

ORDINANCE NO. 93

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE TWENTYNINE PALMS WATER DISTRICT
ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA FIRE CODE AND
2010 CALIFORNIA RESIDENTIAL CODE WITH ERRATA, AND THE 2009 INTERNATIONAL
FIRE CODE AND 2009 INTERNATIONAL RESIDENTIAL CODE**

WHEREAS, pursuant to Government Code Section 50022.1 et seq. and California Health and Safety Code Section 13869 et seq., the Twentynine Palms Water District ("District") may adopt by reference the 2010 California Fire Code and the 2010 California Residential Code, with errata, and portions of the 2009 International Fire Code and the 2009 International Residential Code related to fire and hazardous condition prevention; and

WHEREAS, the District published notice of a public hearing pursuant to Government Code Section 6066 on August 11, 2011 and August 18, 2011; and

WHEREAS, the District held a public hearing on August 24, 2011 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the 2010 California Fire Code; and

BE IT ORDAINED, by the Board of Directors of the Twentynine Palms Water District as follows:

1. **Adoption of Fire Code** The Board of Directors of the Twentynine Palms Water District hereby adopts by reference the 2010 California Fire Code and the 2010 California Residential Code, with errata, and portions of the 2009 International Fire Code and the 2009 International Residential Code related to fire and hazardous condition prevention. This Ordinance is hereby enacted as the Twentynine Palms Water District Fire Code.

2. **Findings and Adoption of the California Fire Code and California Residential Code**

(a) **Findings** The Board of Directors of the Twentynine Palms Water District hereby finds as follows:

(i) That the California Fire Code, 2010 Edition, and 2009 International Fire Code, the California Residential Code, 2010 Edition and the 2009 International Residential Code, are nationally recognized compilations of proposed rules, regulations, and standards of the International Code Council, Inc.

(ii) That said California Fire Code, the International Fire Code and the California Residential Code have been printed and published as a code in book form within the meaning of Section 50022.2 et seq. of the Government Code.

(iii) That one copy of the 2010 California Fire Code and 2009 International Fire Code has been on file at the District offices located at 72401 Hatch Road, Twentynine Palms, CA 92277 for a period of not less than 15 days prior to the adoption of this Ordinance, as required by Government Code Section 50022.6. Said copy shall remain available for use and examination as long as this Ordinance is in effect.

(iv) That the sections and subsections of said California Fire Code, the International Fire Code and the California Residential Code may be referred to by the number used in said published compilation preceded by the words "California Fire Code Section," "California Residential Code," "Fire Code Section" or "Subsection" and may also be referred to by additional reference to the Ordinances of the Twentynine Palms Water District and sections therein pertaining to said California Fire Code, International Fire Code and California Residential Code.

(v) Pursuant to the applicable provisions of law, certain costs incurred by the District for the inspection and enforcement of any provision of this Ordinance and the applicable code, the investigation of any fire, explosion or other hazardous condition, the suppression of fire, the response to a traffic collision or accident, the containment and/or mitigation of a hazardous materials release, and any rescue or rendering of medical or physical aid or assistance, may be charged to any responsible party, any person who violates this Ordinance or the applicable code or any person who, due to a negligent or unlawful act or omission, is responsible for or requires or causes the emergency response of this District.

3. **Severability** If any provision, paragraph, word, or section of this Ordinance is invalidated, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

4. **Conflict** All other ordinances, resolutions or administrative actions, and parts thereof, inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

5. **Effectiveness** The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. Within 15 days after adoption of this Ordinance, a summary of the Ordinance shall be published with the names of those Directors voting for and against this Ordinance and a certified copy of the full text of this Ordinance, along with the names of those Directors voting for and against this Ordinance, shall be posted in the District offices.

PASSED, APPROVED AND ADOPTED this 24th day of August 2011, by the Board of Directors of the Twentynine Palms Water District.

Ayes: Directors Bourikas, Chambers, Cisneros and Shinaver
Noes: None
Abstain: None
Absent: Director Moore

Philip C. Cisneros, President
Board of Directors

Attest:

Mike Wright, Board Secretary
Twentynine Palms Water District