TOWN OF FAIRFAX
STAFF REPORT

TO:	**Fairfax Town Council**
FROM:	**Michael Rock, Town Manager** **Jim Moore, Director of Planning and Building Services**
DATE:	**December 15, 2010**
SUBJECT:	**Ordinance 757, Adopting the 2011 Fire Codes; *first reading and introduction; Ordinance 757-U, Urgency Ordinance Adopting the 2011 Fire Codes.***

RECOMMENDATION

1. That the Town Council of Fairfax makes a motion to waive reading of Ordinance 757.

2. That the Mayor read the title of Ordinance No. 757, an Ordinance Adopting the 2010 California Fire Code, International Fire Code, and International Wildland-Urban Interface 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 Prevention Bureau and Providing Officers Therefor and Defining Their Powers and Duties.
3. That the Town Council make a motion to introduce Ordinance No. 757 and schedule a public hearing, second reading, and adoption of the ordinance at the January 12, 2011, Town Council Meeting.
4. That the Town Council of Fairfax make a motion to waive reading of Ordinance 757-U.
5. That the Mayor read the title of the attached ordinance No. 757-U, an Urgency Ordinance Adopting the 2010 California Fire Code, International Fire Code, and International Wildland-Urban Interface 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 Prevention Bureau and Providing Officers Therefor and Defining Their Powers and Duties and Declaring the Urgency Thereof.
6. That the Town Council makes a motion to adopt Ordinance No. 757-U.

DISCUSSION

At the December 1, 2010 meeting, , the Town Council directed staff to revise Ordinances 757 and 757-U to reflect various changes discussed at the December 1 meeting and to propose language that would eliminate the requirements for fire suppression systems in new second units in an expanded area along the Sir Francis Drake corridor that is also not included in the Wildland Urban Interface Zone.

AGENDA ITEM # 4 ~~4~~5

The staff reviewed the fire suppression matter with Town Counsel and has drafted language that would eliminate the requirements for sprinklers in areas that do not have a high fire risk and for properties with gentle to medium slopes (0 to 30% slopes). The rationale for this is that fire travels more quickly up steeply sloped hillsides and is less likely to occur in the center of town along the larger portions of the San Anselmo and Fairfax creeks.

The amended language can be found in Section 903.2(2) of the attached Ordinances 757 and 757-U: it waives the requirement for sprinklers in newly created second units that are not in the Wildland-Urban Interface; or in on parcels along Sir Francis Drake Boulevard transit corridor for which there is less than a thirty percent (30%) grade change between the parcel and Sir Francis Drake Boulevard.

ATTACHMENTS

Revised Ordinance No. 757 and 757-U.

ORDINANCE NO. 757

AN ORDINANCE ADOPTING THE 2010 CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE, AND INTERNATIONAL WILDLAND-URBAN INTERFACE 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 PREVENTION BUREAU AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES.

The Town Council of the Town of Fairfax does ordain as follows:

Section 1. Findings.

The Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, it is appropriate to adopt the 2010 California Fire Code (which consists of certain portions of the 2009 edition of the International Fire Code as amended by the building standards commission, and Appendix A of the 2009 edition of the International Wildland-Urban Interface Code (collectively, the "State Fire Code"), along with certain changes and modifications to the State Fire Code, which the Town Council is authorized to make by California Health and Safety Code Section 17958.7 where reasonably necessary due to local climatic, geological or topographical conditions.

Therefore, the Town Council hereby makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the State Fire Code are reasonably necessary because of the local climatic, geological or topographical conditions stated in Exhibit A.

The Town Council further finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations , Title 14, Section 15061 (b)(3).

Section 2. Municipal Code Amended:

Section 8.04 of the Town of Fairfax Municipal Code is hereby deleted in its entirety and replaced by the following:

"SECTION 8.04.10 ADOPTION OF CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE AND APPENDIX A OF THE INTERNATIONAL WILDLAND URBAN INTERFACE CODE

The Town Council of Fairfax does hereby adopt, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, including:
    a. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,
    b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
    c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
    d. Appendix E HAZARD CATEGORIES,
    e. Appendix F HAZARD RANKING,
    f. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS, and
    g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS;

2. The International Fire Code published by the International Fire Code Council, Inc., 2009 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 8.04.100 of this Ordinance.

3. Appendix A of the 2009 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 8.04.100 of this Ordinance.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Ross Valley Fire Department, and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the Town of Fairfax.

SECTION 8.04.020. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION BUREAU

The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, and the 2009 edition of the International

Fire Code, and Appendix A of the 2009 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by the Fire Prevention Bureau of the Ross Valley Fire Department and shall be operated under the supervision of the Fire Chief of the Ross Valley Fire Department.

SECTION 8.04.030. DEFINITIONS

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

(a) Whenever the words "Fire Code" are used they shall mean those Codes and Standards adopted in Section 8.04.10 of this Ordinance.

(b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Town of Fairfax.

(c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Town of Fairfax.

(d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Ross Valley Fire Department.

SECTION 8.04.040. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 3404.2.9.6.1 of the International Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief.

SECTION 8.04.041. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 3406.2.4.4. of the International Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: Town limits.

SECTION 8.04.050. ESTABLISHMENTS OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED

The geographic limits referred to in Section 3804.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief.

SECTION 8.04.060. ESTABLISHMENTS OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The geographic limits, in which storage of explosives and blasting agents is prohibited, are as follows: Town limits.

SECTION 8.04.070. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED

The geographic limits, in which the storage of compressed natural gas is prohibited, are hereby established as follows: Town limits.

SECTION 8.04.080. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED

The geographic limits in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: Town limits.

SECTION 8.04.090. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED

The geographic limits in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: Town limits.

SECTION 8.04.100. AMENDMENTS MADE TO THE 2010 CALIFORNIA FIRE CODE, 2009 INTERNATIONAL FIRE CODE AND 2009 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

The 2010 California Fire Code and the 2009 International Fire Code is amended and changed in the following respects:

Section 102.5 is hereby amended to read as follows:

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

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

2. Administrative, operational, and maintenance provisions: all such provisions of this code shall apply.

Section 102.7.1 is hereby added to Chapter 1 as follows:

Section 102.7.1 **Nationally Recognized Listed Products**. Any installation of products and equipment due to permits required by this code shall be Labeled and Listed, as defined in Section 202.

Section 104.1.1 is hereby added to Chapter 1 as follows:

Section 104.1.1 **Supplemental Rules, Regulations and Standards.** The Fire Code Official 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 this code.

Section 104.12 is hereby added to Chapter 1 as follows:

Section 104.12. **Damages and Expense Recovery**. The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 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 104.13 is hereby added to Chapter 1 as follows:

Section 104.13. **Fire Prevention Resource Sharing.** Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement and other fire prevention services when requested to do so.

Section 105.6.47 of Chapter 1 is hereby amended by adding the following additional operational permits:

4. **Aircraft refueling vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 11.

5. **Automobile wrecking yards.** An operational permit is required to operate an automobile wrecking yard.

6. **Cellulose nitrate storage.** An operational permit is required to store or handle more than 25 pounds of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin).

7. **Fire hydrants and valves.** An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems accessible to a fire apparatus access road that is open to or generally used by the public.

8. **Fireworks.** An operational permit is required to store and use fireworks for public display.

9. **Fire protection plan.** An operational permit is required to implement a fire protection plan.

10. **High-piled storage.** An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46m2).

11. **Miscellaneous combustible storage**. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71m3) gross volume of combustible empty packing cases, boxes, barrels, wooden pallets, or similar containers, rubber tires, rubber, cork, or similar combustible material.

12. **Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed sources or more that 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

13. **Spraying or dipping.** An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

14. **Pyrotechnics and special effects.** An operational permit is required to use special effects, open flame, use of flammable or combustible liquids and gases, welding, and parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.

15. **Live audiences.** An operational permit is required to install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

Section 105.7.15 is hereby added to Chapter 1 as follows:

Section 105.7.15 **Vegetation Management Plan**. A construction permit is required to implement a vegetation management plan.

Section 109.3 of Chapter 1 is hereby amended by specifying the [offense], [amount] of dollars, and [number of days] as follows:

[offense = misdemeanor] [amount = $500.00] [number of days = 90]

Section 111.4 of Chapter 1 is hereby amended by specifying the fine amounts as not less than [amount] of dollars, and not more than [amount] of dollars as follows:

Not less than [$500.00] not more than [$1,000.00]

Section 202-[F] of Chapter 2 is hereby amended by adding the definition of "fire road" as follows:

FIRE ROAD. See section 502.1.

Section 202 [S] of Chapter 2 is hereby amended by adding the definition of "second unit," "spark arrestor" and "substantial remodel" as follows:

Second Unit shall mean a completely separate housekeeping unit with kitchen, sleeping and bathroom facilities which is a part of, an extension to, or a separate structure on a site developed with a single-family residence, in excess of the maximum density designated by the zoning district in which the property is situated or as prescribed thereby.

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 within any 12 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings, repair or replacement of foundations, the installation of energy efficient windows of like size, or the removal of interior wall coverings solely for the installation of insulation.

Section 202 [T] of Chapter 2 is hereby amended by adding the definition of "temporary," "tracer" and "tracer charge" as follows:

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

Tracer shall mean any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke, or other means which results in fire or heat.

Tracer charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

Section 302.1 is amended by adding the definition of "fireworks" and "public storage facility" as follows:

Fireworks shall mean any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation and any "safe and sane" fireworks as defined by section 12529 of the State of California Health and Safety Code.

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 318 is hereby added to Chapter 3 as follows:

Section 318 **PUBLIC STORAGE FACILITIES**

Section 318.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

Section 318.2. **Location on Property and Fire Resistance of Exterior.** All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

Section 318.3. **Fire Apparatus Access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.1.1.

Section 318.4. **Storage of Flammable and Combustible Liquids and Hazardous Materials.** The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a

manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 34 of this code.

Section 319 is hereby added to Chapter 3 as follows:

Section 319 **Fireworks**

Section 319.1 **General**. The manufacture, storage, sale, possession, handling or use of all fireworks as defined in Section 302.1 is prohibited except as permitted by the Fire Code Official for approved public display.

Section 319.2 **Seizure**. The Fire Chief or Fire Code Official or their authorized agents shall seize, remove or cause to be removed at the expense of the owner or person(s) in possession all stocks of fireworks offered or exposed for sale, stored or held in violation of this code.

Section 401.1.1 is hereby added to Chapter 4 as follows:

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

Section 402.1 of Chapter 4 is hereby amended by adding the definition of "pre-plans" as follows:

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

Section 408.1.1 is hereby added to Chapter 4 as follows:

Section 408.1.1 **Pre-plans:** When required by the fire code official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.

Section 408.8.4 is hereby added to Chapter 4 as follows:

> Section 408.8.4 **Emergency Preparedness for Hotels, Lodging and Congregate Houses.** Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

Section 501.4 of Chapter 5 is hereby amended by adding the following sentence:

> Failure to comply with this section upon written or verbal notice from the Chief shall result in a Ross Valley Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

Section 502.1 of Chapter 5 is hereby amended by adding a definition of "fire road" as follows:

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

Section 503.1.4 is hereby added to Chapter 5 as follows:

> Section 503.1.4 **Fire Roads**. Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the Town of Fairfax so as to gain access to improved, unimproved, and undeveloped areas of the Town of Fairfax, in a manner approved by the Fire Code Official. Any vehicle or other obstructions may be towed away at the owner's expense.

Section 503.1.5 is hereby added to Chapter 5 as follows:

> Section 503.1.5 **Truck Company Access.** For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Fire Code Official.

Section 503.2.6.1. is hereby added to Chapter 5 as follows:

> Section 503.2.6.1 **Load Testing.** Bridges, Piers and Wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Chief.

Section 503.4 of Chapter 5 is amended by adding the following sentence:

> Any vehicle or other obstruction may be towed away at the owner's expense.

Section 503.4 is renumbered to 503.4.1 and Section 503.4.2 is hereby added as follows:

> Section 503.4.2 **Prohibition on Vehicular Parking on Private Access Ways**. If, in the judgment of the Chief, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the 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 access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

Section 503.6.1 is hereby added to Chapter 5 as follows:

> Section 503.6.1 **Width.** All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 13 feet 6 inches.

Section 503.6.2 is hereby added to Chapter 5 as follows:

> Section 503.6.2 **Electronic Gates**. All electronically 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 power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

Section 506.1 of Chapter 5 is hereby amended as follows:

Section 506.1 **Key Entry Systems.** 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 or in commercial structures that have an automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved 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 Fire Code Official.

Section 507.5.1 is hereby amended as follows and by deleting the Exception:

Section 507.5.1 **Where Required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Section 507.5.7 is hereby added to Chapter 5 as follows:

Section 507.5.7 **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 605.11 is hereby added to Chapter 6 as follows:

Section 605.11 **Alternative Power Supplies.** The use of an electrical power supply, (including but not limited to; photovoltaic, wind, geothermal or fuel fired generators) other than the community's commercial source, currently Pacific Gas and Electric, shall comply with section 605.11.1 through 605.11.3.

Section 605.11.1. **Disconnect.** The electrical service disconnect for the alternative power supply shall be located within eight feet from the P. G. & E. electrical service disconnect on the same or an adjacent exterior

wall. The disconnect shall be accessible to emergency personnel from the exterior without the use of ladders or other special equipment.

Exception: Enphase or similar technology for solar equipment that de-energizes the system at the roof panels upon loss of A/C reference leaving no energized electrical potential inside the structure when the main breaker is tripped.

Section 605.11.2. **Warning Sign.** The following wording shall be placed on a permanent sign attached at the main electrical disconnect from P.G. & E. The sign shall be red background with white letters or a white background with red letters. Minimum size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.

WARNING:
This building supplied with an alternative power source. Alternate disconnect is: (*describe location - on the right, below etc.*) of this main disconnect. Both must be used.

Section 605.11.3. **Required Conduit.** All wiring that may contain electrical potential when the alternate service disconnect has been activated, (such as the wiring between the solar arrays and the DC electrical disconnect on a photovoltaic system) shall be completely contained in metal conduit.

Section 901.7 of Chapter 9 is hereby amended by adding the following sentence:

This section shall also apply to residential fire sprinkler systems.

Section 903.2 of Chapter 9 is hereby amended as follows:

Section 903.2 **Where Required.** 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 602 of the Building Code.

   b. Agricultural buildings as defined in Appendix C 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.

2. In newly created second units.

   Exceptions:

   a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
   b. Parcels along Sir Francis Drake Boulevard, for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard.

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

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 Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

Section 903.3 of Chapter 9 is hereby amended by adding the following language:

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 504 and 506 of the Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

a. In all residential buildings required to be sprinkled any attached garages shall be sprinkled, and except for one and two family dwellings, in all residential occupancies the attics shall be sprinkled.

b. 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.

c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R and standards developed by the Chief.

d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

Section 906.11 is hereby added to Chapter 9 as follows:

Section 906.11 **Fire Extinguisher Documentation.** The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the 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 907.2 of Chapter 9 is amended to add the following paragraph:

New Construction: Every new building constructed for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Section 907.9.5.1 is hereby added as follows:

Section 907.9.5.1 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 907.2.11 of Chapter 9 is hereby amended by changing the first sentence of the exception to read as follows:

EXCEPTION: For group R occupancies other than single family dwellings.

The following language is added to Section 907.3 of Chapter 9:

Existing Construction: Every existing building remodeled for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Section 4906.2 subsection 2 of Chapter 49 is amended as follows:

2. Land designated as a Wildland-Urban Interface Area by the local enforcing agency to be at a significant risk from wildfires and lands designated as Very-High Fire Hazard Severity Zones by cities and other local agencies.

Section 4907.1 of Chapter 49 is amended as follows:

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

Buildings and structures within the Wildland-Urban Interface Area as designated by the local enforcing agency to be at a significant risk from wildfires and Very-High Fire Hazard Severity Zones of a local responsibility area (LRA) shall maintain defensible space as outlined in Government Code 51175-51189, and any local ordinance or standard published by the Fire Code Official.

Section 4907.2 is hereby added to Chapter 49 as follows:

Section 4907.2 **Fire Hazard Reduction**. Any person who owns, leases, controls or maintains any building or structure and lands within specific Wildland Urban Interface areas of the jurisdiction of the Town of Fairfax shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or pyrophytic vegetative types necessitate removal as determined by the Fire Code Official. 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 growth less than 3 inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. (Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2006 International Wildland-Urban Interface Code, as amended by the Town of Fairfax.

EXCEPTION 1: When approved by the fire code official, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION 2: When approved by the fire code official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil, and prevent erosion.

Section 4907.3 is hereby added to Chapter 49 as follows:

Section 4907.3 **Fire Hazard Reduction from Roadways.** The Chief is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Chief is authorized to enter upon private property to do so

EXCEPTION: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 4907.4 is hereby added to Chapter 49 as follows:

Section 4907.4 **Notice to Abate**. Failure to comply with the requirements of Section 4907.2 shall be deemed a public nuisance. The Fire Chief is hereby authorized to require the abatement of any nuisance condition described in Section 4907.2. Notice requiring the abatement of such nuisance shall be given by mail to the owner of the property upon which, or in front of which, such nuisance exists, at such owner's address as shown on the last equalized Assessment Roll of the County of Marin. Such notice shall contain the following:

A. The street address and Assessor's Parcel Number for the affected property.

B. The date of the inspection of the property by the Fire Department during which such nuisance was discovered.

C. A description of the nuisance and its location on, or in front of, the property.

D. The abatement action which the owner is required to take and a time limit for such abatement.

E. A statement that if the owner fails to abate such nuisance within the prescribed time and the Fire Department, or other Town agent, will abate the nuisance.

F. A statement that if the Fire Department, or other Town agent, is required to abate the nuisance the cost of such abatement will be assessed as a lien against the property.

ABATEMENT AND ASSESSMENT OF COST

Should the abatement of the nuisance not be accomplished by the owner of the affected property within the period set forth in the notice requiring abatement, the Fire Chief is authorized to perform such abatement and shall keep an accurate account of the cost of such abatement. The Fire Chief shall mail written notice of such cost to the owner of the affected property who may, within fifteen (15) days of the date of such mailing, request a hearing by the Ross Valley Fire Department Board of Directors (the "RVFD Board") with respect to such cost. The RVFD Board shall hold a hearing within thirty (30) days of receiving the request. The decision of the RVFD Board shall be final. The cost of such abatement as finally fixed and determined by the RVFD Board shall constitute a

special assessment against the affected property. The Fire Chief shall cause an order confirming such assessment to be recorded in the office of the County Recorder at which time a lien for such assessment shall attach to the affected property. The Fire Chief shall also file a copy of the order confirming the assessment with the County Auditor and the amount of such assessment shall, thereafter, be collected at the time and in the manner of ordinary property taxes. If delinquent, the amount of such assessment shall be subject to the same penalties and procedure for foreclosure and sale provided for ordinary property taxes. 4907.3. Fire Hazard Reduction From Roadways. Corrective action, if necessary, shall be I the same manner as 4907.2

Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended as follows:

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

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

Section A104.11 – **TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL ARICRAFT.** Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.

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

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

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

Section 104.13 **APIARIES.** Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the fire code official.

SECTION 8.04.110. AUTHORITY TO ARREST AND ISSUE CITATIONS

(a) The Fire Chief, Chief Officers, Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the 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 Town Council of the Town of Fairfax 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 8.04.120. PENALTIES

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

(b) If a criminal citation is issued, penalties shall be per Section 108, 109, or 111 of this code. If an administrative citation is issued, the penalties are as follows:

(c) The first citation, within a 12-month period, for violations of the Fire Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the Ross Valley Fire Department 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 Ross Valley Fire Department. Said civil penalties shall be a debt owed to the Department 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 8.04.130. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Ross Valley Fire Department for such civil penalty and costs of the litigation, including reasonable attorney's fees.

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

(e) 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.

(f) Nothing contained in Subsections (a) through (e) of this Section shall be construed or interpreted to prevent the Ross Valley Fire Department from recovering all costs associated with a Ross Valley Fire Department response as described in Section 104.12 of the 2009 International Fire Code as amended.

(g) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the Ross Valley Fire Department 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 Ross Valley Fire Department intent to charge the property owner for all administrative costs associated with enforcement of this Ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief's decision to the Board of Directors of the Ross Valley Fire Department 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 Ross Valley Fire Department 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

SECTION 8.04.130. APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (c) of Section 8.04.120 or a bill for Ross Valley Fire Department response costs and expenses pursuant to Section 104.12 of the 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 Fire 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 Fire Chief to the Board of Directors of the Ross Valley Fire Department 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 various sections of this Code, or to matters for which an appeal is provided pursuant to Section 8.04.130 (a) above.

SECTION 8.04.135. FEE AND PENALTY ADJUSTMENTS

The Town Council may, by resolution, revise the fees and penalties established by this Title 8.04.

Section 3. Validity

Section 3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the Town Council which addresses the same subject addressed herein.

Section 3.2 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 Town Council of the Town of Fairfax 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 4: Ordinance Posting and Effective Date.

Section 4.1 A certified copy of this ordinance shall be posted in the office of the Town Clerk at least five days prior to the Town Council meeting at which the Ordinance shall be adopted.

Section 4.2 Copies of the foregoing Ordinance, within fifteen (15) days after its final passage and adoption, shall be posted in three public places in the Town of Fairfax, to wit:

1. Bulletin Board, Fairfax Town Offices, Town Hall;

2. Bulletin Board, Fairfax Post Office; and

3. Bulletin Board, Fairfax Women's Club Building;

which places are hereby designated for that purpose.

Section 4.3 This Ordinance shall go into effect 30 days after its adoption.

Section 4.4 The Town Clerk shall cause Section 2 of this ordinance to be codified in the Fairfax Municipal Code.

Section 4.5 This Ordinance, together with the findings in Exhibit A, shall be filed with the California Building Standards Commission within thirty (30) days after its final passage.

The foregoing ordinance was duly and regularly introduced at an adjourned regular meeting of the Town Council of the Town of Fairfax held in said Town on the 15th day of December, 2010 and thereafter adopted at a regular meeting of the Town Council on the 12th day of January, 2011 by the following vote, to wit:

AYES:

NOES:

ABSENT:

_____

Larry Bragman, Mayor

Attest:

_____

Town Clerk, Judy Anderson

ORDINANCE NO. 757-U

AN URGENCY ORDINANCE ADOPTING THE 2010 CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE, AND INTERNATIONAL WILDLAND-URBAN INTERFACE 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 PREVENTION BUREAU AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES AND DECLARING THE URGENCY THEREOF.

The Town Council of the Town of Fairfax does ordain as follows:

Section 1. Findings.

The Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, it is appropriate to adopt the 2010 California Fire Code (which consists of certain portions of the 2009 edition of the International Fire Code as amended by the building standards commission, and Appendix A of the 2009 edition of the International Wildland-Urban Interface Code (collectively, the "State Fire Code"), along with certain changes and modifications to the State Fire Code, which the Town Council is authorized to make by California Health and Safety Code Section 17958.7 where reasonably necessary due to local climatic, geological or topographical conditions.

Therefore, the Town Council hereby makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the State Fire Code are reasonably necessary because of the local climatic, geological or topographical conditions stated in Exhibit A.

The Town Council further finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations , Title 14, Section 15061 (b)(3).

Section 2. Municipal Code Amended:

Section 8.04 of the Town of Fairfax Municipal Code is hereby deleted in its entirety and replaced by the following:

"SECTION 8.04.10 ADOPTION OF CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE

AND APPENDIX A OF THE INTERNATIONAL WILDLAND URBAN INTERFACE CODE

The Town Council of Fairfax does hereby adopt, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, including:
   a. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,
   b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
   c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
   d. Appendix E HAZARD CATEGORIES,
   e. Appendix F HAZARD RANKING,
   f. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS, and
   g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS;

2. The International Fire Code published by the International Fire Code Council, Inc., 2009 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 8.04.100 of this Ordinance.

3. Appendix A of the 2009 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 8.04.100 of this Ordinance.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Ross Valley Fire Department, and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the Town of Fairfax.

SECTION 8.04.020. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION BUREAU

The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, and the 2009 edition of the International Fire Code, and Appendix A of the 2009 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by

the Fire Prevention Bureau of the Ross Valley Fire Department and shall be operated under the supervision of the Fire Chief of the Ross Valley Fire Department.

SECTION 8.04.030. DEFINITIONS

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

(a) Whenever the words "Fire Code" are used they shall mean those Codes and Standards adopted in Section 8.04.10 of this Ordinance.

(b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Town of Fairfax.

(c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Town of Fairfax.

(d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Ross Valley Fire Department.

SECTION 8.04.040. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 3404.2.9.6.1 of the International Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief.

SECTION 8.04.041. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 3406.2.4.4. of the International Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: Town limits.

SECTION 8.04.050. ESTABLISHMENTS OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED

The geographic limits referred to in Section 3804.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief.

SECTION 8.04.060. ESTABLISHMENTS OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The geographic limits, in which storage of explosives and blasting agents is prohibited, are as follows: Town limits.

SECTION 8.04.070. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED

The geographic limits, in which the storage of compressed natural gas is prohibited, are hereby established as follows: Town limits.

SECTION 8.04.080. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED

The geographic limits in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: Town limits.

SECTION 8.04.090. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED

The geographic limits in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: Town limits.

SECTION 8.04.100. AMENDMENTS MADE TO THE 2010 CALIFORNIA FIRE CODE, 2009 INTERNATIONAL FIRE CODE AND 2009 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

The 2010 California Fire Code and the 2009 International Fire Code is amended and changed in the following respects:

Section 102.5 is hereby amended to read as follows:

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

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

2. Administrative, operational, and maintenance provisions: all such provisions of this code shall apply.

Section 102.7.1 is hereby added to Chapter 1 as follows:

Section 102.7.1 **Nationally Recognized Listed Products**. Any installation of products and equipment due to permits required by this code shall be Labeled and Listed, as defined in Section 202.

Section 104.1.1 is hereby added to Chapter 1 as follows:

Section 104.1.1 **Supplemental Rules, Regulations and Standards.** The Fire Code Official 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 this code.

Section 104.12 is hereby added to Chapter 1 as follows:

Section 104.12. **Damages and Expense Recovery**. The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 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 104.13 is hereby added to Chapter 1 as follows:

Section 104.13. **Fire Prevention Resource Sharing.** Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement and other fire prevention services when requested to do so.

Section 105.6.47 of Chapter 1 is hereby amended by adding the following additional operational permits:

4. **Aircraft refueling vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 11.

5. **Automobile wrecking yards.** An operational permit is required to operate an automobile wrecking yard.

6. **Cellulose nitrate storage.** An operational permit is required to store or handle more than 25 pounds of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin).

7. **Fire hydrants and valves.** An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems accessible to a fire apparatus access road that is open to or generally used by the public.

8. **Fireworks.** An operational permit is required to store and use fireworks for public display.

9. **Fire protection plan.** An operational permit is required to implement a fire protection plan.

10. **High-piled storage.** An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46m2).

11. **Miscellaneous combustible storage**. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71m3) gross volume of combustible empty packing cases, boxes, barrels, wooden pallets, or similar containers, rubber tires, rubber, cork, or similar combustible material.

12. **Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed sources or more that 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

13. **Spraying or dipping.** An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

14. **Pyrotechnics and special effects.** An operational permit is required to use special effects, open flame, use of flammable or combustible liquids and gases, welding, and parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.

15. **Live audiences.** An operational permit is required to install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

Section 105.7.15 is hereby added to Chapter 1 as follows:

Section 105.7.15 **Vegetation Management Plan**. A construction permit is required to implement a vegetation management plan.

Section 109.3 of Chapter 1 is hereby amended by specifying the [offense], [amount] of dollars, and [number of days] as follows:

[offense = misdemeanor] [amount = $500.00] [number of days = 90]

Section 111.4 of Chapter 1 is hereby amended by specifying the fine amounts as not less than [amount] of dollars, and not more than [amount] of dollars as follows:

Not less than [$500.00] not more than [$1,000.00]

Section 202-[F] of Chapter 2 is hereby amended by adding the definition of "fire road" as follows:

FIRE ROAD. See section 502.1.

Section 202 [S] of Chapter 2 is hereby amended by adding the definition of "second unit," "spark arrestor" and "substantial remodel" as follows:

Second Unit shall mean a completely separate housekeeping unit with kitchen, sleeping and bathroom facilities which is a part of, an extension to, or a separate structure on a site developed with a single-family residence, in excess of the maximum density designated by the zoning district in which the property is situated or as prescribed thereby.

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 within any 12 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings, repair or replacement of foundations, the installation of energy efficient windows of like size, or the removal of interior wall coverings solely for the installation of insulation.

Section 202 [T] of Chapter 2 is hereby amended by adding the definition of "temporary," "tracer" and "tracer charge" as follows:

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

Tracer shall mean any bullet or projectile incorporating a feature which marks or traces the flight of said bullet or projectile by flame, smoke, or other means which results in fire or heat.

Tracer charge is any bullet or projectile incorporating a feature designed to create a visible or audible effect by means which result in fire or heat and shall include any incendiary bullets and projectiles.

Section 302.1 is amended by adding the definition of "fireworks" and "public storage facility" as follows:

Fireworks shall mean any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation and any "safe and sane" fireworks as defined by section 12529 of the State of California Health and Safety Code.

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 318 is hereby added to Chapter 3 as follows:

Section 318 **PUBLIC STORAGE FACILITIES**

Section 318.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

Section 318.2. **Location on Property and Fire Resistance of Exterior.** All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

Section 318.3. **Fire Apparatus Access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.1.1.

Section 318.4. **Storage of Flammable and Combustible Liquids and Hazardous Materials.** The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 34 of this code.

Section 319 is hereby added to Chapter 3 as follows:

Section 319 **Fireworks**

Section 319.1 **General**. The manufacture, storage, sale, possession, handling or use of all fireworks as defined in Section 302.1 is prohibited except as permitted by the Fire Code Official for approved public display.

Section 319.2 **Seizure**. The Fire Chief or Fire Code Official or their authorized agents shall seize, remove or cause to be removed at the expense of the owner or person(s) in possession all stocks of fireworks offered or exposed for sale, stored or held in violation of this code.

Section 401.1.1 is hereby added to Chapter 4 as follows:

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

Section 402.1 of Chapter 4 is hereby amended by adding the definition of "pre-plans" as follows:

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

Section 408.1.1 is hereby added to Chapter 4 as follows:

Section 408.1.1 **Pre-plans:** When required by the fire code official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.

Section 408.8.4 is hereby added to Chapter 4 as follows:

Section 408.8.4 **Emergency Preparedness for Hotels, Lodging and Congregate Houses.** Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report

emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

Section 501.4 of Chapter 5 is hereby amended by adding the following sentence:

Failure to comply with this section upon written or verbal notice from the Chief shall result in a Ross Valley Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

Section 502.1 of Chapter 5 is hereby amended by adding a definition of "fire road" as follows:

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

Section 503.1.4 is hereby added to Chapter 5 as follows:

Section 503.1.4 **Fire Roads**. Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the Town of Fairfax so as to gain access to improved, unimproved, and undeveloped areas of the Town of Fairfax, in a manner approved by the Fire Code Official. Any vehicle or other obstructions may be towed away at the owner's expense.

Section 503.1.5 is hereby added to Chapter 5 as follows:

Section 503.1.5 **Truck Company Access.** For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Fire Code Official.

Section 503.2.6.1. is hereby added to Chapter 5 as follows:

Section 503.2.6.1 **Load Testing.** Bridges, Piers and Wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Chief.

Section 503.4 of Chapter 5 is amended by adding the following sentence:

Any vehicle or other obstruction may be towed away at the owner's expense.

Section 503.4 is renumbered to 503.4.1 and Section 503.4.2 is hereby added as follows:

Section 503.4.2 **Prohibition on Vehicular Parking on Private Access Ways**. If, in the judgment of the Chief, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the 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 access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

Section 503.6.1 is hereby added to Chapter 5 as follows:

Section 503.6.1 **Width.** All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 13 feet 6 inches.

Section 503.6.2 is hereby added to Chapter 5 as follows:

Section 503.6.2 **Electronic Gates**. All electronically 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 power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

Section 506.1 of Chapter 5 is hereby amended as follows:

Section 506.1 **Key Entry Systems.** 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 or

in commercial structures that have an automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved 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 Fire Code Official.

Section 507.5.1 is hereby amended as follows and by deleting the Exception:

Section 507.5.1 **Where Required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Section 507.5.7 is hereby added to Chapter 5 as follows:

Section 507.5.7 **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 605.11 is hereby added to Chapter 6 as follows:

Section 605.11 **Alternative Power Supplies.** The use of an electrical power supply, (including but not limited to; photovoltaic, wind, geothermal or fuel fired generators) other than the community's commercial source, currently Pacific Gas and Electric, shall comply with section 605.11.1 through 605.11.3.

Section 605.11.1. **Disconnect.** The electrical service disconnect for the alternative power supply shall be located within eight feet from the P. G. & E. electrical service disconnect on the same or an adjacent exterior wall. The disconnect shall be accessible to emergency personnel from the exterior without the use of ladders or other special equipment.

Exception: Enphase or similar technology for solar equipment that de-energizes the system at the roof panels upon loss of A/C reference leaving no energized electrical potential inside the structure when the main breaker is tripped.

Section 605.11.2. **Warning Sign.** The following wording shall be placed on a permanent sign attached at the main electrical disconnect from P.G. & E. The sign shall be red background with white letters or a white background with red letters. Minimum size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.

WARNING:
This building supplied with an alternative power source. Alternate disconnect is: (*describe location - on the right, below etc.*) of this main disconnect. Both must be used.

Section 605.11.3. **Required Conduit.** All wiring that may contain electrical potential when the alternate service disconnect has been activated, (such as the wiring between the solar arrays and the DC electrical disconnect on a photovoltaic system) shall be completely contained in metal conduit.

Section 901.7 of Chapter 9 is hereby amended by adding the following sentence:

This section shall also apply to residential fire sprinkler systems.

Section 903.2 of Chapter 9 is hereby amended as follows:

Section 903.2 **Where Required.** 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 602 of the Building Code.

b. Agricultural buildings as defined in Appendix C 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.

2. In newly created second units.

Exceptions:

a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
b. Parcels along Sir Francis Drake Boulevard, for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard.

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

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 Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

Section 903.3 of Chapter 9 is hereby amended by adding the following language:

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 504 and 506 of the Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

a. In all residential buildings required to be sprinkled any attached garages shall be sprinkled, and except for one and two family

dwellings, in all residential occupancies the attics shall be sprinkled.

b. 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.

c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R and standards developed by the Chief.

d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

Section 906.11 is hereby added to Chapter 9 as follows:

Section 906.11 **Fire Extinguisher Documentation.** The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the 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 907.2 of Chapter 9 is amended to add the following paragraph:

New Construction: Every new building constructed for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Section 907.9.5.1 is hereby added as follows:

Section 907.9.5.1 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 907.2.11 of Chapter 9 is hereby amended by changing the first sentence of the exception to read as follows:

> **EXCEPTION:** For group R occupancies other than single family dwellings.

The following language is added to Section 907.3 of Chapter 9:

> **Existing Construction:** Every existing building remodeled for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Section 4906.2 subsection 2 of Chapter 49 is amended as follows:

> 2. Land designated as a Wildland-Urban Interface Area by the local enforcing agency to be at a significant risk from wildfires and lands designated as Very-High Fire Hazard Severity Zones by cities and other local agencies.

Section 4907.1 of Chapter 49 is amended as follows:

> Section 4907.1 **General.** Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14 Division 1.5, Chapter 7, Subchapter 2, Section 1270.
>
> Buildings and structures within the Wildland-Urban Interface Area as designated by the local enforcing agency to be at a significant risk from wildfires and Very-High Fire Hazard Severity Zones of a local responsibility area (LRA) shall maintain defensible space as outlined in Government Code 51175-51189, and any local ordinance or standard published by the Fire Code Official.

Section 4907.2 is hereby added to Chapter 49 as follows:

> Section 4907.2 **Fire Hazard Reduction**. Any person who owns, leases, controls or maintains any building or structure and lands within specific Wildland Urban Interface areas of the jurisdiction of the Town of Fairfax shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or pyrophytic vegetative types necessitate removal as

determined by the Fire Code Official. 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 growth less than 3 inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. (Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2006 International Wildland-Urban Interface Code, as amended by the Town of Fairfax.

EXCEPTION 1: When approved by the fire code official, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

EXCEPTION 2: When approved by the fire code official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil, and prevent erosion.

Section 4907.3 is hereby added to Chapter 49 as follows:

Section 4907.3 **Fire Hazard Reduction from Roadways.** The Chief is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Chief is authorized to enter upon private property to do so

EXCEPTION: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 4907.4 is hereby added to Chapter 49 as follows:

Section 4907.4 **Notice to Abate**. Failure to comply with the requirements of Section 4907.2 shall be deemed a public nuisance. The Fire Chief is hereby authorized to require the abatement of any nuisance condition described in Section 4907.2. Notice requiring the abatement of such nuisance shall be given by mail to the owner of the property upon

which, or in front of which, such nuisance exists, at such owner's address as shown on the last equalized Assessment Roll of the County of Marin. Such notice shall contain the following:

A. The street address and Assessor's Parcel Number for the affected property.

B. The date of the inspection of the property by the Fire Department during which such nuisance was discovered.

C. A description of the nuisance and its location on, or in front of, the property.

D. The abatement action which the owner is required to take and a time limit for such abatement.

E. A statement that if the owner fails to abate such nuisance within the prescribed time and the Fire Department, or other Town agent, will abate the nuisance.

F. A statement that if the Fire Department, or other Town agent, is required to abate the nuisance the cost of such abatement will be assessed as a lien against the property.

ABATEMENT AND ASSESSMENT OF COST

Should the abatement of the nuisance not be accomplished by the owner of the affected property within the period set forth in the notice requiring abatement, the Fire Chief is authorized to perform such abatement and shall keep an accurate account of the cost of such abatement. The Fire Chief shall mail written notice of such cost to the owner of the affected property who may, within fifteen (15) days of the date of such mailing, request a hearing by the Ross Valley Fire Department Board of Directors (the "RVFD Board") with respect to such cost. The RVFD Board shall hold a hearing within thirty (30) days of receiving the request. The decision of the RVFD Board shall be final. The cost of such abatement as finally fixed and determined by the RVFD Board shall constitute a special assessment against the affected property. The Fire Chief shall cause an order confirming such assessment to be recorded in the office of the County Recorder at which time a lien for such assessment shall attach to the affected property. The Fire Chief shall also file a copy of the order confirming the assessment with the County Auditor and the amount of such assessment shall, thereafter, be collected at the time and in the manner of ordinary property taxes. If delinquent, the amount of such assessment shall be subject to the same penalties and procedure for foreclosure and sale provided for ordinary property taxes.

4907.3. Fire Hazard Reduction From Roadways. Corrective action, if necessary, shall be I the same manner as 4907.2

Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended as follows:

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

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

Section A104.11 – **TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL ARICRAFT.** Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.

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

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

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

Section 104.13 **APIARIES.** Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the fire code official.

SECTION 8.04.110. AUTHORITY TO ARREST AND ISSUE CITATIONS

(a) The Fire Chief, Chief Officers, Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the 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 Town Council of the Town of Fairfax 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 8.04.120. PENALTIES

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

(b) If a criminal citation is issued, penalties shall be per Section 108, 109, or 111 of this code. If an administrative citation is issued, the penalties are as follows:

(c) The first citation, within a 12-month period, for violations of the Fire Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the Ross Valley Fire Department 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 Ross Valley Fire Department. Said civil penalties shall be a debt owed to the Department 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 8.04.130. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Ross Valley Fire Department for such civil penalty and costs of the litigation, including reasonable attorney's fees.

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

(e) 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.

(f) Nothing contained in Subsections (a) through (e) of this Section shall be construed or interpreted to prevent the Ross Valley Fire Department from recovering all costs associated with a Ross Valley Fire Department response as described in Section 104.12 of the 2009 International Fire Code as amended.

(g) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the Ross Valley Fire Department 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 Ross Valley Fire Department intent to charge the property owner for all administrative costs associated with enforcement of this Ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief's decision to the Board of Directors of the Ross Valley Fire Department 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 Ross Valley Fire Department 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

SECTION 8.04.130. APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (c) of Section 8.04.120 or a bill for Ross Valley Fire Department response costs and expenses pursuant to Section 104.12 of the 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 Fire 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 Fire Chief to the Board of Directors of the Ross Valley Fire Department 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 various sections of this Code, or to matters for which an appeal is provided pursuant to Section 8.04.130 (a) above.

SECTION 8.04.135. FEE AND PENALTY ADJUSTMENTS

The Town Council may, by resolution, revise the fees and penalties established by this Title 8.04.

Section 3. Validity

Section 3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the Town Council which addresses the same subject addressed herein.

Section 3.2 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 Town Council of the Town of Fairfax 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 4: Urgency Findings

The Town Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect on January 1, 2011. Pursuant to state law, the 2010 California Building Standards will automatically take effect in the Town on January 1, 2011.

However, Government Code Section 17958.7 of the California Health and Safety Code allows local agencies to enact modifications to those building standards to address local climatic, geological or topographical conditions. Accordingly, this Ordinance includes several local amendments to the state standards. Thus, if this Ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, ambiguity and confusion regarding the applicability of the Town's local amendments to the California Building Standards could result. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

Section 5: Ordinance Posting and Effective Date.

Section 4.1 A certified copy of this ordinance shall be posted in the office of the Town Clerk at least five days prior to the Town Council meeting at which the Ordinance shall be adopted.

Section 4.2 Copies of the foregoing Ordinance, within fifteen (15) days after its final passage and adoption shall be posted in three public places in the Town of Fairfax, to wit:

1. Bulletin Board, Fairfax Town Offices, Town Hall;
2. Bulletin Board, Fairfax Post Office; and
3. Bulletin Board, Fairfax Women's Club Building;

which places are hereby designated for that purpose.

Section 4.3 This Ordinance shall go into effect on January 1, 2011.

Section 4.4 The Town Clerk shall cause Section 2 of this ordinance to be codified in the Fairfax Municipal Code.

Section 4.5 This Ordinance, together with the findings in Exhibit A, shall be filed with the California Building Standards Commission within thirty (30) days after its final passage.

The foregoing ordinance was adopted at an adjourned regular meeting of the Town Council of the Town of Fairfax held in said Town on the 15th day of December, 2010 by the following vote, to wit:

AYES:

NOES:

ABSENT:

_____
Larry Bragman, Mayor

Attest:

_____
Town Clerk, Judy Anderson