ORDINANCE: 2013-02

AN ORDINANCE REPEALING SECTION 8-1.04(i) OF THE AVENAL MUNICIPAL CODE AND ENACTING SECTION 8-1.04(i) THAT ADOPTS THE 2013 CALIFORNIA FIRE CODE AND ITS APPENDICIES AND SECTIONS OF THE 2012 INTERNATIONAL FIRE CODE

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

Section 1. City of Avenal Ordinance Code, Section 8-1.04(i) heretorfore adopted by Ordinance No. 2011-02 on March 24, 2011, is hereby repealed.

Section 2. That the Code of Ordinances, Section Number 8-1.04(i), is hereby enacted, which said section reads as follows:

> Adoption of California Fire Code. The City of Avenal hereby adopts the 2013 California Fire Code, and all its appendices, and those sections of the 2012 International Fire Code published in the 2013 California Fire Code but not adopted as part of that code as set forth in the California Code of Regulations, title 24, part 9, to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Avenal and to provide for the issuance of permit and collection of fees therefore.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. The City Manager is hereby directed to ensure that a Notice of Exemption is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Avenal, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by

this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Avenal hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Avenal Municipal Code as amended by this ordinance are substantially the same as provisions in the Avenal Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Avenal Chimes, a newspaper printed and published in the City of Avenal, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Avenal, State of California, on the 9th day of January, 2014, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: GRAVELLE, MALDONADO, PRECIADO, CASIDA, OVALLE
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

HARLIN CASIDA, Mayor
CITY OF AVENAL

ATTEST:
MARIA ORTIZ, City Clerk,
CITY OF AVENAL