



# TOWN OF FAIRFAX

## STAFF REPORT

### November 6, 2019

**TO:** Mayor and Town Council

**FROM:** Scott Alber, Fire Marshal *GA*  
Robert Bastianon, Fire Inspector

**SUBJECT:** Introduce and read by title only an ordinance entitled "An Ordinance of the Town Council of the Town of Fairfax Amending Chapters 8.04 and 8.06 of the Town of Fairfax Municipal Code, Adopting by Reference the 2019 California Fire Code, Portions of the 2018 International Wildland-Urban Interface Code, With Certain Additions, Insertions, Deletions and Changes Thereto; CEQA exempt from pursuant to CEQA guidelines Section 15061 (b)(3) and Public Resources Code section 21080(b)(4)

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#### RECOMMENDATION

Introduce and read by title only an ordinance entitled "An Ordinance of the Town Council of the Town of Fairfax Amending Chapters 8.04 and 8.06 of the Town of Fairfax Municipal Code, Adopting by Reference the 2019 California Fire Code, Portions of the 2018 International Wildland-Urban Interface Code, With Certain Additions, Insertions, Deletions and Changes Thereto."

#### DISCUSSION

This item involves consideration of an ordinance, which would amend the Fairfax Municipal Code to adopt the 2019 Edition of the California Fire Code and 2018 International Fire Code with certain local amendments and additions and Appendix A of the 2018 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, 2020 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.

If the ordinance is introduced, the adoption would be scheduled for the December 4, 2019 Council meeting. Per state law, the second reading will require a public hearing.

## **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 804 adopted by the Town Council in 2016. The Fire Code is arranged and organized to follow sequential steps that generally occur during plan review or inspection. The 2018 International Fire Code (IFC), which California adopts with amendments as the 2019 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 2018 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.
- Add Appendix E (Hazard Categories) and G (Cryogenic Fluids). Amend definition of F-1 (factory) occupancy to include agriculture crop production.
- Amend section to require a remote reset for duct smoke detectors.
- Add section to specify that fire alarm systems shall be monitored by a listed central station.
- Amend section to require standpipes and sprinklers system be installed and operational during construction.
- Amend section to require standpipes and sprinkler systems to remain operational during demolition.
- Amend referenced standard to require permanently etched, swamped or raised hydraulic plate for sprinkler systems.
- Amend Appendix C to add hydrant locations to be approved by the Fire Code Official.
- Add section in Appendix A of the WUI to prohibit explosives and blasting.

## **CEQA**

The Town Council 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).)

## **FISCAL IMPACT**

None

## **ATTACHMENT**

- A. Ordinance with Exhibit "A" Findings of Fact
- B. Summary of Changes Chart

TOWN OF FAIRFAX

ORDINANCE NO. 19 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTERS 8.04 AND 8.06 OF THE TOWN OF FAIRFAX MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 CALIFORNIA FIRE CODE, PORTIONS OF THE 2018 INTERNATIONAL FIRE CODE, AND APPENDIX A OF THE 2018 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO**

**WHEREAS**, the Fairfax Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, the standards of building within the Town must conform with state law except where local conditions warrant more restrictive regulations; and

**WHEREAS**, the California Building Standards Commission ("Commission") recently adopted the 2019 Edition of the California Building Standards Code, which consists in part of the 2019 California Fire Code; and

**WHEREAS**, pursuant to California Government Code Section 50022.1 et seq., the Fairfax Town Council adopts the 2019 California Fire Code, the 2018 edition of the International Fire Code to the extent the same is not inconsistent with the 2019 California Fire Code, and Appendix A of the 2018 edition of the International Wildland-Urban Interface Code (collectively, "Codes"), along with certain changes and modifications to these Codes; and

**WHEREAS**, pursuant to California Health and Safety Code sections 17958.7 and 18941.5, the Town determines that the local amendments to parts of the Codes are reasonably necessary due to local climatic, geological or topographical conditions; and

**WHEREAS**, the Town held a public hearing on \_\_\_\_\_, 2019 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

**WHEREAS**, the Town published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on \_\_\_\_\_, \_\_\_ and \_\_\_\_\_, \_\_\_ 2019; and

**WHEREAS**, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are hereby incorporated into this Ordinance.

**Section 2.** The Town Council makes the findings set forth in Exhibit "A" attached hereto and incorporated herein by reference in support of the local amendments made to the 2019 California Fire Code.

**ATTACHMENT **

**Section 3. CEQA.** The Town Council hereby determines that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment. The Ordinance adopts Codes and makes modifications to the Codes that protect persons and property from risk of and effects of fire.

**Section 4. 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:

"Chapter 8.04"

CALIFORNIA FIRE CODE

Sections

- 8.04.010 Adoption of 2019 California Fire Code, International Fire Code and Appendix A of the 2018 International Wildland Urban Interface Code
- 8.04.020 Establishment and Duties of the Fire Prevention Bureau
- 8.04.030 Definitions
- 8.04.040 Establishment of Geographic Limits of Districts in which Storage of Class I, Class II, and Class III Liquids in Above Ground Tanks is Prohibited
- 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
- 8.04.050 Establishment of Geographic Limits in which Storage of Liquefied Petroleum Gases is to be Restricted
- 8.04.060 Establishment of Geographic Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited
- 8.04.070 Establishment of Geographic Limits of Districts in which the Storage of Compressed Natural Gas is to be Prohibited
- 8.04.080 Establishment of Geographic Limits of Districts in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids is to be Prohibited
- 8.04.090 Establishment of the Geographic Limits of Districts in which Storage of Hazardous Materials is to be Prohibited or Limited
- 8.04.100 Amendments made to the 2019 California Fire Code, 2018 International Fire Code and Appendix A of the 2018 International Wildland-Urban Interface Code
- 8.04.110 Authority to Arrest and Issue Citations
- 8.04.115 Nuisance Abatement
- 8.04.120 Penalties
- 8.04.130 Appeals
- 8.04.135 Fee and Penalty Adjustments

**SECTION 8.04.010**

**ADOPTION OF 2019 CALIFORNIA FIRE CODE,  
INTERNATIONAL FIRE CODE AND APPENDIX A  
OF THE 2018 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 2019 California Fire Code, which consists of certain portions of the 2018 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 109,
  - 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 O TEMPORARY HAUNTED HOUSES, GHOST WALKS AND  
SIMILAR AMUSEMENT USES;
2. The 2018 edition of the International Fire Code published by the International Fire Code Council, Inc., to the extent the same is not inconsistent with the 2019 California Fire Code;
3. Appendix A of the 2018 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 or their designee 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 2019 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 2019 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 2019 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 2019 CALIFORNIA FIRE CODE, 2018 INTERNATIONAL FIRE CODE AND APPENDIX A OF THE 2018 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE**

The 2019 California Fire Code is amended and changed in the following respects:

Section 101.1 of Chapter 1 is amended to read as follows:

Section 101.1 Title. These regulations and locally adopted standards shall be known as the Fire Code of the Town of Fairfax, hereinafter referred to as "this code."

Section 102.5 of Chapter 1 is hereby amended to read as follows:

Section 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 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 and 1204.2.1 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 of this code shall apply.

Section 102.7.3 is hereby added to Chapter 1 and shall read 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 and shall read as follows:

Section 104.1.1 Supplemental Rules, Regulations and Standards or Policies. 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 or Policies 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. Fire Prevention Resource Sharing. Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement, investigation and other fire prevention services when requested to do so.

Section 105.6 of Chapter 1 is hereby amended by adding the following additional operational permits:

105.6 Required Operational Permits. The Fire Code Official is authorized to issue operational permits for operations set forth in Sections 105.6.1 through 105.6.52.

Section 105.6.52 of Chapter 1 is hereby added to read as follows:

105.6.52 Local Permits. In addition to the permits required by section 105.6, the following permits shall be obtained from the (Bureau of Fire prevention/Fire Prevention Division) prior to engaging in the following activities, operations, practices or functions:

1. Fire Protection Plan. An operational permit is required to implement a fire protection plan.
2. 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 105.7.26 is hereby added to Chapter 1 and shall read as follows:

Section 105.7.26 Vegetation Management Plan. A construction permit is required to implement a vegetation management plan.



Section 110.4 of Chapter 1 is hereby amended to read as follows:

Section 110.4 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 dollars or by imprisonment not exceeding 180 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.

The imposition of one penalty of 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 continues after due notice has been served shall be deemed a separate offense.

Section 110.4.2 of Chapter 1 is hereby added to read as follows:

Section 110.4.2 Abatement of clearance of brush or vegetative growth from structures. The executive body is authorized to instruct the Fire Chief 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 executive body 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 112.4 of Chapter 1 is hereby amended to read as follows:

Section 112.4 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 to a fine not less than \$500 dollars or more than \$1000 dollars.

Section 114 is hereby added Chapter 1 and shall read as follows:

#### Section 114 DAMAGES AND EXPENSE RECOVERY

Section 114.1 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 202 of Chapter 2 is hereby amended by adding the following general definition:

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.

OCCUPANCY CLASSIFICATION is modified to include:

[BG] Factory Industrial F-1 Moderate-hazard occupancy is amended to add to the list of moderate-hazard factory industrial groups the following:

Agricultural crop production including cultivation, drying, processing and /or storage.

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.

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.

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.

TEMPORARY shall mean any use for a period of less than ninety (90) days, where not otherwise referenced.

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 302.1 in Chapter 3 is hereby amended to add the following:

#### PUBLIC STORAGE FACILITY

Section 319 of Chapter 3 is deleted in its entirety.

Section 321 is hereby added to Chapter 3 and shall read as follows:

##### Section 321 Public Storage Facilities

Section 321.1 General. Public Storage Facilities shall comply with the provisions of this section.

Section 321.2 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 321.3 Fire Apparatus Access. All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section 321.4 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 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 or 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 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 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 may be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

Section 401.3.2.2 is added to read as follows:

Section 401.3.2.2 Multiple Unwarranted or Nuisance Alarm Activations. Any occupancy that has more than 3 unwarranted or nuisance alarms causing emergency response within a 12 month period may be required to modify, repair, upgrade or replace their system and or monitoring station as determined by the Fire Code Official.

Section 402.1 of Chapter 4 is hereby amended to add the following:

PRE-PLANS  
UNWARRANTED ALARMS

Section 403.1.1 is hereby added to Chapter 4 and shall read 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 and shall read as follows:

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 503.1. of Chapter 5 is hereby amended as follows:

Section 503.1 Where Required. Fire Apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.5.

Section 503.1.4 of Chapter 5 is hereby added to read as follows:

Section 503.1.4 Undeveloped Areas. Fire Apparatus Access Roads, improved or unimproved, 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 of Chapter 5 is hereby added to read as follows:

Section 503.1.5 Aerial fire apparatus access. Buildings or facilities exceeding 30 feet or three stories in height, approved aerial apparatus access roads shall be provided. For the purposes of this section, the highest road surface shall be determined by the measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Section 503.1.5.1 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

Section 503.1.5.2 Proximity to building. One or more of the required access routes meeting this condition shall be located not less than 15 feet and not more than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the Fire Code Official.

Section 503.1.5.3 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions shall be permitted to be placed with the approval of 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 Evaluation and maintenance. All existing private bridges and elevated surfaces that are a part of the Fire Department access roadway shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for safety and weight rating, in accordance with American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," Second Edition, or other approved standard. Vehicle load limits shall be posted at both entrances to bridges. All bridges and elevated structures providing Fire Department access shall be routinely maintained in accordance with Section 503.2.6 or when directed by the Fire Code Official or authorized designee.

Section 503.4 of Chapter 5 is amended to read as follows:

Section 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and 503.2.2 shall be maintained at all times. Any vehicle or other obstruction may be towed away at the owner's expense.

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 Fire Code Official, 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 Fire Code Official 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 15 feet.

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/Policies 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 507.5.1 of Chapter 5 is hereby amended by deleting exceptions 1 and 2.

Section 507.5.1.1 of Chapter 5 is amended to read as follows:

Section 507.5.1.1 Hydrant for Fire Department Connections. Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 100 feet of the Fire Department connections, or as approved 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 Fire Code Official, 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:

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 510.1 of Chapter 5 is hereby amended by deleting Exception 1.

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

Section 901.7 Systems out of Service. Where a required fire protection system is out of service, the Fire Department and the Fire Code Official shall be notified immediately and, where required by the Fire Code Official, the building shall be either evacuated or

an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. This section shall also apply to residential fire sprinkler systems.

Section 903.2 of Chapter 9 is repealed in its entirety (with the exception of sub-sections 903.2.5, 903.2.6, 903.2.8, 903.2.11, 903.2.12, 903.2.14, 903.2.15, 903.2.16, 903.2.17, 903.2.18, 903.2.19, 903.2.20 which shall remain in effect).

Section 903.2 of Chapter 9 is hereby added to read as follows:

Section 903.2 Where required. Approved automatic sprinkler systems in new and existing buildings shall be provided in the locations described in this section.

Section 903.2.1 through 903.2.4 of Chapter 9 are hereby added to read as follows:

Section 903.2.1 Required Installations. An automatic sprinkler system shall be installed and maintained in all newly constructed buildings or structures.

Exceptions:

1. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
2. 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.

Section 903.2.2 Additions and Alterations. An automatic sprinkler system shall be installed in all buildings in excess of 3,000 sq. ft. which have ten per cent (10%) or more floor area added within any 36 month period.

Section 903.2.2.1 Substantial Remodel. An automatic sprinkler system shall be installed in all buildings which have fifty percent (50%) or more floor area added, or any "substantial remodel" as defined in this code, within any 36 month period.

Section 903.2.3 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies and shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the California Residential Code. An automatic sprinkler system shall be installed in all mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with Title 25 of the California Code of Regulations.

Section 903.2.4 Change of Occupancy or Use. For any change of occupancy or use, when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official, including but not limited to conversion of buildings to single family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences or other similar uses, an automatic sprinkler system shall be installed throughout.

Section 903.3.9 of Chapter 9 is hereby amended by replacing item 2 with the following:

Section 903.3.9 Floor control valves. Floor control valves and waterflow detection assemblies shall be installed at each floor where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of Fire Department vehicle access.
2. Buildings that are two or more stories in height.
3. Buildings that are two or more stories below the highest level of Fire Department vehicle access.

Exception: Group R-3 and R-3.1 occupancies floor control valves and waterflow detection assemblies shall not be required.

Section 903.6.1 of Chapter 9 is hereby added and shall read as follows:

Section 903.6.1 Application. In all existing buildings, when the addition of automatic fire sprinklers are required by the provisions of this code, automatic fire sprinklers shall be extended into all unprotected areas of the building.

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 of Chapter 9 is amended to add the following paragraphs:

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

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

Section 907.2.12.1.2 of Chapter 9 is hereby amended by adding new subsection 3 to read as follows:

3. Duct smoke detectors shall be capable of being reset by a readily accessible, remote push button or key activated switch as approved by the Fire Code Official.

Section 907.6.6 is hereby amended to read as follows:



Section 907.6.6 Monitoring. New and upgraded fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved Central Station in accordance with NFPA 72 and this section.

Exception: Monitoring by central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.
3. Automatic sprinkler systems in one- and two-family dwellings

Section 907.8.5.1 of Chapter 9 is hereby added and shall read 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 1103.1 of Chapter 11 is hereby amended to read as follows:

Section 1103.1 Required Construction. Existing buildings shall comply with not less than the minimum provisions specified in Table 1103.1 and as further enumerated in Sections 1103.2, 1103.7 through 1103.8.5.3, 1103.9.1, and 1103.10.

The provisions of this chapter shall not be constructed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.

Exceptions:

1. Where a change in fire-resistance rating has been approved in accordance with Section 501.2 or 802.6 of the California Existing Building Code.
2. Group U occupancies.

Sections 1103.2 Item #1 is deleted.

Sections 1103.3 through 1103.6.2 are deleted.

Sections 1103.9 is deleted.

Sections 1104 and 1105 are deleted.

Chapter 26 is deleted in its entirety.

Section 3313.3 of Chapter 33 is amended by adding the following to the end of the exception:

Exception: Standpipes shall be either temporary or permanent in nature, and with or without a water supply, provided that such standpipes comply with the requirements of Section 905 as to capacity, outlets and materials, as approved by the Fire Code Official.

Section 3314.3 in Chapter 33 is added to read as follows:

Section 3314.3 Where required. In buildings of combustible construction required to have automatic sprinkler system by Section 903, automatic sprinkler system shall be installed prior to construction exceeding two stories in height above the lowest level of Fire Department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

Section 3314.4 of Chapter 33 is added to read as follows:

Section 3314.4 Buildings being demolished. Where a building is being demolished and an automatic sprinkler system is existing within such a building, such automatic sprinkler system shall be maintained in an operable condition so as to be available for use by the Fire Department. Such automatic sprinkler system shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

Section 3314.5 of Chapter 33 is added to read as follows:

Section 3314.5 Detailed requirements. Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.

Section 4902.1 of Chapter 49 is amended to read as follows:

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the [NAME OF JURISDICTION] as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires, as designated on the map titled Wildland-Urban Interface Fire Area, dated January 28, 2009.

Section 4906.2 of Chapter 49 is amended to read as follows:

Section 4906.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:
  - 1.1. Moderate Fire Hazard Severity Zones.
  - 1.2. High Fire Severity Zones.
  - 1.3. Very-high Fire Severity Zones.
2. Land designated as Very-high Fire Hazard Severity Zone by cities and other local agencies.
3. Land designated as Wildland-Urban Interface Fire Areas 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 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 of the authority having jurisdiction.

Buildings and structures within the Wildland-Urban Interface Fire Area of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in the Government Code Sections 51175-51189 and local standards of the authority having jurisdiction.

Section 4907.2 of Chapter 49 is hereby added and shall read as follows:

Section 4907.2 Fire Hazard Reduction. Any person who owns, leases, controls or maintains any building or structure, vacant lands, open space, and/or lands within specific Wildland Urban Interface areas of the jurisdiction of the (Jurisdiction/District), shall comply with the following:

1. Cut and remove all fire prone 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.
2. Remove accumulated dead vegetation on the property.
3. Cut and remove tree limbs that overhang wood decks and roofs.
4. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters
5. Clean any leaves and needles from roof and gutters.
6. 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.
7. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with Appendix A of the 2018 International Wildland-Urban Interface Code, as amended by the (Your Fire Department/District).

EXCEPTION 1: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants, or 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 4908 of Chapter 49 is hereby added and shall read as follows:

Section 4908 Fire Hazard Reduction from Roadways. The Fire Code Official is authorized to cause areas within 10 feet (3048 cm) on each side of portions of highways, fire apparatus access roads (improved or unimproved), and driveways

(improved or unimproved), which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. Corrective action, if necessary, shall be the same as the actions required in section 4907.2. The Fire Code Official is authorized to enter upon private property to carry out this work.

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

Section 4909 is hereby added to Chapter 49 as follows:

Section 4909 Notice to Abate. Failure to comply with the requirements of Section 4907.2 and 4908 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 4908 in accordance with Section 8.04.115 of the Town Code.

Section 5601.1.3 of Chapter 56 Exceptions 1, 2, and 4 are hereby deleted.

Section 5608.1.2 of Chapter is added to read as follows:

Section 5608.1.2 Permit required. A permit shall be obtained from the Fire Code Official in accordance with Section 105.6 prior to the performance of any firework display. Application for such approval shall be made in writing no less than twenty (20) days prior to the proposed display. The application shall be considered and acted upon by the Fire Code Official or authorized designee pursuant to this Chapter and Title 19, Chapter 6, Article 3 - Licenses of the California Code of Regulations. Any permit for a fireworks display may be suspended or revoked at any time by the Fire Code Official or authorized designee.

Section 5608.2 of Chapter 56 is added to read as follows:

Section 5608.2 Limitations. Possession, storage, offer or expose for sale, sell at retail, gift or give away, use, explode, discharge, or in any manner dispose of fireworks is prohibited within the limits established by law as the limits of the districts in which such possession, storage, offer or exposure for sale, retail sale, gifting, use, explosion, discharge, or disposal of fireworks is prohibited in any area as established by applicable land-use and zoning standards.

Exception: Firework displays authorized pursuant to section 5608.1 for which a permit has been issued.

California Fire Code, Chapter 80 is amended as follows:

NFPA.13-16: Standard for the installation of Sprinkler Systems

NFPA 13, Amended additional Sections as follows:

NFPA.13-25.5.1

Revise Section 25.5.1 as follows:

25.5.1 The installing contractor shall identify a hydraulically designed sprinkler system with permanently raised, stamped or etched marked weatherproof metal or ridged plastic sign secured with corrosion resistant wire, chain, or other approved means. Such signs shall be placed at the alarm valve, dry pipe valve, preaction valve, or deluge valve supplying the corresponding hydraulically designed area. Pipe schedule systems shall be provided with a sign indicating that the system was designed and installed as a pipe schedule system and the hazard classification(s) included in the design.

Section C103.1 of Appendix C is amended to read as follows:

Section C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the California Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be approved by the Fire Code Official.

Section C103.2 of Appendix C is deleted.

Section C103.3 of Appendix C is deleted.

Appendix A of the 2018 International Wildland-Urban Interface Code is hereby adopted. Section A104.7.2 of Appendix A of the 2018 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 of Appendix A of the 2018 International Wildland-Urban Interface Code is hereby added 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 of Appendix A of the 2018 International Wildland-Urban Interface Code is hereby added 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.

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.

#### **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 attorney 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. 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 of the Town Code. 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 and penalties 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 2018 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 ten (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 6. Municipal Code Section 8.06.010 Amended:**

Subdivision (B) of Section 8.06.010 of the Town of Fairfax Municipal Code is hereby amended to read in its entirety as follows:

"Appendix A of the 2018 edition of the International Wildland-Urban Interface Code is hereby adopted as amended in Chapter 15.04 of the Fairfax Municipal Code.

##### **Section 7. Municipal Code Section 8.06.012 Repealed:**

Section 8.06.012 of the Town of Fairfax Municipal Code is hereby repealed.

##### **Section 8. Municipal Code Section 8.06.013 Repealed:**

Section 8.06.013 of the Town of Fairfax Municipal Code is hereby repealed.

**Section 9. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

**Section 10. Effective Date and Posting.** This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women's Club Building, located at 46 Park.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Fairfax Town Council on November 6, 2019 and was passed and adopted at a regular meeting of the Town Council on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

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Barbara Coler  
Mayor

Attests:

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Hannah Politzer  
Deputy Town Clerk

## EXHIBIT A

### FINDINGS OF FACT AND NEED FOR CHANGE OR MODIFICATIONS TO THE STATE BUILDING STANDARDS CODE BECAUSE OF LOCAL CONDITIONS

#### CHANGES OR MODIFICATIONS:

Pursuant to Section 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of Fairfax in its ordinances adopting and amending the 2019 California Fire Code, portions of the 2018 edition of the International Fire Code, and Appendix A of the 2018 edition of the International Wildland-Urban Interface Code as adopted and amended, changes or modifies certain provisions of the 2019 California Building Standards Code (Title 24, Part 9) as it pertains to the regulation of buildings used for human habitation and fire safety. A copy of the text of such changes or modifications is attached.

Pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of Fairfax has determined and finds that the attached changes or modifications to the 2019 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions.

#### PROFILE OF THE TOWN OF FAIRFAX:

The Town of Fairfax encompasses an area of 2.2 square miles with a resident population of approximately 7,500. The physical location of the Town is in the central part of Marin County, in the northern portion of the Ross Valley.

The placement of commercial development has been limited to the valley floor area with the residential communities extending out and up into the steep canyons and hills which surround the valley on both the north and south sides.

Travel into and out of the area is accomplished through two lane roads, which are the main arteries of commuter traffic to the bay area commercial centers.

The Town Council recognizes the fact that Marin County has been plagued many times in the late 1800's and early 1900's by brush and forest fires which not only threaten destruction, but on a number of occasions devastated large portions of communities. The desire of the community to preserve natural vegetation has resulted in the encroachment of brush and grass on fire roads, trails, breaks and streets within the Town, thus rendering such separations ineffective against the spread of fires and safe egress. Natural growth, which is highly flammable during the drier months of the year, encroaches upon many properties, thus posing a potential fire threat to many structures and creating a substantial hindrance to the control of such fires.

## EXHIBIT A

With the given profile of the Town of Fairfax and the subsequent research being conducted by members of the Ross Valley Fire Authority staff, the Town has established certain requirements, which were developed to increase the level of safety and reduce the level of exposure to the citizens of the Town as well as protect the buildings (investments) within its boundaries. The following points were established as factors which caused concern and are herein established and submitted as the "Findings of Fact":

## 1. CLIMATIC:

a. **Precipitation.** The normal year's rainfall is approximately 30 to 50 inches on the average calendar year. The area has been subject to extended periods of drought and less than normal rainfall as well as intense rains, which have caused local flooding and damage from geotechnical failure (landslides). Approximately ninety percent (90%) of the annual rainfall is experienced during the months of November through April, and 10% from May through October.

b. **Relative Humidity.** Moisture in the air, also known as relative humidity, changes significantly during any given day. Humidity generally ranges from 50% during daytime hours to 85% at night. It drops to 30% during the summer months and occasionally drops lower. During periods when the area experiences easterly hot, dry winds, the relative humidity drops significantly, thus creating a greater danger.

c. **Temperatures.** Average summer highs are in the 75 degree to 85 degree range. There are weather periods where temperatures can rapidly reach 100 degrees and have been recorded even higher.

d. **Winds.** Prevailing winds are generally from the West. However, winds are experienced from virtually every direction at one time or another, due to topography. Velocities are generally in the 5 – 15 mph range, gusting to 10 – 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

e. **Summary.** The climate (weather patterns) within the Town of Fairfax is predominantly affected by the marine influence of the Pacific Ocean. During the summer months, the southerly exposed slopes and open fields become dry with seasonal grasses, which present a fuel for the rapid spread of fire. The Northerly slopes are heavily wooded and present a moderate to heavy fuel load with respect to fire danger. These local climactic 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. Furthermore, winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another and wildland areas. All water storage and supply comes from reservoirs and lakes within the county, and are affected by the climate accordingly.

## 2. GEOGRAPHICAL and TOPOGRAPHICAL:

**a. Geographical Features.** The geographical features in and around the Town of Fairfax are a source of enjoyment for our residents. The hills and valleys give a natural beauty to the area with forested hills and golden yellow meadows leading up to them. These geographic features form the backdrop for the residential and commercial communities and dictate the locations of roadways and building locations. These geographic features also create barriers, which negatively affect accessibility and influence fire behavior during major conflagrations. Many structures (new and old) are constructed of highly combustible material, which offer little resistance to fire and could contribute to the spread of fire. For practical and cost reasons, new structures are built of wood (type V) construction. The potential for conflagration exists with the density of the various specific areas of the Town. The concentrated commercial, as well as residential occupancies, causes concern when considering the "exposure" elements of building to building to grass and brush areas of the Town.

**b. Seismic Location.** The Town of Fairfax lies within the recognized seismic zone #4, which is the most dangerous zone. While the area has experienced several significant seismic events, there has been a minimum of damage. The Town sits between two active earthquake faults (San Andreas and Hayward) and numerous potentially active faults. The potential for great damage exists, and must be considered as a real threat to be planned for.

**c. Size and Population.** The Town of Fairfax encompasses an area of 2.2 miles with a resident population of approximately 7,500. The Town is served by the Ross Valley Fire Authority. Ross Valley Fire has four (4) stations (two of which are in San Anselmo, one in Fairfax, and one in Ross), 34 fire personnel (serving the Town of Fairfax, San Anselmo, Ross and the Sleepy Hollow Fire Protection District), with diverse responsibilities including wildland, urban, and paramedical.

**d. Roads and Streets.** Several of the heavily populated areas have limited roadways and escape routes. The Town of Fairfax has numerous narrow, winding roads, some barely passable with modern fire apparatus, causes access problems and extended travel times especially in the older hillside sections of the jurisdiction. The accessibility for fire department apparatus is of concern due to the lack of turnouts and roadway widths which increases response time.

**e. Topography.** The Department's service area is a conglomeration of oak plains, hills, valleys and ridges. The flatter lands are found in the center portion of the service area and approximately half of the residential development is in this area. The other half of the service area with residential development consists of hillsides with slopes ranging from approximately 15-30% and 30+%. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush covered slopes; narrow winding streets used by residents of the area and the Fire Department for ingress and egress, steep hills which hinder Fire Department response time; older and inadequate water systems in certain areas of the community; and the location of

buildings and structures with relation to these dangerous areas. The water supply for domestic and fire flow systems within this Town are directly affected by the topographical layout of the Town. The supply of water comes from lakes, which are managed by a public utilities district responsible for maintaining an adequate supply. The water distribution system within the Town is very old in some areas served by mains, which are inadequate in size to provide water for fire protection. The valley floor is served by mains which contain an exceptionally large volume of water for fire protection. The Town of Fairfax has a base elevation of approximately 120 feet and extends to areas in excess of 900 feet above sea level.

**f. Vegetation.** The Town Council recognizes that the Town of Fairfax has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. In addition, the natural vegetation of the area has been altered by the addition of ornamental trees and shrubs, which are not native and add fuel around the houses and buildings of our community. The south facing exposure is primarily annual grasses, highly flammable brush, 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. Of particular recent notice is the increase in dead down fuel and ladder accumulation directly associated with the sudden oak death syndrome.

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

Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

The valley floor has zones recognized by the Federal Emergency Management Agency as flood zones. During times of intense rainfall, flooding and landslides have occurred which have destroyed structures and threatened lives. Within the past decade, these events have caused the local government to declare disasters and seek state and federal assistance.

Some of the existing structures in the commercial areas of the Town lack the required firewall separation. These structures cause concern to the Fire Department because of the potential for major conflagration. As these structures are replaced, the exposure potential will be significantly reduced.

Several other variables may tend to intensify an incident, such as, the extent of damage to the water system; the extent of roadway damage and/or amount of debris blocking the roadways; climatic conditions (hot, dry weather with high winds); time of day will influence

the amount of traffic on roadways and could intensify the risk to life during normal business hours; and the availability of timely mutual aid or military assistance.

**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, International Wildland-Urban Interface Code, and the State Building Standards Code be changed or modified to mitigate the effects of the above conditions.

Furthermore, California Health and Safety Code Section 17958.7 require that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the Town of Fairfax finds that the following table provides code sections that have been modified pursuant to Town of Fairfax Ordinance No. \_\_\_ which are building standards as defined in Health and Safety Code Section 18909, and the associated referenced conditions for modification due to local climatic, geological and topographical reasons.

<b>Section Number:</b>	<b>Local climatic, geological and topographical conditions</b>
102.5	1a, 1b, 1e, 2a, 2b, 2d, 2e
104.12	2c, 2g
105.6.52	1e, 2a, 2b, 2d, 2e, 2f
105.7.26	1e, 2a, 2b, 2d, 2e, 2f, 2g
202	1e, 2a, 2b, 2d, 2e, 2f
321.1 – 321.4	2b, 2d, 2e, 2g
401.1.1	2c, 2d, 2e, 2g
401.3.2.2	2a, 2c, 2d, 2e, 2g
403.1.1	2a, 2b, 2c, 2d, 2e, 2g
403.10.1.4	2a, 2b, 2c, 2d, 2e, 2g
503.1	2a, 2c, 2d, 2e, 2f, 2g
503.1.4	2a, 2c, 2d, 2e, 2f, 2g
503.1.5	2a, 2c, 2d, 2e, 2f, 2g
503.2.6.1	2a, 2c, 2d, 2e, 2f, 2g
503.4	2a, 2c, 2d, 2e, 2f, 2g
503.4.2	2a, 2c, 2d, 2e, 2f, 2g
503.6.1	2a, 2c, 2d, 2e, 2f, 2g
506.1	2a, 2d, 2e, 2g
507.5.1	2a, 2c, 2d, 2e, 2f, 2g
507.5.1.1	2a, 2c, 2d, 2e, 2f, 2g
507.5.7	2a, 2c, 2d, 2e, 2f, 2g
510.1	2a, 2b, 2c, 2d, 2g
903.2.1 – 903.2.4	2a, 2b, 2c, 2d, 2e, 2g
903.3.9	2a, 2b, 2c, 2d, 2e, 2g
903.6.1	2a, 2b, 2c, 2d, 2e, 2g

906.11	2a, 2b, 2c, 2d, 2e, 2g
907.2	2c, 2d, 2g
907.2.12.1.2	2a, 2b, 2c, 2d, 2e, 2g
907.6.6	2a, 2b, 2c, 2d, 2e, 2g
907.8.5.1	2a, 2b, 2c, 2d, 2e, 2g
3313.3	2a, 2b, 2c, 2d, 2g
3314.3	2a, 2b, 2c, 2d, 2g
3314.4	2a, 2b, 2c, 2d, 2g
4902.1	1a, 1b, 1c, 1d, 1e, 2a, 2b, 2c, 2d, 2g
4906.2	1a, 1b, 1c, 1d, 1e, 2a, 2b, 2c, 2d, 2g
4907.1 – 4907.2	1a, 1b, 1c, 1d, 1e, 2a, 2b, 2c, 2d, 2g
4908	1a, 1e, 2a, 2b, 2c, 2d, 2g
5608.1.2 – 5608.2	2a, 2c, 2d, 2e, 2g
A104.7.2	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
A104.11	1a, 1b, 1c, 1e, 2a, 2d, 2e, 2f
A104.12	1a, 1b, 1c, 1e, 2a, 2d, 2e, 2f
A104.13	1a, 1b, 1c, 1e, 2a, 2d, 2e, 2f



## 2019 California Fire Code Adoption 2016 to 2019 Quick Reference Comparison Chart

Code Section and Description	2016 Code	2019 Code	County Wide Change – Yes/No
Format Change/Layout	Old UFC Ordinance format	No Change	Both – some went to the new format previously.
Appendix	Only adopted B, C, F, H and N	Adopted B, C, E, F, G, H, and O in line with the State of CA	Yes
105.6.52 – Added for local permits – Operational	Aircraft Refueling Vehicles Fire Protection Plan Radioactive Materials Vegetation Management Plan	Removed – now in the code No Change No Change No Change	Yes Yes Yes Yes
[A] 110.4 Violations - Fines	Topped at \$1,500	Topped at \$1,000 State law prohibits charging more than \$1,000 for a misdemeanor	No
Chapter 2 Definitions removed	Fire Road Junior Accessory Dwelling Unit Membrane Structure Second Unit Unwarranted Alarms Tent Umbrella Structure	Kept Fire Road so not to conflict.  Others removed due to definitions in the code, or State legislation	Yes
Chapter 2 Definitions added		Unwarranted Nuisance Alarm Occupancy Classification for F-1 – for Ag. Crop production Pre-Plan Moved definition form other section into proper chapter	Yes, but different title. Yes  Yes Yes
Section 319 - Deleted		Mobile Food Trucks – State does not adopt	Yes
Chapter 4 401.3.2.1 Added 401.3.2.2 Added	Unwarranted Alarm – changed name	No Change Multiple Nuisance Alarm Notification	Yes

			Yes, but different titles
Chapter 5 Deleted, added or altered	Fire Road – definition Truck Company Access	In model code language Aerial Fire Apparatus Access – in line with model code, with local changes	Yes Yes
	Took existing language for prohibition of parking and split to align with new code sections	Brought in language from Appendix D for Aerial access. Added obstruction of fire apparatus access roads	Yes Yes
507.5 Amended	Removed Key entry systems	Language codified	Yes
	Requirement for hydrant to be located within 350 feet of any portion of residence	Removed to align with model code	Yes
507.5.7 Added Exception	Added exception to eliminate hydrant upgrade for homes equipped throughout with sprinklers	No Change	No
Chapter 6 Solar removed	Solar Installation requirements	Removed – Solar codified in Chapter 12	Yes
Chapter 9 Fire Sprinkler requirements	Chapter 9 had local requirements added and amended, including residential, commercial, cooking.	Removed all thresholds and requires sprinklers in all new construction and remodels. Meets or exceeds State Minimum.	Yes
907.2.12.1.2 amended		Duct smoke detection, adds requirement to reset with a remote switch.	Yes
907.2	Fire Alarm for new and existing construction	No Change	No
907.6.6 added		Monitoring – requires UL Central Station	Yes

Chapter 26 removed		Fumigation – Delete entire Chapter, State does not adopt	Yes
Chapter 31 removed	Tents – all codified		Yes
Chapter 33 amended 3313.3 3314.3 3314.4 3314.5		Fire Safety During construction Standpipes temporary or permanent Sprinklers shall be installed once past the second floor and within one floor of the floor being constructed Building being demolished shall maintain the sprinkler system to within one floor of the demo floor Installation requirements shall meet section 903	Yes  Yes  Yes  Yes
Chapter 49 added 4908	Vegetation clearance for 10 feet of roadways.	Renumbered - Fire Reduction from Roadway – codified current local requirements for 10 feet off roadways	Yes
Chapter 53 amended	Formally our geographical limits for compressed gasses	Codified information with local limits	Yes
Chapter 56 added, deleted or amended	Formally our geographical limits for Explosives and Fireworks	Codified information with local limits	Yes
Chapter 80 amended NFPA 13 amended		Requires a hydraulic plate on the riser to be permanently etched, stamped or raised	Yes  Yes
Appendix C amended		Hydrant locations and distributions adds the Fire Code Official for approval	Yes

International Wildland- Urban Interface Code Appendix A added A104.12		Explosives and blasting – prohibited in WUI	Yes
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