

ORDINANCE NO. 94-1

**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 DIVISION OF FIRE PREVENTION
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.

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, II-E, II-F, IV-A, IV-B, V-A, VI-A, VI-B, VI-C, VI-C-1, VI-C-2, VI-C-3, VI-C-4, VI-D, VI-E, VI-F, and the Uniform Fire Code Standards published by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1991 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 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.

SEC. 2. EFFECTIVE DATE - COPY ON FILE

The effective date for the latest version of the code adopted by this ordinance within the jurisdiction shall be one year from the date of its first publication by the organization publishing the same, unless by ordinance enacted within the year the governing body otherwise provides. The jurisdiction office shall maintain on file in the official records the edition of the code currently in effect at all times.

SEC. 3. 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 Division 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. 4. 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 and 79.1001 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. 5. ESTABLISHMENTS OF LIMITS IN WHICH
STORAGE OF LIQUEFIED PETROLEUM GASES
IS TO BE RESTRICTED**

The limits referred to in Section 82.104(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. 6. ESTABLISHMENTS OF LIMITS OF
DISTRICTS IN WHICH STORAGE OF
EXPLOSIVES AND BLASTING AGENTS IS
TO BE PROHIBITED**

The limits referred to in Section 77.107(a) 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. 7. 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. 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:

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

Section 2.109.(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.

•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 the definition of spark arrestor.

Section 9.121(S). Definitions - Spark Arrestor shall mean a 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.

•Section 10.207 is hereby added to the Code and shall read as follows:

Section 10.207. 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:
Motorized security gates 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.

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 and there shall be a minimum of 13 feet 6 inches overhead clearance.

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 10.507 of Article 10 is totally amended and shall only be enforced within the city limits of the City of Novato, and is to read as follows:

Section 10.507(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 10.507(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 District vehicles or as determined by the Fire Chief.

Section 10.507(c). Existing structures - In all existing buildings or structures except Residential (R) where proposed or ongoing additions, alterations, or repairs exceed 50% of the existing enclosed floor area and which meet any one or more of the following:

1. Have a total floor area exceeding 5,000 square feet.
2. Are 3 or more stories in height.
3. Are more than 35 feet in height measured from access by Fire District vehicles or as determined by the Fire Chief.

Section 10.507(d). Residential Occupancies - All new single family 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. All new multiple family residential occupancies shall require an automatic fire extinguishing system installed and maintained as set forth in this section per N.F.P.A. Pamphlet 13R.

Section 10.507(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 is to be weather resistant and permanently affixed.

Section 10.507(f). Where possible, 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 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 aboveground or underground storage tanks is prohibited in all residential districts.

NOTE: For sprinkler system requirements in unincorporated areas of the Fire District, see Marin County Ordinance 3116.

SEC. 8. APPEALS

Whenever the Fire Chief disapproves an application or refuses 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 wrongfully interpreted, the applicant may appeal from the decision of the Chief to the Board of Fire Directors within fifteen (15) days of the decision appealed.

SEC. 9. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The Fire Chief and the Chief of the Division 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 Division of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SEC. 10. 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. 11. 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. 12. 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. 13. 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 ____ day of _____, 19__, by the following vote:

AYES:

NOES:

ABSENT:

President

ATTEST: _____
Clerk