

ORDINANCE NO. 124

**AN ORDINANCE ADOPTING THE CALIFORNIA FIRE CODE,
INTERNATIONAL FIRE CODE, AND INTERNATIONAL WILDLAND-URBAN
INTERFACE CODE PRESCRIBING REGULATIONS GOVERNING
CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR
EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR
HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A FIRE
PREVENTION BUREAU AND PROVIDING OFFICERS THEREFORE AND
DEFINING THEIR POWERS AND DUTIES.**

Be it ordained by the Board of Directors of the Tiburon Fire Protection District the following:

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

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

1. The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,
 - b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
 - c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - d. Appendix E HAZARD CATEGORIES,
 - e. Appendix F HAZARD RANKING,
 - f. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS, and
 - g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS;
2. The International Fire Code published by the International Fire Code Council, Inc., 2009 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 11 of this Ordinance.
3. Appendix A of the 2009 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 11 of this Ordinance.

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

SECTION 2. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION BUREAU

The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, and the 2009 edition of the International Fire Code, and Appendix A of the 2009 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by the Fire Prevention Bureau of the Tiburon Fire Protection District and shall be operated under the supervision of the Chief of the Tiburon Fire Protection District.

SECTION 3. DEFINITIONS

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

- (a) Whenever the words "Fire Code" are used they shall mean those Codes and Standards adopted in Section 1 of this Ordinance.
- (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Tiburon Fire Protection District.
- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Tiburon Fire Protection District.
- (d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Fire Prevention Bureau of the Tiburon Fire Protection District.

SECTION 4. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 3404.2.9.6.1 of the International Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the Tiburon Fire Protection District, and agricultural land of less than two (2) acres.

SECTION 5. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 3406.2.4.4. of the International Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the Tiburon Fire Protection District and agricultural land of less than two (2) acres.

SECTION 6. ESTABLISHMENTS OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED

The geographic limits referred to in Section 3804.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the Tiburon Fire Protection District.

SECTION 7. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The geographic limits in which storage of explosives and blasting agents is prohibited, are as follows: In all residential areas and in heavily populated or congested commercial areas as established by the Tiburon Fire Protection District.

SECTION 8. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED

The geographic limits in which the storage of compressed natural gas is prohibited, are hereby established as follows: In all residential areas and in heavily populated or congested commercial areas, as established by the Tiburon Fire Protection District.

SECTION 9. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED

The geographic limits in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all residential areas and in heavily populated or congested commercial areas, as established by the Tiburon Fire Protection District.

SECTION 10. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED

The geographic limits in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: In all residential areas and in heavily populated or congested commercial areas, as established by the Tiburon Fire Protection District.

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

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

Section 102.5 is hereby amended to read as follows:

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

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

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

(findings: C3,G1,G2,G4,T1,T2)

Section 102.7.1 is hereby added to Chapter 1 and shall read as follows:

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

Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:

Section 104.1.1 **Supplemental Rules, Regulations and Standards.** The Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards to carry out the application and intent of this code.

Section 104.12 is hereby added to Chapter 1 and shall read as follows:

Section 104.12. **Damages and expense recovery.** The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

Section 104.13 is hereby added to Chapter 1 and shall read as follows:

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

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

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

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

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

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

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

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

[offense = misdemeanor] [amount = \$5 to \$500.00] [number of days = 5 to 180]

Section 109.3.2 is hereby added to Chapter 1 and shall read as follows:

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

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

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

Section 202-[F] of Chapter 2 is hereby amended by adding the definition of 'Fire Road' as follows:

FIRE ROAD. See section 502.1.

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

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

Spark Arrestor shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any 36 month period. When any changes are made in the

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

Section 202 [T] of Chapter 2 is hereby amended by adding the definition of 'Temporary', 'Tracer' and 'Tracer charge' as follows:

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

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

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

Section 302.1 is amended by adding the definition of 'Public Storage Facility' as follows:

Public Storage Facility shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

Section 318 is hereby added to Chapter 3 and shall read as follows:

Section 318 PUBLIC STORAGE FACILITIES

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

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

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

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

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

Section 501.4 of Chapter 5 is hereby amended by adding a sentence to read as follows:

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

Section 502.1 of Chapter 5 is hereby amended by adding a definition of 'Fire Road' as follows:

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

Section 503.1.4 of Chapter 5 is hereby amended by adding a paragraph thereto to read as follows:

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

Section 503.1.5 of Chapter 5 is amended by adding a sentence thereto as follows:

Section 503.1.5 **Truck company access.** For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary

operational distances as specified by the Fire Code Official.

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

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

Section 503.4 of Chapter 5 is amended by adding a sentence thereto to read as follows:

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

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

503.4.2 **Prohibition on Vehicular Parking on Private Access ways.** If, in the judgment of the Chief, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Chief may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

Section 503.6.1 is hereby added to Chapter 5 and shall read as follows:

503.6.1 **Width.** All gates shall open fully to provide an unobstructed passage width of not less than 12 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 13 feet 6 inches.

Section 503.6.2 is hereby added to Chapter 5 and shall read as follows:

Section 503.6.2 **Electronic gates.** All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards adopted by the Fire Code Official. All electronic or motorized gates shall incorporate in their design the means for fast, effective manual operation of the gates in the event of power or mechanical failure (i.e., easily removable hinge pins for separating power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

Section 506.1 of Chapter 5 is hereby amended to read as follows:

Section 506.1 **Key Entry Systems.** When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes or in commercial structures that have an automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved location. The key entry system shall be of an approved type and if it is a box shall contain keys necessary to gain access as required by the Fire Code Official.

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

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

Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:

Section 507.5.7 **Fire hydrant upgrades.** When additions or modifications to structures are made, the nearest fire hydrant (if a new one is not required) located by the Chief, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the minimum standard of one 4 1/2" outlet and two 2 1/2" outlets for commercial structures.

Exception: If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.

Section 605.11 is hereby added to Chapter 6 and shall read as follows:

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

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

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

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

WARNING:

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

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

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

This section shall also apply to residential fire sprinkler systems.

Section 903.2 Of Chapter 9 is hereby amended to read as follows:

Section 903.2 **Where Required.** All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

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

- b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, and located within an Agricultural zoned district as defined in the Marin County Planning Code.

2. In newly created second units.

3. In all buildings which have more than fifty per cent (50%) floor area added or any "substantial remodel" as defined in this code, within any 36 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.

4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 36 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Fire Code Official.

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

(findings: C3,G1,G2,G4,T1,T2,T3,T5)

Section 903.3 Of Chapter 9 is hereby amended by adding the following thereto:

The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 504 and 506 of the Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

- a. In all residential buildings required to be sprinkled any attached garages shall also be sprinkled, and except for single family dwellings, in all residential occupancies the attics shall be sprinkled.
- b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.
- c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R.
- d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

(findings: C3,G1,G2,G4,T1,T2,T3,T5)

Section 906.11 is hereby added to Chapter 9 and shall read as follows:

Section 906.11 **Fire Extinguisher Documentation.** The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

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

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

(findings: C3,G1,G2,G4,T1,T2)

Section 907.9.5.1 is hereby added to Chapter 9 and shall read as follows:

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

Section 4906.2 paragraph 2 of Chapter 49 is amended to read as follows:

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

Section 4907.1 of Chapter 49 is amended to read as follows:

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

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

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

Section 4907.2 **Fire Hazard Reduction.** Any person who owns, leases, controls or maintains any building or structure within the jurisdiction of the Tiburon Fire Protection District shall comply with the following: Cut

and remove all pyrophytic combustible vegetation within 100 feet of structures, up to 150 feet on downhill slopes. 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 low branches on trees, 6 feet from ground when trees exceed 18 feet in height. Vegetation clearance requirements for new construction, substantial remodels, additions exceeding 499 square feet, and all landscaping projects requiring design review shall be provided and maintained in accordance with standards and rules established by the fire code official.

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

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

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

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

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

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

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

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

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

Section 104.13 **APAIRIES.** Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the Fire Code Official.

SECTION 12 AUTHORITY TO ARREST AND ISSUE CITATIONS

(a) The Fire Chief, Chief Officers and Fire Marshal shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.

(b) It is the intent of the Board of Directors of the Tiburon Fire Protection District that the immunities provided in Penal Code Section 836.5 be applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

SECTION 13 PENALTIES

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

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

(c) The first citation, within a 12-month period, for violations of the Fire Code and any amendments adopted herein shall be treated as a Civil

Penalty payable directly to the Tiburon Fire Protection District and is set at \$150 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Tiburon Fire Protection District. Said civil penalties shall be a debt owed to the District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in Section 11. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Tiburon Fire Protection District for such civil penalty and costs of the litigation, including reasonable attorney's fees.

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

(e) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified each day that a violation occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.

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

(g) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the Tiburon Fire Protection District to collect the costs of abatement and related administrative costs by a nuisance abatement lien as more particularly set forth in Government Code Section 38773.1, and by special assessment to be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.5. At least thirty (30) days prior to recordation of the lien, or submission of the report to the Tax Collector for collection of this special assessment, the record owner shall receive notice from the Chief of the Tiburon Fire Protection District of intent to charge the property owner for all administrative costs associated with enforcement of this Ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief's decision to the Board of Directors of the Tiburon Fire Protection District within fifteen (15) days of the date of the notice and request a public hearing prior to recordation of the lien or submission of the report to the County Tax Collector for collection of the special assessment. In addition to the foregoing,

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

SECTION 14. APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 13 or a bill for Tiburon Fire Protection District response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the citation or bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of the time and place of the hearing. Within ten (10) days after the hearing the Chief shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the hearing officer.

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

SECTION 15 FINDINGS

To the extent that any of the provisions of this Ordinance constitute changes or modifications in the requirements contained in Health and Safety Code Section 17922, the Board of Directors of the Tiburon Fire Protection District does hereby find that such changes and modifications are reasonably necessary because of local conditions prevailing within the Tiburon Fire Protection District. A description of said local conditions is hereinafter set forth.

The peninsular nature of that land mass generally known as "Tiburon" along with its inherent geographical features, presents unique problems to the Tiburon Fire Protection District whose primary concern is the saving of lives and conservation of property within the community.

The Tiburon peninsula extends in a generally southeastern direction from the northern shore of the San Francisco Bay. It is approximately one to one and one-half miles in width and approximately four miles long, surrounded by salt water on three sides.

The Tiburon Fire Protection District encompasses an area of roughly four square miles with resident population of approximately 12,000. Due to the significant visitor population to the Town of Tiburon and to local state and county parks, the actual population can be considerably higher depending on the time of year.

The placement of the residential and commercial development within the District has generally adapted itself to areas of least resistance within the confines of steep ridges, down slopes and wooded hillsides. The other unique environmental characteristic of the District is the shoreline of San Francisco Bay which creates the boundary of attraction to the visitor population.

With the given profile of the Tiburon Fire Protection district, the District Board of Directors has established certain requirements which were developed to reduce the level of exposure to the citizens and guests of the District, as well as the property (investments) within the jurisdiction. The following points were established as factors which cause concern regarding fire protection in the District and are herein established and submitted as the "Findings of Fact."

CLIMATIC: The weather patterns within the Tiburon Fire Protection district are considered to be moderately affected by the Pacific Ocean and the San Francisco Bay which extend the year round growing season of vegetation. The normal year's rainfall is approximately 28 inches, while the summer condition, with its prevalent Pacific High Cell creates the morning and late afternoon fog normally associated with San Francisco Bay. (C1)

While normal temperatures usually do not exceed 75-80 degrees during the summer months, little or no rain falls during the period between April and November. This combination often creates hazardous fuel conditions in the district. Drying winds in the summer and fall months reduce fuel moisture and relative humidity to the minimum levels, thereby creating ideal fire weather conditions. The normal afternoon winds which precede the fog can move a fire quickly in the hillside and open space areas of the District. (C2)

Because of climatic conditions, the County of Marin has experienced water rationing in past years. Water shortages can be expected in future years due to limited storage capacities in Marin, increased domestic consumption and weather patterns which reduce the already minimal annual rainfall. While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted. (C3)

GEOGRAPHIC: The Tiburon peninsula is geographically mixed with three classification of rock: igneous, metamorphic and sedimentary. The outstanding material is volcanic in origin with a ridge of serpentine reaching in excess of 700 feet in elevation. (G1)

Much of the District is characterized by precipitous hilly areas where escape opportunities from residential structures are limited to one side of the home only. The steepness and uneven nature of the land often hinders, and sometimes prevents, the erecting of rescue ladders at the side of a home on a hillside parcel. (G2)

Seismic activity within the District occurs yearly with little or no damage, although a real potential does exist with the peninsula situated between two active faults: San Andreas and Hayward faults. (G3)

Landslides have also been experienced on the Tiburon peninsula in recent years. While stabilization of hillsides can sometimes be achieved, heavy rainfalls have caused failures. These slides have closed roadways, making accessibility to many locations in the District impossible until properly cleared. (G4)

TOPOGRAPHIC: The District is accessible from the outside by only two primary thoroughfares and only one of those permits speed in excess of 25 miles per hour by virtue of the narrow and twisting configuration of Paradise Drive. This feature limits mutual aid companies responding from neighboring communities for a large scale emergency to approach by only one realistic route, and from only one side of the District, as opposed to a non-peninsular area which would be approachable from many directions and roadways. (T1)

Vehicular access within the District is affected by steep, hilly terrain and many secondary ridge lines. Many streets are narrow and winding, restricting the speed at which fire apparatus may safely respond and also increasing the time lapse between fire detection and apparatus arrival, during which a family will face the fire or other emergency on their own. Of the approximately 189 streets in the District, 143 are dead-end streets, restricting the ease of relocating fire and rescue equipment from one location to another, even though actual separating distance between the two places may be minimal. In addition to restricting access routes for fire apparatus, the dead-end streets also limit egress opportunities for residents. (T2)

The commercial areas of the District were largely built long before present code requirements existed. Consequently, the vast majority of these structures do not meet even minimal standards for fire protection and life safety. The wood frame construction of older buildings, especially those in the commercial area, creates an adverse exposure problem, not only in being easily

ignited by an adjacent structure fire, but also in contributing to the extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the District has shown flying embers will start secondary fires after being blown in the air. (T3)

The natural rocky shoreline of San Francisco Bay creates a situation (particularly along Main Street and Paradise Drive) by which access to buildings can only be made via one street. The front of the buildings are essentially the only accessibility point for responding. Buildings constructed along the waterfront and some actually on piers over the Bay, create a situation where the presence of bay waters limits escape opportunities from both residential and commercial occupancies alike. Many of the nonconforming existing structures on main Street are built property line to property line with no provisions for required fire separations between the buildings. Approximately 3,200 dwelling units and commercial buildings have been erected within the District over the past century with more construction occurring each year. (T4)

The location of the District at one of the "ends" of the Marin Municipal Water District's gravity system, the lack of cross connected, gridded water mains (due to Tiburon's existing street configurations) and generalized water shortage in Marin County results in occasional inadequate water volume and pressure for fire fighting purposes in certain areas of the peninsula. (T5)

VEGETATION: Tiburon's semiarid Mediterranean-type climate produces vegetation similar to that of most of Marin County, with specific growth locale a result of topography and prevailing wind. The western ridge exposure is primarily rye grasses with occasional clumps of bay and oak trees in the more sheltered pockets. The eastern slopes are heavily wooded from shore 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 now existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view.

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

As a result of the "Findings of Fact" which have identified the various Climatic, Geographical and Topographical elements, the requirements established by the Tiburon Fire Protection District within the adopted Ordinance Number 124 are considered "REASONABLE AND NECESSARY

MODIFICATIONS” to the requirements established pursuant to Health and Safety Code Section 17922 based on local conditions.

While it is clearly understood that the adoption of such regulations may not prevent the incidence of fire, it is further noted that with the implementation of these various regulations and/or requirements, the severity and potential for loss of life and loss of property within the District may be reduced.

SECTION 16 FORMER ORDINANCES

Former ordinance 122 or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code hereby adopted are hereby repealed. This action shall not relieve any party from the requirements of compliance with provisions of the previous ordinance implemented while it was in force.

SECTION 17 VALIDITY

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

SECTION 18 ORDINANCE PUBLICATION AND EFFECTIVE DATE

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

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

SECTION 19 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Board of Directors of the Tiburon Fire Protection District finds that adoption of this ordinance is exempt from the California Environmental

Quality Act ("CEQA") under California Code of Regulations, Title 14, § 15061(b)(3).

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

The foregoing **Ordinance No. 124** was read and introduced at a Regular meeting of the Board of Directors of the Tiburon Fire Protection District held on the 11th day of October, 2010, and a public hearing ordered to be held on 8th day of December, 2010. After consideration of the input from the public and a second reading, this Ordinance of the Tiburon Fire Protection District was adopted at a Regular meeting of the Board of Directors held on the 8th day of December, 2010.


passed to print by the following vote, to wit:

AYES: Board Members: Plant, O'Neill, Sears

NOES: Board Members:

ABSENT: Board Members: Kirchhoff, Miller

Attest:



President of the Board of Directors

Attest:



Tiburon Fire Protection District Clerk