

**CITY MANAGER'S REPORT
JUNE 11, 2018 CITY COUNCIL REGULAR MEETING**

ITEM: **PUBLIC HEARING (PUBLISHED NOTICE) TO CONSIDER AN ORDINANCE AMENDING LATHROP MUNICIPAL CODE TITLE 15 BUILDINGS AND CONSTRUCTION, CHAPTER 15.18 CALIFORNIA FIRE CODE ADOPTED, SECTION 15.18.030 ENTITLED APPLICATION TO THE CITY TO CLARIFY DESIGNATED FIRE CODE OFFICIAL**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Hold a Public Hearing; and**
- 2. Introduction and First Reading of an Ordinance Amending Lathrop Municipal Code Title 15 Buildings and Construction, Chapter 15.18 California Fire Code Adopted, Section 15.18.030 Entitled Application to the City to Clarify Designated Fire Code Official**

SUMMARY:

The City adopted the 2016 California Fire Code on May 1st, 2017. During that action, the City designated the Lathrop-Manteca Fire District (LMFD) as the "fire code official" within the City of Lathrop.

The annexation of the 24.50 acre Pilot Flying J Project and 3.15 acres of adjoining land (hereinafter "Annexation Area") into the City's boundary on January 12, 2017 did not include a detachment of those parcels from the French Camp McKinley Fire District service jurisdiction. As a result, those parcels remain within French Camp McKinley Fire District even though they are now within the City of Lathrop. Staff and the two fire districts request that Council consider revisions to the City's municipal code as detailed below to clarify the designation of the fire code official within the City of Lathrop.

BACKGROUND:

LMFD has enforced the Fire Code within the City of Lathrop since the City's incorporation. As a routine matter, the City updates its municipal code to adopt the newest version of the Fire Code. Although no change in enforcement policies was intended, the City's adoption of the 2007 Fire Code designated the enforcement authority as vested in the City of Lathrop instead of LMFD. Although the municipal code stated that the City had the authority to enforce the Fire Code, the City continued to rely on LMFD to enforce the Fire Code within the City limits.

When the City adopted the 2016 California Fire Code, the City designated the LMFD as the "fire code official" within the City of Lathrop to reflect the long history of such enforcement by LMFD.

The annexation of the Annexed Area into the City on January 12, 2017 did not include a detachment of those parcels from the French Camp McKinley Fire District. As a result, those parcels remain within the French Camp McKinley Fire District even though they are now within the City of Lathrop.

ANALYSIS:

Staff and the two fire districts request that Council consider the following proposed revisions to the City's municipal code to clarify the designation of the fire code official within the Annexed Area:

15.18.030 Application to the City

The name "city of Lathrop" is inserted in any and all blank spaces provided in the California Fire Code and appendices for the name of the city adopting such code, and wherever the word "city" as "jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the city of Lathrop. Wherever the word "fire code official" or "delegate" appears in the California Fire Code, it shall mean the following: and refer to the Lathrop-Manteca Fire District fire code official. All permits issued under the fire code shall be issued through the Lathrop-Manteca Fire District. (Ord. 17-378 § 1; Ord. 16-372 § 2)

- A. The Lathrop-Manteca Fire District for all R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code.
- B. The Lathrop-Manteca Fire District for all property located within its jurisdictional boundaries.
- C. Subject to subsection A, the French Camp McKinley Fire District for all property located within its jurisdictional boundaries.

This language has been reviewed and approved by both fire districts.

COUNCIL GOALS ADVANCED BY THIS AGENDA ITEM:

Promotes A Feeling of Safety and Economic Growth by clearly designating the jurisdictional role of Lathrop-Manteca Fire District and French Camp McKinley Fire District within the City of Lathrop.

FISCAL IMPACT:

There is no direct fiscal impact associated with the introduction or adoption of the ordinance to amend LMC 15.18.030.

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ORDINANCE AMENDING LMC 15.18.030**

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RECOMMENDATION:

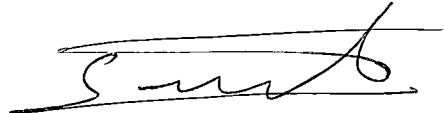
Introduce the attached ordinance to amend LMC Title 15 Buildings and Construction, Chapter 15.18 California Fire Code Adopted, Section 15.18.030 Entitled "Application to the City".

ATTACHMENTS:

Ordinance to Amend LMC Title 15 Buildings and Construction, Chapter 15.18 California Fire Code Adopted, Section 15.18.030 Entitled Application to the City

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ORDINANCE AMENDING LMC 15.18.030**

APPROVALS:



Salvador Navarrete
City Attorney

5-31-18
Date



Stephen J. Salvatore
City Manager

6.5.18
Date

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP
AMENDING LATHROP MUNICIPAL CODE TITLE 15 BUILDINGS AND
CONSTRUCTION, CHAPTER 15.18 CALIFORNIA FIRE CODE ADOPTED,
SECTION 15.18.030 APPLICATION TO THE CITY**

WHEREAS, on January 12, 2017, the City annexed 27.65 acres of land into the City's boundaries; and

WHEREAS, this annexation did not include a detachment of those parcels from the French Camp McKinley Fire District and, as a result, those parcels remain within French Camp McKinley Fire District even though they are now within the City of Lathrop; and

WHEREAS, the Lathrop Municipal Code currently designates the Lathrop-Manteca Fire District as the "Fire Code Official" but makes no reference to the French Camp McKinley Fire District; and

WHEREAS, both fire districts have agreed to support this revision to the Lathrop Municipal Code to clarify the designation of the Fire Code Official within each district's jurisdictional boundary; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP
DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1:

Section 15.18.030 to the City of Lathrop Municipal Code is amended as follows:

15.18.030 Application to the City

The name "City of Lathrop" is inserted in any and all blank spaces provided in the California Fire Code and appendices for the name of the city adopting such code, and wherever the word "city" as "jurisdiction" appears in the code or is otherwise used, it shall mean and refer to the City of Lathrop. Wherever the word "fire code official" or "delegate" appears in the California Fire Code, it shall mean the following: ~~and refer to the Lathrop-Manteca Fire District fire code official. All permits issued under the fire code shall be issued through the Lathrop-Manteca Fire District. (Ord. 17-378 § 1; Ord. 16-372 § 2)~~

- A. The Lathrop-Manteca Fire District for all R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code.
- B. The Lathrop-Manteca Fire District for all property located within its jurisdictional boundaries.
- C. Subject to subsection A, the French Camp McKinley Fire District for all property located within its jurisdictional boundaries.

Section 2:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 3:

This ordinance shall become effective thirty (30) days after final passage and shall be published at least once within fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced the 11th day of June and adopted this 9th day of July, 2018 by the following vote:

AYES:

NOES:

ABSENT:

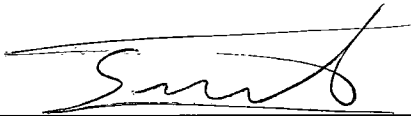
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

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