
ORDINANCE NO. 99-1

**AN ORDINANCE ADOPTING
THE CALIFORNIA 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 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 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 California Fire Code which consists of the 1997 edition of the Uniform Fire Code, including Appendix Divisions I-C, II-A, II-B, II-C, II-D, II-E, II-F, II-G, II-H, II-I, II-J, III-B, III-D, IV-A, IV-B, V-A, VI-A, VI-B, VI-E, VI-F, VI-C, VI-G, VI-H, VI-I, and the Uniform Fire Code Standards published by the International Fire Code Institute, being particularly the 1997 Editions hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 8 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 California Fire Code, which consists of the 1997 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 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 "district 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 Fire Prevention Bureau" are used in the California 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

- (a) 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.
- (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.

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 AMENDMENTS MADE TO THE 1998 CALIFORNIA FIRE CODE

The 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 paragraph as subparagraphs (a) and (b), and by adding subparagraph (c) to read as follows:

Section 101.5(c). 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 follow

- 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 105.8 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 1001.11 of the 1997 Uniform Fire Code (1998 CFC)

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

- Section 207-F. 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 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 - 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 componenets, 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 902.4. of Article 9 is hereby amended to read as follows:

•Section 902.4.1a Key Access. When access to or within a structure or an area is unduly difficult because of secured openings, chains, cables, or barricades, or where immediate access is necessary for life saving or firefighting purposes, the Chief is authorized to require a key box or key system to be installed in an approved and accessible location, in accordance with standards developed by the Chief.

b. 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.

c. 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 of Article 9 is hereby added to read:

Section 902.4.2 Buildings equipped with Fire Protection Systems. All buildings which have installed therein automatic supervised product of combustion fire detection and alarm system, automatic fire sprinkler system or security gate shall have a key box system as approved by the Chief installed in accordance with Standards developed by the Chief.

Section 902.4.3 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 902.4.4 of Article 9 is hereby added to read:

Section 902.4.4 Hazardous Material Storage Facilities. Any storage facility, building or shed that may require access for the purpose of containment and/or control of hazardous materials as deemed necessary by the Chief shall have installed an approved key box conforming to standards developed by the Chief.

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

Section 903.4.2.1 Fire hydrant upgrades. When additions 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 1001.5.2 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 1001.11 of Article 10 is hereby amended to read as follows:

Section 1001.11 Permits. A permit is required for all fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic

sprinklers), wet and dry standpipes, and other fire protection systems and appurtenances thereto referred to in this Chapter.

•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, freestanding building or facility.
2. In newly created attached, second dwelling 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 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.
6. All single family dwellings in excess of 6,000 sq.ft. shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13R and Standards developed by the Chief.

Exceptions: 1. 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.

2. 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.

•Section 1003.2.11 of Article 10 is hereby added to read as follows:

Section 1003.2.11 Automatic Fire-Extinguishing System. All public storage facilities shall be provided with an automatic fire sprinkler system.

•Section 1003.2.11.1 of Article 10 is hereby added to read as follows:

Section 1003.2.11.1 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 1003.2.11 of Article 10 is hereby added to read as follows:

Section 1003.2.11 Fire apparatus Access Roads. All public storage facilities shall have fire apparatus access roads provided in accordance with Section 902.2 of the 1997 Uniform Fire Code.

- Section 1003.2.11 of Article 10 is hereby added to read as follows:

Section 1003.2.11 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 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 1007.2.9.2.2.1 of Article 10 is added to read as follows:

Section 1007.2.9.2.2.1 Smoke Detector 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 detectors installed pursuant to the Building Code have been tested and are operational. If detectors are found to be inoperable or are missing, such detectors shall be repaired or replaced immediately.

- Section 1007.2.9.2.2.2 of Article 10 is added to read as follows:

Section 1007.2.9.2.2.2 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 CCR, when, such extinguishers are installed in residential units in lieu of common areas.

- 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 7904.6.5.2.3 of Article 79 is hereby amended to read as follows:

Section 7904.6.5.2.3 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 of the 1997 Uniform Fire Code.

- Appendix II-A, Section 16.2, of the 1997 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 of the 1997 Uniform Fire Code 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 9 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 10 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 \$90 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(c) of the 1997 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 not 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 1997 Uniform Fire Code as amended in Section 9 of this Code.

SECTION 11. APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 10 or a bill for Fire District response costs and expenses pursuant to Section 101.5(c) 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 1997 Uniform Fire Code as amended in Section 8 of this Code, or to matters for which an appeal is provided pursuant to Section 10(a) above.

SECTION 12 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 13 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 14 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, Administrative Secretary

The foregoing Ordinance No. 99-1 was read and introduced at a Regular meeting of the Board of Directors of the Novato Fire Protection District held on the _____ day of _____, 1999, 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 _____ day of _____, 1999.

Nancy Roberts, Administrative Secretary