

**ORDINANCE NO. 2002-1**

**AN ORDINANCE ADOPTING  
THE CALIFORNIA FIRE CODE AND UNIFORM FIRE CODE PRESCRIBING  
REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND  
PROPERTY  
FROM FIRE OR EXPLOSION,  
PROVIDING FOR THE ISSUANCE OF PERMITS  
FOR HAZARDOUS USES OR OPERATIONS,  
AND ESTABLISHING A FIRE LOSS MANAGEMENT DIVISION  
AND PROVIDING OFFICERS THEREFOR  
AND DEFINING THEIR POWERS AND DUTIES**

Be it ordained by the Board of Fire Directors of the Novato Fire Protection District.

**SECTION 1. ADOPTION OF CALIFORNIA FIRE CODE AND UNIFORM FIRE CODE**

There is hereby adopted by the Board of Directors of the Novato Fire Protection District, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code and Standards known as the 2001 California Fire Code which consists of certain portions of the 2000 edition of the Uniform Fire Code as amended by the California Building Standards Commission, including Appendix Divisions I-C, II-A, II-B, II-C, II-D, II-E, II-F, II-H, II-I, II-K, III-A, III-AA, III-B, III-BB, III-C, III-D, IV-A, IV-B, V-A, VI-A, VI-B, VI-C, VI-D, VI-G, VI-H, VI-I, VI-J, VI-K, and the Uniform Fire Code published by the International Fire Code Institute, being particularly the 2000 Editions hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 10 of this Ordinance of which Code and Standards not less than one (1) copy is filed in the office of the Fire Marshal of the Novato Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provision thereof shall be controlling within the limits of the Novato Fire Protection District.

**SECTION 2. ESTABLISHMENT AND DUTIES OF THE DIVISION OF FIRE PREVENTION**

The 2001 California Fire Code, which consists of certain portions of the 2000 edition of the Uniform Fire Code as amended by the California Building Standards Commission, and the 2000 edition of the Uniform Fire Code as adopted and amended herein, shall be enforced by the Fire Loss

Management Division of the Novato Fire Protection District and shall be operated under the supervision of the Chief of the District.

### **SECTION 3. DEFINITIONS**

Wherever they appear in the California and Uniform Fire Code, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

- (a) Whenever the words "Fire Code" are used they shall mean:
  - 1. For those portions of the Uniform Fire Code that have been adopted by the California Building Standards Commission – the California Fire Code.
  - 2. For those portions of the Uniforms Fire Code that have not been adopted by the California Building Standards Commission – the Uniform Fire Code.
- (b) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the Novato Fire Protection District.
- (c) Wherever the term "district counsel" is used in the Fire Code, it shall be held to mean the attorney for the Novato Fire Protection District.
- (d) Wherever the words "Chief of Fire Prevention Bureau" are used in the Fire Code, they shall be held to mean the "Fire Marshal of the Novato Fire Protection District Fire Loss Management Division."

### **SECTION 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED**

The limits referred to in Section 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Novato or the County of Marin, whichever is applicable, and agricultural land of less than two (2) acres.

### **SECTION 5. ESTABLISHMENTS OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED**

The limits referred to in Section 8204.2 of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Novato or the County of Marin, whichever is applicable.

**SECTION 6. ESTABLISHMENTS OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED**

The limits referred to in Section 7701.7.2 of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are amended as follows: In all residential areas and in heavily populated or congested commercial areas as established by the City of Novato or the County of Marin, whichever is applicable.

**SECTION 7. ESTABLISHMENT OF THE LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED**

The limits referred to in Section 5204.5.2 of the Uniform Fire Code, in which the storage of compressed natural gas is prohibited, are hereby established as follows: in all residential areas and in heavily populated or congested commercial areas, as established by the City of Novato or the County of Marin, whichever is applicable.

**SECTION 8. ESTABLISHMENT OF THE LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED**

The limits referred to in Section 3-1.5 of the Uniform Fire Code Standard 80-3, in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: in all residential areas and in heavily populated or congested commercial areas, as established by the City of Novato or the County of Marin, whichever is applicable.

**SECTION 9. ESTABLISHMENT OF THE LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED**

The limits referred to in Section 8001.1.1 of the Uniform Fire Code, in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: in all residential areas and in heavily populated or congested commercial areas, as established by the City of Novato or the County of Marin, whichever is applicable.

**SECTION 10 AMENDMENTS MADE TO THE 2001 CALIFORNIA FIRE CODE AND 2000 UNIFORM FIRE CODE**

The 2001 California Fire Code and the 2000 Uniform Fire Code is amended and changed in the following respects:

•Section 101.4 of Article 1 is hereby amended and shall read as follows:

Section 101.4 Supplemental Rules, Regulations and Standards. The chief is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards to carry out the application and intent of its provisions. The balance of this section to remain unchanged.

•Section 101.5 of Article 1 is hereby amended by designating the existing sections as subsections 101.5.1 and 101.5.2, and by adding subsection 101.5.3 to read as follows:

Section 101.5.3. The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 103.2.1.1 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

•Section 103.2.1.1 of Article 1 is hereby amended and shall read as follows:

Section 103.2.1.1. Authority for Enforcement. The Chief shall be responsible for the administration and enforcement of this Code. Under the direction of the Fire Chief, the Fire District shall enforce all ordinances of the jurisdiction and the laws of the State and Federal governments pertaining to:

Balance of Section to remain as is without change except that Item (3) is amended to read as follows:

- Section 103.2.1.1(3) of Article 1 is hereby amended and shall read as follows:

Section 103.2.1.1(3). The storage, use, disposal, handling and transportation of explosive, flammable, combustible, toxic, corrosive, and other hazardous materials as defined in Section 209-H.

- Section 105.3 is amended by adding the following sentence thereto:

The person actually maintaining, storing, using or handling permitted materials or conducting processes, producing hazardous conditions, or installing equipment shall apply for the permit.

- Section 105.8 of Article 1 is hereby amended by adding permits f-6. Fire Protection Systems and shall read as follows:

f.6. **Fire Protection Systems.** For permits for Fire Protection Systems, see Section 1001.3.1 of the 2000 Uniform Fire Code (2001 CFC)

- Section 207-F of Article 2 is hereby amended by adding the definition of Fire Road thereto.

Fire Road shall mean those improved or unimproved roads, public or private, that provide access for firefighting equipment and personnel to undeveloped areas.

- Section 217-P of Article 2 is hereby amended by adding the definition of Public Storage Facility thereto.

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.

- Section 220-S of Article 2 is hereby amended by adding the definition of spark arrestor and substantial remodel.

- Section 220-S. Definitions – Second Unit shall mean an attached or detached additional dwelling unit on a single family lot which provides complete independent living facilities, which may include a kitchen or cooking area, sleeping area or sanitation facilities on the same lot as the primary unit.

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 shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure. When any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, 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 purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

•Section 221-T of Article 2 is hereby amended by adding the definition of Temporary thereto.

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

•Section 901.3 of Article 9 is hereby amended by adding a paragraph thereto to read as follows:

•Section 901.3 **Timing of Installation.** Failure to comply with this section upon written or verbal notice from the Chief shall result in a Fire District order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

•Section 901.7 of Article 9 is hereby amended by adding a paragraph thereto to read as follows:

•Section 901.7 **Fire Roads.** Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the District so as to gain access to improved, unimproved, and undeveloped areas of the District, in a manner approved by the Chief.

- Section 902.2.1 is amended by adding a sentence thereto to read as follows:

In addition, if the building is 3 or more stories or 35 feet (10 670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified

by the chief.

Balance of Section 902.2.1 is retained without change.

- Section 902.2.4.1 is amended by adding a sentence thereto to read as follows:

Any vehicle causing such an obstruction may be towed away at the owner's expense.

- Section 902.2.4.3 is added to read as follows:

**902.2.4.3 Prohibition on Vehicular Parking on Private Accessways.**

If, in the judgment of the Chief, it is necessary to prohibit vehicular parking along private accessways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Chief 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, 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 accessway contrary to such markings or signs. Any vehicle so parked in the private accessway may be towed away at the expense of the owner of the vehicle.

•Section 902.2.2.5. of Article 9 is hereby amended with the following additional language to read as follows:

Section 902.2.2.5 Bridges, Piers and Wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Chief.

•Section 902.4. of Article 9 is hereby amended to read as follows:

Section 902.4.1 **Key Entry Systems. General.** When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key entry system to be installed in an accessible location. The key entry system shall be of an approved type and if it is a box shall contain keys necessary to gain access as required by the chief.

902.4.1.2 All gates shall open fully to provide an unobstructed passage width of not less than 16 feet and a minimum net vertical clearance of 13 feet 6 inches, or the approved net clear opening of the required all weather roadway or driveway.

902.4.1.3 All costs associated with the required emergency access provision of this section shall be borne by the owner of the security gate and appurtenances.

Section 902.4.2 **Buildings with Fire Protection Systems.** All buildings which have installed therein automatic supervised products of combustion fire detection and alarm system, automatic fire sprinkler system or security gate shall have installed a key entry system approved by the Chief.

**Exception:** Single family dwellings are excepted if only required due to a detection or sprinkler system.

Section 902.4.3 **Facilities with Hazardous Materials.** All facilities that are required to submit Hazardous Materials Business Plans shall have installed a key entry system approved by the Chief for access to the facility and all buildings at the facility.

Section 902.4.4 **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 Chief.

All electronic or motorized gates shall incorporate in their design that 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 powerized 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.

•Section 903.4.2.1 of Article 9 is hereby added to read:

Section 903.4.2.1 **Fire hydrant upgrades.** When additions or modifications to structures are made, the nearest fire hydrant (if a new one is not required) located by the Chief, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the



minimum standard of one 4 1/2" outlet and two 2 1/2" outlets for commercial structures.

Exception: If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.

- Section 1001.3 is amended by renumbering the existing section as 1001.3.1 to read as follows, and by adding a new section 1001.3.2:

Section 1001.3.1 **Plans and Permits.** A permit, from the Fire Department is required and

Balance of Section 1001.3 is retained without change.

Section 1001.3.2 **Expiration.** Every permit issued under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced and thereafter no substantial work as authorized by such permit occurs for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made to the original plans and specifications, and further provided that the suspension or abandonment has not exceeded one year. Otherwise, to renew action on an expired permit, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of time within which work may commence under the permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The chief may extend the time for action by the permittee for a period not exceeding 180 days on written request of the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

•Section 1001.5.2 of Article 10 is hereby amended by adding the following:

Section 1001.5.2 The Chief shall be notified, in writing, of the condition of all fire protection systems, whether they are inoperative, deficient or certified within 30 days of any test or inspection by any concern licensed by the State Contractors License Board or the Office of the State Fire Marshal. This section shall also apply to residential fire sprinkler systems.

- Section 1002.4 of Article 10 is added to read as follows:

Section 1002.4 Fire Extinguisher Documentation. The owner and/or operator of every group R Division 1 occupancy shall annually provide the Chief 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.

- Section 1003.2.2 of Article 10 is hereby amended to read as follows and delete Sections 1003.2.3, 1003.2.4, 1003.2.5, 1003.2.6, 1003.2.7, 1003.2.8, and 1003.2.9.

Section 1003.2.2 **All Occupancies and Facilities.** An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

**Exceptions:** a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 5-A of the Building Code.

b. Agricultural buildings as defined in Appendix 3 of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, and located within an Agricultural zoned district as defined in the Marin County Planning Code.

2. In newly created second units.

3. In all buildings which have more than fifty per cent (50%) floor area added or any “substantial remodel” as defined in this code, within any 12 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.

4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 12 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.

5. In all residential buildings required to be sprinkled above, attached garages shall also be sprinkled, and in multi-family residential occupancies the attics shall be sprinkled.

6. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building in accordance with standards developed by the chief.

7. All single family dwellings in excess of 6,000 sq.ft. shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R and Standards developed by the Chief.

8. The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 505.3, 506, and 508 of the Uniform Building Code.

9. All public storage facilities shall be provided with an automatic fire sprinkler system.

- Section 1003.3.1 of Article 10 is amended to read as follows:

Section 1003.3.1 **Where required.** The alarm from any automatic fire sprinkler system shall transmit fire and tamper signals to a Central Station which has been approved by the Fire District and a nationally recognized testing laboratory and with Standards developed by the Chief.

**Exception:** Single family dwellings.

- Section 1003.4 of Article 10 is amended to read as follows:

Section 1003.4 **Permissible Sprinkler Omissions.** Subject to the approval of the Chief, and with the installation of alternative means of protection, sprinklers may be omitted in rooms or areas as follows:

(Balance of Section 1003.4 is retained without change.)

- Section 1006.2.1.4 of Article 10 is added to read as follows:

Section 1006.2.1.4 **Fire Alarm Monitoring.** The alarm from any automatic fire alarm system or automatic fire extinguishing system shall transmit fire and tamper signals to a Central Station which has been approved by the Fire District and a nationally recognized testing laboratory and with Standards developed by the Chief.

**Exception:** Group R-3, U and Agricultural Buildings.

- Section 1006.2.9.3.4 of Article 10 is added to read as follows:

Section 1006.2.9.3.4 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1 and Division 2 Occupancy shall annually provide the Chief 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.

- Section 1103.2.4.1 of Article 11 is added to read as follows:

Section 1103.2.4.1 **Fire Hazard Reduction.** Any person who owns, leases, controls or maintains any building or structure within the limits of the Novato Fire Protection District shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, 100 feet on downhill slopes. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves and needles from roof and gutters. Cut and remove low branches on trees, 6 feet from ground when trees exceed 18 feet in height.

- Section 1115.1 of Article 11 is hereby added to read as follows:

Section 1115.1 **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 5-A of the Uniform Building code for Group F, Division 1 occupancies.

Section 1115.2 **Public Storage Facilities.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 902.2.

- Section 1115.3 of Article 11 is hereby added to read as follows:

Section 1115.4 **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 Chief. 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 article 79 of this code.

- Section 1303.1 of Article 13 is amended to read as follows:

Section 1303.1. **General.** 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 of the Fire 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 Section 1303 and standards developed by the Fire District.

•Section 2501.18 of Article 25 is hereby amended by adding thereto a sentence to read as follows:

Section 2501.18 Facility personnel shall also perform, as required, emergency medical care to the sick and injured.

•Section 7904.6.5.2.1 of Article 79 is amended to read as follow:

Section 7904.6.5.2.1 **Parking Near Residential, Educational, Assembly and Institutional Occupancies and Other High Risk Areas.** A tank vehicle shall not be left unattended on any residential street; nor in or within five hundred (500) feet of any residential area, apartment or hotel complex, educational, public assembly, hospital or care facility at any time; or at any other place that would, in the opinion of the Chief, present an extreme life hazard.

In locations other than those specified in above, a driver shall not leave a tank vehicle unattended on any street, highway, avenue or alley.

•Section 7904.6.5.2.2 of Article 79 is amended by amending Exception 2 to read as follows:

Section 7904.6.5.2.2 **Parking on Thoroughfares.** Exception:

Stops for meals during the day or night, if the street is well-lighted at the point of parking and the tank vehicle is visible from the place of dining. The vehicle location shall be in accordance with Section 7904.6.5.2.1. If the public assembly is a restaurant, the vehicle may be at one hundred and fifty (150) feet instead of the five hundred (500) feet stated above;

•Section 7904.6.5.2.4 of Article 79 is hereby amended to read as follows:

Section 7904.6.5.2.4 **Durations Exceeding One Hour.** Tank vehicles parked at any one point for longer than one hour shall be located off of streets, highways, avenues or alleys in accordance with the distance provisions of Section 7904.6.5.2.1, and

[Balance of Section is retained without change.]

- Section 8001.17of Article 80 is hereby added to read as follows:

Section 8001.17 **Parking and Garaging.** The parking and garaging of vehicles used for the transportation of hazardous materials shall comply with Section 7904.6.5 and 7904.6.6.

Section 9001.4 **Nationally Recognized Listed Products.** Any installation of products and equipment due to permits required by this code shall be Listed and Labeled, as defined in Section 213.

- Appendix II-A, Section 16.2, of the 2000 Uniform Fire Code, is hereby amended to read as follows:

Appendix II-A, 16.2 **Corrective Action.** Failure to comply with the requirements of Section 16.1 shall be deemed a public nuisance. Whenever the Chief determines that there is substantial evidence of a failure to comply with Section 16.1, he shall cause a written Notice of Hearing to be posted on the affected property, and to be served by certified mail on the property owner at the address shown on the county assessor records. Said Notice of Hearing shall specify the conditions violating Section 16.1, and the date, time and place at which the Chief will hear evidence from the property owner and all interested persons on the existence of a public nuisance on the affected property. The hearing date shall be scheduled no sooner than 10 days following posting and service of the Notice of Hearing. Following the hearing, the Chief shall render a written Decision, which shall be final. If the hearing Officer finds that a public nuisance does exist, the Decision shall contain an order directing the property owner to abate such public nuisance on or before a specified date. A copy of the Decision shall be posted on the affected property and served by certified mail on the property owner as provided above. If the property owner fails to abate the public nuisance by the specified date contained in the Decision, the Chief is authorized to cause the nuisance to be abated, and Fire District employees, agents and contractors are expressly authorized to enter upon the affected property for that purpose. The Fire Marshal shall keep an account of the abatement costs and shall prepare an itemized report concerning same. The rates and charges for such abatement shall be established by District Board resolution. The cost of such abatement and related administrative costs, including any attorney time, shall constitute a nuisance abatement lien on the affected property as more particularly set forth in Government Code Section 38773.1, and a special assessment against the affected property which may be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.1. At least thirty (30) days prior to the recordation of the lien, or submission of the report to the County Tax Collector

for collection of a special assessment, the property owner shall receive notification the Fire Marshal of the Fire District's intention to charge the property owner for the aforementioned abatement and related administrative costs. The property owner may appeal from the Fire Marshal's Decision to the Fire Chief within fifteen (15) days of the date of the notice and request a hearing prior to the recordation of the lien or submission of the report to the County Tax collector for collection of the special assessment. The Decision by the Fire Chief shall be final. In addition to the foregoing, the Fire 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.

•Appendix II-A, Section 17 is hereby amended by adding the following sentence thereto:

Appendix II-A, 17. **Clearance of Brush or Vegetative Growth from Roadways.** Corrective action, if necessary, shall be in the same manner as Appendix II-A, Section 16.2.

Section 9001.4 **Nationally Recognized Listed Products.** Any installation of products and equipment due to permits required by this code shall be Listed and Labeled, as defined in Section 213.

## **SECTION 11 AUTHORITY TO ARREST AND ISSUE CITATIONS**

(a) The Fire Chief, Chief Officers, Deputy Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the Uniform Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.

(b) It is the intent of the Fire Board 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.

## **SECTION 12 PENALTIES**

(a) The violations of the Uniform Fire Code as adopted herein are misdemeanors/infractions and are subject to the penalties set forth here in.

(b) The first citation, within a 12-month period, for violations of the Uniform 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 Fire 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 11. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the District for such civil penalty and costs of the litigation, including reasonable attorney's fees.

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

(d) The imposition of one penalty for 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 occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.

(e) Nothing contained in Subsections (a) through (f) of this Section shall be construed or interpreted to prevent the District from recovering all costs associated with a Fire District response as described in Section 101.5 of the 2000 Uniform Fire Code.

(f) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the 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 District's 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 Novato Fire Protection District Board of Directors 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 Fire 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 Section 16.2 of Appendix II-A of the 2000 Uniform Fire Code as amended in Section 10 of this Code.

### **SECTION 13. APPEALS**

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 12 or a bill for Fire District response costs and expenses pursuant to Section 101.5 of the Uniform Fire Code, may file within thirty (30) days after the date of mailing the citation or bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of the time and place of the hearing. Within ten (10) days after the hearing the Chief shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the hearing officer.

(b) Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Directors of the Novato Fire District within 10 days from the date of the decision. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in Item 16.2 of Appendix II-A of the 2000 Uniform Fire Code as amended in Section 10 of this Code, or to matters for which an appeal is provided pursuant to Section 13(a) above.

### **SECTION 14 FORMER ORDINANCES**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code hereby adopted are hereby repealed.

**SECTION 15     VALIDITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors of the Novato Fire Protection District hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

**SECTION 16     ORDINANCE PUBLICATION AND EFFECTIVE DATE**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the District Clerk at least five (5) days prior to the Board Meeting at which it is adopted.

This Ordinance shall be in full force and effective thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the District Board of Directors voting for or against same, in the Independent Journal, a newspaper of general circulation published in the City of Novato, County of Marin, State of California.

Within fifteen (15) days after adoption, the District Clerk shall also post in the office of the District Clerk, a certified copy of the full text of this Ordinance along with the names of those District Board Members voting for and against the Ordinance.

\_\_\_\_\_  
Mel Nunes, President

Attest:

\_\_\_\_\_  
Nancy Roberts, District Clerk

The foregoing **Ordinance No. 2002-1** was read and introduced at a Regular meeting of the Board of Directors of the Novato Fire Protection District held on the 20th day of August 2002, and ordered passed to print by the following vote, to wit:

AYES:            Board Members:

NOES:           Board Members:

ABSENT:        Board Members:

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 the 4th day of September, 2002.

\_\_\_\_\_  
Nancy Roberts, District Clerk