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# ORDINANCE NO. 713

## AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KINGS REPEALING ARTICLES I, II, III, AND IV OF CHAPTER 10 OF THE CODE OF ORDINANCES IN THEIR ENTIRETY, REENACTING NEW ARTICLES I, II, III, AND IV, AND ADDING ARTICLES V, VI, VII, AND VIII TO CHAPTER 10 RELATING TO FIRE PROTECTION AND PREVENTION

The Board of Supervisors of the County of Kings, State of California, ordains as follows:

**Section 1.** That the Code of Ordinances, County of Kings Chapter 10, Articles I, II, III, and IV, are hereby repealed in their entirety.

**Section 2.** That the Code of Ordinances, County of Kings Chapter 10, Articles I, II, III, and IV are hereby reenacted, and Articles V, VI, VII, and VIII are hereby added to read as follows:

### ARTICLE I. IN GENERAL

#### **Sec. 10-1. Purpose of chapter; cumulative of other law; adoption of the California Fire Code, International Fire Code, and amendments thereto.**

- (a) *Purpose of chapter.* This chapter is enacted to address the public need in the extinguishment of fires, and to prevent, eliminate, or minimize fire hazard for the safety of life and property in the county.
- (b) *Cumulative of other law.* This chapter shall be in addition to the measures of fire prevention set forth in the laws and regulations of the State of California and the United States.
- (c) *Adoption of the California Fire Code.* Pursuant to section 13869 of the California Health and Safety Code and California Code of Regulations, Title 24, the County may adopt a fire prevention code by reference and may also establish more stringent local standards relating to fire safety. In addition to the provisions contained in this chapter, the following is incorporated by reference as if fully set forth and adopted upon enactment of the ordinance:
  - (1) The most recently published edition, at the time of enforcement, of the California Fire Code, and all its appendices and any amendments to it as duly adopted by the California Building Standards Commission (“California Fire Code”), as well as those sections of the International Fire Code as published in the California Fire Code but not adopted as part of that code as set forth in the California Code of Regulations, Title 24, Part 9, one copy of which is on file in the office of the county fire chief, 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 county, and to provide for the issuance of permit and collection of fees related thereto.
  - (2) Amendment and addition to the California Fire Code:

Section 101.1 is amended to read as follows:

*101.1 Title.* These regulations shall be known as the Fire Code of Kings County.

Section 307.1.1 is amended to read as follows:

*307.1.1 Prohibited open burning.* Open burning of waste, rubbish, trash and processed material shall be prohibited except for prescribed burning for the purpose of reducing the impact of

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wildland fire when authorized by the fire code official and the California Air Pollution Control Board.

Section 307.2 is amended to read as follows:

*307.2 Permit Required.* The Kings County Fire Department will not issue burn permits. Burning may be allowed if a permit was awarded by the California Air Pollution Control Board. Application for such permits shall only be presented by, and permits issued to, the owner of the land on which the fire is to be kindled.

Section 507.5.1.1 is amended to read as follows:

*507.5.1.1 Hydrant for standpipe systems.* Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 50 feet (15 240 mm) of the fire department connections.

*Exception:* The distance shall be permitted to exceed 50 feet (15 240 mm) where approved by the fire code official.

Section 901.6.3. is added as follows:

*901.6.3. Records.* All contractors who service, test, install and/or maintain fire protection systems within the county are required to enroll and utilize the approved single-point repository service to file records of all system inspections, tests, and maintenance required by the referenced standards. This repository service shall be maintained and provided to the fire code official through a third-party inspection reporting system. Fees, as applicable, will be paid directly from the contractor to the approved single-point repository service vendor.

NFPA 13D Section 5.1.1.2 is amended to read as follows:

5.1.1.2 Spare sprinklers of each type of head used shall be provided.

NFPA 13D Section A.3.3.13.5 is added as follows:

Passive purge sprinkler systems are required to be used.

NFPA 13D Section 7.2.1 is amended to read as follows:

7.2.1 Each sprinkler system shall have a minimum ½ inch (15 mm) non-threaded drain/test valve with a pressure gauge on the system side of the control valve.

NFPA 13D Section 8.3.4 is amended to read as follows:

8.3.4 Sprinklers shall be required in attached garages. Sprinklers shall not be required in unattached garages, open attached porches, carports and similar structures.

NFPA 13D Section 8.3.5.1.1 is amended to read as follows:

8.3.5.1.1 Where the fuel-fired equipment is above all of the occupied areas of the dwelling unit, sprinkler protection shall be required in the concealed space directly above the fuel-fired equipment.

## **Sec. 10-2. Fire chief—Designated; duties; powers of peace officers.**

- (a) *Designation.* There is created the office of county fire chief also referenced within this chapter as the fire code official.
- (b) *Duties.* It shall be the duty of the county fire chief to enforce the various provisions of this chapter and all orders and other ordinances of the board of supervisors of the county and the laws of the state relating to the prevention and suppression of fire; the maintenance of automatic and other fire alarm and extinguishment equipment; the storage and use of flammable material; the maintenance of adequate means of egress in case of fire from factories, stores, hotels, apartment houses, asylums, hospitals, places of public assemblage, and all other places in which a number of persons are housed, live, work, or congregate; and the investigation of the cause, origin, and circumstances of fires.

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References in this chapter to the county fire chief shall include his duly authorized employees, agents and representatives.

- (c) *Powers of peace officers.* For the purpose of enforcing this chapter and all orders and other ordinances of the board of supervisors of the county and laws of the state pertaining to the prevention of fires and protection of the unincorporated area of the county from fire, the county fire chief and his duly authorized employees, agents and representatives shall have the powers of peace officers as set forth in Section 830.37 of the California Penal Code.

**Sec. 10-3. Interference with entry.**

It shall be unlawful for any person to interfere with, prevent, or attempt to prevent the county fire chief from entering and examining any such land, building, structure, or premises, when reasonable demand is made in advance.

**Sec. 10-4. Unlawful conduct at fires.**

Every person who, at the scene of any fire, disobeys the lawful orders of the county fire chief, offers any resistance to or interference with the lawful efforts of the county fire chief to extinguish any fire, engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a violation of this chapter.

**Secs. 10-5—10-34. Reserved.**

**ARTICLE II. ABATEMENT OF WEEDS AND FLAMMABLE WASTE MATERIALS**

**Sec. 10-35. Dangerous accumulations unlawful.**

It shall be unlawful for any owner or person in possession or control of any real property in the unincorporated area of the county to deposit, keep, accumulate or maintain upon such real property any flammable waste material in such a manner as to constitute a fire hazard to property in proximity thereto.

**Sec. 10-36. Scope of term "real property."**

The term "real property", as used herein, shall also include lands, lots, adjacent sidewalks, parking strips between sidewalks and curb lines, and alleyways from fence line to center of the right-of-way.

**Sec. 10-37. Scope of term "flammable waste material."**

"Flammable waste material" as used in this chapter includes dry grass, weeds, stubble, brush, rank growths, wood, leaves, wastepaper, boxes, shavings, rubbish, litter and other combustible substances but excluding vegetation on grain, grazing or forest land.

**Sec. 10-38. Notice to clean premises.**

Whenever the county fire chief shall find upon any real property in the unincorporated area of the county any flammable waste material dangerous or injurious to property, structures or improvements or the health or welfare of residents of the vicinity, he shall give, or cause to be given, notice to remove such flammable waste material in the manner provided in this article.

**Sec. 10-39. Manner of notice.**

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- (a) Notice to clean premises may be given by mailing. Notice by mailing shall be given by depositing the notice in the United States mail, first class and postage prepaid, addressed to the property owner as such property owner's name and address appear on the last equalized assessment roll or as they are known by the county fire chief. In addition to notice by mailing, notice to clean premises may also be given by posting. The notice by posting shall be conspicuously posted:
1. In front of the property on which or in front of which the flammable waste materials exist; or
  2. If the property has no frontage upon any street, highway or road, then upon the portion of the property nearest to a street, highway or road; or
  3. In a manner most likely to give actual notice to the owner.

The posted notices shall be posted not more than 100 feet apart; at least one notice shall be posted for each lot or parcel.

- (b) The notice form shall be headed "NOTICE TO CLEAN PREMISES" in legible characters and shall direct the removal of the flammable waste material, generally describing the same, and refer to this article for further particulars.

### **Sec. 10-40. Appeal.**

Within 15 days from the date of mailing such notice, the property owner, or any person interested in the property affected by such notice, may appeal to the board of supervisors. Such appeal shall be in writing and shall be filed with the clerk of the board of supervisors. At the next regular meeting of the board of supervisors after the appeal, the board shall proceed to hear and pass upon such appeal, and the decision thereon shall be final and conclusive.

### **Sec. 10-41. Noncompliance with notice unlawful.**

The failure of any owner or person in possession or control of such property to remove the flammable waste material from the property within the time specified in the notice served as provided for in this chapter, shall constitute a violation of this chapter, and each day that such violation is permitted to exist shall constitute a separate offense.

### **Sec. 10-42. Cleaning by county.**

If, within 15 days from the date of mailing such notice as provided for in sections 10-38 and 10-39 of this article, no appeal has been filed and the flammable waste material has not been removed from the property as directed by the notice, the county fire chief may remove or cause to be removed such flammable waste material. If an appeal is timely filed as provided for in section 10-40 of this article, and not sustained, the flammable waste material shall be removed as directed by the board of supervisors.

### **Sec. 10-43. Records of cleaning; collection of costs.**

- (a) The county fire chief shall keep, or cause to be kept, in his office a permanent record book showing the description of each property from which flammable waste material is removed pursuant to the provisions of this article, the name of the owner thereof, the date of posting and mailing of the notice, the date of determination of the board of supervisors of any appeal, and the amount of expense incurred in the removal of such flammable waste materials for each property.
- (b) Bills for such expenses shall be presented by the county fire chief to the owners of the property involved, and the county fire chief shall make every reasonable effort to collect the amount of money due on such bills, other than by legal proceedings. The county fire chief shall make appropriate entries with respect to all collections or noncollections in the permanent records kept by him.

### **Sec. 10-44. Assessment of costs.**

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- (a) On or before August 30th of each year, the county fire chief shall deliver to the county auditor an abstract of entries in the record book kept for the preceding year, showing all property against which unpaid bills are outstanding, and the amount remaining unpaid for each property.
  - (b) The county auditor shall thereupon note the amount of each charge on the assessment rolls against the respective property charged, and thereafter the amount of each charge shall be a lien upon the respective property charged therewith of the same character and effect and shall be collected in the same manner and at the same time as the taxes upon such property.

**Sec. 10-45. Legal liability unaffected.**

Nothing in this article is intended to revoke, repeal or rescind any of the provisions of this chapter pertaining to the criminal liability of any owner or person in possession or control of property who fails to remove flammable waste materials from the property within the time specified in this chapter.

**Secs. 10-46—10-49. Reserved.**

## ARTICLE III. EXPENSE RECOVERY

**Sec. 10-50. Purpose.**

The surface waters, groundwater, soils, vegetation, and atmosphere within the county are susceptible to damage from the handling, storage, use, processing and disposal of hazardous material and the expense incurred by the taxpayers as a result of the Kings County Fire Department or its Designee having to respond in an emergency to protect life, property and the environment when there has been a release of hazardous materials may be recovered from the person responsible for the emergency.

**Sec. 10-51. Definitions.**

As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (a) "CFR" shall mean the Code of Federal Regulations.
- (b) "Compressed Gas" shall mean any material regulated as a compressed gas by the United States Department of Transportation by regulations found in 49 CFR § 173.115.
- (c) "Designee" shall mean any public or private agency authorized by the County or the Kings County Fire Department to respond to hazardous materials incidents within the county.
- (d) "Emergency Action" shall mean all of the activities conducted in order to prevent or mitigate injury to human health or to the environment inside the County from a release or threatened release of any hazardous material into or upon the environment.
- (e) "Explosive" shall mean any material regulated as a Division 1.1, 1.2 or 1.3 explosive by the United States Department of Transportation by regulations found in 49 CFR § 173.50 and 173.53.
- (f) "Flammable Liquid" shall mean any material regulated as a flammable liquid by the United States Department of Transportation by regulations found in 49 CFR § 173.120.
- (g) "Flammable Solid" shall mean any material regulated as a flammable solid by the United States Department of Transportation by regulations found in 49 CFR § 173.124.
- (h) "Hazardous Material" shall mean any of the following:
  - (1) Any material listed in the list of toxic pollutants found in 40 CFR § 401.15, as amended.
  - (2) Any material designated as hazardous material by applicable state law.

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- (3) Any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison or radioactive material.
- (i) "Oxidizer" shall mean any material regulated as an oxidizer by the United States Department of Transportation by regulations found in 49 CFR § 173.127.
  - (j) "Person" shall include any individual, corporation, association, partnership, firm, trustee, or legal representative.
  - (k) "Poison" shall mean any material that is life-threatening when mixed with air in small amounts and shall also include all those materials regulated as Class 6 poison by the United States Department of Transportation by regulations found in 49 CFR § 173.132.
  - (l) "Radioactive Material" shall mean any material required by the United States Department of Transportation to have type A packaging or other special protection or closed transport vehicles, under regulations found in 49 CFR § 173.403.
  - (m) "Release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing into or upon the environment, which causes danger or harm to the public health or to the environment, including, but not limited to, the release of any material classified as hazardous material by any federal legislation or regulation, by any state legislation or regulation, or by any County of Kings ordinance.
  - (n) "Threatened Release" shall mean any imminent or impending event potentially causing but not resulting in a release but causing the County of Kings to undertake an emergency action.

**Sec. 10-52. – Notice and Response.**

- (a) Any person who has caused the Release, discharge or deposit of hazardous material on the surface waters, groundwater, soils or atmosphere by the handling or storage of hazardous materials or who have violated any local, state or federal environmental laws with respect to hazardous materials, are required to immediately notify the Kings County Fire Department.
- (b) The requirements of this article shall not be construed to forbid or forgive any person from using all diligence necessary to control a hazardous material release prior or subsequent to the notification of the Kings County Fire Department, especially if such efforts may result in the containment of the release or the abatement of extreme hazard to the employees or the general public. Nothing in this article shall be construed to exempt or release any person from any other notification or reporting required by any state or federal agency.
- (c) The Kings County Fire Department or its Designee is authorized to direct an emergency action and the clean up and abatement of any release or threatened release within the county.

**Sec. 10-53. – Liability for expenses incurred.**

- (a) Any person causing a release or threatened release that results in an emergency action shall be liable for the recoverable expenses resulting from the emergency action.
- (b) The following described persons shall be jointly and severally liable for the payment of all expenses incurred by the Kings County Fire Department or its Designee as a result of such clean-up or abatement activity:
  - (1) Any person whose negligent or willful act or omission proximately caused such release, discharge or deposit;
  - (2) The person who owned or had custody or control of the hazardous material or the material at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and
  - (3) The person who owned or had custody or control of the container that held such hazardous material at the time of or immediately prior to such release, discharge, or deposit, without regard to fault or proximate cause.

**Sec. 10-54. – Recovery of expenses.**

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- (a) The Kings County Fire Department or its Designee shall keep an itemized record of recoverable expenses resulting from an emergency action.
  - (b) The Kings County Fire Department or its Designee shall submit a written itemized claim to the responsible person for the total expenses incurred by the Kings County Fire Department or its Designee for the emergency action and a written notice that unless the amounts are paid in full within thirty days after the date of the mailing of the claim and notice, a civil action may be commenced seeking recovery for the stated amount plus any amounts occasioned by such suit.
  - (c) For the purposes of this article, expenses of the Kings County Fire Department or its Designee shall mean all direct and indirect expenses and shall include, but are not limited to, the following:
    - (1) Labor cost of personnel, based upon the salary rates listed in the most recently published edition of the Salary Survey issued by the California Governor's Office of Emergency Services to the Kings County Fire Department
    - (2) Administrative overhead;
    - (3) Costs of equipment operation;
    - (4) Costs of materials;
    - (5) Laboratory costs of analyzing samples taken during the emergency action;
    - (6) Medical expenses incurred as a result of responsive activities;
    - (7) Costs of any contract labor;
    - (8) Costs to supervise or verify the adequacy of the cleanup or abatement by others; and
    - (9) Legal expenses that may be incurred as a result of the emergency action, including actions for recoverable expenses pursuant to this article.

**Sec. 10-55. – Civil suit**

- (a) The Kings County Fire Department or its Designee may bring a civil action for payment of the recoverable expenses against any and all persons liable under this article. All costs of such suit, including actual attorney fees, shall also be a recoverable cost within the same civil action.

**Sec. 10-56. – Conflict with State or Federal law.**

- (a) Nothing in this article shall be construed to conflict with state or federal laws requiring persons causing or responsible for the release or threatened releases from engaging in remediation activities or paying the cost thereof, or both.

**Sec. 10-57. – Nonexclusive remedy.**

- (a) The remedies provided by this article shall be in addition to any other remedies available in equity or at law and such penalties as provided by law or ordinance.

## ARTICLE IV. SALE AND DISCHARGE OF SAFE AND SANE FIREWORKS

**Sec. 10-58. Purpose.**

The county has determined that in order to protect the health, safety and welfare of the citizens in the unincorporated area of the county, it is necessary to regulate the sale of safe and sane fireworks.

**Sec. 10-59. Sale of safe and sane fireworks.**

- (a) It shall be unlawful for any person to sell, offer for sale or display for sale any "safe and sane fireworks" as defined in Section 12529 of the Health and Safety Code of the state (hereinafter "fireworks"), within the

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unincorporated area of the county without first obtaining a permit therefore from the county fire department as provided herein.

- (b) Fireworks may be sold only from June 28 to July 4 of any year, unless July 4 falls on a Sunday, in which case the period for the sale of fireworks ends on July 5. The hours of operation of any stand shall be limited to 12:00 noon to 11:00 p.m. on June 28 and 9:00 a.m. to 11:00 p.m. daily during the other days identified above except the last day when sales must cease no later than midnight. The sale of any fireworks shall be made strictly in accordance with the provisions of this article and state law.

### **Sec. 10-60. Discharge of fireworks.**

It shall be unlawful for any person to fire, set off, discharge, explode or use or to cause or to permit to be fired, set off, discharged, exploded or used, any fireworks within the unincorporated area of the county except from 9:00 a.m. on July 1 and ending at midnight on July 4 of any year, unless July 4 falls on a Sunday, in which case the period ends at midnight on July 5.

### **Sec. 10-61. Applicants.**

Applicants must be a non-profit organization, association or corporation. Each applicant must have had its principal place of business and a permanent meeting place within the County of Kings for a period of at least one year prior to the date of application for a permit. Each applicant shall provide any and all documentation that the county fire marshal, or designee, may request in order to establish that all requirements of this section have been satisfied.

### **Sec. 10-62. Permits for retail sale of fireworks.**

All applications for a fireworks permit shall comply with the provisions of Section 12,500 et seq. of the California Health and Safety Code and Subchapter 6, Article V, of Title 19 California Administrative Code, any and all rules and regulations established by the State of California, the county or the county fire chief, and in addition shall be governed by the following:

- (1) An application for a fireworks permit shall be filed with the county fire department on or before June 1 of each year, along with payment of a non-refundable permit fee established by resolution of the board of supervisors. Fireworks permits are not transferable.
- (2) The county fire marshal, or designee, shall issue permits. Permits denied for failure to comply with sections 10-53, 10-54, 10-55 or 10-54 or 10-565 may be appealed to the county fire chief, and thereafter to the board of supervisors.
- (3) No fireworks permit will be granted to the applicant if the following items are not properly and completely prepared and presented to the county fire department on or before June 1 of the calendar year during which the fireworks will be sold:
  - a. State fire marshal's license;
  - b. Temporary seller's permit from the state board of equalization;
  - c. Property owner's permission form (original) signed and currently dated;
  - d. Storage of safe and sane fireworks form;
  - e. Address of property where stand will be located; and
  - f. Certificate of insurance as required by the county.

The county fire marshal, or designee, may extend the June 1 filing date if the fire marshal, or designee, determines in his or her sole discretion, that an applicant has attempted in good faith and with due diligence to satisfy all of the requirements in paragraphs (1) and (3) and that as a result of action or

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inaction on the part of other persons or entities, which are beyond the applicant's control, the applicant has been unable to satisfy the requirements of paragraphs (1) or (3) above within the required time periods.

- (4) No change of stand locations will be permitted without the prior approval of the county fire marshal, or designee.
- (5) All Fireworks stands must be removed on or before midnight July 5 of each respective year, unless July 4 falls on a Sunday, in which case the period for the stand removal ends at midnight on July 6, provided, however, that all unsold fireworks stock and accompanying litter shall be removed from the stand on or before 5:00 p.m. on the last day.
- (6) No person shall sell, or offer for sale, any fireworks within a distance of 100 feet of any pump or dispensing device of any flammable liquids.
- (7) No fireworks stand shall be located within 30 feet of any adjacent buildings, burnable materials, grass, paper or like flammable materials.
- (8) No fireworks stand shall be located closer than ten feet from any public roadway or back of curb, or in any location which does not otherwise meet the approval of the county fire marshal, or designee.
- (9) No sale or display of fireworks will be allowed inside any permanent building.
- (10) Each fireworks stand shall have a minimum of two exits which shall be located and provided on opposite sides. Each exit shall be at least 32 inches wide. Fireworks stands with only three sides and open from the back will not require exits.
- (11) If stands are operated at night, only electric lights may be used.
- (12) "No Smoking" signs shall be located on all sides of the stand. Each sign shall have the words "No Smoking" in red letters, not less than two inches in height, with the minimum one and one-half inch stroke on white background.
- (13) One approved two and one-half-gallon pressurized, water-type fire extinguisher and/or one five-pound multi-purpose ABC fire extinguisher or garden hose fully charged with shut-off nozzle attached, shall be provided in the stand's sale area. There shall be no exceptions to this requirement. The fire extinguisher must be in operating condition, with an up-to-date inspection tag indicating that the fire extinguisher has been serviced within the past year.
- (14) Fireworks signs shall not create a traffic hazard and must be approved by the county fire marshal, or designee.
- (15) All permittees shall instruct all employees and persons who handle fireworks in any capacity, of the hazards of said fireworks and with these rules and safety precautions governing fireworks.
- (16) All person selling fireworks shall be trained in emergency procedures, including use of the fire extinguishers.
- (17) Persons employed for the sale of fireworks shall be at least 18 years of age. Proof must be shown at any time when requested by fire officials.
- (18) No person under 16 years of age shall purchase fireworks.
- (19) No sleeping inside the fireworks stand will be permitted at any time.
- (20) The stand and surrounding area shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance."
- (21) No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stands.
- (22) Smoking shall be prohibited where fireworks are stored or handled.
- (23) No person, other than a member of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks.

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- (24) No permit issued or authorized shall be transferable or assignable.
  - (25) No person shall light, or caused to be lit any fireworks or other combustible article within any stand or within 200 feet thereof.
  - (26) The applicant's state license and county fireworks permit and temporary sales permit issued by the state board of equalization shall be displayed in a prominent place in the fireworks stand.

**Sec. 10-63. Insurance.**

Prior to issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the county. The certificate shall name the county, its officers, agents and employees as additional insureds in an amount of not less than \$1,000,000.00 combined bodily injury and property damage for each occurrence. The certificate must specify the time, location and dates to be covered by the policy.

**Sec. 10-64. Revocation.**

Any violation of these provisions or any other county ordinance, or the terms and conditions of the permit, or state law or administrative regulations, or safety rules of the county fire marshal, or designee, shall be grounds for immediate revocation of the permit. Any such violation shall be determined in the sole discretion of the county fire marshal, or designee. The decision of the county fire marshal, or designee, with regard to revocation may be appealed to the county fire chief.

**ARTICLE V. DANGEROUS FIREWORKS**

**Sec. 10-65. Purpose.**

- (a) This Article is enacted to address the public need in the extinguishment of fires, and to prevent, eliminate, or minimize fire hazard caused by dangerous fireworks to the safety of life and property in the county.
- (b) Violation(s) of any provision in this Article may be subject to administrative fines as set forth in Section 10-75 of this Chapter.

**Sec. 10-66. Definitions.**

The following definitions apply to the use of these terms for the purposes of this article:

- (a) *"Dangerous fireworks,"* as defined in California Health and Safety Code Sections 12505, includes the following:
  - (1) Any fireworks which contain any of the following:
    - a. Arsenic sulfide, arsenates, or arsenites.
    - b. Boron.
    - c. Chlorates, except:
      - i. In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
      - ii. In caps and party poppers.
      - iii. In those small items (such as ground spinners) wherein the total powder content does not exceed four grams of which not greater than 15 percent (or 600 milligrams) is potassium, sodium, or barium chlorate.
    - d. Gallates or gallic acid.
    - e. Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).

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- f. Mercury salts.
  - g. Phosphorous (red or white except that red phosphorus is permissible in caps and party poppers).
  - h. Picrates or picric acid.
  - i. Thiocyanates.
  - j. Titanium, except in particle size greater than 100-mesh.
  - k. Zirconium.
- (2) Firecrackers.
  - (3) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
  - (4) Roman candles, including all devices which discharge balls of fire into the air.
  - (5) Chasers, including all devices which dart or travel about the surface of the ground during discharge.
  - (6) Sparklers more than ten inches in length or one-fourth of one inch in diameter.
  - (7) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.
  - (8) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the state fire marshal pursuant to this part.
  - (9) Torpedoes of all kinds which explode on impact.
  - (10) Fireworks kits.
  - (11) Such other fireworks examined and tested by the state fire marshal and determined by the state fire marshal, with the advice of the state board of fire services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

### **Sec. 10-67. Ban on dangerous fireworks.**

- (a) The County of Kings hereby prohibits the possession, use, storage sale, display, giving, delivery, and/or transporting of "dangerous fireworks" in all zones in the county; with the exception of:
  - (1) A pyrotechnic licensee operating pursuant to a valid county or state issued license;
  - (2) Or the use of "safe and sane fireworks" as defined in this article and Health and Safety Code Section 12500 et seq.
- (b) Because of the serious threat of fire or injury posed by the use of "dangerous fireworks" that can result from persistent or repeated failures to comply with the provision of this article and the effect of such conditions or activities on the safety and the use and enjoyment of surrounding properties and to the public health, safety and welfare, this section imposes strict civil liability upon the owners of residential real property for all violation of this article existing on their residential real property. Each contiguous use, display and/or possession shall constitute a separate violation and shall be subject to a separate administrative fine.
- (c) The county shall provide cost reimbursement to the state fire marshal pursuant to regulation to be adopted by the state fire marshal addressing the state fire marshal's cost for the transportation and disposal of "dangerous fireworks" seized by the county, with cost will be party of any administrative fine imposed. Unless and until said regulations have been adopted by the State of California, the county shall hold in trust 25 percent of any fine collected, to cover the cost reimbursement to the state fire marshal for said cost of transportation and disposal of the "dangerous fireworks." The county fire marshal shall establish an internal policy for housing the "dangerous fireworks" until the state fire marshal adopts regulations addressing the transportation, disposal, or sale of the "dangerous fireworks."

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## ARTICLE VI. BURNING WITHIN KINGS COUNTY JURISDICTION

### **Sec. 10-68. Purpose.**

- (a) In order to encourage and obtain compliance with the provisions of this article and for the benefit and protection of the entire community, this section authorizes the imposition of administrative fines on any person who violates any provision of this article. This article governs the imposition, enforcement, collection and administrative review of all administrative fines, related to: burn permits, burning-leaving fire unattended and illegal burning.
- (b) The issuance of citations imposing administrative fines may be performed at the discretion of the officials of the county authorized hereunder; and the issuance of a citation to any person constitutes but one remedy of the county to redress violations of this article by any person. By adopting this article, the county does not intend to limit its authority to employ any other remedy, civil, or criminal, to redress any violation of this article by any person, which this county may otherwise pursue.
- (c) Each person who violates any provision of this article as it relates to permits, leaving a fire unattended, or illegal burning, shall be subject to the imposition and payment of an administrative fine(s) as shown in the Kings County Master Fee Schedule.

### **Sec. 10-69. Permits—additional precautions; continued liability.**

Regardless of the terms and conditions of any permit issued under the provisions of this chapter, any person burning any material or setting any fire shall observe all reasonable care and precautions in so doing and nothing contained in such permit shall relieve or exonerate any such person from any civil liability for violation of any legal duty imposed upon him by law or for any criminal liability by reason of any violation of law.

### **Sec. 10-70. Leaving fire unattended.**

It shall be unlawful to leave, or cause or permit to be left, any fire unattended by an adult person, or such persons as may be required in the permit issued for any such fire. Before leaving any such fire, the persons in charge of the fire shall thoroughly extinguish the fire by completely covering it with dirt, saturating it with water, or otherwise treating it in such a manner to prevent rekindling of the fire.

### **Sec. 10-71. Illegal burning**

It shall be unlawful to ignite or burn waste, rubbish, trash, and processed material. Those who may be found in violation of this ordinance may be subject to an administrative citation.

## ARTICLE VII. FIRE HAZARD SEVERITY ZONES

### **Sec. 10-72. Adoption of Fire Hazard Severity Zones.**

- (a) The designation of Fire Hazard Severity Zones is necessary for effective fire protection within the County.
- (b) The County hereby designates the Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code section 51178. The map, approved by the County, is hereby incorporated by reference and entitled “Kings County – Unincorporated LRA Local Responsibility Area Fire Hazard Severity Zones,” dated March 10, 2025.
- (c) The official map is also located electronically on the following website:  
<https://www.countyofkingsca.gov/departments/public-safety/fire-department/fire-hazard-severity-zone-update>

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- (d) The Fire Hazard Severity Zones can also be viewed on the County of Kings Parcel Viewer interactive map located on the following website:  
<https://kingscomdev.maps.arcgis.com/apps/webappviewer/index.html?id=35c6e6dac50446b9945154c9fc7f46c8>

## ARTICLE VIII. ADMINISTRATIVE CITATIONS AND LIENS

### Sec. 10-73. Definitions.

The following definitions apply to the use of these terms for the purposes of this article:

- (a) "*Citee*" means any person served with an administrative citation charging him or her as a responsible person for violation.
- (b) "*Citation*" means an administrative citation issued pursuant to this article to remedy a violation.
- (c) "*Code*" means the Kings County Code of Ordinances.
- (d) "*Fire code official*" shall include, but not be limited to, the Kings County Fire Chief, Kings County Fire Marshal, Kings County Sheriff, or their agents, designees or assigns designated to enforce any provision of this article.
- (e) "*Person*" means a natural person or a legal entity that is also an owner, tenant, lessee and/or other person with any right to possession or control of the property where a violation of this article occurred.
- (f) "*Responsible person*" means a person who causes a code violation to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue. There is a rebuttable presumption that the record owner of a residential parcel, as shown on the county's latest equalized property tax assessment roll, and a lessee of a residential parcel have a notice of any violation existing on said property. For purposes of this article, there may be more than one responsible person for a violation. Any person, irrespective of age, found in violation of any provision of this article may be issued a citation in accordance with the provisions of this article. Every parent, guardian, or other person, having the legal care, custody, or control of any person under the age of 18 years may be issued a citation in accordance with the provisions of this article, in addition to any citation that may be issued to an offending minor.
- (g) "*Violation*" or "*violates*" refers to any violation of any provision of this article, and/or the failure to comply with any additional requirement imposed under California Health and Safety Code Sections 125000, et seq.

### Sec. 10-74. Issuance of administrative citation; service procedures.

Upon determining that a violation exists with respect to any property within the unincorporated area of the county, the fire code official shall serve an administrative citation upon one or more of the responsible persons. Service shall be completed utilizing one of the methods of service identified in subsection (a) of section 10-73 below.

- (a) *Service*. An administrative citation shall be served on the responsible person by the fire code official in one of the following ways:
  - (1) *Personal service*. In any case where an administrative citation has been issued, the fire code official may personally serve the responsible person and obtain the signature of the responsible person on the administrative citation. If personal service is affected, but the responsible person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the service of the administrative citation or of any of the subsequent proceedings. The fire code official shall note on the administrative citation the failure or refusal of the responsible person to sign the citation. The date of service under this subsection shall be the date of actual service.
  - (2) *Service of citation by mail*. As an alternative to personal service, the fire code official may serve the administrative citation by mail as hereinafter set forth. The administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a return receipt requested. If the responsible person is not known and responsibility is being determined by property

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ownership, notice will be mailed to the property owner's address as listed in the county's tax roll. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned by the United States Postal Service undelivered. In the case of service by certified mail for which a signed receipt is returned, the date of service shall be the date of signing of the receipt. In the case of service by regular first-class mail, the date of service shall be the date upon which such mail was deposited in the United State Mail with postage prepaid, plus three days.

- (3) *Service of citation by posting notice.* If the fire code official does not succeed in serving the responsible person by personal service or by mail as set forth above, the fire code official shall post the administrative citation, in a conspicuous place upon any real property within the county in which the county has knowledge that the responsible person has a legal interest, and such posting shall be deemed effective service. The date of service of a posted notice or citation shall be the date of actual posting, plus five days.
- (4) The form of the administrative citation shall be approved by the county counsel.
- (b) *Exception to noticing requirements of section 1A-4* Administrative citations issued pursuant to this section shall be considered citations issued to correct immediate dangers to health and/or safety concerns of the county. Pursuant to this article, a citee shall not be provided a notice of violation, or given a chance to abate the violation, prior to issuance of an administrative citation.

#### **Sec. 10-75. Issuance of administrative citation; content.**

- (a) *Content.* Each administrative citation shall contain the following information:
  - (1) Date, approximate time, and address or definite description of the location where the violation was observed;
  - (2) The code sections or provisions violated and a description of the violation;
  - (3) The date the notice of violation was served on the responsible person and the time specified thereon to correct the violation;
  - (4) A statement that the violation has not been corrected within a given correction period, if any;
  - (5) The amount of the fine, if any;
  - (6) An explanation of how and where the fine may be paid and the time period within which it must be paid;
  - (7) Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a notice of appeal form to contest the administrative citation; and
  - (8) The name and signature of the fire code official and, if possible, the signature of the responsible person;
  - (9) The amount of the administrative fine for each violation, the procedure in place to pay the fines, and any late fee and interest charge(s), if not timely paid, and notice that if the county is required to take action to collect such fines, the responsible person may be charged costs and attorney's fees;
  - (10) Any other information deemed necessary by the fire code official for enforcement or collection purposes.

#### **Sec. 10-76. Administrative citations relating to dangerous fireworks.**

- (a) This section authorizes the imposition of administrative fines on any person who violates any provision of Article IV Dangerous Fireworks.
- (b) The imposition of administrative fines under this section shall be limited to the possession, use, storage sale, display, giving, delivery, and/or transporting of 25 pounds or less of "dangerous fireworks."

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- (b) This section governs the imposition, enforcement, collection and administrative review of all administrative fines, related to: the possession, use, storage, sale and/or display of those fireworks classified as "dangerous fireworks" with the exception of a pyrotechnic licensee when operating pursuant to that license; and the use of "safe and sane fireworks" as defined in California Health and Safety Code Section 12500, et seq. Said administrative fines are imposed under the authority of Government Code Section 53069.4, Health and Safety Code Section 12557, the police power of the county, and pursuant to California Attorney General Opinion (No. 07-503, December 20, 2011).
  - (c) The issuance of citations imposing administrative fines is at the discretion of the officials of the county authorized hereunder; and the issuance of a citation to any person constitutes but one remedy of the county to redress violations of this article by any person. By adopting this article, the county does not intend to limit its authority to employ any other remedy, civil, or criminal, to redress any violation of this article by any person, which this county may otherwise pursue.
  - (d) Each person who violates any provision of this article as it relates to Dangerous Fireworks shall be subject to the imposition and payment of an administrative fine(s) in the amounts set forth in the Kings County Master Fee Schedule. Repeat violations of this article may result in increased fines up to the maximum amount listed in the Kings County Master Fee Schedule.

### **Sec. 10-77. Rights and procedures to administrative hearing and appeals.**

Within 15 days from the date of mailing such notice, the property owner, or any person interested in the property affected by such notice, may appeal to the board of supervisors. Such appeal shall be in writing and shall be filed with the clerk of the board of supervisors. At the next regular meeting of the board of supervisors after the appeal is filed, the board shall proceed to hear and pass upon such appeal, and the decision thereon shall be final and conclusive.

### **Sec. 10-78. Special assessments.**

- (a) If a person fails to pay administrative citations issued pursuant to this Code within the designated time period and has not timely appealed the citations, the fire code official may move to have a special assessment placed on the real property of the responsible person.
- (b) Prior to recordation of the special assessment, notice of the special assessment shall be given to the responsible person(s) in person, by mail, or by posting the notice on the real property in a conspicuous place per the procedures outlined in 10-73(a)(1)-(3). The notice of special assessment shall be given substantially in the following format:

#### NOTICE OF SPECIAL ASSESSMENT

YOU ARE HEREBY NOTIFIED THAT on or about [DATE(S) FINES INCURRED], the Kings County fire code official assessed fines, abatement costs, and/or administrative citations, regarding that certain real property located at [PROPERTY ADDRESS]. On [DATE], you were notified of the assessed fines, abatement costs, and/or administrative citations, the penalties have not been paid, and the Kings County Fire Department claims a special assessment on the Subject Property in the amount of [DOLLAR AMOUNT]. The special assessment shall be on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this Notice, and any and all administrative costs to file and record the special assessment. The claimed special assessment shall have the priority of a judgment lien and shall attach on the date of recording this Notice. The Subject Property upon which a special assessment is claimed is located at [ADDRESS] County of Kings, State of California. The APN # is: [APN NUMBER] The record owner(s) of the Subject Property is/are \_\_\_\_\_, who reside(s) at \_\_\_\_\_.

#### RIGHT TO APPEAL

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If you wish to appeal this special assessment, you must submit a written appeal within 15 days from the date of this notice. The appeal must be in writing and filed with the clerk of the board of supervisors. Failure to submit a written appeal within this time frame will result in the special assessment being recorded with the county recorder's office.

DATED: \_\_\_\_\_

FIRE CODE OFFICIAL OF KINGS COUNTY

- (c) A hearing shall be set for a date that is not less than 15 and not more than 60 days from the date that the notice of appeal is filed in accordance with the provisions of this chapter. The hearing shall be conducted pursuant to the hearing procedure described in Sections 1A-10 and 1A-11 of this Code.
- (d) Following the appeal hearing outlined in section 10-77(c), the Board of Supervisors shall be given the opportunity to confirm the assessed fine, administrative citations, and/or abatement costs at the next regularly scheduled board meeting.
- (e) The special assessment shall attach when it is confirmed by the Board of Supervisors and recorded with the county recorder's office. The Notice of Special assessment shall also be filed with the county's auditor office.
- (f) After filing the special assessment with the county auditor, the county tax collector may collect the amount of the special assessment at the same time and in the same manner as ordinary county taxes, and impose the same penalties and procedures, including the sale of the property, in case of delinquency, as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to the special assessment.
- (g) Once payment is received in full for the special assessment, including applicable penalties, abatement costs, administrative fees and interest charges; the amount is deemed satisfied pursuant to a subsequent administrative or judicial order; or the amount is written off, the department shall either record a Notice of Satisfaction with the county recorder or provide the property owner or financial institution with the Notice of Satisfaction so they can record this Notice with the county recorder's office. The Notice of Satisfaction shall include the same information as provided in the original Notice of Special Assessment. Such Notice of Satisfaction shall cancel the lien created under this section. In addition to recording the Notice of Satisfaction, the department shall notify the county auditor to strip the assessment from the tax rolls.

**Sec. 10-79. Liens.**

- (a) If a person fails to pay administrative citations or abatement costs issued pursuant to this Code within the designated time period and has not timely appealed the citations or costs, the fire code official may move to have a lien placed on the real property of the responsible person.
- (b) Prior to recordation of the lien, notice of the lien shall be given to the responsible person(s) in person, by mail, or by posting the notice on the real property in a conspicuous place per the procedures outlined in 10-73(a)(1)-(3). The notice of lien shall be given substantially in the following format:

NOTICE OF LIEN

YOU ARE HEREBY NOTIFIED THAT on or about [DATE(S) FINES OR ABATEMENT COSTS INCURRED], the Kings County fire code official assessed fines, administrative citations, and/or abatement costs, regarding that certain real property located at [PROPERTY ADDRESS]. On [DATE], you were notified of the assessed fines administrative citations, and/or abatement costs and the penalties and/or costs have not been paid, and the Kings County Fire Department claims a lien on the Subject Property in the amount of [DOLLAR AMOUNT]. The lien shall be on the property until the amount is paid, plus legal rate of interest to be accrued from the date of recording this Notice, and any and all administrative costs to file and record the lien. The claimed lien shall have the priority of a

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judgment lien and shall attach on the date of recording this Notice. The Subject Property upon which a lien is claimed is located at [ADDRESS] County of Kings, State of California. The APN # is: [APN NUMBER] The record owner(s) of the Subject Property is/are \_\_\_\_\_, who reside(s) at \_\_\_\_\_.

**RIGHT TO APPEAL**

If you wish to appeal this lien, you must submit a written appeal within 15 days from the date of this notice. The appeal must be in writing and filed with the clerk of the board of supervisors. Failure to submit a written appeal within this time frame will result in the lien being recorded with the county recorder's office.

DATED: \_\_\_\_\_

**FIRE CODE OFFICIAL OF KINGS COUNTY**

- (c) A hearing shall be set for a date that is not less than 15 and not more than 60 days from the date that the notice of appeal is filed in accordance with the provisions of this chapter. The hearing shall be conducted pursuant to the hearing procedure described in Sections 1A-10 and 1A-11 of this Code.
- (d) Following the appeal hearing outlined in section 10-78(c), the Board of Supervisors shall be given the opportunity to confirm the assessed fine, administrative citations, and/or abatement costs at the next regularly scheduled board meeting.
- (e) The lien shall attach when it is confirmed by the Board of Supervisors and recorded with the county recorder's office. After recording, the notice of lien shall be indexed in the grantor-grantee index. Immediately upon the recording of the notice of lien, the unpaid assessed fines and/or administrative citations, shall constitute a lien on the real property. Such lien shall, for all purposes be upon a parity with the lien of state and local taxes.

**Sec. 10-80. Severability.**

If any provision or any part of any provision of this ordinance or the application thereof to any person, property, or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or parts of a provision or applications of the ordinance which may be given effect without the invalid provision, part of a provision or application, and to this end, the provisions and the parts of each provision of the ordinance are declared to be severable. The Kings County Board of Supervisors hereby declares it would have passed each remaining provision of this ordinance, irrespective of the fact that any one or more provisions are declared invalid.

**Sec. 10-81. Effective and Operative Dates**

This ordinance shall take effect and be operative 30 days after its passage and adoption.

\* \* \* \* \*

The foregoing ordinance was duly and properly introduced at a regular meeting of the Board of Supervisors held on May 13, 2025, and adopted at a regular meeting of the Board of Supervisors of the County of Kings held on May 20, 2025, by the following vote:

AYES: Supervisors : Neves, Robinson, Thayer, Verboon  
NOES: Supervisors : None

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ABSENT: Supervisors : Valle  
ABSTAIN: Supervisors : None



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Chairman of the Board of Supervisors  
County of Kings, State of California

Witness my hand and seal of said Board of Supervisors on this 20th day of May,  
2025.



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Clerk of said Board of Supervisors