



# TOWN OF FAIRFAX

## STAFF REPORT

### November 2, 2016

**TO:** Mayor and Town Council

**FROM:** Mark Mills, Fire Chief *GM*  
Robert Bastianon, Fire Inspector  
Ruben Martin, Fire Inspector

**SUBJECT:** Introduction and first reading by title only of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.04 of the Fairfax Municipal Code, Adopting by Reference the 2016 California Fire Code (California Code Of Regulations, Title 24, Part 9), the 2015 International Fire Code, and Appendix A of the 2015 International Wildland-Urban Interface Code, Together with Certain Additions, Insertions, Deletions and Changes Thereto, for the Purpose of 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

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#### RECOMMENDATION

Introduce and waive the first reading and read by title only an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 8.04 of the Fairfax Municipal Code, Adopting by Reference the 2016 California Fire Code (California Code Of Regulations, Title 24, Part 9), the 2015 International Fire Code, and Appendix A of the 2015 International Wildland-Urban Interface Code, Together with Certain Additions, Insertions, Deletions and Changes Thereto, for the Purpose of 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

#### DISCUSSION

This item involves consideration of an ordinance, which would amend the Fairfax Municipal Code to adopt the 2016 Edition of the California Fire Code and 2015 International Fire Code with certain local amendments and additions and Appendix A of the 2015 International Wildland Urban Interface Code. This adoption process is required by the Town Council to stay current with the minimum requirements of the State of California building and fire standards as determined by the California Building Standards Commission.

Every three years the California Building Standards Commissions publishes model codes such as the California Fire Code, Building Code, Mechanical Code, Plumbing Code, etc. Once published, local agencies have 180 days to make additions or amendments based on local conditions. If no changes are made during this 180-day window, the model codes become effective. Based on the 180-day cycle, we have until January 1, 2017 to make local changes.

For the last six code adoption cycles, the Marin County Fire Prevention Officers have met and cooperatively reviewed the model code. This proposed ordinance represents a cooperative effort to develop standard ordinance language. While some minor changes occur between jurisdictions, the end result is a more consistent and cooperative approach to fire safety issues, making it easier for contractors and developers to work with each jurisdiction. The local amendments included in the ordinance do not represent any significant changes from the current Code.

### **Summary Text of Ordinance**

Other than the new code references, there are no significant changes in the proposed Ordinance language as compared to the last Ordinance 774 adopted by the Town Council in 2013. The Fire Code is arranged and organized to follow sequential steps that generally occur during plan review or inspection. The 2015 International Fire Code (IFC), which California adopts with amendments as the 2016 California Fire Code, has again been organized into 7 parts. Each part represents a broad subject matter and includes the chapters that logically fit under the subject matter of each part. The 2015 IFC was organized to allow for future chapters to be conveniently and logically expanded without requiring a major renumbering. Therefore this code adoption, as in past adoptions, results in some renumbering.

Proposed changes include:

- Renumbering of some referenced sections to reflect where the sections are found in this current edition of the fire code.
- Adoption of Appendix A from the 2015 International Wildland-Urban Interface Code.
- Adoption of Appendix N of the 2016 California Fire Code: Temporary haunted houses, ghost walks and similar amusement uses; this appendix reinforces standards that are already enforced throughout Marin County Fire agencies.
- Correct the referenced sections for establishing limits for storage of various hazardous materials.
- Removed additional operating permits already covered in the existing code adoption.
- Added the definition of “Junior Second Unit” and the exemption of residential fire sprinklers in these units.
- Modified the definition of “Membrane Structure” and “Tent” to include the term “Umbrella Structure” in order to capture large scale umbrellas that are being installed around the Town of Ross and the County of Marin. (\*This wording will be added to the code in the 2018 IFC).
- Added the definition of “Umbrella Structure” to both support the addition of the term in “Membrane Structure” and “Tent”.
- Added a section to address “Unwarranted Alarm Notification” in order to address the issue of continued unwarranted alarm responses.

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- Added definition of “Unwarranted Alarm” to support the addition of the term for continued unwarranted alarm responses.
- Added requirement for “Emergency Preparedness for Hotels, Lodging, and Congregate Houses” to provide guests access to a telephone to report emergencies.
- Added an exception to fire apparatus access road to permit driveways to be reduced 16 feet wide.
- Modified the requirement for where sprinklers are required in residential occupancies to include manufactured homes, mobile homes, and multifamily manufactured homes with 2 or more dwelling units in accordance with Title 25 of the California Code of Regulations.
- Added exception from sprinkler requirement for second units if not required for the primary residence and certain conditions are met to comply with new state law (AB 2299).
- Modified the requirement of “Commercial Cooking Systems” to include NFPA 96.

**FISCAL IMPACT**

None

**ATTACHMENT**

Ordinance amending Chapter 8.04 of the Fairfax Municipal Code as it relates to Fire Codes (including Exhibit “A” Findings of Fact)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTER 8.04 OF THE FAIRFAX MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2016 CALIFORNIA FIRE CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9), THE 2015 INTERNATIONAL FIRE CODE, AND APPENDIX A OF THE 2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO, FOR THE PURPOSE OF 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 2016 California Fire Code (which consists of certain portions of the 2015 edition of the International Fire Code as amended by the State of California), the 2015 edition of the International Fire Code to the extent the same is not inconsistent with the 2016 California Fire Code, and Appendix A of the 2015 edition of the International Wildland-Urban Interface Code, along with certain changes and modifications to these Codes, which the Town Council is authorized to make by California Health and Safety Code Sections 17958.7, and 18941.5, and 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 2016 California 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). Furthermore, the project protects persons and property from emergencies caused by the risk of fire, explosion and earthquake, and is statutorily exempt from CEQA because it is an action necessary to prevent or mitigate an emergency. (Cal. Public Resources Code section 21080(b)(4).)

**Section 2. Municipal Code Chapter 8.04 Amended:**

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

**“SECTION 8.04.010            ADOPTION OF 2016 CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE AND APPENDIX A OF THE 2015 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, which shall be collectively known as the “Town Fire Code”:

1. The 2016 California Fire Code, which consists of certain portions of the 2015 edition of the International Fire Code as amended by the California Building Standards Commission, including:
  - a. Division II of Chapter 1 ADMINISTRATION, except Section 103.2 and 108,
  - 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,
  - h. Appendix N TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES;
2. The 2015 edition of the International Fire Code published by the International Fire Code Council, Inc., to the extent the same is not inconsistent with the 2016 California Fire Code;
3. Appendix A of the 2015 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.

Each and all of the regulations, provisions, penalties, conditions, and terms of said Town Fire Code are hereby referred to, adopted, and as if fully set out in this Ordinance, subject only to the amendments and deletions herein. 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 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 Town Fire Code 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 the Town Fire Code adopted in Section 8.04.010 of this Ordinance.
- (b) Wherever the word "jurisdiction" is used, it shall be held to mean the Town of Fairfax.
- (c) Wherever the term "counsel" is used, it shall be held to mean the attorney for the Town of Fairfax.
- (d) Wherever the words "Fire Code Official" are used, 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 5704.2.9.6.1 of the 2016 California 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 5706.2.4.4 of the 2016 California 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 6104.2 of the 2016 California 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 2016 CALIFORNIA FIRE CODE, 2015 INTERNATIONAL FIRE CODE AND 2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE**

The 2016 California Fire Code the adopted portions of the 2015 International Fire Code as applicable, 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 California Residential Code, the provisions of this code shall apply as follows:

1. Construction and design 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 605.11 and 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 102.7.3 is hereby added to Chapter 1 as follows:

Section 102.7.3 **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 or Policies.** The Fire Code Official is authorized 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 105.6.49 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 20.

**5. Fire Protection Plan.** An operational permit is required to implement a fire protection plan.

**6. 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 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.

Section 105.7.19 is hereby added to Chapter 1 as follows:

**Section 105.7.19 Vegetation Management Plan.** A construction permit is required to implement a vegetation management plan.

Sections 109.4 and 109.4.1 of Chapter 1 are hereby amended to read as follows:

**109.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**109.4.1 Abatement of violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop

an illegal act, conduct of business or occupancy of a structure on or about any premises.

Section 111.4 of Chapter 1 is hereby amended to read as follows:

**111.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than \$1,000.00 dollars.

Section 202 [C] of Chapter 2 is hereby amended by adding the definition of 'Coverings' as follows:

**Coverings** shall mean materials including, but not limited to gypsum board, paneling, floor boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to rough framing of the building elements. 'Coverings' do not include carpet, linoleum, tile, wall paper, or other decorative finishes.

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-[J] of Chapter 2 is hereby amended by adding the definition of 'Junior Second Unit' as follows:

**Junior Second Unit** (also called "junior accessory dwelling unit") an accessory dwelling unit limited to conversion of an existing room, no more than 500sq. /ft. in size; incorporating a small wet-bar kitchen with limits on sink and counter sizes; limit on size of drain line; no gas service, and limit on electrical service (110v); May have a separate or shared bathroom for the unit; external and internal access; and owner occupancy required. Or as defined by Government Code, Section 65852.22, as may be amended from time to time.

Section 202-[M] of Chapter 2 is hereby amending the definition of 'Membrane Structure' and shall read as follows:

**Membrane Structure.** An air-inflated, air-supported, cable or frame-covered structure as defined by the *California Building Code* and not otherwise defined as a tent or umbrella structure. See Chapter 31 of the *California Building Code*.

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, 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, 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 and/or amending the definition of 'Temporary' and 'Tent':

**Temporary** shall mean any use for a period of less than 90 days, where not otherwise referenced.

**Tent** A structure, enclosure, umbrella structure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

Section 202 [U] of Chapter 2 is hereby amended by adding the definition of 'Umbrella Structure'

**Umbrella Structure** A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See "Membrane Structure" and "Tent")

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 320 is hereby added to Chapter 3 as follows:

Section 320 **PUBLIC STORAGE FACILITIES**

Section 320.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

Section 320.2. **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 320.3. **Fire apparatus access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section 320.4. **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 57 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/policies 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 401.3.2.1 is hereby added to Chapter 4 and shall read as follows:

Section 401.3.2.1 **Unwarranted Alarm Notification.** Notification of emergency responders based on an unwarranted alarm shall be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party shall be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

Section 402.1 of Chapter 4 is hereby amended by adding the definition of 'Pre-plans' and 'Unwarranted Alarm' 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.

**Unwarranted Alarm** shall mean the giving, signaling or transition of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

Section 403.1.1 is hereby added to Chapter 4 as follows:

Section 403.1.1 **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 403.10.1.4 is hereby added to Chapter 4 as follows:

Section 403.10.1.4 **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 501.5 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, wharfs and other structures 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 503.4.2 is hereby added 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 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 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/Policies 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 listed in accordance with UL1037, 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 507.5.1.2 is hereby added to Chapter 5 as follows:

Section 507.1.2 **Hydrant for sprinkler systems.** Buildings equipped with sprinkler systems installed in accordance with Section 903 shall have a fire hydrant within 100 feet (30 m) of the fire department connections.

Exception: The distance shall be permitted to exceed 100 feet (30 m) where approved 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.

Exceptions:

1. If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.
2. One and two family dwellings equipped throughout with an approved automatic sprinkler system.

Section 605.11.3 is hereby added to Chapter 6 as follows:

**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 605.11.4 is hereby added to Chapter 6 as follows:

**605.11.4. Disconnect.** The electrical service disconnect for the alternative power supply shall be located within eight feet from the 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 605.11.5 is hereby added to Chapter 6 as follows:

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



**WARNING:**  
**This building supplied with a PHOTOVOLTAIC power source. Disconnect is: (*Describe location - on the right, below etc.*) of this main disconnect. Both must be used.**

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 add the following:

Section 903.2 **Where Required.** All Occupancies and Facilities. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Additionally, 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 for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as shown on the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.
- c. Junior second units.
- d. For an accessory dwelling unit, as defined by Government Code Section 65852.2(i)(4), if fire sprinklers are not required for the primary residence. This exception is intended to comply with Government Code Section 65852.2(c).

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 904.12 is amended to read as follows:

Section 904.12 **Commercial cooking systems.** Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

1. Wet chemical extinguishing system, complying with UL 300.
2. Carbon dioxide extinguishing system.
3. Automatic fire sprinkler systems.

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

**Exception:** Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufactures' installation instructions.

**Exception:** Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the California Mechanical Code and NFPA 96.

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 paragraphs:

**New Construction:** Every new building constructed for non-residential occupancies greater than 2,000 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.

**Existing Construction:** Every existing building remodeled for non-residential occupancies greater than 2,000 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 907.2.11 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 907.8.5.1 is hereby added as follows:

Section 907.8.5.1 **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 3101.1 is hereby amended to read as follows:

Section 3101.1 **Scope.** Tents, umbrella structures, temporary stage canopies and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents, umbrella structures, and membrane structures. The provisions of Section 3104 are applicable to temporary and permanent tents, umbrella structures, and membrane structures. Other temporary structures shall comply with the California Building Code.

These building standards govern the use of tents, umbrella structures, awnings or other fabric enclosures, including membrane (air-supported and air-inflated) structures and places of assemblage, in or under which 10 or more persons may gather for any lawful purpose.

**Exceptions:**

1. Tents, umbrella structures, awnings or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private one- and two-family dwellings.
2. Tents used to conduct committal services on the grounds of a cemetery.

3. Tents, umbrella structures, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.
4. Tensioned membrane roof materials supported by ridged frames or installed on a mast and cable system provided such structures conform to the requirements of one of the types of construction as described in these regulations.

Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches governed by the provisions of Division 13, Part 2, Health and Safety Code (Department of Housing and Community Development).

Section 4906.2 paragraph 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 combustible 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 public streets and 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 in accordance with Section 8.04.115 of the Town Code.

**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 and 4907.3 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 or 4907.3 in accordance with Section 8.04.115 of the Town Code.

Section 5601.1.3 is amended to read as follows:

**Section 5601.1.3 Fireworks**

**Exception:** 1, 2, and 4 are hereby deleted.

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 reasonable conditions for permits as necessary to reduce the threat of wildfire in a wildland-urban interface area and improve the capability of controlling such fires. 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 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 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 8.04.115. NUISANCE ABATEMENT.**

(a) Any violations of the Town Fire Code shall be deemed a public nuisance.

(b) The owner of any property within the Town has the primary responsibility for keeping the property free of public nuisances. Tenants and occupants, for the purposes of this Chapter, shall be deemed to be the agents of the owner.

(c) All entries and inspections shall be done in a lawful and reasonable manner. If an owner, lawful occupant, or the respective agent thereof refuses permission to enter and/or inspect, the Fire Chief of the Ross Valley Fire Department or the duly authorized enforcement officer (collectively hereinafter, "Fire Chief") may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

(d) Whenever the Fire Chief believes a public nuisance exists, the Fire Chief shall commence abatement proceedings.

(e) The Fire Chief shall cause a written notice to be issued to abate such nuisance. 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:

1. The street address and Assessor's Parcel Number for the affected property.
2. The date of the inspection of the property by the Fire Department during which such nuisance was discovered.
3. A description of the nuisance and its location on, or in front of, the property.
4. The abatement action which the owner is required to take and a time limit for such abatement.
5. 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.
6. 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 or special assessment against the property.



7. A statement that the determination of the existence of a nuisance may be appealed to the Fire Chief within the time limit to abate the nuisance.

(f) Abatement. Should the owner of the affected property (i) fail to abate the nuisance, and (ii) fail to appeal the determination of the existence of a nuisance to the Fire Chief 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, including administrative costs.

(g) The Fire Chief shall mail written notice of the costs of the abatement to the owner of the affected property who may, within fifteen days of the date of such mailing, request a hearing by the Fire Chief with respect to such cost. The Fire Chief shall hold a hearing within thirty (30) days of receiving the request. The Fire Chief may make any corrections or modifications if it deems the proposed costs to be excessive or incorrect. The decision of the Fire Chief shall be final.

(h) Assessment of Cost. The cost of such abatement as finally fixed and determined by the Fire Chief may be recovered in an appropriate civil action, including costs of litigation and attorneys' fees, or may be enforced by a nuisance abatement lien or special assessment against the parcel of land as more particularly set forth in Government Code Sections 38773.1 and 38773.5, respectively. At least thirty (30) days prior to recordation of the nuisance abatement lien, or submission of the report to the Tax Collector for collection of this special assessment, the Fire Chief shall give notice to the record owner of the property of the intent to collect abatement and related administrative costs against the property. In addition to any information required by state law, the notice shall include a summary of costs associated with enforcement of this Chapter and abatement of the nuisance.

(i) Emergency Abatement. Notwithstanding any other provisions of this Chapter, whenever the Fire Chief determines that any real property or any building, structure or condition thereon is dangerous or constitutes an immediate threat to public health or safety, the Fire Chief shall, without being required to comply with the procedures of this Section, immediately cause such public nuisance to be abated, provided all other legal constitutional requirements are complied with.

(j) Remedies are Cumulative. Nothing in this Chapter shall be deemed to prevent the Town from commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of applicable ordinances or state law to correct hazards, deficiencies or violations of law in real property in addition to or as alternatives to the proceedings set forth in this Chapter.

#### **SECTION 8.04.120. PENALTIES**

(a) Any violation of the Town Fire Code as adopted herein may be a misdemeanor or infraction, and subject to the penalties set forth herein.

(1) The first citation, within a 12-month period, for a violation of the Town Fire Code shall be treated as an infraction, punishable by a fine of \$100.

(2) Any subsequent citation within a twelve (12) month period for any violation of the Town Fire Code may be either a misdemeanor or an infraction, as determined by the discretion of the Fire Chief. Misdemeanors shall be subject to the penalties set forth in Section 109 or 111 as applicable. Infractions shall be punishable by the fines specified in California Government Code Section 36900.

(b) An administrative citation and fine may also be imposed in accordance with Chapter 1.10. The use of administrative citation and fine as means for addressing violations of this code shall be in addition to criminal, civil or other legal or equitable remedies established by law that may be pursued to address violations of this code and may be used at the sole discretion of the Town. The amounts of the administrative citation fines are contained in Section 1.10.120 of the Town Code.

(c) 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. Unless 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 criminal and administrative penalties shall not be held to prevent the enforcement or correction of prohibited conditions.

(d) Nothing contained in Subsections (a) and (b) 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 2015 International Fire Code as amended.

#### **SECTION 8.04.130. APPEALS**

(a) Any person receiving an administrative citation may request an administrative hearing pursuant to Section 1.10.160 of the Town Code.

(b) Any person receiving 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 bill, an administrative appeal against imposition of the response costs and expenses. 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 Town Council within 10 days from the date of the decision. The Town Council shall conduct a hearing on 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 Town Council shall give written notice of the decision to the appellant, which decision shall be final. The provisions 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) or (b) 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**

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.

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 phrases shall be declared invalid.

### **SECTION 4: Ordinance publication and effective date.**

4.1 Within fifteen (15) days after its adoption the full text of this Ordinance shall be posted in at least three public places in the Town of Fairfax.

4.2 This Ordinance shall be effective 30 days following its adoption by the Town Council or January 1, 2017, whichever is later.

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

4.4 This Ordinance, together with the findings in Exhibit A, shall be filed with the California Building Standards Commission no later than January 1, 2017.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 2<sup>nd</sup> day of November 2016 and thereafter adopted at a regular meeting of the Town Council on the \_\_\_ day of December 2016 by the following vote, to wit:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

Town Clerk