



Agenda Date: 06/13/2017  
Agenda Item: 3.7

## STAFF REPORT

**Date:** May 15, 2017  
**To:** Mayor and City Council Members  
**From:** William R. Galstan, Special Counsel *William R. Galstan*  
**Cc:** Troy Edgell, Code Enforcement Manager;  
Dean Hurney, Building Permit Manager  
**Subject:** Ordinance adding the Fire Code to the Oakley Municipal Code

**FOR CONSIDERATION AT THE CITY COUNCIL MEETING ON June 13, 2017**

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### **Summary and Recommendation**

Staff recommends that the City Council introduce and waive the reading of this ordinance.

### **Fiscal Impact**

Possible small positive impact from collection of fines.

### **Background and Analysis**

Oakley has adopted most of the uniform building codes dealing with a variety of topics, including electrical, plumbing, mechanical, etc. We have never adopted the uniform California Fire Code, apparently because there is a separate fire district which is available for enforcing those regulations.

The Code Enforcement Department has found it to be helpful if we adopt the California Fire Code. There are many provisions within that Code that relate to blight and other code enforcement problems that the Department encounters. While the East County Fire Protection District would continue to be authorized to enforce the California Fire Code, this ordinance would also allow the City to use its provisions to deal with code enforcement problems. Frequently, our Code Enforcement staff will present an issue to the Fire District and receive confirmation that a Fire Code violation does exist. Our team of code enforcement officers will be able to address the issue with this ordinance, to the benefit of both the City and the District.

### **Conclusion**

The ordinance will be helpful to our Code Enforcement team and give them another valuable tool.

### **Attachment**

Ordinance adding Paragraph L to Section 7.1.102 of the Oakley Municipal Code.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADDING  
PARAGRAPH "L" TO SECTION 7.1.102 OF THE OAKLEY MUNICIPAL CODE,  
DEALING WITH THE FIRE CODE**

The City Council of the City of Oakley does ordain as follows:

Section 1. Paragraph L is hereby added to Section 7.1.102 of the Oakley Municipal Code, to read as follows:

L. The California Fire Code.

Section 2. Severability.

In the event that any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 3. California Environmental Quality Act ("CEQA") finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that this ordinance will not have a significant effect on the environment; therefore it is not subject to CEQA.

Section 4. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

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Sue Higgins, Mayor

ATTEST:

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Libby Vreonis, City Clerk

Date