equipped with tight-fitting lids.

303.7 Hi-boys. Hi-boys shall be constructed of noncombustible materials. Hi-boys shall be limited to a capacity of 55 gallons (208 L). Fuel sources or heating elements shall not be allowed as part of a hi-boy.

303.8 Roofing kettles. Roofing kettles shall be constructed of noncombustible materials.

303.9 Fuel containers under air pressure. Fuel containers that operate under air pressure shall not exceed 20 gallons (76 L) in capacity and shall be approved.

SECTION 304 COMBUSTIBLE WASTE MATERIAL

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

[California Code of Regulations, Title 19, Division 1, §3.07(a)] Clearances.

(a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with Chapter 49.

[California Code of Regulations, Title 19, Division 1, §3.07(b)] Clearances.

(b) Ground Clearance. The space surrounding every building or structure shall be maintained in accordance with the following:

Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(1) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This section does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(2) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all bush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the enforcing agency if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire

safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(3) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(4) Cut and remove all dead or dying portions of trees located adjacent to or overhanging any building.

(5) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than $\frac{1}{2}$ inch in size.

(7) Vegetation around all applicable buildings and structures shall be maintained in accordance with the following laws and regulations:

(A) Public Resources Code Section 4291.

(B) California Code of Regulations Title 14 - Natural Resources, Division 1.5 - Department of Forestry and Fire Protection, "General Guideline to Create Defensible Space."

(C) California Government Code Section 51182.

(D) California Code of Regulations, Title 24, Part 9.

304.1.3 Space underneath seats. Spaces underneath grandstand and bleacher seats shall be kept free from combustible and flammable materials. Except where enclosed in not less than 1-hour fire-resistance-rated construction in accordance with the *California Building Code*.

304.1.3.1 Spaces underneath grandstands and bleachers. Spaces underneath grandstands and bleachers shall not be occupied or utilized for purposes other than means of egress except where equipped with an automatic sprinkler system in accordance with Section 903.2.1.5.1, or separated with fire barriers and horizontal assemblies in accordance with Section 1029.1.1.1.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

304.3 Containers. Combustible rubbish, and waste material kept within or near a structure shall be stored in accordance with Sections 304.3.1 through 304.3.4.

[California Code of Regulations, Title 19, Division 1, §3.19(b) and (c)] *Housekeeping*.

Every building or portion of a building governed by California Code of Regulations, Title 19, Division 1 regulations shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or a condition which would add to or contribute to the rapid spread of fire. Provisions shall be made for the proper storage and dis-

posal of waste materials and rubbish consistent with the following:

(b) All combustible waste material and rubbish shall be stored in approved containers or shall be stored in a manner approved by the enforcing agency as being consistent with standard fire prevention practices until such waste material and rubbish is removed from the premises or otherwise disposed of in a proper manner.

(1) Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall comply with the provisions of California Code of Regulations, Title 24, Part 9, Section 304.3.

(2) Wastebaskets and linen containers in Group I-2 and I-3 occupancies shall comply with the provisions of California Code of Regulations Title 24, Part 9, Section 808.

(c) Approved self-closing metal containers or listed disposal containers by an approved testing or listing agency shall be provided and maintained in all rooms or locations where oily rags, oily waste, paint rags, or similar materials subject to spontaneous ignition are used, or are stored temporarily. Such containers shall be emptied daily.

304.3.1 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container. Contents of such containers shall be removed and disposed of daily.

304.3.2 Capacity exceeding 5.33 cubic feet. Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall be provided with lids. Containers and lids shall be constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² where tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exception: Wastebaskets complying with Section 808.

304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers that are placed inside buildings in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.
3. Dumpsters or containers that are located adjacent to buildings where the exterior area is protected by an approved automatic sprinkler system.

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304.3.4 Capacity of 1 cubic yard or more. Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m² where tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m² in the horizontal orientation.

Exceptions:

1. Dumpsters in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

SECTION 305 IGNITION SOURCES

305.1 Clearance from ignition sources. Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.

305.2 Hot ashes and spontaneous ignition sources. Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within 10 feet (3048 mm) of other combustible material including combustible walls and partitions or within 2 feet (610 mm) of openings to buildings.

Exception: The minimum required separation distance to other combustible materials shall be 2 feet (610 mm) where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

305.3 Open-flame warning devices. Open-flame warning devices shall not be used along an excavation, road, or any place where the dislodgment of such device might permit the device to roll, fall or slide on to any area or land containing combustible material.

305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

305.5 Unwanted fire ignitions. Acts or processes that have caused repeated ignition of unwanted fires shall be modified to prevent future ignition.

SECTION 306

MOTION PICTURE PROJECTION ROOMS AND FILM

306.1 Motion picture projection rooms. Electric arc, xenon or other light source projection equipment that develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with Section 409 of the *California Building Code*.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

SECTION 307

OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land on which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.

307.4 Location. The location for open burning shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION 308 OPEN FLAMES

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar approved device.

[California Code of Regulations, Title 19, Division 1, §3.25(a) and (b)] Open Flame Devices.

(a) Open flame devices shall be prohibited in every Group A, E, I, R-2.1, R-3.1 and R-4 Occupancy.

Exceptions:

(1) Fuel burning elements of approved appliances shall not be considered as open flame devices.

(2) Upon approval of the enforcing agency, open flame devices may be used under the following conditions.

(A) When necessary for ceremonial or theatrical purposes under such restrictions as may be deemed necessary to avoid danger of ignition of combustible materials or injury to occupants.

(B) In approved and stable candle holders on individual tables of dining establishments.

(b) Under no circumstances shall hand held open flame devices such as exposed candles be permitted for any pur-

pose in any occupancy within the scope of California Code of Regulations, Title 19, Division 1 regulations.

308.1.2 Throwing or placing sources of ignition. A person shall not throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. A person utilizing a torch or other flame-producing device for removing paint from a structure shall provide not less than one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or on wildfire risk areas, except by a permit in accordance with Section 105.6 secured from the fire code official.

Exception: Use within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

308.1.6.1 Signals and markers. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or on wildfire risk areas.

Exception: The proper use of fuses at the scenes of emergencies or as required by standard railroad operating procedures.

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

Exceptions:

1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 61.

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2. Cutting and welding operations in accordance with Chapter 35.
3. Torches or flame-producing devices in accordance with Section 308.4.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

308.1.6.3 Sky lanterns. A person shall not release or cause to be released an untethered sky lantern.

308.1.7 Religious ceremonies. Where, in the opinion of the fire code official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted.

308.1.7.1 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

308.1.8 Flaming food and beverage preparation. The preparation of flaming foods or beverages in places of assembly and drinking or dining establishments shall be in accordance with Sections 308.1.8.1 through 308.1.8.5.

308.1.8.1 Dispensing. Flammable or combustible liquids used in the preparation of flaming foods or beverages shall be dispensed from one of the following:

1. A 1-ounce (29.6 ml) container.
2. A container not exceeding 1-quart (946.5 ml) capacity with a controlled pouring device that will limit the flow to a 1-ounce (29.6 ml) serving.

308.1.8.2 Containers not in use. Containers shall be secured to prevent spillage when not in use.

308.1.8.3 Serving of flaming food. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of 8 inches (203 mm) above the receiving receptacle.

308.1.8.4 Location. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being serviced. They shall not be transported or carried while burning.

308.1.8.5 Fire protection. The person preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smothering the flames in the event of an emergency.

308.2 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.6 prior to engaging in the following activities involving open flame, fire and burning:

1. Use of a torch or flame-producing device to remove paint from a structure.
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire in or on wildfire risk areas.

308.3 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided that approved precautions are taken to prevent ignition of a combustible material or injury to occupants:
 - 1.1. Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
 - 1.2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
 - 1.3. Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
2. Heat-producing equipment complying with Chapter 6 and the *California Mechanical Code*.
3. Gas lights are allowed to be used provided that adequate precautions satisfactory to the fire code official are taken to prevent ignition of combustible materials.

308.3.1 Open-flame decorative devices. Open-flame decorative devices shall comply with all of the following restrictions:

1. Class I and Class II liquids and LP-gas shall not be used.
2. Liquid- or solid-fueled lighting devices containing more than 8 ounces (237 ml) of fuel must self-extinguish and not leak fuel at a rate of more than 0.25 teaspoon per minute (1.26 ml per minute) if tipped over.
3. The device or holder shall be constructed to prevent the spillage of liquid fuel or wax at the rate of more than 0.25 teaspoon per minute (1.26 ml per minute) when the device or holder is not in an upright position.
4. The device or holder shall be designed so that it will return to the upright position after being tilted to an angle of 45 degrees (0.79 rad) from vertical.

Exception: Devices that self-extinguish if tipped over and do not spill fuel or wax at the rate of more than 0.25 teaspoon per minute (1.26 ml per minute) if tipped over.

5. The flame shall be enclosed except where openings on the side are not more than 0.375-inch (9.5 mm) diameter or where openings are on the top and the distance to the top is such that a piece of tissue paper placed on the top will not ignite in 10 seconds.

6. Chimneys shall be made of noncombustible materials and securely attached to the open-flame device.

Exception: A chimney is not required to be attached to any open-flame device that will self-extinguish if the device is tipped over.

7. Fuel canisters shall be safely sealed for storage.
8. Storage and handling of combustible liquids shall be in accordance with Chapter 57.
9. Shades, where used, shall be made of noncombustible materials and securely attached to the open-flame device holder or chimney.
10. Candelabras with flame-lighted candles shall be securely fastened in place to prevent overturning, and shall be located away from occupants using the area and away from possible contact with drapes, curtains or other combustibles.

308.3.2 Theatrical performances. Where approved, open-flame devices used in conjunction with theatrical performances are allowed to be used where adequate safety precautions have been taken in accordance with NFPA 160.

308.4 Group R occupancies. Open flame, fire and burning in Group R occupancies shall comply with the requirements of Sections 308.1 through 308.1.6.3 and Section 308.4.1.

308.4.1 Group R-2 dormitories. Candles, incense and similar open-flame-producing items shall not be allowed in sleeping units in Group R-2 dormitory occupancies.

308.5 Group I, R-2.1, R-3.1, R-4 occupancies or any Licensed Care Facility. A person shall not utilize or allow to be utilized, an open flame in Group I, R-2.1, R-3.1, R-4 occupancies or any Licensed Care Facilities.

SECTION 309

POWERED INDUSTRIAL TRUCKS AND EQUIPMENT

309.1 General. Powered industrial trucks and similar equipment including, but not limited to, floor scrubbers and floor buffers, shall be operated and maintained in accordance with Section 309.2 through 309.7.

309.2 Use in hazardous (classified) locations. Powered industrial trucks used in areas designated as hazardous (classified) locations in accordance with the *California Electrical Code* shall be listed and labeled for use in the environment intended in accordance with NFPA 505.

309.3 Battery chargers. Battery chargers shall be of an approved type. Combustible storage shall be kept not less than 3 feet (915 mm) from battery chargers. Battery charging shall not be conducted in areas open to the public.

309.4 Ventilation. Ventilation shall be provided in an approved manner in battery-charging areas to prevent a dangerous accumulation of flammable gases.

309.5 Fire extinguishers. Battery-charging areas shall be provided with a fire extinguisher complying with Section 906 having a minimum 4-A:20-B:C rating within 20 feet (6096 mm) of the battery charger.

309.6 Refueling. Powered industrial trucks using liquid fuel, LP-gas or hydrogen shall be refueled outside of buildings or in areas specifically approved for that purpose. Fixed fuel-dispensing equipment and associated fueling operations shall be in accordance with Chapter 23. Other fuel-dispensing equipment and operations, including cylinder exchange for LP-gas-fueled vehicles, shall be in accordance with Chapter 57 for flammable and combustible liquids or Chapter 61 for LP-gas.

309.7 Repairs. Repairs to fuel systems, electrical systems and repairs utilizing open flame or welding shall be done in approved locations outside of buildings or in areas specifically approved for that purpose.

SECTION 310 SMOKING

310.1 General. The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in the areas indicated in Sections 310.2 through 310.8.

310.2 Prohibited areas. Smoking shall be prohibited where conditions are such as to make smoking a hazard, and in spaces where flammable or combustible materials are stored or handled.

[California Code of Regulations, Title 19, Division 1, §3.32(a) and (b)] Smoking.

(a) Smoking shall not be permitted in any Group E Occupancy as defined in California Code of Regulations, Title 24, Part 2, except as provided in California Code of Regulations, Title 19, Division 1, subsection (b), below.

(b) The governing board of any school district maintaining a community college or high school may adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a community college or high school or while under the authority of school personnel by pupils of the community college or high school; provided that such rules and regulations shall not permit students to smoke in any classroom or other enclosed facility which any student is required to occupy or which is customarily occupied by nonsmoking students. Areas designated for smoking shall be approved by the enforcing agency.

NOTE: See Section 48901 of the Education Code relating to the smoking or possession of tobacco by pupils.

[California Code of Regulations, Title 19, Division 1, §3.32(d)] Smoking.

(d) Smoking shall be prohibited in any patient room of a Group I, R-2.1, R-3.1 or R-4 occupancy utilizing air-induced mattresses. "No Smoking - Open Flame" signs shall be installed as specified in NFPA 99B, Hypobaric Facilities, 2005 edition.

310.3 "No Smoking" signs. The fire code official is authorized to order the posting of "No Smoking" signs in a conspicuous location in each structure or location in which smoking is prohibited. The content, lettering, size, color

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and location of required "No Smoking" signs shall be approved.

Exception: In Group I-2 occupancies where smoking is prohibited, "No Smoking" signs are not required in interior locations of the facility where signs are displayed at all major entrances into the facility.

[California Code of Regulations, Title 19, Division 1, §3.32(c)] Smoking.

(c) Approved no smoking signs shall be posted on all stages and platforms of Group A occupancies. Smoking shall not be permitted on stages or platforms except in approved designated areas and as necessary for theatrical, opera or similar productions.

310.4 Removal of signs prohibited. A posted "No Smoking" sign shall not be obscured, removed, defaced, mutilated or destroyed.

310.5 Compliance with "No Smoking" signs. Smoking shall not be permitted nor shall a person smoke, throw or deposit any lighted or smoldering substance in any place where "No Smoking" signs are posted.

310.6 Ash trays. Where smoking is permitted, suitable non-combustible ash trays or match receivers shall be provided on each table and at other appropriate locations.

310.7 Burning objects. Lighted matches, cigarettes, cigars or other burning object shall not be discarded in such a manner that could cause ignition of other combustible material.

310.8 Hazardous environmental conditions. Where the fire code official determines that hazardous environmental conditions necessitate controlled use of smoking materials, the ignition or use of such materials in mountainous, brush-covered or forest-covered areas or other designated areas is prohibited except in approved designated smoking areas.

SECTION 311 VACANT PREMISES

311.1 General. Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.6.

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered to be abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with the *California Property Maintenance Code* and the *California Building Code*.

311.1.2 Tenant spaces. Storage and lease plans required by this code shall be revised and updated to reflect temporary or partial vacancies.

311.2 Safeguarding vacant premises. Temporarily unoccupied buildings, structures, premises or portions thereof shall

be secured and protected in accordance with Sections 311.2.1 through 311.2.3.

311.2.1 Security. Exterior and interior openings open to other tenants or unauthorized persons shall be boarded, locked, blocked or otherwise protected to prevent entry by unauthorized individuals. The fire code official is authorized to placard, post signs, erect barrier tape or take similar measures as necessary to secure public safety.

311.2.2 Fire protection. Fire alarm, sprinkler and stand-pipe systems shall be maintained in an operable condition at all times.

Exceptions:

1. Where the premises have been cleared of all combustible materials and debris and, in the opinion of the fire code official, the type of construction, fire separation distance and security of the premises do not create a fire hazard.
2. Where approved by the fire code official, buildings that will not be heated and where fire protection systems will be exposed to freezing temperatures, fire alarm and sprinkler systems are permitted to be placed out of service and standpipes are permitted to be maintained as dry systems (without an automatic water supply), provided that the building does not have contents or storage, and windows, doors and other openings are secured to prohibit entry by unauthorized persons.
3. Where approved by the fire code official, fire alarm and sprinkler systems are permitted to be placed out of service in seasonally occupied buildings: that will not be heated; where fire protection systems will be exposed to freezing temperatures; where fire areas do not exceed 12,000 square feet (1115 m²); and that do not store motor vehicles or hazardous materials.

311.2.3 Fire separation. Fire-resistance-rated partitions, fire barriers and fire walls separating vacant tenant spaces from the remainder of the building shall be maintained. Openings, joints and penetrations in fire-resistance-rated assemblies shall be protected in accordance with Chapter 7.

311.3 Removal of combustibles. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

Exceptions:

1. Buildings or portions of buildings undergoing additions, alterations, repairs or change of occupancy in accordance with the *California Building Code*, where waste is controlled and removed as required by Section 304.
2. Seasonally occupied buildings.

311.4 Removal of hazardous materials. Persons owning or having charge or control of a vacant building containing hazardous materials regulated by Chapter 50 shall comply with the facility closure requirements of Section 5001.6.

311.5 Placards. Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.

311.5.1 Placard location. Placards shall be applied on the front of the structure and be visible from the street. Additional placards shall be applied to the side of each entrance to the structure and on penthouses.

311.5.2 Placard size and color. Placards shall be 24 inches by 24 inches (610 mm by 610 mm) minimum in size with a red background, white reflective stripes and a white reflective border. The stripes and border shall have a 2-inch (51 mm) minimum stroke.

311.5.3 Placard date. Placards shall bear the date of their application to the building and the date of the most recent inspection.

311.5.4 Placard symbols. The design of the placards shall use the following symbols:

1. This symbol shall mean that the structure had normal structural conditions at the time of marking.
2. This symbol shall mean that structural or interior hazards exist and interior fire-fighting or rescue operations should be conducted with extreme caution.
3. This symbol shall mean that structural or interior hazards exist to a degree that consideration should be given to limit fire fighting to exterior operations only, with entry only occurring for known life hazards.
4. Vacant marker hazard identification symbols: The following symbols shall be used to designate known hazards on the vacant building marker. They shall be placed directly above the symbol.
 - 4.1. R/O—Roof open.
 - 4.2. S/M—Stairs, steps and landing missing.
 - 4.3. F/E—Avoid fire escapes.
 - 4.4. H/F—Holes in floor.

311.5.5 Informational use. The use of these symbols shall be informational only and shall not in any way limit the discretion of the on-scene incident commander.

311.6 Unoccupied tenant spaces in mall buildings. Unoccupied tenant spaces in covered and open mall buildings shall be:

1. Kept free from the storage of any materials.
2. Separated from the remainder of the building by partitions of not less than 0.5-inch-thick (12.7 mm) gypsum board or an approved equivalent to the underside of the ceiling of the adjoining tenant spaces.

3. Without doors or other access openings other than one door that shall be kept key locked in the closed position except during that time when opened for inspection.
4. Kept free from combustible waste and be broomswept clean.

SECTION 312 VEHICLE IMPACT PROTECTION

312.1 General. Vehicle impact protection required by this code shall be provided by posts that comply with Section 312.2 or by other approved physical barriers that comply with Section 312.3.

312.2 Posts. Guard posts shall comply with all of the following requirements:

1. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.
2. Spaced not more than 4 feet (1219 mm) between posts on center.
3. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than a 15-inch (381 mm) diameter.
4. Set with the top of the posts not less than 3 feet (914 mm) above ground.
5. Located not less than 3 feet (914 mm) from the protected object.

312.3 Other barriers. Barriers, other than posts specified in Section 312.2, that are designed to resist, deflect or visually deter vehicular impact commensurate with an anticipated impact scenario shall be permitted where approved.

SECTION 313 FUELED EQUIPMENT

313.1 General. Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment, portable generators and portable cooking equipment, shall not be stored, operated or repaired within a building.

Exceptions:

1. Buildings or rooms constructed for such use in accordance with the *California Building Code*.
2. Where allowed by Section 314.
3. Storage of equipment utilized for maintenance purposes is allowed in approved locations where the aggregate fuel capacity of the stored equipment does not exceed 10 gallons (38 L) and the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

313.1.1 Removal. The fire code official is authorized to require removal of fueled equipment from locations where the presence of such equipment is determined by the fire code official to be hazardous.

313.2 Group R occupancies. Vehicles powered by flammable liquids, Class II combustible liquids or compressed flammable gases shall not be stored within the living space of Group R buildings.

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SECTION 314 INDOOR DISPLAYS

314.1 General. Indoor displays constructed within any occupancy shall comply with Sections 314.2 through 314.4.

314.2 Fixtures and displays. Fixtures and displays of goods for sale to the public shall be arranged so as to maintain free, immediate and unobstructed access to exits as required by Chapter 10.

314.3 Highly combustible goods. The display of highly combustible goods, including but not limited to fireworks, flammable or combustible liquids, liquefied flammable gases, oxidizing materials, pyroxylin plastics and agricultural goods, in main exit access aisles, corridors, covered and open malls, or within 5 feet (1524 mm) of entrances to exits and exterior exit doors is prohibited where a fire involving such goods would rapidly prevent or obstruct egress.

314.4 Vehicles. Liquid-fueled or gaseous-fueled vehicles, boats or other motorcraft shall not be located indoors except as follows:

1. Batteries are disconnected except where the fire code official requires that the batteries remain connected to maintain safety features.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19 L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motorcraft equipment are not fueled or defueled within the building.

SECTION 315 GENERAL STORAGE

315.1 General. Storage shall be in accordance with Sections 315.2 through 315.6. Outdoor pallet storage shall be in accordance with Sections 315.2 and 315.7.

Exception: Wood and wood composite pallets stored outdoors at pallet manufacturing and recycling facilities and complying with Section 2810.

315.2 Permit required. A permit for miscellaneous combustible storage shall be required as set forth in Section 105.6.

315.3 Storage in buildings. Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

315.3.1 Ceiling clearance. Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or not less than 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

Exceptions:

1. The 2-foot (610 mm) ceiling clearance is not required for storage along walls in nonsprinklered areas of buildings.

2. The 18-inch (457 mm) ceiling clearance is not required for storage along walls in areas of buildings equipped with an automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3

315.3.2 Means of egress. Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

315.3.3 Equipment rooms. Combustible material shall not be stored in boiler rooms, mechanical rooms, electrical equipment rooms or in fire command centers as specified in Section 508.1.5.

315.3.4 Attic, under-floor and concealed spaces. Attic, under-floor and concealed spaces used for storage of combustible materials shall be protected on the storage side as required for 1-hour fire-resistance-rated construction. Openings shall be protected by assemblies that are self-closing and are of noncombustible construction or solid wood core not less than 1³/₄ inches (44.5 mm) in thickness. Storage shall not be placed on exposed joists.

Exceptions:

1. Areas protected by approved automatic sprinkler systems.
2. Group R-3 and Group U occupancies.

315.4 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 6 feet (1829 mm) in height.
2. The separation distance is allowed to be reduced where the fire code official determines that hazard to the adjoining property does not exist.

315.4.1 Storage beneath overhead projections from buildings. Where buildings are protected by an automatic sprinkler system, the outdoor storage, display and handling of combustible materials under eaves, canopies or other projections or overhangs are prohibited except where automatic sprinklers are installed under such eaves, canopies or other projections or overhangs.

315.4.2 Height. Storage in the open shall not exceed 20 feet (6096 mm) in height.

315.5 Storage underneath high-voltage transmission lines. Storage located underneath high-voltage transmission lines shall be in accordance with Section 316.6.2.

315.6 Storage in plenums. Storage is prohibited in plenums. Abandoned material in plenums shall be deemed to be storage and shall be removed. Where located in plenums, the portion of abandoned cables that are able to be accessed without causing damage, or requiring demolition to the building shall be identified for future use with a tag or shall be deemed storage and shall be removed.

315.7 Outdoor pallet storage. Pallets stored outdoors shall comply with Sections 315.7 through 315.7.7. Pallets stored within a building shall be protected in accordance with Chapter 32.

315.7.1 Storage beneath overhead projections from buildings. Where buildings are equipped throughout with an automatic sprinkler system, the outdoor storage of pallets under eaves, canopies or other projections or overhangs are prohibited except where automatic sprinklers are installed under such eaves, canopies or other projections or overhangs.

315.7.2 Distance to lot line. Pallet storage shall not be located within 10 feet (3048 mm) of a lot line.

315.7.3 Storage height. Pallet storage shall not exceed 20 feet (6096 mm) in height.

315.7.4 Pallet pile stability and size. Pallet stacks shall be arranged to form stable piles. Individual pallet piles shall cover an area not greater than 400 square feet (37 m²).

315.7.5 Pallet types. Pallets shall be all wood, with slatted or solid top or bottom, with metal fasteners, or shall be plastic or composite pallets, listed and labeled in accordance with UL 2335 or FM 4996. Plastic pallets shall be both solid and gridded deck, independent of the pallet manufacturing process, type of resin used in fabrication or geometry of the pallet.

315.7.6 Pile separation distances. In addition to the other requirements of this section, pallet stacks and piles shall be separated in accordance with Sections 315.7.6.1 and 315.7.6.2.

315.7.6.1 Building separation. Pallet stacks and piles shall be separated from buildings in accordance with Table 315.7.6(1) for wood pallets and Table 315.7.6(2) for plastic pallets.

315.7.6.2 Separation from other pallets and on-site storage. Pallets shall be separated from other pallet piles and other storage in accordance with Table 315.7.6(3) for wood pallets and Table 315.7.6(4) for plastic pallets.

315.7.7 Prohibited locations. Pallets shall not be stored underneath high-voltage transmission lines, elevated roadways or elevated railways.

**TABLE 315.7.6(1)
SEPARATION DISTANCE BETWEEN WOOD PALLET STACKS AND BUILDINGS**

WALL CONSTRUCTION	OPENING TYPE	WOOD PALLET SEPARATION DISTANCE (feet)		
		≤ 50 Pallets	51 to 200 Pallets	>200 Pallets
Masonry	None	2	2	2
Masonry	Fire-rated glazing with open sprinklers	2	5	20
Masonry	Fire-rated glazing	10	5	20
Masonry	Plain glass with open sprinklers	10	5	20
Noncombustible	None	10	5	20
Wood with open sprinklers	—	10	5	20
Wood	None	15	30	90
Any	Plain glass	15	30	90

For SI: 1 foot = 304.8 mm.

**TABLE 315.7.6(2)
SEPARATION DISTANCE BETWEEN PLASTIC PALLET STACKS AND BUILDINGS**

WALL CONSTRUCTION	OPENING TYPE	PLASTIC PALLET SEPARATION DISTANCE (feet)		
		≤ 50 Pallets	51 to 200 Pallets	>200 Pallets
Masonry	None	2	2	2
Masonry	Fire-rated glazing with open sprinklers	10	20	50
Masonry	Fire-rated glazing	15	40	100
Masonry	Plain glass with open sprinklers	15	40	100
Noncombustible	None	15	40	100
Wood with open sprinklers	—	15	40	100
Wood	None	30	80	150
Any	Plain glass	30	80	150

For SI: 1 foot = 304.8 mm.

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**TABLE 315.7.6(3)
SEPARATION FROM OTHER PALLET PILES AND ON-SITE STORAGE (WOOD PALLETS)**

	WOOD PALLET SEPARATION DISTANCE (feet)		
	≤ 50 Pallets	51 to 200 Pallets	>200 Pallets
Between pallet piles	7.5	15	45
Other on-site storage	7.5	15	45

For SI: 1 foot = 304.8 mm.

**TABLE 315.7.6(4)
SEPARATION FROM OTHER PALLET PILES AND ON-SITE STORAGE (PLASTIC PALLETS)**

	PLASTIC PALLET SEPARATION DISTANCE (feet)		
	≤ 50 Pallets	51 to 200 Pallets	>200 Pallets
Between pallet piles	15	40	75
Other on-site storage	15	40	75

For SI: 1 foot = 304.8 mm.

**SECTION 316
HAZARDS TO FIRE FIGHTERS**

316.1 Trapdoors to be closed. Trapdoors and scuttle covers, other than those that are within a dwelling unit or automatically operated, shall be kept closed at all times except when in use.

316.2 Shaftway markings. Vertical shafts shall be identified as required by this section.

316.2.1 Exterior access to shaftways. Outside openings that can be reached by the fire department and that open directly on a hoistway or shaftway communicating between two or more floors in a building shall be plainly marked with the word SHAFTWAY in red letters not less than 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible from the outside of the building.

316.2.2 Interior access to shaftways. Door or window openings to a hoistway or shaftway from the interior of the building shall be plainly marked with the word SHAFTWAY in red letters not less than 6 inches (152 mm) high on a white background. Such warning signs shall be placed so as to be readily discernible.

Exception: Marking shall not be required on shaftway openings that are readily discernible as openings onto a shaftway by the construction or arrangement.

316.3 Pitfalls. The intentional design or alteration of buildings to disable, injure, maim or kill intruders is prohibited. A person shall not install and use firearms, sharp or pointed objects, razor wire, explosives, flammable or combustible liquid containers, or dispensers containing highly toxic, toxic, irritant or other hazardous materials in a manner that could passively or actively disable, injure, maim or kill a fire fighter who forcibly enters a building for the purpose of controlling or extinguishing a fire, rescuing trapped occupants or rendering other emergency assistance.

316.4 Obstructions on roofs. Wires, cables, ropes, antennas, or other suspended obstructions installed on the roof of a building having a roof slope of less than 30 degrees (0.52 rad) shall not create an obstruction that is less than 7 feet (2133 mm) high above the surface of the roof.

Exceptions:

- Such obstruction shall be permitted where the wire, cable, rope, antenna or suspended obstruction is encased in a white, 2-inch (51 mm) minimum diameter plastic pipe or an approved equivalent.
- Such obstruction shall be permitted where there is a solid obstruction below such that accidentally walking into the wire, cable, rope, antenna or suspended obstruction is not possible.

[California Code of Regulations, Title 19, Division 1, §3.05(b)] Fire Department Access and Egress. (Roofs).

(b) Roofs. No person shall install or maintain any security barrier such as barbed wire fencing, razor wire fencing, chain link fencing, or any other fencing material, cable, aerial, antenna, or other obstruction on the roof of any commercial establishment in such a manner as to obstruct or render egress or access hazardous in the event of fire or other emergency.

Exception: *Guy wire, rods and aerial antenna masts may be attached to a roof structure having a slope of less than 30 degrees provided there is full clearance of seven feet or more between the roof and said obstruction. Guy wire or rods required to support aerial or antenna masts may be attached to a roof structure a lateral distance from the mast not in excess of one-sixth the height of the mast.*

316.5 Security device. Any security device or system that emits any medium that could obscure a means of egress in any building, structure or premise shall be prohibited.

316.6 Structures and outdoor storage underneath high-voltage transmission lines. Structures and outdoor storage underneath high-voltage transmission lines shall comply with Sections 316.6.1 and 316.6.2, respectively.

316.6.1 Structures. Structures shall not be constructed within the utility easement beneath high-voltage transmission lines.

Exception: Restrooms and unoccupied telecommunication structures of noncombustible construction less than 15 feet (4572 mm) in height.

316.6.2 Outdoor storage. Outdoor storage within the utility easement underneath high-voltage transmission lines shall be limited to noncombustible material. Storage of hazardous materials including, but not limited to, flammable and combustible liquids is prohibited.

Exception: Combustible storage, including vehicles and fuel storage for backup power equipment serving public utility equipment, is allowed, provided that a plan indicating the storage configuration is submitted and approved.

SECTION 317

ROOFTOP GARDENS AND LANDSCAPED ROOFS

317.1 General. Rooftop gardens and landscaped roofs shall be installed and maintained in accordance with Sections 317.2 through 317.5 and Sections 1505 and 1507.16 of the *California Building Code*.

317.2 Rooftop garden or landscaped roof size. Rooftop garden or landscaped roof areas shall not exceed 15,625 square feet (1450 m²) in size for any single area with a maximum dimension of 125 feet (39 m) in length or width. A minimum 6-foot-wide (1.8 m) clearance consisting of a Class A-rated roof system complying with ASTM E108 or UL 790 shall be provided between adjacent rooftop gardens or landscaped roof areas.

317.3 Rooftop structure and equipment clearance. For all vegetated roofing systems abutting combustible vertical surfaces, a Class A-rated roof system complying with ASTM E108 or UL 790 shall be achieved for a minimum 6-foot-wide (1829 mm) continuous border placed around rooftop structures and all rooftop equipment including, but not limited to, mechanical and machine rooms, penthouses, skylights, roof vents, solar panels, antenna supports and building service equipment.

317.4 Vegetation. Vegetation shall be maintained in accordance with Sections 317.4.1 and 317.4.2.

317.4.1 Irrigation. Supplemental irrigation shall be provided to maintain levels of hydration necessary to keep green roof plants alive and to keep dry foliage to a minimum.

317.4.2 Dead foliage. Excess biomass, such as overgrown vegetation, leaves and other dead and decaying material, shall be removed at regular intervals not less than two times per year.

317.4.3 Maintenance plan. The fire code official is authorized to require a maintenance plan for vegetation placed on roofs due to the size of a roof garden, materials used or where a fire hazard exists to the building or exposures due to the lack of maintenance.

317.5 Maintenance equipment. Fueled equipment stored on roofs and used for the care and maintenance of vegetation on roofs shall be stored in accordance with Section 313.

SECTION 318 LAUNDRY CARTS

318.1 Laundry carts with a capacity of 1 cubic yard or more. Laundry carts with an individual capacity of 1 cubic yard [200 gallons (0.76 m³)] or more, used in laundries within Group B, E, F-1, I, M and R-1 occupancies, shall be constructed of noncombustible materials or materials having a peak rate of heat release not exceeding 300 kW/m² at a flux of 50 kW/m² where tested in a horizontal orientation in accordance with ASTM E1354.

Exceptions:

1. Laundry carts in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1.
2. Laundry carts in coin-operated laundries.

SECTION 319 MOBILE FOOD PREPARATION VEHICLES

319.1 General. Mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors shall comply with this section.

319.2 Permit required. Permits shall be required as set forth in Section 105.6.

319.3 Exhaust hood. Cooking equipment that produces grease-laden vapors shall be provided with a kitchen exhaust hood in accordance with Section 607.

319.4 Fire protection. Fire protection shall be provided in accordance with Sections 319.4.1 and 319.4.2.

319.4.1 Fire protection for cooking equipment. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with Section 904.12.

319.4.2 Fire extinguisher. Portable fire extinguishers shall be provided in accordance with Section 906.4.

319.5 Appliance connection to fuel supply piping. Gas cooking appliances shall be secured in place and connected to fuel-supply piping with an appliance connector complying with ANSI Z21:69/CSA 6.16. The connector installation shall be configured in accordance with the manufacturer's installation instructions. Movement of appliances shall be limited by restraining devices installed in accordance with the connector and appliance manufacturers' instructions.

319.6 Cooking oil storage containers. Cooking oil storage containers within mobile food preparation vehicles shall have a maximum aggregate volume not more than 120 gallons (454 L), and shall be stored in such a way as to not be toppled or damaged during transport.

319.7 Cooking oil storage tanks. Cooking oil storage tanks within mobile food preparation vehicles shall comply with Sections 319.7.1 through 319.7.5.2.

319.7.1 Metallic storage tanks. Metallic cooking oil storage tanks shall be listed in accordance with UL 80 or UL

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142, and shall be installed in accordance with the tank manufacturer's instructions.

319.7.2 Nonmetallic storage tanks. Nonmetallic cooking oil storage tanks shall be installed in accordance with the tank manufacturer's instructions and shall comply with both of the following:

1. Tanks shall be listed for use with cooking oil, including maximum temperature to which the tank will be exposed during use.
2. Tank capacity shall not exceed 200 gallons (757 L) per tank.

319.7.3 Cooking oil storage system components. Metallic and nonmetallic cooking oil storage system components shall include, but are not limited to, piping, connections, fittings, valves, tubing, hose, pumps, vents and other related components used for the transfer of cooking oil.

319.7.4 Design criteria. The design, fabrication and assembly of system components shall be suitable for the working pressures, temperatures and structural stresses to be encountered by the components.

319.7.5 Tank venting. Normal and emergency venting shall be provided for cooking oil storage tanks.

319.7.5.1 Normal vents. Normal vents shall be located above the maximum normal liquid line, and shall have a minimum effective area not smaller than the largest filling or withdrawal connection. Normal vents are not required to vent to the exterior.

319.7.5.2 Emergency vents. Emergency relief vents shall be located above the maximum normal liquid line, and shall be in the form of a device or devices that will relieve excessive internal pressure caused by an exposure fire. For nonmetallic tanks, the emergency relief vent shall be allowed to be in the form of construction. Emergency vents are not required to discharge to the exterior.

319.8 LP-gas systems. Where LP-gas systems provide fuel for cooking appliances, such systems shall comply with Chapter 61 and Sections 319.8.1 through 319.8.5.

319.8.1 Maximum aggregate volume. The maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances only shall not exceed 200 pounds (91 kg) propane capacity.

319.8.2 Protection of container. LP-gas containers installed on the vehicle shall be securely mounted and restrained to prevent movement.

319.8.3 LP-gas container construction. LP-gas containers shall be manufactured in compliance with the requirements of NFPA 58.

319.8.4 Protection of system piping. LP-gas system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage, and damage from vibration.

319.8.5 LP-gas alarms. A listed LP-gas alarm shall be installed within the vehicle in the vicinity of LP-gas sys-

tem components, in accordance with the manufacturer's instructions.

319.9 CNG systems. Where CNG systems provide fuel for cooking appliances, such systems shall comply with Sections 319.9.1 through 319.9.4.

319.9.1 CNG containers supplying only cooking fuel. CNG containers installed solely to provide fuel for cooking purposes shall be in accordance with Sections 319.9.1.1 through 319.9.1.3

319.9.1.1 Maximum aggregate volume. The maximum aggregate capacity of CNG containers transported on the vehicle shall not exceed 1,300 pounds (590 kg) water capacity.

319.9.1.2 Protection of container. CNG containers shall be securely mounted and restrained to prevent movement. Containers shall not be installed in locations subject to a direct vehicle impact.

319.9.1.3 CNG container construction. CNG containers shall be an NGV-2 cylinder.

319.9.2 CNG containers supplying transportation and cooking fuel. Where CNG containers and systems are used to supply fuel for cooking purposes in addition to being used for transportation fuel, the installation shall be in accordance with NFPA 52.

319.9.3 Protection of system piping. CNG system piping, including valves and fittings, shall be adequately protected to prevent tampering, impact damage and damage from vibration.

319.9.4 Methane alarms. A listed methane gas alarm shall be installed within the vehicle in accordance with manufacturer's instructions.

319.10 Maintenance. Maintenance of systems on mobile food preparation vehicles shall be in accordance with Sections 319.10.1 through 319.10.3.

319.10.1 Exhaust system. The exhaust system, including hood, grease-removal devices, fans, ducts and other appurtenances, shall be inspected and cleaned in accordance with Section 607.3.

319.10.2 Fire protection systems and devices. Fire protection systems and devices shall be maintained in accordance with Section 901.6.

319.10.3 Fuel gas systems. LP-gas containers installed on the vehicle and fuel-gas piping systems shall be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation to requalify LP-gas cylinders, to ensure that system components are free from damage, suitable for the intended service and not subject to leaking. CNG containers shall be inspected every 3 years in a qualified service facility. CNG containers shall not be used past their expiration date as listed on the manufacturer's container label. Upon satisfactory inspection, the approved inspection agency shall affix a tag on the fuel gas system or within the vehicle indicating the name of the inspection agency and the date of satisfactory inspection.

**SECTION 320
ROAD TUNNELS, BRIDGES, AND
OTHER LIMITED ACCESS HIGHWAYS [SFM]**

- || **320.1 General.** *Road tunnels, bridges, and other limited access highways that are state owned shall comply with NFPA 502.*

CALIFORNIA FIRE CODE – MATRIX ADOPTION TABLE CHAPTER 4 – EMERGENCY PLANNING AND PREPAREDNESS

(Matrix Adoption Tables are nonregulatory, intended only as an aid to the code user.
See Chapter 1 for state agency authority and building applications.)

Adopting Agency	BSC	BSC- CG	SFM		HCD			DSA		OSHPD					CSA	DPH	AGR	DWR	CEC	CA	SL	SLC
			T-24	T-19*	1	2	1/AC	AC	SS	1	1R	2	3	4								
Adopt Entire Chapter																						
Adopt Entire Chapter as amended (amended sections listed below)																						
Adopt only those sections that are listed below			X																			
[California Code of Regulations, Title 19, Division 1]				X																		
Chapter / Section																						
401 – 401.9			X																			
402			X																			
403.2			X																			
403.5 – 403.5.4			X																			
[T-19 §3.13 (a)(1)]				X																		
403.10.2.1.1			X																			
403.13 – 403.13.3			X																			
[T-19 §3.13 (c)(1)]				X																		
[T-19 §3.10]				X																		
[T-19 §3.13 (a)(2)]				X																		
[T-19 §3.13 (b)]				X																		
404.5-404.6.6			X																			
[T-19 §3.13 (a)(1)]				X																		
[T-19 §3.13 (c)(2 & 3)]				X																		
407			X																			

* The California Code of Regulations (CCR), Title 19, Division 1 provisions that are found in the California Fire Code are a reprint from the current CCR, Title 19, Division 1 text for the code user's convenience only. The scope, applicability and appeals procedures of CCR, Title 19, Division I remain the same.

State of California

HEALTH AND SAFETY CODE

Section 14912

14912. The amount of the costs for abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed and the amount of the costs incurred by the responsible agency in enforcing abatement upon the parcels, including investigation, boundary determination, measurement, clerical and other related costs, shall constitute special assessments against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation in the office of the county recorder of the county in which the property is situated of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of municipal ad valorem taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement and the costs of enforcing abatement, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

(Amended by Stats. 1982, Ch. 352, Sec. 4.)

State of California

HEALTH AND SAFETY CODE

Section 14922

14922. The lien, whether bonds issued to represent the assessment or otherwise, shall be subordinate to all fixed special assessment liens previously imposed upon the same property, but it shall have priority over all fixed special assessment liens which may thereafter be created against the property. The lien of a reassessment and of a refunding assessment shall be the same as the original assessment to which it relates. A supplemental assessment is a new assessment.

(Added by Stats. 1963, Ch. 1465.)

State of California

GOVERNMENT CODE

Section 25845

25845. (a) The board of supervisors, by ordinance, may establish a procedure for the abatement of a nuisance. The ordinance shall, at a minimum, provide that the owner of the parcel, and anyone known to the board of supervisors to be in possession of the parcel, be given notice of the abatement proceeding and an opportunity to appear before the board of supervisors and be heard prior to the abatement of the nuisance by the county. However, nothing in this section prohibits the summary abatement of a nuisance upon order of the board of supervisors, or upon order of any other county officer authorized by law to summarily abate nuisances, if the board or officer determines that the nuisance constitutes an immediate threat to public health or safety.

(b) In any action to abate a nuisance, whether by administrative proceedings, judicial proceedings, or summary abatement, the owner of the parcel upon which the nuisance is found to exist shall be liable for all costs of abatement incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred in the physical abatement of the nuisance. Recovery of costs pursuant to this section shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the Code of Civil Procedure or any other provision of law.

(c) A county may, by ordinance, provide for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorneys' fees, it shall provide for recovery of attorneys' fees by the prevailing party, rather than limiting recovery of attorneys' fees to the county if it prevails. The ordinance may limit recovery of attorneys' fees by the prevailing party to those individual actions or proceedings in which the county elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the county in the action or proceeding.

(d) If the owner fails to pay the costs of the abatement upon demand by the county, the board of supervisors may order the cost of the abatement to be specially assessed against the parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.

(e) If the board of supervisors specially assesses the cost of the abatement against the parcel, the board also may cause a notice of abatement lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date upon which abatement of the nuisance was ordered by the board of supervisors and the date the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost.

(f) However, if the board of supervisors does not cause the recordation of a notice of abatement lien pursuant to subdivision (e), and any real property to which the costs of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or a lien on a bona fide encumbrancer for value has been created and attaches to that property, prior to the date on which the first installment of county taxes would become delinquent, then the cost of abatement shall not result in a lien against that real property but shall be transferred to the unsecured roll for collection.

(g) Recordation of a notice of abatement lien pursuant to subdivision (e) has the same effect as recordation of an abstract of a money judgment recorded pursuant to Article 2 (commencing with Section 697.310) of Chapter 2 of Division 2 of Title 9 of Part 2 of the Code of Civil Procedure. The lien created has the same priority as a judgment lien on real property and continues in effect until released. Upon order of the board of supervisors, or any county officer authorized by the board of supervisors to act on its behalf, an abatement lien created under this section may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

(h) The board of supervisors may delegate the hearing required by subdivision (a), prior to abatement of a public nuisance, to a hearing board designated by the board of supervisors. The hearing board shall make a written recommendation to the board of supervisors. The board of supervisors may adopt the recommendation without further notice of hearing, or may set the matter for a de novo hearing before the board of supervisors.

(i) The board of supervisors may, by ordinance, delegate to a hearing officer appointed pursuant to Section 27720 the powers and duties specified by this section.

(Amended by Stats. 1996, Ch. 718, Sec. 1. Effective January 1, 1997.)

State of California

CODE OF CIVIL PROCEDURE

Section 731

731. An action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by a nuisance, as defined in Section 3479 of the Civil Code, and by the judgment in that action the nuisance may be enjoined or abated as well as damages recovered therefor. A civil action may be brought in the name of the people of the State of California to abate a public nuisance, as defined in Section 3480 of the Civil Code, by the district attorney or county counsel of any county in which the nuisance exists, or by the city attorney of any town or city in which the nuisance exists. Each of those officers shall have concurrent right to bring an action for a public nuisance existing within a town or city. The district attorney, county counsel, or city attorney of any county or city in which the nuisance exists shall bring an action whenever directed by the board of supervisors of the county, or whenever directed by the legislative authority of the town or city.

(Amended by Stats. 2010, Ch. 570, Sec. 2. (AB 1502) Effective January 1, 2011.)