

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY  
*W. Eugene Murray*  
CITY ATTORNEY

OFFICE OF THE CITY CLERK  
OAKLAND  
03 FEB 2003  
FILED  
PH 1:23

ORDINANCE NO. 1248 C.M.S.

**ORDINANCE ADOPTING EXPRESS FINDINGS AND AMENDING THE OAKLAND FIRE CODE (ALSO KNOWN AS "UNIFORM FIRE CODE") CODIFIED IN OAKLAND MUNICIPAL CODE CHAPTER 15.12, 2001 CALIFORNIA FIRE CODE, APPENDIX VI-E, AND AMENDING RELATED PROVISIONS OF OAKLAND'S ARREST, CITATION AND MISDEMEANOR PENALTY PROVISIONS OF OAKLAND MUNICIPAL CODE CHAPTER 1.24 TO INCREASE FINES AND APPOINT ENFORCEMENT PERSONNEL**

**WHEREAS**, Health & Safety Code Section 17958.5 permits the City of Oakland to make such changes or modifications to the Codes as are reasonably necessary because of local conditions; and,

**WHEREAS**, Health & Safety Code Section 17958.7 requires that the City of Oakland before making any changes or modifications pursuant to Section 17958.5 make express findings that such changes or modifications are needed due to climatic, geologic or topographic conditions; and,

**WHEREAS**, the City Council does herewith find that the City of Oakland has certain climatic and topographical features that can have a deleterious effect on the provision of emergency services, such as fire suppression, protection and emergency medical services and hereby adopts the findings and conclusions of the Oakland Fire Chief set forth in the report dated February 25, 2003, which accompanies this ordinance; and

**WHEREAS**, the Oakland Fire Department, Fire Prevention Bureau, is responsible for the enforcement of laws and regulations for the safeguarding of life and property from the hazards of fire and explosion and from conditions hazardous to life and property in the use or occupancy of buildings or premises and their contents; and

**WHEREAS**, modifications and changes to the Oakland Fire Code (also known as "Uniform Fire Code"), Oakland Municipal Code Chapter 15.12, 2001 California Fire Code, Appendix VI-E, and amending related provisions of Oakland's arrest, citation and misdemeanor penalty provisions of Oakland Municipal Code Chapter 1.24 to increase fines and appoint additional enforcement personnel will serve to mitigate the deleterious effects of Oakland's climatic and topographical features;

**NOW, THEREFORE, THE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Amendments to Oakland Municipal Code, Chapter 1.24, Arrest and Citation Procedures.** Oakland Municipal Code, Chapter 1.24 is hereby amended to add and delete the following terms and provisions:

**A. Chapter 1.24 ARREST AND CITATION PROCEDURE**

**1.24.20 Power of arrest.**

A. The following officers and their subordinates shall have and are vested with the authority to arrest any person who violates the following provisions of this code in the manner provided by Section 836.5 of the California Penal Code:

- |                                                                                                                                                                                                                                     |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 9. Office of Fire Services – Fire Marshal, Assistant Fire Marshal, Fire Inspector, Arson Investigator and all Personnel Assigned to the Fire Department and members of the Fire Prevention Bureau and Office of Emergency Services. | Chapter 15.12, City of Oakland Fire Code (also known as “Uniform Fire Code”) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|

**SECTION 2. Revisions to Oakland Municipal Code Chapter 15.12, Oakland Fire Code (also known as “Uniform Fire Code”), 2001 California Fire Code, Appendix VI-E, Model Citation Program.** The Citation Program adopted by the City of Oakland pursuant to Ordinance No. 12453 C.M.S, adopted October 29, 2002, codified in Oakland Municipal Code Chapter 15.12, 2001 California Fire Code, Appendix VI-E, is hereby amended as follows:

**2001 California Fire Code  
Appendix VI-E  
Model Citation Program**

**Section 2 – Operating Procedure Citation Program**

**2.4 Penalty.** Any person violating any of the provisions or failing to comply with any of the regulatory requirements of the City of Oakland’s Fire Code set forth in Oakland Municipal Code Chapter 15.12, the Oakland Fire Code, shall be guilty of a misdemeanor and subject to the penalties, imprisonment and other provisions of Oakland Municipal Code Chapter 1.28, Section 1.28.010, Subsections A and B.

**SECTION 3. Severability.** If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit hereto is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions thereof which shall remain in full force and effect.

**SECTION 4. Effective Date.** This ordinance shall become effective 180 days after adoption.

Introduction Date: **MAR 11 2003**

**MAR 25 2003**  
IN COUNCIL, OAKLAND, CALIFORNIA, FEBRUARY \_\_\_\_\_, 2003


**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND  
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
CEDRA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California