

ORDINANCE NO. 18-952

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE, CALIFORNIA, ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTION 50022.2, TITLE 32 FIRE CODE OF THE LOS ANGELES COUNTY CODE, INCORPORATING BY REFERENCE THE CALIFORNIA FIRE CODE 2016 EDITION, AND ADOPTING LOCAL AMENDMENTS THERETO, AND MAKING FINDINGS FOR SAME

THE CITY COUNCIL OF THE CITY OF LA PUENTE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

(A) Pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, the City Council hereby makes each finding of reasonable necessity for modifications as stated separately in Exhibit 1, to the 2018 City Council Agenda Report for each such modification as identified in Los Angeles County Title 32. These modifications to the California Building Standards Code, incorporating the model codes are reasonably necessary due to the local climate, characterized by hot, dry summers and the high potential for seismic activity which make structures particularly vulnerable to rapidly spreading fires and structural damage.

Section 2. La Puente Municipal Code Amendment.

Section 9.04.010 (Adoption of Fire Code) of Chapter 9.04 (Fire Code), of Title 9 (Fire) of the La Puente Municipal Code, is hereby amended to read in its entirety as follows:

9.04.010 Adoption of Fire Code.

Except as hereinafter provided, Title 32 - Fire Code of the Los Angeles County Code, as amended and in effect on March 1, 2017, adopting the California Fire Code, 2016 Edition (Part 9 of Title 24 of the California Code of Regulations) is incorporated herein by reference as if fully set forth below and shall be known and may be cited as the Fire Code of the City of La Puente.

In the event of any conflict between provisions of the California Fire Code, 2016 Edition, Title 32 of the Los Angeles County Code, or any amendment to the fire code, as set forth in the La Puente Municipal Code, the provisions contained in the La Puente Municipal Code shall control.

A copy of Title 32 of the Los Angeles County Code and the California Fire Code, 2016 Edition, have been deposited in the office of the city clerk and shall be at all times maintained by the city clerk for use and examination by the public.

Section 3. La Puente Municipal Code Amendment.

Section 9.04.015 (Definitions) of Chapter 9.04 (Fire Code) of Title 9 (Fire) of the La Puente Municipal Code, is hereby amended to read in its entirety as follows:

Section 9.04.015 Definitions.

Notwithstanding the provisions of Section 9.04.010 of this chapter, whenever any of the following names or terms are used in the building code, each name or terms shall be deemed and construed to have the meaning ascribed to it in this section as follows:

“Building department” means the Building and Safety Division of the City of La Puente.

“Building official” means the building official of the City of La Puente.

“County, “county of Los Angeles” or “unincorporated territory of the county of Los Angeles” means City of La Puente.

“County engineer” means the city engineer, except in such instances when the county engineer is a correct notation due to circumstances.

“Electrical code” means the electrical code of the City of La Puente as contained in Chapter 8.13 of the La Puente Municipal Code.

“Fire code” means the fire code of the City of La Puente as contained in Chapter 9.04 of the La Puente Municipal Code.

“General fund” means the city treasury of the City of La Puente.

“Green building standards code” means the green building standard code of the City of La Puente as contained in Chapter 8.48 of the La Puente Municipal Code.

“Health code” or “Los Angeles County Health Code” means the health code of the City of La Puente as contained in Chapter 4.04 of the La Puente Municipal Code.

“Health officer” means the health officer of the county of Los Angeles acting on behalf of the City of La Puente.

“Jurisdiction” means the City of La Puente.

“Mechanical code” means the mechanical code of the City of La Puente as contained in Chapter 8.17 of the La Puente Municipal Code.

“Plumbing code” means the plumbing code of the City of La Puente as contained in Chapter 8.09 of the La Puente Municipal Code.

“Residential code” means the residential code of the City of La Puente as contained in Chapter 8.44 of the La Puente Municipal Code.

Section 4. La Puente Municipal Code Amendments.

Sections 9.040.40 (Amendments to fire code) and 9.040.50 (Fireworks restrictions not adopted) are hereby deleted in their entirety.

Section 9.04.090 (Permit to sell safe and sane fireworks) of Chapter 9.04 (Fire Code) of Title 9 (Fire) of the La Puente Municipal Code, is hereby amended to read in its entirety as follows:

9.04.090 Permit to sell safe and sane fireworks

The City Council may issue a permit pursuant to and upon the requirements as set forth in the Health and Safety Code §§ 12500, *et seq.*, (“State Fireworks Law”), as may be amended from time to time, allowing the sale of safe and sane fireworks in the city, as defined in the State Fireworks Law. Not less than ninety days in advance of the date or dates upon which fireworks are desired to be sold, any applicant designated by the city council desiring to sell safe and sane fireworks in the City shall, submit a written application to the city manager. The contents and requirements of the application, including the designation of applicants who may submit an application, and all applicable permit fees, shall be established by resolution of the City Council. The city manager, or his designee, shall make an investigation and submit a report for or against the issuance of the permit together with his or her reasons therefor, to the city council. The city council shall have the power to grant or deny the permit. The retail sale of safe and sane fireworks in the City shall only occur on the 2nd, 3rd and 4th of July each year. However, in the event that July 4th falls on a Tuesday, retail sales may occur on July 1st of such year.

Section 5. La Puente Municipal Code Amendment.

Section 9.04.100 (Violations and Penalties) of Chapter 9.04 (Fire Code) of Title 9 (Fire) of the La Puente Municipal Code is hereby amended to read in its entirety as follows:

9.04.100 Violations and Penalties

Any person, firm or corporation violating any of the provisions of the Fire Code of the City of La Puente shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the fire code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for a period of not more than six months or by both such fine and imprisonment. Each day that a violation occurs shall constitute a separate offense.

Section 6. Clerical Errors.

The City Council directs the City Clerk to correct any clerical errors found in this Ordinance including, but not limited to, typographical errors, irregular numbering and incorrect section references.

Section 7. Severability.

Should any section, subsection, clause, or provision of this Ordinance 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 Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unenforceable, or unconstitutional.

Section 8. Effective Date.

In accordance with California Government Code section 36937, this Ordinance shall take effect and be in force thirty (30) days from passage and adoption.

Section 9. CEQA.

Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for this Ordinance, the City Council hereby finds and determines that this Ordinance does not have the potential for causing a significant effect on the environment. Accordingly, the City Council finds and determines that this Ordinance is exempt from California Environmental Quality Act ("CEQA", Public Resources Code § 21000 et seq.) pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines (Chapter 3, of Title 14, of the California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment and thereby the City Council approves and adopt the Notice of Exemption. The City Council further directs Staff to file the Notice of Exemption, as authorized by law.

Section 10.

City staff shall file a certified copy of this Ordinance with the California Building Standards Commission, as required by law.

Section 11. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published and posted as required by law.

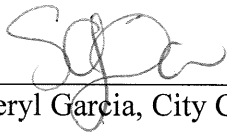
PASSED, APPROVED AND ADOPTED this 10th day of April, 2018, by the following vote:

AYES:	COUNCILMEMBERS:	Lewis, Holloway, Munoz, Solis
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Argudo
ABSTAIN:	COUNCILMEMBERS:	None



Violeta Lewis, Mayor

ATTEST:



Sheryl Garcia, City Clerk