

ORDINANCE No. 2019-2

AN ORDINANCE OF THE NOVATO FIRE PROTECTION DISTRICT ADOPTING AND MAKING LOCAL AMENDMENTS TO THE 2019 EDITION OF THE 2019 EDITION OF THE CALIFORNIA FIRE CODE AND APPENDIX A OF THE 2018 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, REGULATING AND GOVERNING 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 NOVATO FIRE PROTECTION DISTRICT PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 2016-1 OF THE NOVATO FIRE PROTECTION DISTRICT AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH

WHEREAS, the Novato Fire Protection District (“District”) may adopt a fire prevention code by reference pursuant to Article 2 commencing with Section 50022 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code; and

WHEREAS, pursuant to Health and Safety Code Section 13869.7, the District may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code when such modified standards are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, pursuant to Sections 13869.7, 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, changes or modifications to the 2016 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions; and

WHEREAS, this Ordinance No. 2019-2 was introduced and read by title only at a meeting of the Board of Directors of the District on the 6th day of November, 2019.

NOW THEREFORE, THE BOARD OF THE NOVATO FIRE PROTECTION DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

1. That a certain document and standards, three (3) copies of which are on file in the office of the Novato Fire Protection District Clerk of the Novato Fire Protection District being marked and designated as the *California Code of Regulations*, Title 24, Part 9, *California Fire Code*, 2019 edition, thereof and the whole thereof including Appendix Chapters 4, B, BB, C, CC, E, F, G, H, O, and Appendix A of the 2018 International Wildland-Urban Interface Code as published by the International Code Council, be and is hereby adopted as the Fire Code of the Novato Fire

Protection District in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substance, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Novato Fire Protection District are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 5 of this ordinance, pursuant to Section 13869 of the California Health and Safety Code. This document shall be known as the 2019 Fire Code of The Novato Fire Protection District.

2. *California Code of Regulations*, Title 24, Part 9, *California Fire Code*, 2019 edition, and including Appendix Chapters 4, B, BB, C, CC, E, F, G, H, O, and Appendix A of the 2018 International Wildland-Urban Interface Code, shall be enforced by the Risk Reduction Prevention and Mitigation Division of the Novato Fire Protection District, which shall be operated under the supervision of the Chief of the Risk Reduction Prevention and Mitigation Division of the Novato Fire Protection District.

3. Wherever they appear in the California and International Fire Codes, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

- (a) Wherever the words “Fire Code” are used they shall mean those Codes and Standards adopted in Section 1 of this Ordinance.
- (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Novato Fire Protection District.
- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean an attorney for the Novato Fire Protection District.
- (d) Wherever the words “Fire Code Official” are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Risk Reduction Prevention and Mitigation Division of the Novato Fire Protection District.

4. The District Board hereby finds, pursuant to the authority conferred upon it under California Health and Safety Code Section 13869.7, that local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications to the 2019 California Fire Code and the 2018 International Wildland-Urban Interface Code in order to reflect local climatic, geological and topographical conditions, in order to provide a reasonable degree of property security and fire and life safety in this Fire District.

Specifically, the District Board finds that the following local conditions make more stringent standards a necessity:

Climatic

Precipitation. Precipitation ranges from 15 to 42 inches per year with an average of approximately 25 inches per year. Approximately ninety percent (90%) falls during the months of November through April, and 10% from May through October.

Relative Humidity. Humidity generally ranges from 50% during daytime to 86% at night. It drops to 20% during the summer months and occasionally drops lower.

Temperatures. Temperatures have been recorded as high as 104 degrees F. Average summer highs are in the 78 degree to 85-degree range.

Winds. Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5 – 15 mph range, gusting to 7.4 – 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

Summary. These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another, commonly found in Novato. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blowtorch effect, in addition to preventing “natural” ventilation and cross-ventilation efforts.

Geographic and Topographic

Geography. The fire environment of a community is primarily a combination of two factors: the area’s physical geographic characteristics and the historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area’s fire protection needs.

The basic geographical boundaries of the District include Big Rock Ridge to the south, the Grossi Ranch to the west, Burdell Mountain to the north and the Bahia Subdivision to the east.

Because of the size of the Novato Fire Protection District (75 square miles), the characteristics of the fire environment changes from one location to the next. Therefore, the District has not one, but a number of fire environments, each of which has its individual fire protection needs.

The service area of the Novato Fire Protection District has a varied topography and vegetative cover. A conglomeration of bay plains, hills and ridges make up the terrain. Development has occurred on the flat lands in the central portion of the District. However, over the last 25 years, development has spread into the surrounding hills and the smaller valleys and canyons.

Seismic Location. The relatively young geological processes that have created the San Francisco Bay Area are still active today. The District sits between two active earthquake faults: San Andreas and the Hayward/-Calaveras and numerous potentially active faults. Approximately 50% of the District's land surface is in the high-to-moderate seismic hazard zones.

Size and Population. The Novato Fire Protection District covers 75 square miles including an urban population estimated at 58,200. Novato is the second largest fire department in Marin County. Within the Fire Protection District are five (5) fire stations and a total of 77 Fire District personnel. The Fire Protection District handles diverse responsibilities including wildland, urban, freeway, air, rail and paramedical.

Roads and Streets. There is no master plan for roadway right-of-way and construction within the District. As a result, new developments are generally serviced by lengthy cul-de-sacs. Most of the smaller canyons and valleys, as well as hillsides, are served by cul-de-sacs and dead-end roads. Some planned unit developments are served by private roads which create access problems (i.e., narrow paved widths and on-street parking).

The roadway systems on the flat lands within the City of Novato are for the most part a grid or loop system. Roadways with less than 20 feet of unobstructed paved surface, with a dead-end longer than 150 feet, with a cull-de-sac longer than 800 feet, or with a cul-de-sac diameter less than 68 feet are considered hazardous in terms of fire access and protection. A large number of roadways within the District fall into one of the above four categories.

Topography. The District's service area is a conglomeration of bay plains, hills, valleys and ridges. The flatter lands are found in the central and eastern portions of the District. Most of the existing urban and suburbanized areas are on relatively flat lands (0 – 5% slope). During extraordinary precipitation events low laying areas are susceptible to flooding preventing access to some commercial and residential occupied areas of the District. Potential for levy and or water supply failure in these areas is also of concern.

Future residential development is proposed for the hill areas south and east of the present City of Novato. The majority of the hillsides in these areas have slopes ranging from 15 – 30% and 30+%. The steeper slopes north and west of the City of Novato are planned for agriculture and open space.

Elevations are varied in the District with Bahia (Black Point) listed as 5 feet above sea level. Downtown Novato is 18 feet above sea level, Burdell Mountain summit is 1,558 feet, and Big Rock Ridge summit is at 1,887 feet.

Correspondingly, there is much diversity in slope percentages. Bahia slopes run from level to near 70%. Burdell Mountain has slopes that run from 20 to 70%. Big Rock Ridge has slopes from 40 – 80%. Slope is an important factor in fire spread. As a basic rule of thumb, the rate of spread will double as the slope percentage doubles, all other actors remaining the same.

Vegetation. Novato’s semi-arid Mediterranean-type climate produces vegetation similar to that of most of Marin County, with specific growth locale a result of topography and prevailing wind. The south facing exposure is primarily rye grass with occasional clumps of bay and oak trees in the more sheltered pockets. The north facing slopes are heavily wooded from lower elevations to ridge with oak and bay trees and minor shrubs of the general chaparral class.

Expansion of the residential community into areas of heavier vegetation has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view.

The vast majority of structures within the District have combustible construction.. Combustible materials are susceptible to ignition by embers from a wildland fire, furthering the spread of fire to adjacent buildings.

Of the Fire District’s 75 square mile service area, approximately 40 square miles encompasses the wildland urban interface area. Proliferation of sudden oak death syndrome has increased the dead fuel loads in the oak woodlands and bay forests which has significantly increased fire brand production and crown fire potential within the wildland urban interface area.

Summary. The above local geographic and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Novato Fire Protection District.

Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. The majority of all dwellings located in the Wildland Urban Interface Area are made of combustible construction and do not conform to the current California Building Code for exterior ignition resistant construction.

The majority of the City’s industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. The District’s resources would have to be

prioritized to mitigate the greatest threat and may likely be unavailable for smaller single-dwelling or structure fires.

Miscellaneous

Other variables may tend to intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge and/or freeway overpass collapse;
- 3) The extent of roadway damage and/or amount of debris blocking the roadways;
- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) The large portion of dwellings with combustible construction could result in conflagrations.

Conclusion: Local climatic, geographic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be reasonably necessary that the California Fire Code and the State Building Standards Code be changed or modified to mitigate the effects of the above conditions.

5. That the following sections of the California Fire Code, 2019 edition are here by revised, amended, added or deleted as identified. NOTE: Unless text from individual Sections of the California Fire Code, 2019 edition, is specifically amended, modified or deleted under this Section 5, it shall be assumed to have been adopted pursuant to Section 1. The omission of any portions of the full text in the amendments that follow shall not be assumed to effect a deletion of that section unless there is specific language deleting the section or subsection.:

CHAPTER 1

SCOPE AND ADMINISTRATION

California Fire Code, Section 101.1 is amended to read as follows:

[A] 101.1 Title. These regulations *and locally adopted standards* shall be known as the *Fire Code of the Novato Fire Protection District* hereinafter referred to as “this code.”

California Fire Code, Section 102.5 is amended to read as follows:

102.5 Application of residential code. Where structures are designed and constructed in accordance with the *California Residential Code*, the provisions of this code shall apply as follows:

1. Construction and designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. *Provisions of this code pertaining to the interior of the structure when specifically required by this code including, but not limited to, Section 903.2 and 1204.2.1 shall apply.* Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 shall apply.
2. Administrative, operational and maintenance provisions of this code shall apply.

A new Section 102.7.3 is added to the California Fire Code to read as follows:

102.7.3 Nationally Recognized Listed Products. *Any installation of products and equipment due to permits required by this Code shall be Labeled and Listed, as defined in Section 202.*

A new Section 104.1.1 is added to the California Fire Code to read as follows:

104.1.1 Supplemental Rules, Regulations and Standards or Policies. *The fire code official is authorized to make and enforce rules and supplemental regulations and to develop Fire Protection Standards or polices to carry out the application and intent of this code.*

A new Section 104.12 is added to the California Fire Code to read as follows:

104.12 Fire prevention resource sharing. *Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement, investigation and other fire prevention services when requested to do so.*

California Fire Code, Section 105.6 is amended to read as follows:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for operations set forth in Sections 105.6.1 through 105.6.52.

A new Section 105.6.52 is added to the California Fire Code to read as follows:

105.6.52 Local permits. *In addition to the permits required by section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions. Any fees associated with such permits shall be established by Resolution of the Board of Directors and placed on the District's Master Fee Schedule:*

1. **Apartment, hotel, or motel.** An operational permit is required to operate an apartment house, hotel or motel.
2. **Cannabis.** Operational permits are required to operate a cannabis facility or operation listed below:
 - 2.1. Cultivation
 - 2.2. Distribution
 - 2.3. Manufacturing
 - 2.4. Testing/lab
3. **Care facilities.** An operational permit is required to operate a care facility as listed:
 - 3.1. Day care with an occupant load greater than eight (8) persons.
 - 3.2. Residential or commercial institutional care facility, occupancies complying with Health and Safety Code Section 13235 are exempt.
4. **Emergency responder radio system.** An operational permit is required to operate an Emergency Responder Radio System.
5. **Fire protection plan.** An operational permit is required to implement a fire protection plan.
6. **Live entertainment.** An operational permit is required to operate a business where alcohol is served, while providing live entertainment to the public.
7. **Model rockets rental, sale or operation.** An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined by Health and Safety Code Section 12519.
8. **Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed source or more than 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

California Fire Code, Section 105.7 is amended to read as follows:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.26.

A new Section 105.7.26 is added to the California Fire Code to read as follows:

105.7.26 Vegetation management plan. A construction permit is required to implement a vegetation management plan.

California Fire Code, Section 110.4 is amended to read as follows:

[A] 110.4 Violation penalties. Any persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certification used under provisions of this code, or any person operating or maintaining any occupancy, premises, or vehicle subject to this

code, fire and life safety provisions of the California Building or Fire Codes, or allow any fire hazard to exist on premises under their control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the fire code official or authorized designee shall be guilty of a misdemeanor, and shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than \$1,000 or by imprisonment not exceeding 180 days, or both such fine and imprisonment.

The first citation, within a 12-month period, for violations of the Fire Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the Novato Fire Protection District and is set at \$150 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Novato Fire Protection District. Said civil penalties shall be a debt owed to the District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in Section 14. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Novato Fire Protection District for such civil penalty and costs of the litigation, including reasonable attorney's fees.

Any subsequent citations within a twelve (12) month period for any violations of the Fire Code and any amendments adopted herein shall be misdemeanors/infractions, and shall be subject to the penalties set forth herein.

The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the Novato Fire Protection District to collect the costs of abatement and related administrative costs by a nuisance abatement lien as more particularly set forth in Government Code Section 38773.1, and by special assessment to be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.5. At least thirty (30) days prior to recordation of the lien, or submission of the report to the Tax Collector for collection of this special assessment, the record owner shall receive notice from the Chief of the Novato Fire Protection District intent to charge the property owner for all administrative costs associated with enforcement of this Ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief's decision to the Board of Directors of the Novato Fire Protection District within fifteen (15) days of the date of the notice and request a

public hearing prior to recordation of the lien or submission of the report to the County Tax Collector for collection of the special assessment. In addition to the foregoing, the Novato Fire Protection District is authorized to prosecute a civil action to collect such abatement costs from the property owner or other person in possession or control of the affected property, and shall be entitled to recover such abatement costs, together with the cost of litigation, including reasonable attorney's fees. The provisions of this section shall also apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in this code.

A new Section 110.4.2 is added to the California Fire Code to read as follows:

110.4.2 Abatement of clearance of brush or vegetative growth from structures. *The executive body is authorized to instruct the Chief to give notice to the owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3 and section 4907.1 of Chapter 49 exists to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.*

A new Section 110.5 is added to the California Fire Code to read as follows:

110.5 Authority to issue citations. *The Chief and members of the Fire Prevention Bureau who have the discretionary duty to enforce a statute or ordinance may, pursuant to Section 836.5 of the California Penal Code and subject to the provisions thereof, arrest a person without a warrant whenever the Chief or member of the Fire Prevention Bureau has reasonable cause to believe that the person to be arrested has committed a violation in the presence of the Chief or member of the Fire Prevention Bureau which he or she has discretionary duty to enforce, and to issue a notice to appear and to release such person on his or her written promise to appear in court, pursuant to the provisions of Section 853.5 et seq. of the California Penal Code.*

(b) It is the intent of the Board of Directors/Supervisors of the Novato Fire Protection District that the immunities provided in Penal Code Section 836.5 be applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

California Fire Code, Section 112.4 is amended to read as follows:

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not less than \$500 or more than \$1,000.

CHAPTER 2

DEFINITIONS

California Fire Code, Section 202, General Definitions, is amended to amend and add the following:

COVERINGS. *Coverings shall mean materials including, but not limited to gypsum board, paneling, floor boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to rough framing of the building elements. 'Coverings' do not include carpet, linoleum, tile, wall paper, or other decorative finishes.*

NUISANCE ALARM. *An unwarranted alarm caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, system servicing testing, construction activities, ordinary household activities, false alarm, malicious or intentional activity (repetitive triggering) or other cause when no such danger exists, or an alarm activated by a cause that cannot be determined.*

OCCUPANCY CLASSIFICATION *is modified as follows:*

[BG] Factory Industrial F-1 Moderate-hazard occupancy *is amended to add to the list of Moderate-hazard factory industrial groups the following:*

Agricultural crop production including cultivation, drying, processing and/or storage

PRE-PLAN. *Pre-plans shall mean detailed plans of target hazard buildings. These pre-plans include information on the building's location, occupancy, hazards, fire department connections and hydrants, building layout, and other pertinent data that would assist the fire department in case of an emergency.*

PUBLIC STORAGE FACILITY. *Public Storage Facility shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.*

SPARK ARRESTOR. *Spark Arrestor shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.*

SUBSTANTIAL REMODEL. *Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which*

is fifty percent of the existing floor area of the structure within any 36-month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists, and coverings (see Section 202[C]), roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

TEMPORARY. *Temporary shall mean any use for a period of less than 90 days.*

CHAPTER 3

GENERAL REQUIREMENTS

California Fire Code, Section 302.1 is amended to add the following:

PUBLIC STORAGE FACILITY

California Fire Code, Section 304.1.2 is amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. *Vegetation clearance requirements in all areas shall be in accordance with Chapter 3 and Chapter 49. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with Chapter 49.*

California Fire Code, Section 319 is deleted.

A new Section 321 is added to the California Fire Code to read as follows:

SECTION 321

PUBLIC STORAGE FACILITIES

321.1 General. *Public Storage Facilities shall comply with the provisions of this section.*

321.2 Location on Property and Fire Resistance of Exterior. *All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.*

321.3 Fire apparatus access. *All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.*

321.4 Storage of Flammable and Combustible Liquids and Hazardous Materials. *The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the fire code official. This section shall apply to new and existing public storage facilities.*

Exception: *Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 57 of this code.*

CHAPTER 4

EMERGENCY PLANNING AND PREPAREDNESS

A new Section 401.1.1 is added to the California Fire Code to read as follows:

401.1.1 Hazardous Occupancies. *In occupancies of a hazardous nature, where access for fire apparatus is unduly difficult, or where special life and fire safety hazards exist as determined by standards or policies of the Novato Fire Protection District, that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an on-site Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Novato Fire Protection District.*

A new Section 401.3.2.1 is added to the California Fire Code to read as follows:

401.3.2.1 Nuisance alarm notification. *Notification of emergency responders based on a nuisance alarm may be punishable by a fine in accordance with the adopted fee schedule or requirements. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from a nuisance alarm notification.*

A new Section 401.3.2.2 is added to the California Fire Code to read as follows:

401.3.2.2 Multiple nuisance alarm notifications. *Any occupancy that has more than three nuisance alarms, causing emergency response within a 12-month period may be required to modify, repair, upgrade or replace their system and/or monitoring station as determined by the fire code official.*

California Fire Code, Section 402.1 is amended to add the following:

NUISANCE ALARM

PRE-PLAN

A new Section 403.1.1 is added to the California Fire Code to read as follows:

403.1.1 Pre-plans. *When determined necessary by the fire code official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.*

A new Section 403.10.1.4 is added to the California Fire Code to read as follows:

403.10.1.4 Emergency Preparedness for Hotels, Lodging and Congregate Houses. *Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.*

CHAPTER 5

FIRE SERVICE FEATURES

California Fire Code, Section 503.1 is amended to read as follows:

503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.5.3

A new Section 503.1.4 is added to the California Fire Code to read as follows:

503.1.4 Undeveloped areas. *Fire apparatus access roads, improved or unimproved, shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the Novato Fire Protection District so as to gain access to improved, unimproved, and undeveloped areas of the Novato Fire Protection District, in a manner approved by the fire code official. Any vehicle or other obstructions may be towed away at the owner's expense.*

A new Section 503.1.5 (with subsections 503.1.5.1-3) is added to the California Fire Code to read as follows:

503.1.5 Aerial fire apparatus access. *Buildings or facilities exceeding 30 feet or three stories in height, approved aerial apparatus access roads shall be provided. For the purposes of this section, the highest rood surface shall be determined by the measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.*

503.1.5.1 Width. *Aerial fire apparatus access roads shall have a minimum unobstructed width of 20 feet or as otherwise approved by the fire code official, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.*

503.1.5.2 Proximity to building. *One or more of the required access routes meeting this condition shall be located not more than 30 feet from the building. The side or sides of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.*

503.1.5.3 Obstructions. *Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.*

A new Section 503.2.6.1 is added to the California Fire Code to read as follows:

503.2.6.1 Evaluation and maintenance. *All existing private bridges and elevated surfaces that are a part of the fire department access roadway shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for safety and weight rating, in accordance with American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," Second Edition, or other approved standard. Vehicle load limits shall be posted at both entrances to bridges. All bridges and elevated structures providing fire department access shall be routinely maintained in accordance with Section 503.2.6 or when directed by the fire code official or authorized designee.*

California Fire Code, Section 503.4 is amended to read as follows:

503.4 Obstruction of fire apparatus access roads. *Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and 503.2.2 shall be maintained at all times. Any vehicle or other obstruction may be towed away at the owner's expense.*

A new Section 503.4.2 is added to the California Fire Code to read as follows:

503.4.2 Prohibition of vehicular parking on private access ways. *If, in the judgment of the fire code official, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the fire code official may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person in charge of the premises to fail to install or maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.*

A new Section 503.6.1 is added to the California Fire Code to read as follows:

503.6.1 Width. *All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 15 feet.*

A new Section 503.6.2 is added to the California Fire Code to read as follows:

503.6.2 Electronic gates. *All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards adopted by the fire code official. All electronic or motorized gates shall incorporate in their design the means for fast, effective manual operation of the gates in the event of power or mechanical failure (i.e., easily removable hinge pins for separating power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code*

California Fire Code, Section 507.5.1 exceptions #1 and #2 are deleted.

California Fire Code, Section 507.5.1.1 is amended to read as follows:

507.5.1.1 Hydrant for fire department connections. *Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 100 feet of the fire department connections, or as approved by the fire code official. (Also see Section 912.2).* California Fire Code, Section 510.1 exception #1 is deleted.

California Fire Code, Section 510.3 is amended to read as follows:

510.3 Permits Required. *Permits shall be required as set forth in Sections 105.6 and 105.7. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.*

CHAPTER 9

FIRE PROTECTION AND LIFE SAFETY SYSTEMS

California Fire Code, Section 901.7 is amended to read as follows:

901.7 Systems out of Service. *Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall be either evacuated or an approved fire watch shall be*

provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. *This section shall also apply to residential fire sprinkler systems.*

Chapter 9, Subsection 903.2 Where required is repealed in its entirety (with the exception of Sub-Subsections 903.2.5, 903.2.6, 903.2.8, 903.2.11, 903.2.12, 903.2.14, 903.2.15, 903.2.16, 903.2.17, 903.2.18, 903.2.19, 903.2.20 which shall remain in effect).

A new Section 903.2 is added to the California Fire Code to read as follows:

903.2 Where required. *Approved automatic sprinkler systems in new and existing buildings shall be provided in the locations described in this section.*

New Sections 903.2.1 through 903.2.4 are added to the California Fire Code to read as follows:

903.2.1 Required installations. *An automatic sprinkler system shall be installed and maintained in all newly constructed buildings or structures.*

Exceptions:

1. *Detached pool houses, workshops, Group U private garages, barns and similar structures, built in conjunction with existing non-sprinklered single family residences and provided the new structure is less than 1,000 square feet and is not intended for use as a dwelling unit.*
2. *Detached non-combustible, limited combustible, or fire-retardant treated wood canopies.*
3. *Group B or M occupancies less than 1000 square feet.*
4. *Detached restroom facilities associated with golf courses, ball fields, parks and similar uses as approved by the fire code official.*
5. *Agricultural buildings as defined in Section 202 of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yards free of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, located within an agricultural zoned district as defined in the Marin County Planning Code.*

903.2.2 Group R-3. *An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies and shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the California Residential Code. An automatic sprinkler system shall be installed in all mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with Title 25 of the California Code of Regulations.*

California Fire Code, Section 903.3.9 is amended to read as follows:

903.3.9 Floor control valves. *Floor control valves and waterflow detection assemblies shall be installed at each floor where any of the following occur:*

1. *Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access.*
2. *Buildings that are two or more stories in height.*
3. *Buildings that are two or more stories below the highest level of fire department vehicle access.*

Exception: *Group R-3 and R-3.1 occupancies floor control valves and waterflow detection assemblies shall not be required.*

California Fire Code, Section 903.6 is amended to read as follows:

903.6 Where required in existing buildings and structures. An automatic sprinkler system shall be provided throughout existing buildings and structures where required in Chapter 11 or that undergo a substantial remodel.

Exception: *Alterations made solely for the purpose of providing barrier removal pursuant to the requirements of the American Disabilities Act (ADA) as contained in exception #4 of Section CBC 11B-204.2.*

Substantial Remodel. *An automatic sprinkler system shall be installed in all buildings which have 50% or more floor area added, or any “substantial remodel” as defined in this code, within any 36-month period.*

A new Section 903.6.1 is added to the California Fire Code to read as follows:

903.6.1 Application. *In all existing buildings, when the addition of automatic fire sprinklers is required by the provisions of this code, automatic fire sprinklers shall be extended into all unprotected areas of the building.*

A new Section 906.11 is added to the California Fire Code to read as follows:

906.11 Fire Extinguisher Documentation. *The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the fire code official written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.*

California Fire Code, Section 907.2.12.1.2 is amended by adding the following:

907.2.12.1.2 Duct smoke detection. *Smoke detectors listed for use in air duct systems shall be provided in accordance with this section and the California Mechanical Code. The activation of any detector required by this section shall initiate a visible and audible supervisory signal at a constantly attended location. Duct smoke detectors complying with section 907.3.1 shall be located as follows:*

1. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 cubic feet per minute (cfm). Such detectors shall be located in a serviceable area downstream of the last duct inlet.
2. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system. In Group R-1 and R-2 occupancies, a smoke detector is allowed to be used in each return air riser carrying not more than 5,000 cfm and serving not more than 10 air-inlet openings.
3. *Duct smoke detectors shall be capable of being reset by a readily accessible, remote push button or key activated switch as approved by the fire code official.*

California Fire Code, Section 907.6.6 is amended to read as follows:

907.6.6 Monitoring. *New and upgraded fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved Central Station in accordance with NFPA 72 and this section.*

Exception: Monitoring by *central* station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies *shall be monitored in accordance with Section 907.2.6.3.*
3. Automatic sprinkler systems in one- and two-family dwellings.
4. Automatic sprinkler systems in occupied, operational Fire Stations.

A new Section 907.8.5.1 is added to the California Fire Code to read as follows:

907.8.5.1 Smoke Alarm Documentation. *The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies for operational fire stations that are occupied shall annually provide the fire code official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.*

CHAPTER 11

CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

California Fire Code, Section 1103.1 is amended to read as follows:

1103.1 Required construction. Existing buildings shall comply with not less than the minimum provisions specified in Table 1103.1 and as further enumerated in Sections 1103.2, 1103.7 through 1103.8.5.3, 1103.9.1, and 1103.10.

The provisions of this chapter shall not be constructed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.

Exceptions:

1. Where a change in fire-resistance rating has been approved in accordance with Section 501.2 or 802.6 of the *California Existing Building Code*.
2. Group U occupancies.

California Fire Code, Sections 1103.2 item #1 is deleted.

California Fire Code, Sections 1103.3 through 1103.6.2 are deleted.

California Fire Code, Section 1103.9 is deleted.

California Fire Code, SECTIONS 1104 and 1105 are deleted.

California Fire Code, **CHAPTER 26 FUMIGATION AND INCECTICIDAL FOGGING** is deleted.

CHAPTER 33

FIRE SAFETY DURING CONSTRUCTION

California Fire Code, Section 3313.3 is amended to read as follows:

3313.3 Detailed Requirements. Standpipes shall be installed in accordance with the provisions of section 905.

Exception: Standpipes shall be either temporary or permanent in nature, and with or without a water supply, provided that such standpipes comply with the requirements of section 905 as to capacity, outlets and materials, *as approved by the fire code official.*

A new Section 3314.5 is added to the California Fire Code to read as follows:

3314.5 Detailed requirements. *Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.*

CHAPTER 39

PROCESSING AND EXTRATION FACILITIES

A new Section 3901.1.1 is added to the California Fire Code to read as follows:

3901.1.1 Marijuana growing, processing, or extraction facilities.

3901.1.1 Marijuana growing, processing, or extraction facilities. *Marijuana growing, processing and extraction facilities shall be designed and constructed in accordance with this chapter and NFPA 1, Chapter 38 as amended in Chapter 80.*

CHAPTER 49

REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

The definition under California Fire Code, Section 4902.1 is amended as follows:

WILDLAND-URBAN INTERFACE FIRE AREA. *A geographical area identified by the Novato Fire Protection District as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires, as designated on the map titled Wildland-Urban Interface Fire Area, dated August 3, 2005 and ratified by the County of Marin and City of Novato on December 18, 2007*

California Fire Code, Section 4906.2 is amended to read as follows:

4906.2 Application. *Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:*

- 1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:
 - 1.1. Moderate Fire Hazard Severity Zones.*
 - 1.2. High Fire Severity Zones.*
 - 1.3. Very-high Fire Severity Zones.**
- 2. Land designated as Very-high Fire Hazard Severity Zone by cities and other local agencies.*
- 3. Land designated as Wildland-Urban Interface Fire Areas by cities and other local agencies.*

California Fire Code, Section 4907.1 is amended to read as follows:

4907.1 General. *Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and “SRA Fire Safe Regulations” California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.*

Buildings and structures within the Very-high Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175-51189 and any local ordinance of the authority having jurisdiction.

Buildings and structures within the Wildland-Urban Interface Fire Area of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in the Government Code Sections 51175-51189 and local standards of the authority having jurisdiction.

A new Section 4907.2 is added to the California Fire Code to read as follows:

4907.2 Fire Hazard Reduction. *Any person who owns, leases, controls or maintains any building or structure, vacant lands, open space, and/or lands within specific Wildland Urban Interface areas of the jurisdiction of the Novato Fire Protection District, shall comply with the following:*

1. *Cut and remove all fire prone vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the fire code official.*
2. *Remove accumulated dead vegetation on the property.*
3. *Cut and remove tree limbs that overhang wood decks and roofs.*
4. *Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters*
5. *Clean any leaves and needles from roof and gutters.*
6. *Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.*
7. *Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with Appendix A of the 2018 International Wildland-Urban Interface Code, as amended by the Novato Fire Protection District.*
8. *Clearance of brush or vegetation growth from fire access road or driveway. The fire code official is authorized to require, within 10 feet on each side and 15 feet in height, of highways, streets, fire apparatus roads and driveways, to be abated of flammable vegetation and other combustible growth.*

Exception:

1. *When approved by the fire code official, single specimens of trees, ornamental shrubbery or similar plants, or plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.*
2. *When approved by the fire code official, other vegetation located more than 30 feet from buildings or structures need not be removed where necessary to stabilize soil and prevent soil erosion.*

A new Section 4908 is added to the California Fire Code to read as follows:

4908 Fire hazard reduction from roadway. The fire code official is authorized to cause areas within 10 feet on each side of portions of highways and private streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. Corrective action, if necessary, shall be the same as the actions required in section 4907.2. The fire code official is authorized to enter upon private property to carry out this work.

Exception: When approved by the Fire Code Official, where necessary to stabilize soil and prevent erosion, single specimens of trees, ornamental, shrubbery or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers, provided that they do not form a means to readily transmitting fire.

CHAPTER 53

COMPRESSED GASES

California Fire Code, Section 5307.2 is amended to delete exception #1.

California Fire Code, Section 5307.3.2 is amended to read as follows:

5307.2.1 Gas detection system. *Indoor storage and use areas and storage buildings shall be provided with a gas detection system complying with Section 916.*

California Fire Code, Section 5307.3.2 is amended to read as follows:

5307.3.2 Gas detection system. Where ventilation is not provided in accordance with Section 5307.3.1, a gas detection system shall be provided in rooms or indoor areas and in below-grade outdoor locations with insulated carbon dioxide systems. Carbon dioxide sensors shall be provided within 12 inches of the floor in the area where the gas is expected to accumulate or other approved locations. The system shall be designed as follows:

1. Activates all audible and visible supervisory alarm at a normally attended location upon detection of a carbon dioxide concentration of 5,000 ppm.
2. Activates an audible and visible alarm within the room or immediate area where the system is installed upon detection of a carbon dioxide concentration of 10,000 ppm.

CHAPTER 56

EXPLOSIVES AND FIREWORKS

California Fire Code, Section 5601.1.3 exceptions #1, #2, and #4 are deleted:

A new Section 5608.1.2 is added to the California Fire Code to read as follows:

5608.1.2 Permit required. *A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to the performance of any firework display. Application for such approval shall be made in writing no less than twenty (20) days prior to the proposed display. The application shall be considered and acted upon by the fire code official or authorized designee pursuant to this Chapter and Title 19, Chapter 6, Article 3 - Licenses of the California Code of Regulations. Any permit for a fireworks display may be suspended or revoked at any time by the Fire code official or authorized designee.*

A new Section 5608.2 is added to the California Fire Code to read as follows:

5608.2 Limitations. *Possession, storage, offer or expose for sale, sell at retail, gift or give away, use, explode, discharge, or in any manner dispose of fireworks is prohibited within the limits established by law as the limits of the districts in which such possession, storage, offer or exposure for sale, retail sale, gifting, use, explosion, discharge, or disposal of fireworks is prohibited in any area as established by applicable land-use and zoning standards.*

Exception: *Firework displays authorized pursuant to section 5608.1 for which a permit has been issued.*

CHAPTER 57

FLAMMABLE AND COMBUSTIBLE LIQUIDS

California Fire Code, Section 5704.2.9.6.1 is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of the districts in which such storage is prohibited in all residential areas and in all heavily populated or congested commercial areas as established by the City of Novato or County of Marin, whichever is applicable, and agricultural land of less than two (2) acres.

California Fire Code, Section 5706.2.4.4 is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of the districts in which such storage is prohibited in all residential areas and in all heavily populated or congested commercial areas as established by City of Novato or County of Marin, whichever is applicable, and agricultural land of less than two (2) acres.

California Fire Code, SECTION 5707 ON-DEMAND MOBILE FUELING OPERATIONS is deleted.

CHAPTER 58

FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS

California Fire Code, Section 5806.2 is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of the districts in which such storage is prohibited in all residential areas and in heavily populated or congested commercial areas, as established by City of Novato or County of Marin, whichever is applicable.

CHAPTER 61

LIQUID PETROLEUM GASES

California Fire Code, Section 6104.2 is amended to read as follows:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons in all residential areas and in all heavily populated or congested commercial areas as established by the City of Novato or County of Marin, whichever is applicable, and agricultural land less than two (2) acres.

CHAPTER 80

REFERENCED STANDARDS

California Fire Code, Chapter 80 is amended as follows:

NFPA 01-18: Fire Code, Chapter 38 Marijuana Growing, Processing, or Extraction Facilities *as amended**

3901.1.1.

**NFPA 1, Chapter 38, is added in its entirety with amended sections as follows:*

Add new Section 38.1.1.1 as follows:

38.1.1.1 Where NFPA 1, Chapter 38 references “this code”, it is amended to reference the applicable provisions or requirements of the California Fire Code. Where NFPA 1, Chapter 38 references the “building code”, it is amended to reference the provisions of the California Building Code.

Revise Section 38.1.2 as follows:

38.1.2 The use, storage and handling of hazardous materials shall comply with this chapter, and other applicable provisions of the *California Building and Fire Codes*.

Delete language to Sections 38.1.5 through 38.4 and reserve section numbers.

Revise Section 38.5.3.1 as follows:

38.5.3.1 Interior finish, including the use of any plastic, mylar, or other thin film sheeting to enclose rooms or cover any walls or ceilings shall be in accordance with the *California Building Code*.

Revise Section 38.6.1.1.2 as follows:

38.6.1.1.2 For other than CO₂ and nonhazardous extraction process, the marijuana extraction equipment and process shall be located in a room *or enclosure* of noncombustible construction dedicated to the extraction process and the room *or enclosure* shall not be used for any other purpose.

Delete language to Sections 38.6.1.1.3 and reserve section number.

Revise Section 38.6.1.5.1.3 as follows:

38.6.1.5.1.3 In addition to the requirements in 38.6.1.5, systems, equipment, and processes shall also comply with *Chapter 50 of the California Fire Code, the California Building Code, and NFPA 90A*.

Revise Section 38.6.1.5.2.2 as follows:

38.6.1.5.2.2 Refrigerators, freezers, and other cooling equipment used to store or cool flammable liquids shall be listed for the storage of flammable/combustible liquids or be listed for Class I Division I locations, as described in Article 501 of the *California Electrical Code*.

Revise Section 38.6.1.5.2.3 as follows:

38.6.1.5.2.3 LPG tanks shall comply with *Chapter 61 of the California Fire Code*.

Delete language to Sections 38.6.1.5.3 through 38.6.1.5.6 and reserve section numbers.

Revise Section 38.6.2.3.5 as follows:

38.6.2.3.5 An automatic emergency power system shall be provided for the following items, when installed:

- (1) Extraction room lighting
- (2) Extraction room ventilation system
- (3) Solvent gas detection system

Exception: *Extraction room ventilation systems in existing facilities are not required to have a secondary power source, such as emergency power or standby power until such time that the medium of extraction or solvent is changed.*

Delete language to Sections 38.6.3.2.1 through 38.6.3.2.2 and reserve section numbers.

Revise Section 38.6.3.3 as follows:

38.6.3.3 Storage and Handling. The storage, use, and handling of flammable liquids shall be in compliance with this chapter and the *California Fire Code*.

Delete language to Sections 38.6.4.3.1 through 38.6.4.3.3 and reserve section numbers.

Delete language to Sections 38.7 and reserve section number.

NFPA 13-16: Standard for the installation of Sprinkler Systems

NFPA 13, Amended additional Sections as follows:

NFPA 13-25.5.1

Revise Section 25.5.1 as follows:

25.5.1 The installing contractor shall identify a hydraulically designed sprinkler system with permanently *raised, stamped or etched* marked weatherproof metal or ridged plastic sign secured with corrosion resistant wire, chain, or other approved means. Such signs shall be placed at the alarm valve, dry pipe valve, preaction valve, or deluge valve supplying the corresponding hydraulically designed area. *Pipe schedule systems shall be provided with a sign indicating that the system was designed and installed as a pipe schedule system and the hazard classification(s) included in the design.*

APPENDIX B

FIRE-FLOW REQUIREMENTS FOR BUILDINGS

California Fire Code, Section B103.3 is amended to include the following exception:

B103.3 Areas without water supply systems. For information regarding water supplies for firefighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142; when authorized by the fire code official, the fire-flow, fire hydrant locations and distribution requirements for Agricultural buildings as approved by the fire code official, one- and two-family dwellings and/or accessory structures associated with one- and two-family dwellings not exceeding 1,000 square feet, may be modified when sufficient evidence is proven that the Emergency Water Standards of Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 4, Section 1275 have been met.

California Fire Code, Appendix B Table B105.1(1) is amended to read as follows:

TABLE B105.1(1)

REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,500	2
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at The required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1,500	2
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	½ value in Table B105.1(2) ^a	Duration in Table B105.1(2) at The required fire-flow rate

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

California Fire Code, Appendix B Table B105.2 is amended to read as follows:

TABLE B105.2

REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

APPENDIX C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

California Fire Code, Section C103.1 is amended to read as follows:

C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the *California Fire Code* shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with the North Marin Water District or as approved by the fire code official.

California Fire Code, Section C103.2 is deleted.

California Fire Code, Section C103.3 is deleted.

2018 International Wildland-Urban Interface Code, Appendix A, is added in its entirety and is amended to read as follows:

International Wildland-Urban Interface Code, Appendix A, Section A104.7.2 is amended to read as follows:

A104.7.2 Permits. The fire code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the fire code official.

A new Section A104.11 is added to Appendix A of the International Wildland-Urban Interface Code to read as follows:

A104.11 Tracer bullets, tracer chargers, rockets and model aircraft. *Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.*

A new Section A104.12 is added to Appendix A of the International Wildland-Urban Interface Code to read as follows:

A104.12 Explosive and blasting. *Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within hazardous fire areas except by permit from the fire code official.*

A new Section A104.13 is added to Appendix A of the International Wildland-Urban Interface Code to read as follows:

A new Section A104.13 is added to Appendix A of the International Wildland-Urban Interface Code to read as follows:

A104.13 Apiaries. *Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the fire code official.*

6. That Ordinance No. 2016-1 of the Novato Fire Protection District entitled Ordinance No. 2016-1 and all other ordinances or parts of laws in conflict herewith are hereby repealed.

7. That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right remedy of any character be lost, impaired or effected by this legislation.

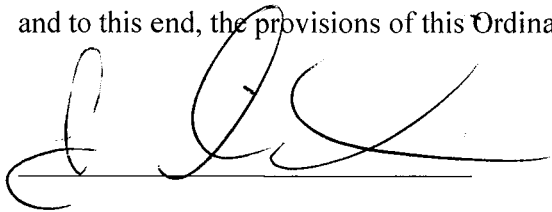
8. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2020 from and after the date of its final passage and adoption.

9. The Board of Director of the Novato Fire Protection District hereby determines that this ordinance establishes procedures for issuing permits and is not a project, and, therefore, is not subject to the California Environmental Quality Act. The Council further finds that the adoption of this ordinance is exempt from CEQA under the provisions of State CEQA guidelines, Section 15061 (b) (3), in that there is no possibility that the provisions enacted by this ordinance will effect a substantial adverse change in the environment.

10. Notwithstanding any provision contained in Title 18 of the Novato Fire Protection District whenever the words "shall," "will," "must," "is charged with the enforcement of," or words of similar import are used in said chapters to establish a responsibility of the Novato Fire Protection District, or of the members of any board, commission, department, officers of the City, including, but not limited to the Council and City Planning Commission thereof, or of any officer, official, or employee of the Novato Fire Protection District, it is the legislative intent that such words shall establish a discretionary authority or power requiring the exercise of judgment and discretion, as distinguished from a mandatory duty. No mandatory duty is imposed upon any member of the Council, or upon any board or commission of the Novato Fire Protection District, or upon any department, officer, official, or employee of the Novato Fire Protection District by the provisions of said chapters, and said chapters shall not be construed so as to hold the Novato Fire Protection District or any member of the Council or of any board, commission, or department of the City, or any officer, official or employee of the Novato Fire Protection District responsible or liable for any damage to persons or property by reason of any action taken or by reason of any approval given or not given, under the provisions of said chapters or in connection with any such members, officers, or employees duties set forth in said chapters.


11. This ordinance shall take effect on the 31st day following its adoption but not before January 4, 2020.

12. If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this Ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this Ordinance are declared to be severable.



JLouis J. Silverman
President of the Board of Directors

Attest:



Jeanne Villa, Clerk of the Board

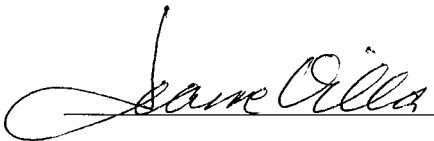
The foregoing **Ordinance No. 2019-2** was read and introduced at a Regular meeting of the Board of Directors of the Novato Fire Protection District held on the 6th day of November, 2019, and ordered passed to print by the following vote, to wit:

AYES: Board Members: *Davis, Galli, Silverman
Metchko, Gaines*

NOES: Board Members: *none*

ABSENT: Board Members: *none*

and will come up for adoption as an Ordinance of the Novato Fire Protection District at a Regular meeting of the Board of Directors to be held on December 4th, 2019.



Jeanne Villa, Clerk of the Board