

ORDINANCE NO. 88-1

**AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE AND  
UNIFORM FIRE CODE STANDARDS 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 BUREAU OF FIRE  
PREVENTION AND PROVIDING OFFICERS THEREFORE AND  
DEFINING THEIR POWERS AND DUTIES**

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

**SEC. 1. ADOPTION OF 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 Uniform Fire Code, including Appendix Divisions I-C, II-A, II-B, II-C, II-D, III-A, III-B, III-C, IV-A, V-A, VI-C and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1985 Editions hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 6 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 a 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.

**SEC. 2. DEFINITIONS**

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

(a) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the Novato Fire Protection District.

(b) Wherever the term "corporate counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for the Novato Fire Protection District.

(c) Wherever the words "Chief of the Bureau of Fire Prevention and Investigation" are used in the Uniform Fire Code, they shall be held to mean the "Fire Marshal of the Novato Fire Protection District."

**SEC. 3 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH  
STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS  
IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED**

(a) The limits referred to in Section 79.501 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 mercantile 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.

(b) The limits referred to in Section 79.1401 of the Uniform Fire Code in which bulk plants for flammable or combustible liquids is prohibited are amended as

follows: In all residential areas and in all mercantile areas primarily retail in character as established by the City of Novato or the County of Marin, whichever is applicable.

**SEC. 4 ESTABLISHMENTS OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED**

The limits referred to in Section 82.105(a) 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.

**SEC. 5. ESTABLISHMENTS OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED**

The limits referred to in Section 77.106(b) 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.

**SEC. 6. AMENDMENTS MADE IN THE UNIFORM FIRE CODE**

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

Section 2.101 of Article 2 is hereby amended and shall read as follows:

Section 2.101. Responsibility for Enforcement. The Chief shall be responsible for the administration and enforcement of this Code. Under his direction, the Fire District shall enforce all ordinances of the jurisdiction and the laws of the State and Federal governments pertaining to:

Section 2.101(c) of Article 2 is hereby amended and shall read as follows:

Section 2.101(c). The storage, use, disposal, handling and transportation of explosive, flammable, combustible, toxic, corrosive, and other hazardous materials as defined in Section 9.110.

Section 2.108 of Article 2 is hereby amended by designating the existing paragraph as subparagraph (a) and by adding subparagraph (b) to read as follows:

Section 2.108(b). The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 2.101 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.

Section 2.206 is hereby added to the Code and shall read as follows:

Section 2.206. Citations. The Chief of the Novato Fire Protection District or his duly authorized representative may issue citations for violation of this Code. (Reference: Section 13872, Health & Safety Code, State of CA).

Section 9.110 of Article 9 is hereby amended by adding the definition of hazardous materials thereto.

Section 9.110(H). Definitions. Hazardous materials shall include all materials classified as such in Title 49 of the Code of Federal Regulations and highly toxic materials, reactive materials, unstable materials, hypergolic and pyroforic materials, as defined in this Article or any substance or mixture of substances which is a strong sensitizer, or which generates pressure through exposure to heat, decomposition or other means.

Article 9.120 of Article 9 is hereby amended by adding the definition of Require Fire Flow thereto.

Section 9.120(R). Definitions - Required Fire Flow shall mean the quantity of water required for firefighting purposes as determined by the use of the guide for determination of required fire flow, 1974 edition, published by the Insurance Services Office and related standards developed by the Fire District.

Section 9.121 of Article 9 is hereby amended by adding spark arrestor and supervised products of combustion fire detection and alarm systems thereto.

Section 9.121(S). Definitions - Spark Arrestor shall mean a device constructed in a workman-like manner of stainless steel, aluminum, copper, brass, or woven galvanized wire mesh 19 gauge minimum with 3/8" minimum to 1/2" maximum opening mounted in or over all outside flue openings adequately supported to prevent movement and visible from the ground.

Supervised Products of Combustion Fire Detection and Alarm System shall mean a system that has detectors sensitive to any product of combustion (except that a system consisting entirely of detectors sensitive to heat only may not be acceptable unless approved by the Fire District), has devices to sound an alarm clearly audible in all areas of the structure when intervening doors are closed, has detectors, installed in locations and in a manner approved by the Fire District, has a signal or intercommunications system used for no other purpose than fire warning and which transmits a signal to a Central Station approved by a nationally recognized testing laboratory. Such system shall be installed and maintained in accordance with the standards of the National Fire Protection Association and the Fire District.

Section 10.205(b) of Article 10 is hereby amended and shall read as follows:

Section 10.205(b). No person except a public officer acting within the scope of his public duties shall trespass upon any road or trail which has been closed and obstructed in the manner authorized by this section without the express permission of the Chief nor shall any person park any vehicle so as to obstruct the entrance to or traveled way of such road or trail. Any vehicle causing such obstruction shall be towed away at the owner's expense.

Section 10.209 of Article 10 is hereby amended by designating the existing paragraph as subparagraph (a) and by adding subparagraph (b) to read as follows:

Section 10.209(b). All buildings which have installed therein an automatic supervised products of combustion fire detection and alarm system, automatic fire sprinkler system or security gate shall have installed an approved key box system.

Section 10.210 is hereby added to the Code and shall read as follows:

Section 10.210. Emergency Brigades. 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 the Fire District, that occupancy shall be required

to develop and implement an Emergency Plan per Fire District standards. The Plan shall provide for an emergency brigade and shall designate an Emergency Brigade Liaison Officer and other elements as approved by Fire District.

Section 10.211 is hereby added to the Code and shall read as follows:

Section 10.211 Access for Emergency Service Vehicles Where Security Gates or Barricades are used.

(a) Where security gates or barricades are employed, they shall incorporate provision for emergency service vehicles, access in the following form:

1. Chains, Cables and Manually Operated Gates:

Security/locking arrangement shall include either a link chain which may be cut with bolt cutters or a Novato Fire District coded security box into which shall be placed duplicates of owner's keys, written combinations, instructions, as required for gaining entry.

2. Motorized Security Gates:

When serving no more than two (2) properties, the security system shall include a Novato Fire District coded electrical switch installed in series with the owner(s) controls so that gates will open upon activating the switch and remain open until the switch is restored to normal position.

Where such gates serve more than two (2) properties, the security system shall incorporate a supervised emergency switch that will cause gates to open and sound an alarm at a remote location. Gates will remain open until alarm and emergency switch have been reset. The switch shall be housed in an approved weatherproof enclosure, be identified with appropriate wording and require no special effort, knowledge or tools to operate.

All 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.

All gates shall open fully to provide an unobstructed passage width of not less than 12 feet within 15 seconds and there shall be 13 feet 6 inches overhead clearance.

3. Owners and/or proponents of roadway security improvements shall provide the Chief of the Novato Fire Protection District with a signed statement of waiver of liability for any damages, injuries or death brought about by a delay of response attributed to the security implements.

4. Street and building numbers of all structures located beyond security gates shall be posted at the public side of the gates.

5. All costs associated with the required emergency access provisions shall be borne by the owner of the security gate.

Section 10.301(a) of Article 10 is hereby amended and shall read as follows:

Section 10.301(a). Type Required. The Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the Chief.

Portable fire extinguishers shall be in accordance with U.F.C. Standard No. 10-1.

Section 10.301(d) of Article 10 is hereby amended and shall read as follows:

Section 10.301(d). Timing of Installations. All required fire protection facilities including fire hydrants and access roadways shall be installed and made serviceable prior to and during the time of construction. Blocking of fire protection facilities is hereby prohibited.

Failure to comply with this section upon written or verbal notice from the Fire chief or his designated representative 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 10.306 of Article 10 is hereby amended by adding thereto subparagraphs (f), (g), (h), (i):

Section 10.306(f). Every building constructed for single family and two-family occupancy shall have installed therein an approved fire detection, products of combustion system. The detector shall be sensitive to any of the products of combustion except that detectors sensitive only to heat are not acceptable. Alarm signaling devices shall be clearly audible in all bedrooms when the intervening doors are closed. For the purpose of installation and maintenance, only the applicable sections of N.F.P.A. No. 74, "Standard for the Installation, Maintenance and Use of a House Fire Warning System", shall be considered acceptable engineering practices.

Every building constructed for multi-family residential occupancy including hotels and motels shall have installed therein an approved fire detection, products of combustion system in each unit and at the top of each interior stairway and exitway. The detector shall be sensitive to any of the products of combustion except that detectors sensitive to heat are not acceptable. Only applicable sections of N.F.P.A. No. 74 shall be considered accepted engineering practices.

Section 10.306(g). No residence shall be sold or rented, and no structural change or repair of value in excess of \$1,000 shall be made thereto, unless and until the residence meets the requirements of Section 10.307 (f). It shall be the seller's responsibility to install smoke detectors prior to sale.

Section 10.306(h). Maintenance.

1. The maintenance of said systems shall be the responsibility of the owner's in all apartments, hotels or motels; responsibility for maintenance in single family residences is with the tenant.
2. It shall be the responsibility of the tenants to advise the owner(s) or their representatives of maintenance that is required in individual units.

Section 10.308 of Article 10 is totally amended and is to read as follows:

Section 10.308(a). Where required - An automatic fire extinguishing system shall be installed and maintained as set forth in this Section per N.F.P.A. Pamphlet 13 Standards.

Section 10.308(b). New structures - In all new buildings or structures, except Residential (R) occupancies, when such buildings or structures meet any one or more of the following:

1. Have a total floor area exceeding 2500 square feet irrespective of area separation walls.
2. Are 3 or more stories in height.
3. Are more than 35 feet in height, measured from access by Fire Department vehicles or as determined by the Fire Chief.

Section 10.308(c). Existing structures - In all existing buildings or structures except Residential (R) occupancies where proposed or ongoing additions, alterations, or repairs exceed 50% of the assessed value times 4 thereof and which meet any one or more of the following:

1. Have a total floor area exceeding 2,500 square feet.
2. Are 3 or more stories in height.
3. Are more than 35 feet in height measured from access by fire department vehicles or as determined by the Fire Chief.

Section 10.308(d). Residential Occupancies - All new residential occupancies shall require an automatic fire extinguishing system installed and maintained as set forth in this section per N.F.P.A. Pamphlet 13D.

Section 10.308(e). Fire Department connections that serve more than one building will be labeled indicating building address. Sites with more than one fire department connection will be labeled indicating the address of the building being served. Labeling to be weather resistant and permanently affixed.

Section 10.308(f). Fire department connections shall be located on the right hand side of the entrance driveway a maximum of 30 feet from the nearest fire hydrant.

Exception: When it is necessary to locate the fire department connection on a building, it will be in a manner accessible to emergency equipment and free from all obstructions.

Section 11.101 of Article 11 is hereby amended by adding thereto subparagraphs (e) which shall read as follows:

Section 11.101(e). All burning within the limits of the Novato Fire Protection District shall be in accordance with the regulations of the Bay Area Air Quality Management District.

Section 25.117 of Article 25 is hereby amended by added thereto a sentence to read as follows:

"Firefighters shall also perform, as required, emergency medical care to the sick and injured".

Section 79.601(a) of Article 79 is amended by adding thereto the following exception.

Exception: The storage of flammable or combustible liquids used as motor vehicle fuels in above ground or underground storage tanks is prohibited in all residential districts.

Section 79.805 of Article 79 is amended and shall read as follows:

Section 79.805. Fire Protection. Fire protection shall be provided in accordance with Article 10 and the following: 1) open flames, smoking and other sources of ignition shall not be permitted inside the room; and 2) materials which will react with water or other liquids to produce a hazard shall not be stored in the room.

Section 79.902 of Article 79 is hereby amended by adding thereto subparagraph (i) to read as follows:

Section 79.902(i). Testing of Underground Tanks and Piping. If loss of flammable liquid is evident from the records required in Section 79.902(f) or other indicators of a leak exists, the Fire Chief may order testing to be conducted on suspected tanks and piping. Such testing shall be in conformance with the National Fire Protection Association Standard #329, Underground Leakage of Flammable or Combustible Liquids. Such tests shall be conducted at the expense of the owner, lessor or other party having control over said system. If the required testing indicates that a leak has occurred and flammable or combustible liquids are present in the soil and are deemed by the Fire Chief to constitute a fire hazard said party having control shall conduct the necessary mitigation measures as per NFPA Standard #329 at their own expense.

Section 79.1206 of Article 79 is amended and shall read as follows:

Section 79.1206. Parking and Garaging.

(a) Parking on Thoroughfare. 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 the above, a driver shall not leave a tank vehicle unattended on any street, highway, avenue, or alley.

Exceptions:

1. The necessary absence in connection with loading or unloading the vehicle, but during actual discharge for the vehicle, the provisions of Section 79.1204(b) shall apply;

2. 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. If the restaurant is a public assembly, the vehicle may be at one hundred and fifty (150) feet instead of the five hundred (500) feet stated above;

3. When, in case of accident or other emergency, the operator must leave to obtain assistance.

(b) Parking Off Thoroughfare. A tank vehicle shall not be parked at any one point for longer than one hour except:

1. Off a street, highway, avenue, or alley, more than five hundred (500) feet from any residential area, apartment or hotel complex, educational, public assembly, hospital or care facility; or at any other place that would, in the opinion of the Chief, present an extreme life hazard;

2. Inside a bulk plant and twenty-five (25) feet from the property line or within a building approved for such use;

3. At other approved locations not less than fifty (50) feet from any building except those approved for the storage or serving of such vehicle;

4. When, in case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(c) Garaging. Tank vehicles shall not be parked or garaged in any buildings other than those specifically approved for such use by the Chief.

Section 80.103 of Article 80 is hereby amended by adding subparagraph (j) to read as follows:

Section 80.103(j). Any person as defined in Section 9.118 of this Code who fails to comply with this section, and in the opinion of the Fire Chief, such failure constitutes a fire, explosion, or health hazard, said person shall conduct the necessary mitigation measures at their own expense.

Section 80.112 of Article 80 is hereby added and shall read as follows:

Section 80.112. Parking and Garaging. The parking and garaging of vehicles used for the transportation of hazardous materials shall comply with Section 79.1206 of this Code.

Appendix: Appendix VII A is added to this Code and shall read as follows:

Appendix VII A: Model Citation Program.

## **SEC. 7. APPEALS**

Whenever the Chief of the Bureau of Fire Prevention and Investigation shall disapprove an applicant or refuse to grant a license or 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 wrongfully interpreted, the applicant may appeal, in writing, from the decision of the Chief of the Bureau of Fire Prevention and Investigation to the Board of Fire Directors within fifteen (15) days of the decision.

## **SEC. 8. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS**

The Fire Chief and the Chief of the Bureau of Fire Prevention and Investigation shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

## **SEC. 9. PENALTIES**

(a) Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Novato Fire Protection District or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment for not less than 30 days nor more than 180 days or by both such fine and imprisonment. 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 ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent enforced removal of prohibited conditions.

**SEC. 10. REPEAL OF CONFLICTING ORDINANCES**

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

**SEC. 11. 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 Fire 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 phrases shall be declared invalid.

**SEC. 12. DATE OF EFFECT.**


This Ordinance shall take effect and be enforced from and after its adoption by a majority of the Board of Fire Directors.

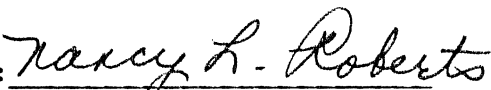
PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Novato Fire Protection District on the 19th day of September, 1988, by the following vote:

AYES: Directors Henry Alvernaz, Mario Balestrieri, William Boyle, Nancy DeSousa, Ray Landi

NOES: None

ABSENT: None

  
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President

ATTEST:   
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Clerk

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