

ORDINANCE NO. 2010-2

**AN ORDINANCE OF THE NOVATO FIRE PROTECTION DISTRICT
ADOPTING AND MODIFYING THE CALIFORNIA FIRE CODE,
INTERNATIONAL FIRE CODE, AND APPENDIX A OF THE INTERNATIONAL
WILDLAND-URBAN INTERFACE CODE PRESCRIBING REGULATIONS
GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY
RESULTING FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE
OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND DEFINING
THE POWERS AND DUTIES OF THE FIRE LOSS MANAGEMENT DIVISION
AND OFFICERS.**

WHEREAS, the Novato Fire Protection District (District) may adopt a fire prevention code by reference pursuant to Article 2 (commencing with Section 50022) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code;

WHEREAS, pursuant to Health and Safety Code Section 13869.7, the District may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code when such modified standards are reasonably necessary because of local climatic, geological or topographical conditions;

WHEREAS, pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, changes or modifications to the 2010 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions.

NOW THEREFORE BE IT ORDAINED by the Board of Directors of the Novato Fire Protection District the following:

**SECTION 1. ADOPTION OF CALIFORNIA FIRE CODE,
INTERNATIONAL FIRE CODE AND APPENDIX A
OF THE 2009 INTERNATIONAL WILDLAND
URBAN INTERFACE CODE**

The Board of Directors of the Novato Fire Protection District hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The entire 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 the following appendices:

- 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;

except such portions as are hereinafter deleted, modified or amended by Section 11 of this Ordinance

2. The entire International Fire Code, published by the International Fire Code Council, Inc., 2009 Edition, save and except such portions as are hereinafter deleted, modified or amended by Section 11 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 11 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 Novato Fire Protection District 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 Novato Fire Protection District.

SECTION 2. DUTIES OF THE FIRE LOSS MANAGEMENT DIVISION

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

SECTION 3. 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 1 of this Ordinance.
- (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Novato Fire Protection District.
- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Novato Fire Protection District.
- (d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Fire Loss Management Division of the Novato Fire Protection District.

SECTION 4. 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: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Novato or County of Marin, whichever is applicable, and agricultural land of less than two (2) acres.

SECTION 5. 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: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Novato or County of Marin, whichever is applicable, and agricultural land of less than two (2) acres.

SECTION 6. 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: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Novato or County of Marin, whichever is applicable.

SECTION 7. ESTABLISHMENT 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: In all residential areas and in heavily populated or congested commercial areas as established by the City of Novato or County of Marin, whichever is applicable.

SECTION 8. 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: In all residential areas and in heavily populated or congested commercial areas, as established by the City of Novato or County of Marin, whichever is applicable.

SECTION 9. 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: In all residential areas and in heavily populated or congested commercial areas, as established by the City of Novato or County of Marin, whichever is applicable.

SECTION 10. 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: In all residential areas and in heavily populated or congested commercial areas, as established by the City of Novato or County of Marin, whichever is applicable.

SECTION 11. AMENDMENTS MADE TO THE 2010 CALIFORNIA FIRE CODE, 2009 INTERNATIONAL FIRE CODE AND 2009 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

The District Board hereby finds that local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications to the 2009 International Fire Code, 2010 California Fire Code and the 2010 California Building Standards Code in order to provide a reasonable degree of property security and fire and life safety in this Fire District.

Specifically, the District Board finds that the following local conditions make more stringent standards a necessity:

1. Climatic

a. **Precipitation.** Precipitation ranges from 15 to 42 inches per year with an average of approximately 25 inches per year. Approximately ninety percent (90%) falls during the months of November through April, and 10% from May through October.

b. **Relative Humidity.** Humidity generally ranges from 50% during daytime to 86% at night. It drops to 20% during the summer months and occasionally drops lower.

c. **Temperatures.** Temperatures have been recorded as high as 104 degrees F. Average summer highs are in the 78 degree to 85 degree range.

d. **Winds.** Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5 – 15 mph range, gusting to 7.4 – 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

e. **Summary.** These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another, commonly found in Novato. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blowtorch effect, in addition to preventing “natural” ventilation and cross-ventilation efforts.

2. Geographic and Topographic

a. **Geography.** The fire environment of a community is primarily a combination of two factors: the area’s physical geographic characteristics and the historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area’s fire protection needs.

The basic geographical boundaries of the District include Big Rock Ridge to the south, the Grossi Ranch to the west, Burdell Mountain to the north and the Bahia Subdivision to the east.

Because of the size of the Novato Fire Protection District (75 square miles), the characteristics of the fire environment changes from one location to the next. Therefore, the District has not one, but a number of fire environments, each of which has its individual fire protection needs.

The service area of the Novato Fire District has a varied topography and vegetative cover. A conglomeration of bay plains, hills and ridges make up the terrain. Development has occurred on the flat lands in the central portion of the District. However, over the last ten years, development has spread into the surrounding hills and the smaller valleys and canyons.

b. **Seismic Location.** The relatively young geological processes that have created the San Francisco Bay Area are still active today. The District sits between two active earthquake faults: San Andreas and the Hayward/-Calaveras and numerous potentially active faults. Approximately 50% of the District’s land surface is in the high-to-moderate seismic hazard zones.

c. **Size and Population.** The Novato Fire Protection District covers 75 square miles including an urban population estimated at 58,200. Novato is the second largest fire department in Marin County. Within the Fire

Protection District are five (5) fire stations and a total of 84 Fire District personnel. The Fire Protection District handles diverse responsibilities including wildland, urban, freeway, air, rail and paramedical.

d. **Roads and Streets.** There is no master plan for roadway right-of-way and construction within the District. As a result, new developments are generally serviced by lengthy cul-de-sacs. Most of the smaller canyons and valleys, as well as hillsides, are served by cul-de-sacs and dead-end roads. Some planned unit developments are served by private roads which create access problems (i.e., narrow paved widths and on-street parking).

The roadway systems on the flat lands within the City of Novato are for the most part a grid or loop system. Roadways with less than 20 feet of unobstructed paved surface, with a dead-end longer than 150 feet, with a cul-de-sac longer than 800 feet, or with a cul-de-sac diameter less than 68 feet are considered hazardous in terms of fire access and protection. A large number of roadways within the District fall into one of the above four categories.

e. **Topography.** The District's service area is a conglomeration of bay plains, hills, valleys and ridges. The flatter lands are found in the central and eastern portions of the District. Most of the existing urban and suburbanized areas are on relatively flat lands (0 – 5% slope). During extraordinary precipitation events low laying areas are susceptible to flooding preventing access to some commercial and residential occupied areas of the District. Potential for levy and or water supply failure in these areas is also of concern.

Future residential development is proposed for the hill areas south and east of the present City of Novato. The majority of the hillsides in these areas have slopes ranging from 15 – 30% and 30+%. The steeper slopes north and west of the City of Novato are planned for agriculture and open space.

Elevations are varied in the District with Bahia (Black Point) listed as 5 feet above sea level. Downtown Novato is 18 feet above sea level, Burdell Mountain summit is 1,558 feet, and Big Rock Ridge summit is at 1,887 feet.

Correspondingly, there is much diversity in slope percentages. Bahia slopes run from level to near 70%. Burdell Mountain has slopes that run from 20 to 70%. Big Rock Ridge has slopes from 40 – 80%. Slope is an important factor in fire spread. As a basic rule of thumb, the rate of spread will double as the slope percentage doubles, all other actors remaining the same.

f. **Vegetation.** Novato's semi-arid Mediterranean-type climate produces vegetation similar to that of most of Marin County, with specific growth locale a result of topography and prevailing wind. The south facing

exposure is primarily rye grass with occasional clumps of bay and oak trees in the more sheltered pockets. The north facing slopes are heavily wooded from lower elevations to ridge with oak and bay trees and minor shrubs of the general chaparral class.

Expansion of the residential community into areas of heavier vegetation has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view.

Approximately 30% of all the structures in the District have wood shingle or shake roofs. This very flammable material is susceptible to ignition by embers from a wildland fire, furthering the spread of fire to adjacent buildings.

Of the Fire District's 75 square mile service area, approximately 40 square miles encompasses the wildland urban interface area. Proliferation of sudden oak death syndrome has increased the dead fuel loads in the oak woodlands and bay forests which has significantly increased fire brand production and crown fire potential within the wildland urban interface area.

g. **Summary.** The above local geographic and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Novato Fire Protection District.

Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Approximately 30% of all dwellings in the District have wood shingle roofs.

The majority of the City's industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. The District's resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single-dwelling or structure fires.

Other variables may tend to intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge and/or freeway overpass collapse;
- 3) The extent of roadway damage and/or amount of debris blocking the roadways;

- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) The large portion of dwellings with wood shingle roof coverings could result in conflagrations.

Conclusion: Local climatic, geographic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore it is found to be reasonably necessary that the California Fire Code and the State Building Standards Code be changed or modified to mitigate the effects of the above conditions.

Accordingly, the 2010 California Fire Code and the 2009 International Fire Code are amended and changed in the following respects:

Section 102.5 is hereby amended to read as follows:

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 when specifically required by this code including, but not limited to, Section 903.2, shall apply. 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 and shall read 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 and shall read 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 and shall read 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 and shall read 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 source or more than 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 and shall read 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 that any violations of this Chapter shall be a misdemeanor with a fine amount up to \$500 and imprisonment up to 180 days.

Section 109 of Chapter 1 is amended by adding section 109.3.2 to read as follows:

Section 109.3.2 **Abatement of clearance of brush or vegetative growth from structures.** The fire code official is authorized to give notice to the owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3 and section 4907.1 of Chapter 49 exists to correct such conditions. If the owner fails to correct such conditions, the Board of Directors is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

Section 111.4 of Chapter 1 is hereby amended by specifying the fine amounts as not less than \$500 and not more than \$1,500.

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 an attached or detached additional dwelling unit which provides complete independent living facilities, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.

Spark Arrestor shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger

than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any 36 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, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

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 'Public Storage Facility' as follows:

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 and shall read 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 401.1.1 is hereby added to Chapter 4 and shall read 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 (Your Fire Department/District), that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an on site Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Novato Fire Protection District.

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 but is not limited to 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 and shall read 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 and shall read 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 a sentence to read as follows:

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

Section 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 of Chapter 5 is hereby amended by adding a paragraph thereto to read as follows:

Section 503.1.4 **Fire Roads.** Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the Fire District so as to gain access to improved, unimproved, and undeveloped areas of the Fire District 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 of Chapter 5 is amended by adding a sentence thereto 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 and shall read 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 a sentence thereto to read as follows:

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 to read as follows:

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 and shall read as follows:

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 and shall read as follows:

Section 503.6.2 **Electronic gates.** All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards adopted by the Fire Code Official. All electronic or motorized gates shall

incorporate in their design the 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 to read 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 to read 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 and shall read 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 and shall read 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.

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.

605.11.2. **Warning Sign.** The following wording shall 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.

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 to read 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, and located within an Agricultural zoned district as defined in the Marin County Planning Code.

2. In newly created second units.

3. In all buildings which have more than fifty per cent (50%) floor area added or any “substantial remodel” as defined in this code, within any 36 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 36 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 thereto:

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 also be sprinkled, and except for single 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.
- 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 and shall read 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 907.2.11 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.

Section 907.9.5 of Chapter 9 is hereby amended by adding Section 907.9.5.1 and shall read 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 4906.2 paragraph 2 of Chapter 49 is amended to read 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 to read 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 areas (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 and shall read 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 Novato Fire Protection District 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 2003 International Wildland-Urban Interface Code, as amended by the Novato Fire Protection District.

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 A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended to read 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 and shall read as follows:

Section A104.11 – **TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL AIRCRAFT.** 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 and shall read 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 and shall read as follows:

Section A104.13 **APAIRIES**. 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.

The following table provides code sections that have been modified pursuant to this Ordinance, due to local climatic, geological and topographical reasons.

CA Fire Code Section Number Local followed by corresponding climatic, geological and topographical condition findings as set forth above:

202(s)	1e, 2a, 2b, 2d, 2e, 2f
302.1	2b, 2d, 2e, 2g
318.1	2b, 2d, 2e, 2g
318.2	2b, 2d, 2e, 2g
318.4	2b, 2d, 2e, 2g
901.7	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g
903.2	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g
903.3	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g
907.2.11	1a, 1b, 1e, 2a, 2b, 2d, 2e, 2g

SECTION 12 AUTHORITY TO ARREST AND ISSUE CITATIONS

(a) The Fire Chief, Chief Officers, Deputy Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the 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 Board of Directors of the Novato Fire Protection District 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 13 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 of the California Fire Code and, 109.3, or 111.4 of Section 11 of this ordinance. 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 Novato Fire Protection District and is set at \$150 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Novato Fire Protection District. Said civil penalties shall be a debt owed to the District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in Section 14. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Novato Fire Protection District for such civil penalty and costs of the litigation, including reasonable attorney's fees.

(d) Any subsequent citations within a twelve (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 (f) of this Section shall be construed or interpreted to prevent the Novato Fire Protection District from recovering all costs associated with a Fire District 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 Novato Fire Protection District to collect the costs of abatement and related administrative costs by a nuisance abatement lien as more particularly set forth in Government Code Section 38773.1, and by special assessment to be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.5. At least thirty (30) days prior to recordation of the lien, or submission of the report to

the Tax Collector for collection of this special assessment, the record owner shall receive notice from the Chief of the Novato Fire Protection District 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 Novato Fire Protection District 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 Novato Fire Protection District is authorized to prosecute a civil action to collect such abatement costs from the property owner or other person in possession or control of the affected property, and shall be entitled to recover such abatement costs, together with the cost of litigation, including reasonable attorney's fees. The provisions of this section shall also apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in section 109.3.2.

SECTION 14. APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 13 or a bill for Novato Fire Protection District 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 Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Directors of the Novato Fire Protection District within 10 days from the date of the decision. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 14 (a) above.

SECTION 15 FORMER ORDINANCES

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

SECTION 16 VALIDITY

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

SECTION 17 ORDINANCE PUBLICATION AND EFFECTIVE DATE

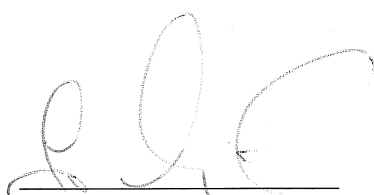
A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the Novato Fire Protection District Clerk at least five (5) days prior to the Board of Directors meeting at which it is adopted.

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

SECTION 18 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Board of Directors of the Novato Fire Protection District finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, § 15061(b)(3).

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



President of the Board
of Directors

Attest:



Denise Wade, Novato Fire Protection District Clerk

The foregoing **Ordinance No. 2010-2** was read and introduced at a Regular meeting of the Board of Directors of the Novato Fire Protection District held on the 17th day of November, 2010, and ordered passed to print by the following vote, to wit:

M/s Galli/Silverman approved the recommended date of Wednesday, December 1, 2010 at 6:00 p.m. for Ordinance 2010-2 Public Hearing.

Motion carried.

AYES: Board Members: Directors Galli, Horick, Mansourian, Silverman

NOES: Board Members: None

ABSENT: Board Members: Director Beedle

and will come up for adoption as an Ordinance of the Novato Fire protection District at a Regular meeting of the Board of Directors to be held on the 1st day of December, 2010.

AYES: Board Members: Directors Beedle, Galli, Horick, Mansourian, Silverman

NOES: Board Members: None

ABSENT: Board Members: None



President of the Board of Directors



Denise Wade, Novato Fire Protection District Clerk