



Agenda Item No. 14.

Staff Report

Date: October 13, 2016

To: Mayor Hoertkorn and Councilmembers

From: Mark Mills, Fire Chief
Robert Bastianon, Fire inspector
Ruben Martin, Fire Inspector

Subject: Introduction of Ordinance No. 676 Revision to Chapter 14.04 of the Ross Municipal Code – Adoption 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

Recommendation

1. That the Town Council of Ross holds a public hearing on the proposed Ordinance No. 676.
2. That the Mayor read the title of the attached Ordinance No. 676 to amend, Chapter 14.04 of the Ross Municipal Code and 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
3. That the Town Council makes a motion to waive further reading and hold a public hearing on Ordinance No. 676.
4. That the Town Council schedules a public hearing, second reading, and adoption of the ordinance at the November 10, 2016 Town Council meeting.

Procedural Note

Typically, the Town Council conducts the public hearing on a proposed ordinance at the time of introduction and first reading. Government Code Sections 50022.1 et seq. requires a slightly different procedure for an ordinance that is adopting another code by reference, as is the case here. When a code is adopted by reference, the public hearing must be scheduled after the first reading, i.e., at the time of the second reading and adoption. The Council should, however, take public comment at the first meeting.

Discussion

This item involves consideration of an ordinance, which would amend the Town of Ross 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, the Town has 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.

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 646 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 in Fire Ordinance No. 676 include, but are not limited to:

- 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.

- 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.
- 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.
- Modified the requirement of “Commercial Cooking Systems” to include NFPA 96.

Attachments

- Proposed Ordinance No. 676
- Exhibit “A” Findings of Fact
- Redline Ordinance No. 676

TOWN OF ROSS

ORDINANCE NO. 676

AN ORDINANCE OF THE TOWN OF ROSS AMENDING CHAPTER 14.04 OF THE ROSS MUNICIPAL CODE ADOPTING THE 2016 CALIFORNIA FIRE CODE, CERTAIN PORTIONS OF THE 2015 INTERNATIONAL FIRE CODE, AND APPENDIX A OF THE 2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES

The Town Council of the Town of Ross 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 Ross, 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).

SECTION 2. Municipal Code Amended:

Chapter 14.04 of the Town of Ross Municipal Code is hereby deleted in its entirety and replaced by the following:

SECTION 14.04.010 ADOPTION OF 2016 CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE AND APPENDIX A OF THE 2015 INTERNATIONAL WILDLAND URBAN INTERFACE CODE

The Town Council of Ross 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 Sections 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 International Fire Code published by the International Fire Code Council, Inc., 2015 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 14.04.100 of this Ordinance.
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 14.04.100 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 made a part hereof 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 Ross.

SECTION 14.04.020. 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 14.04.030. 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 14.04.010 of this Ordinance.
- (b) Wherever the words "agency having jurisdiction" are used, it shall be held to mean the Town of Ross.
- (c) Wherever the term "counsel" is used, it shall be held to mean the attorney for the Town of Ross.
- (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 14.04.040. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I and CLASS II 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 and Class II 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 14.04.041. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I and CLASS II 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 and Class II liquids in aboveground tanks is prohibited are amended as follows: Town limits.

SECTION 14.04.050. 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 Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief.

SECTION 14.04.060. 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 14.04.070. 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 14.04.080. 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, referred to in Section 5806.2 of the 2016 California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: Town Limits.

SECTION 14.04.090. 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 14.04.100. 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 designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure shall apply when specifically required by this code including, but not limited to, Section 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.
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 sources or more that 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

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.

Section 109 of Chapter 1 is amended by adding section 109.3.5 to read as follows:

Section 109.3.5 Abatement of clearance of brush or vegetative growth from structures. The executive body is authorized to instruct the 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.

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 to a fine of not less than \$500.00 dollars or more than \$1,500.00 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** an accessory dwelling unit limited to conversion of an existing room, no more than 500sq. /ft. (limited in size as determined by...) 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.~~

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

Membrane Structure shall mean 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 definitions 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 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 202 [T] of Chapter 2 is hereby amended by adding and/or amending the definition of 'Temporary' and 'Tent' as follows:

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

Tent shall mean 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' as follows:

Umbrella Structure shall mean 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 2016 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 agency 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 added to read as follows:

Section 501.5 **Compliance.** 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 Ross so as to gain access to improved, unimproved, and undeveloped areas of the Town of Ross, 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 (9144mm) 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 503.2.1 of Chapter 5 is amended by adding an exception to read as follows:

EXCEPTION: Driveways serving as fire apparatus access roads serving fewer than 5 structures may reduce the width to 16 feet.

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 to Chapter 5 as follows:

503.4.2 Prohibition of Vehicular Parking on Private Access ways. If, in the judgment of the Chief or their designee, 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 or their designee 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 or 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 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 507.5.1.2 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 or his/her designee, 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 and shall read 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 and shall read 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: Micro-inverter 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 and shall read 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 an alternative power source. Alternate disconnect is:
***(describe location - on the right, below etc.)* of this main disconnect. Both must be used.**

Section 605.11.6 is hereby added to Chapter 6 and shall read as follows:

Section 605.11.6 Alternative Power Supplies. The use of an electrical power supply (including but not limited to: photovoltaic, wind, geothermal or fuel fired generators),

other than the community's commercial source, shall comply with section 605.11.1 through 605.11.3 to the extent applicable.

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

This section shall also apply to residential fire sprinkler systems.

Section 903.2 of Chapter 9 is hereby amended as follows:

Section 903.2 **Where Required.** Approved automatic sprinkler systems in new buildings, structures, occupancies, and facilities, including 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, 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 2016 California Building Code.
 - b. Agricultural buildings as defined in Appendix C of the 2016 California 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.
 3. In all buildings that have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 36 month period. Exceptions may be granted by the Fire Chief 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. that have more than ten percent (10%) floor area added within any 36 month period. Exceptions may be granted by the Fire 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 2016 California 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 903.4 is hereby amended by deleting the following:

Exception #1, 2, 3.

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 occupancy 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 907.2.11 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.
5. 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 4902, definition of Wildland/Urban Interface Fire Area, is amended to read as follows:

Wildland/Urban Interface Fire Area – A geographical area identified by the state 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 as identified in WUI maps adopted by the Town Council.

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 4906.4 of Chapter 49 is hereby added to read as follows:

SECTION 4906.4 Vegetation Management Plan

Section 4906.4. General. All new construction and substantial remodels shall prepare a vegetation management plan (VMP). Not less than two (2) complete plan sets shall be submitted to the Code Official for review.

Section 4906.4.1 Content. The VMP shall include at the minimum:

1. A narrative describing specific and applicable contributing factors in the selection and design of the plan.
2. The Hazard Assessment Matrix.
3. The list of plants to be used and materials consistent with the approved plant list.
4. Two (2) sets of blue prints showing the house, zone, plant type and spacing.

Section 4906.4.2 Cost. The cost of vegetation management plan preparation and review shall be the responsibility of the applicant.

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 within specific Wildland Urban Interface areas of the jurisdiction of the Town of Ross and persons owning, leasing or controlling land adjacent to such buildings or structures 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.

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 Fire Chief or their designee 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 Fire Chief or their designee is authorized to enter upon private property to do so in accordance with Section 14.04.120 of the Ross Municipal 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 Nuisance. Failure to comply with the requirements of Section 4907.2 shall be deemed a public nuisance. The Fire Chief or their designee is hereby authorized to require the abatement of any nuisance condition described in Section 4907.2 or Section 4907.3. Abatement shall be accomplished in accordance with Section 14.04.120 of the Ross Municipal Code.

Section 5601.1.3 is amended to delete the following exceptions:

Exception: 1, 2, and 4 of section 5601.1.3 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 14.04.110. 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 Ross that the immunities provided in Penal Code Section 847(b)(1) 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 14.04.120. 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 or their designee believes a public nuisance exists, the Fire Chief or their designee shall commence abatement proceedings.

(e) The Fire Chief or their designee 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, 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 or their designee within the period set forth in the notice requiring abatement, the Fire Chief or their designee 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 or their designee 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 or their designee shall give notice to the record owner of the property of the intent to collect abatement, including 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 Ordinance and abatement of the nuisance.

(i) Emergency Abatement. Notwithstanding any other provisions of this Chapter, whenever the Fire Chief or their designee 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 or their designee 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 14.04.130 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 Section 14.04.100 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 9.70 of the Ross Municipal 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 are contained in Section 9.70.120 of the Ross Municipal 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 enforcement or the 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 emergency response as described in Section 104.12 of the 2016 California Fire Code, as amended.

SECTION 14.04.140. APPEALS

(a) Any person receiving an Administrative Citation may contest the Citation in accordance with Section 9.70.070 of the Ross Municipal Code.

(b) Any person receiving a bill for Ross Valley Fire Department response costs and expenses pursuant to Section 104.12 of the 2016 California 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.

(c) Whenever the Fire Chief rejects an application or refuses 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 an administrative 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 provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 14.04.130 (a) or (b) above.

SECTION 14.04.150. FEE AND PENALTY ADJUSTMENTS

The Town Council may, by resolution, revise the fees and penalties established by this Title 14.04.”

SECTION 3. Validity

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.

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 Ross 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 posting and effective date

Within fifteen (15) days after its adoption, a summary of this Ordinance shall be posted in three public places in the Town of Ross and a certified copy of the full text of this Ordinance shall be posted in Town Hall.

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

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

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

The foregoing ordinance was duly introduced at a regular meeting of the Town Council of the Town of Ross held on the 13th day of October 2016 and thereafter adopted at a regular meeting of the Town Council on the 10th day of November 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, 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 Ross in its ordinances adopting and amending the 2016 California Fire Code, which consists of certain portions of the 2015 edition of the International Fire Code as amended by the building standards commission, Appendix A of the 2015 edition of the International Wildland-Urban Interface Code as adopted and amended, changes or modifies certain provisions of the 2016 California Building Standards Code (Title 24, Part 9) as it pertains to the regulation of buildings used for human habitation. 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 Ross has determined and finds that the attached changes or modifications to the 2016 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions.

PROFILE OF THE TOWN OF ROSS:

The Town of Ross encompasses an area of 1.6 square miles with a resident population of approximately 2450. The physical location of the Town is in the central part of Marin County, in the central 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.

With the given profile of the Town of Ross and the subsequent research being conducted by members of the Ross Valley Fire Department 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 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 Ross 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. The geographical features in and around the Town of Ross 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 Ross 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 Ross encompasses an area of 1.6 miles with a resident population of approximately 2450. The Town is served by the Ross Valley Fire Department. Ross Valley Fire has four (4) stations (two of which are in San Anselmo, one in Fairfax, and one in Ross), 33 fire personnel (serving the Towns 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 Ross 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 Ross has a base elevation of approximately 35 feet and extends to areas in excess of 900 feet above sea level.

f. Vegetation. The Town Council recognizes that the Town of Ross 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 Ross finds that the following table provides code sections that have been modified pursuant to Town of Ross 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.

Section Number:	Local climatic, geological and topographical conditions
102.5	1a, 1b, 1e, 2a, 2b, 2d, 2e
104.12	2c, 2g
104.13	2c, 2d, 2g
105.6.49	1e, 2a, 2b, 2d, 2e, 2f
105.7.19	1e, 2a, 2b, 2d, 2e, 2f, 2g
202 (c)	1e, 2a, 2b, 2d, 2e, 2f
202(f)	2a, 2d, 2e, 2g
202(j)	1e, 2a, 2b, 2d, 2e, 2f, 2g
202(m)	1d, 1e, 2d, 2e
202 (s)	1e, 2a, 2b, 2d, 2e, 2f
202 (t)	1e, 2a, 2b, 2d, 2e, 2f
202(u)	1e, 2a, 2b, 2d, 2e, 2f
302.1	2b, 2d, 2e, 2g
320.1	2b, 2d, 2e, 2g
320.2	2b, 2d, 2e, 2g
320.3	2b, 2d, 2e, 2g
320.4	2b, 2d, 2e, 2g
401.1.1	2b, 2c, 2d, 2g
401.3.2.1	2a, 2b, 2c, 2d, 2e
402.1	2b, 2c, 2d, 2g
403.1.1	2b, 2c, 2d, 2g
403.10.1.4	2b, 2c, 2d, 2g
502.1	1a, 1b, 1c, 2d, 2e, 2f
503.1.4	1a, 1b, 1c, 2d, 2e, 2f
503.1.5	2a, 2d, 2e, 2g
503.2.1	2a, 2d, 2e, 2g
503.2.6.1	2a, 2c, 2d, 2e, 2g
503.4	2a, 2d

503.4.2	2a, 2d
503.6.1	2a, 2d
503.6.2	2a, 2d
506.1	2a, 2d, 2e, 2g
507.5.1	1e, 2a, 2b, 2c, 2d, 2e, 2f, 2g
507.5.1.2	2a, 2d, 2e, 2g
507.5.7	2a, 2c, 2f
605.11	2a, 2b, 2d, 2e, 2f
901.7	1a, 1b, 1e, 2a, 2b, 2d, 2e
903.2	1a, 1b, 1e, 2a, 2b, 2d, 2e
903.3	1a, 1b, 1e, 2a, 2b, 2d, 2e
903.4	1a, 1b, 1e, 2a, 2b, 2d, 2e
904.1.2	2c, 2g
906.11	1e, 2g
907.2	2c, 2d, 2g
907.2.11	1e, 2g
907.8.5.1	1e, 2g
3101.1	1e, 2a, 2b, 2d, 2e, 2f
4906.2	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
4906.4	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
4907.1	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
4907.2	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
4907.3	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 2g
5601.1.3	1a, 1b, 1c, 1d, 1e, 2a, 2c, 2d, 2e, 2f, 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

TOWN OF ROSS

ORDINANCE NO. ~~646676~~

AN ORDINANCE OF THE TOWN OF ROSS AMENDING CHAPTER 14.04 OF THE ROSS MUNICIPAL CODE ADOPTING THE ~~2013~~2016 CALIFORNIA FIRE CODE, CERTAIN PORTIONS OF THE ~~2012~~2015 INTERNATIONAL FIRE CODE, AND APPENDIX A OF THE ~~2012~~2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES

The Town Council of the Town of Ross 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 Ross, it is appropriate to adopt the ~~2013~~2016 California Fire Code (which consists of certain portions of the ~~2012~~2015 edition of the International Fire Code, as amended by the State of California), the ~~2012~~2015 edition of the International Fire Code to the extent the same is not inconsistent with the ~~2013~~2016 California Fire Code, and Appendix A of the ~~2012~~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 ~~2013~~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).

SECTION 2. Municipal Code Amended:

Chapter 14.04 of the Town of Ross Municipal Code is hereby deleted in its entirety and replaced by the following:

“SECTION 14.04.010 ADOPTION OF ~~2013~~2016 CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE AND APPENDIX A OF THE ~~2012~~2015 INTERNATIONAL WILDLAND URBAN INTERFACE CODE

The Town Council of Ross 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 ~~2013~~2016 California Fire Code, which consists of certain portions of the ~~2012~~2015 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a. Division II of Chapter 1 ADMINISTRATION, except Sections 103.2 and 108,
 - ~~b. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,~~
 - ~~c.~~b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
 - ~~d.~~c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - ~~e.~~d. Appendix E HAZARD CATEGORIES,
 - ~~f.~~e. Appendix F HAZARD RANKING,
 - ~~g.~~f. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS, and
 - ~~h.~~g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS,
 - ~~h.~~g. Appendix N TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES;
2. The International Fire Code published by the International Fire Code Council, Inc., 2015 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 14.04.100 of this Ordinance.
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 14.04.100 of this Ordinance.
4. ~~The 2012 edition of the International Fire Code published by the International Code Council, Inc. to the extent the same is not inconsistent with the 2013 California Fire Code;~~

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Each and all of the regulations, provisions, penalties, conditions, and terms of said Town Fire Code are hereby referred to, adopted, and made a part hereof 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 Ross.

SECTION 14.04.020. 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 14.04.030. 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 14.04.010 of this Ordinance.
- (b) Wherever the words "agency having jurisdiction" ~~are~~ used, it shall be held to mean the Town of Ross.
- (c) Wherever the term "counsel" is used, it shall be held to mean the attorney for the Town of Ross.
- (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 14.04.040. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I and, 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 ~~2013~~2016 California Fire Code in which storage of Class I and, 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 14.04.041. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I and, CLASS II ~~AND CLASS III~~ LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 5706.2.4.4. of the ~~2013~~2016 California Fire Code in which storage of Class I and, Class II ~~and Class III~~ liquids in aboveground tanks is prohibited are amended as follows: Town limits.

SECTION 14.04.0550. 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 ~~2013~~2016 California Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief.

SECTION 14.04.0660. 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 14.04.0770. 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 14.04.080. 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, referred to in Section 5806.2 of the 2016 California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: Town Limits.~~The geographic limits in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: Town limits.~~

SECTION 14.04.090. 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 14.04.100. AMENDMENTS MADE TO THE ~~2013~~2016 CALIFORNIA FIRE CODE, ~~2012~~2015 INTERNATIONAL FIRE CODE AND ~~2012~~2015 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

The ~~2013~~2016 California Fire Code, the adopted portions of the ~~2012~~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 designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure shall apply when specifically required by this code including, but not limited to, Section 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.

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

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

~~7. **Fireworks.** An operational permit is required to store and use fireworks for public display.~~

~~85. **Fire Protection Plan.** An operational permit is required to implement a fire protection plan.~~

~~696. **Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed sources or more that 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.~~

Section 105.7.197 is hereby added to Chapter 1 as follows:

Section 105.7.197 **Vegetation Management Plan.** A construction permit is required to implement a vegetation management plan.

Section 109 of Chapter 1 is amended by adding section 109.3.5 to read as follows:

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Section 109.3.5 Abatement of clearance of brush or vegetative growth from structures. The executive body is authorized to instruct the 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.

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 to a fine of not less than \$500.00 dollars or more than \$1,500.00 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 an accessory dwelling unit limited to conversion of an existing room, no more than 500sq. /ft. (Limited in size as determined by...) 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

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~~bathroom for the unit; external and internal access; and owner occupancy required. Or as defined by the local Community Development Division.~~

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

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~~Membrane Structure~~, shall mean—A 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.

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

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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 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 202 [T] of Chapter 2 is hereby amended by adding and/or amending the definition of 'Temporary' and 'Tent' as follows:

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

Tent shall mean 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.

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

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Umbrella Structure shall mean 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")

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Section 202 [T] of Chapter 2 is hereby amended by adding the definition of 'Temporary':

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

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 ~~32019~~ is hereby added to Chapter 3 as follows:

Section ~~32019~~ **Public Storage Facilities**

Section ~~32019~~.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

Section ~~32019~~.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 2016 Building Code for Group S, Division 1 occupancies.

Section ~~32019~~.3. **Fire apparatus access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section ~~32019~~.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.

Sections 320 is hereby added to Chapter 3 as follows:

Section 320 Fireworks

~~Section 320.1 General. The manufacture, storage, sale, possession, handling or use of all fireworks is prohibited except as permitted by the Fire Code Official for approved public display.~~

~~Section 320.2 Seizure. The Fire Chief or Fire Code Official or their authorized agents shall seize, remove or cause to be removed at the expense of the owner or person(s) in possession all stocks of fireworks offered or exposed for sale, stored or held in violation of this code.~~

Section 401.1.1 is hereby added to Chapter 4 as follows:

Section 401.1.1 **Hazardous Occupancies.** In occupancies of a hazardous nature, where access for fire apparatus is unduly difficult, or where special life and fire safety hazards exist as determined by standards/~~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.

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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.

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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,

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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 agency having jurisdiction.

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Section 403.10.1.48.8.4 is hereby added to Chapter 4 as follows:

Section 403.10.1.48.8.4 **Emergency Preparedness for Hotels, Lodging and Congregate Houses.** Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

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Section 501.54 of Chapter 5 is hereby ~~amended by~~ added to read as follows: -adding the following sentence:

Section 501.5 Compliance. 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.

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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 Ross so as to gain access to improved, unimproved, and undeveloped areas of the Town of Ross, 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~~9144mm) 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 503.2.1 of Chapter 5 is amended by adding an exception to read as follows:

EXCEPTION: Driveways serving as fire apparatus access roads serving fewer than 5 structures may reduce the width to ~~12~~16 feet with 1 foot shoulders.

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Section 503.2.6.1 is hereby added to Chapter 5 as follows:

Section 503.2.6.1 **Load testing.** Bridges, ~~p~~Piers, ~~and w~~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 to Chapter 5 as follows:

503.4.2 **-Prohibition of Vehicular Parking on Private Access ways.** If, in the judgment of the Chief ~~or their designee~~, 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- ~~or their designee~~ 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 or 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.

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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 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 507.5.1.2 **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 or ~~their~~his/her designee, 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 605.11.32.1 is hereby added to Chapter 6 and shall read as follows:

605.11.32.1 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 605.11.45 is hereby added to Chapter 6 and shall read as follows:

605.11.45. 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: ~~Micro-inverter~~ **Phase** 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 605.11.5.1 is hereby added to Chapter 6 and shall read as follows:

605.11.5.1 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 an alternative power source. Alternate disconnect is: (describe location - on the right, below etc.) of this main disconnect. Both must be used.

Section 605.11.6 is hereby added to Chapter 6 and shall read as follows:

Section 605.11.6 **Alternative Power Supplies.** The use of an electrical power supply (including but not limited to; photovoltaic, wind, geothermal or fuel fired generators), other than the community's commercial source, shall comply with section 605.11.1 through 605.11.3 to the extent applicable.

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

This section shall also apply to residential fire sprinkler systems.

Section 903.2 of Chapter 9 is hereby amended as follows:

~~Section 903.2 **Where Required.** Approved automatic sprinkler systems in new buildings, structures, occupancies, and facilities, including 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, 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: All Occupancies and Facilities, including including 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. 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:~~

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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 2016 California Building Code.
- b. Agricultural buildings as defined in Appendix C of the 2016 California 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.

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- ~~2.~~ 2. In newly created second units.

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Exceptions: Junior second units

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3. In all buildings ~~which that~~ have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 36 month period.

Exceptions may be granted by the Fire ~~Code Official~~ Chief 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 that have~~ more _____ than ten per-cent (10%) floor area added within any 36 month period. Exceptions _____ may be granted by the Fire 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.

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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 2016 California 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 903.4 is hereby amended by deleting the following:

Exception #1, 2, 3.

Section 904.12 is amended to read as follows:

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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 occupancy 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.

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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.
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2.5. 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).

~~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).~~

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Section 4902, definition of Wildland/Urban Interface Fire Area, is amended to read as follows:

Wildland/Urban Interface Fire Area – A geographical area identified by the state 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 as identified in WUI maps adopted by the Town Council.

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.

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Section 4906.4 of Chapter 49 is hereby added to read as follows:

SECTION 4906.4 Vegetation Management Plan

Section 4906.4. General. All new construction and substantial remodels shall prepare a vegetation management plan (VMP). Not less than two (2) complete plan sets shall be submitted to the Code Official for review.

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Section 4906.4.1 Content. The VMP shall include at the minimum:

1. A narrative describing specific and applicable contributing factors in the selection and design of the plan.
2. The Hazard Assessment Matrix.
3. The list of plants to be used and materials consistent with the approved plant list.
4. Two (2) sets of blue prints showing the house, zone, plant type and spacing.

Section 4906.4.2 Cost. The cost of vegetation management plan preparation and review shall be the responsibility of the applicant.

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 within specific Wildland Urban Interface areas of the jurisdiction of the Town of Ross and persons owning, leasing or controlling land adjacent to such buildings or structures 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.

EXCEPTION 1: When approved by the ~~fire code official~~ 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~~ 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 Fire Chief or their designee 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 Fire Chief or their designee is authorized to enter upon private property to do so in accordance with Section 14.04.120 of the Ross Municipal Code.

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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 **Nuisance.** Failure to comply with the requirements of Section 4907.2 shall be deemed a public nuisance. The Fire Chief or their designee is hereby authorized to require the abatement of any nuisance condition described in Section 4907.2 or Section 4907.3. Abatement shall be accomplished in accordance with Section 14.04.120 of the Ross Municipal Code.

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Section 5601.1.3 is amended to read as follows delete the following exceptions:

Section 5601.1.3 Fireworks

Exception: 1, 2, and 4 of section 5601.1.3 are hereby deleted.

Section 5601.1.6 is added to read as follows:

Section 5601.1.6 Sale, Use or Discharge of Fireworks Prohibited

Exception: Except for firework displays authorized pursuant to this section, it is unlawful for any person to possess, store, offer or expose for sale, sell at retail, give away or in any manner dispose of any fireworks, or to use, explode, or otherwise discharge any fireworks. Any person or group desiring to perform a fireworks display shall first make written application for a permit to the fire code official. Application for a permit shall be made in writing at least 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 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.

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

Section A104.7.2 **Permits**. The ~~f~~Fire ~~C~~ode ~~e~~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 ~~F~~ire ~~e~~Code ~~e~~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 ~~f~~Fire ~~e~~Code ~~e~~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~~Fire Code Official.

SECTION 14.04.110. 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 Ross that the immunities provided in Penal Code Section ~~836.5847(b)(1)~~ 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 14.04.120. 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 ~~Chief~~ or their designee believes a public nuisance exists, the Fire Chief ~~or their designee~~ f shall commence abatement proceedings.

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(e) The Fire Chief or their designee 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:

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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 or their designee within the period set forth in the notice requiring abatement, the Fire

Chief or their designee 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 or their designee 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 or their designee shall give notice to the record owner of the property of the intent to collect abatement, ~~including 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 Ordinance and abatement of the nuisance.

(i) Emergency Abatement. Notwithstanding any other provisions of this Chapter, whenever the Fire Chief or their designee 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 or their designee 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 14.04.130 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 Section 14.04.100 as applicable. Infractions shall be punishable by the fines specified in California Government Code Section 36900.

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(b) An Administrative Citation and fine may also be imposed in accordance with Chapter 9.70 of the Ross Municipal 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 are contained in Section 9.70.120 of the Ross Municipal 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 enforcement or the 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 emergency response as described in Section 104.12 of the 2013/2016 California Fire Code, as amended.

SECTION 14.04.140. APPEALS

(a) Any person receiving an Administrative Citation may contest the Citation in accordance with Section 9.70.070 of the Ross Municipal Code.

(b) Any person receiving a bill for Ross Valley Fire Department response costs and expenses pursuant to Section 104.12 of the 2016 California 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.

(c) Whenever the Fire Chief ~~shall disapprove-rejects~~ an application or refuses 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 an administrative 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 provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 14.04.130 (a) or (b) above.

SECTION 14.04.150. FEE AND PENALTY ADJUSTMENTS

The Town Council may, by resolution, revise the fees and penalties established by this Title 14.04."

SECTION 3. Validity

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.

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 Ross 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 posting and effective date

Within fifteen (15) days after its adoption, a summary of this Ordinance shall be posted in three public places in the Town of Ross and a certified copy of the full text of this Ordinance shall be posted in Town Hall.

This Ordinance shall be effective 30 days following its adoption by the Town Council or January 1, 2017~~4~~, whichever is later.

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

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

The foregoing ordinance was duly introduced at a regular meeting of the Town Council of the Town of Ross held on the ~~13th~~^{14th} day of ~~November, October 2013~~^{November, 2016} and thereafter

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adopted at a regular meeting of the Town Council on the ~~10th~~^{12th} day of ~~December~~^{November}, ~~2013~~²⁰¹⁶ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

~~P. Beach Kuhl~~^{Kathleen Hoertkorn}, Mayor

ATTEST:

Linda Lopez, Town Clerk

DRAFT