



ORDINANCE NO. 129

AN ORDINANCE OF THE TIBURON FIRE PROTECTION DISTRICT ADOPTING AND MODIFYING THE 2019 CALIFORNIA FIRE CODE, AND APPENDIX A OF THE 2018 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 DEFINE THE POWERS AND DUTIES OF THE COMMUNITY RISK REDUCTION AND FIRE PREVENTION BUREAU AND OFFICERS.

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

WHEREAS, pursuant to Health and Safety Code Section 13869, the Tiburon Fire Protection District may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code when such modified standards are reasonably necessary because of local climatic, geological or topographical conditions;

WHEREAS, pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, changes or modifications to the 2019 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions.

WHEREAS, this Ordinance No. 129 was introduced and read by title only at a meeting of the Board of Directors of the Tiburon Fire Protection District on the 9th day of October 2019.

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

**SECTION 1. ADOPTION OF 2019 CALIFORNIA FIRE CODE, and
APPENDIX A of the 2018 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:

- A. The 2019 California Fire Code, which consists of certain portions of the 2018 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - 1. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS, the whole thereof, save and except such portions as are hereafter amended by section 11 of this Ordinance.
 - 2. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - 3. Appendix F HAZARD RANKING,
 - 4. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS
 - 5. Appendix O TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES.
- B. The International Fire Code published by the International Fire Code Council, Inc., 2018 Edition hereof and the whole thereof, save and except such portions as are hereinafter amended, added or deleted by Section 11 of this Ordinance.
- C. Appendix A of the 2018 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 11 of this Ordinance.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Deputy 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 COMMUNITY
RISK REDUCTION AND FIRE PREVENTION BUREAU**

The 2019 California Fire Code, which consists of certain portions of the 2018 edition of the International Fire Code as amended by the California Building Standards Commission, and Appendix A of the 2018 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by the Community Risk Reduction and 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 term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Tiburon Fire Protection District.
- (c) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean 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 his/her designee of the Community Risk Reduction and 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 5704.2.9.6.1 of the California Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas, and agricultural land of less than two (2) acres as established by the Tiburon Fire Protection District.

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 5706.2.4.4 of the California 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, and agricultural land of less than two (2) acres as established by The Tiburon Fire Protection District.

SECTION 6. 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 California Fire Code 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, and in agricultural land of less than two (2) acres as established by The Tiburon Fire Protection District.

SECTION 7. 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 California 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, and agricultural land less than two (2) acres the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons as established by the Tiburon Fire Protection District

SECTION 8. 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, and agricultural land of less than two (2) acres as established by the Tiburon Fire Protection District.

SECTION 9. 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, and agricultural land of less than two (2) acres 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, and agricultural land of less than two (2) acres as established by The Tiburon Fire Protection District.

SECTION 11. AMENDMENTS MADE TO THE 2019 CALIFORNIA FIRE CODE AND APPENDIX A OF THE 2018 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE.

The Tiburon Fire District Board of Directors hereby finds that local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications to the 2019 California Fire Code and the 2019 California Building Standards Code in order to provide a reasonable degree of property security and fire and life safety in this Fire District.

The Tiburon peninsula extends in a generally southeastern direction from the northern shore of the San Francisco Bay. It is approximately one to one-half miles in width and approximately four miles long. The District has a population of approximately 12,000 residents, but has a significant visitor population to each municipality, both local and state parks which can boost the population considerably higher depending on the time of year.

With the given profile of the Tiburon Fire Protection District, the 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. Specifically, the Tiburon Fire Protection District Board finds that the following local conditions make more stringent standards a necessity:

1. Climatic

- a. **Precipitation.** 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 a year-round growing season. Precipitation averages approximately 38 inches per year while the summer condition, with its prevalent Pacific High Cell, creates the morning and late afternoon fog normally associated with the San Francisco Bay. Little to no rain falls during the period of April through November.
- b. **Relative Humidity.** Humidity generally ranges from 51% during daytime to 86% at night. It drops to 20% during the summer months and can drop lower on occasion.

- c. **Temperatures.** Temperatures have been recorded as high as 98-degrees F. Average summer highs are in the 75-degree F to 80-degree F range.
- d. **Winds.** Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5 – 15 mph range, gusting to 7.4 – 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.
- e. **Summary.** These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another, commonly found in the Tiburon Fire Protection District. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blowtorch effect, in addition to preventing “natural” ventilation and cross-ventilation efforts.

2. Geographic and Topographic

- a. **Geography.** The fire environment of a community is primarily a combination of two factors: (1) the area’s physical geographic characteristics and (2) the historic pattern of suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area’s fire protection needs.

The Tiburon Peninsula is geographically mixed with three classifications 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. Much of the District is characterized by precipitous hilly and steep areas where escape opportunities from residential structures are limited to one side of a home only. The 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.

The domestic water supply is located at the end of the Marin Municipal Water District's distribution system and consists of five levels of gravity systems of varying pressures and capacities.

Improvements have been made to the Paradise Drive area, but areas still exist that do not provide adequate water pressure.

- b. **Seismic Location.** Seismic activity within the District occurs annually with little to no damage, although real potential exists with the proximity of the peninsula to the San Andreas, Hayward and Rodgers Creek faults.
- c. **Roads and Streets.** 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.
- d. **Topography.** 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.

The District's service area is a conglomeration of bay plains, hills, valleys and ridges. Landslides have occurred on the Tiburon peninsula in recent years. While stabilization of hillsides can sometimes be achieved, heavy rainfalls have caused large failures. These slides have closed roadways, making accessibility to many locations in the District impossible until properly cleared. 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 is essentially the only accessibility point for responding engine companies. 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.

- e. **Vegetation.** Tiburon Fire Protection District's semi-arid Mediterranean-type climate produces vegetation similar to that of most of Marin County, with specific growth locale a result of topography and prevailing wind. The western ridge exposure is primarily rye grass with occasional clumps of bay and oak trees in the more sheltered pockets. The east 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.

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

A large portion of the District is located adjacent to open space with high flashy fuels consisting of grasses and chaparral. Proliferation of sudden oak death syndrome has increased the dead fuel loads in the oak woodlands and bay forests which has significantly increased fire brand production and crown fire potential within the Wildland Urban Interface area.

- f. **Summary.** The above listed conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Fire District. The protection of life and property from fire is difficult due to limited access problems created by water, cliffs, steep slopes, and the lack of side yard setbacks, as well as the combustible structures and their roofs.

Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. A large percentage of dwellings in the Fire District have wood shingled roofs. 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 and onto shake shingle roofs.

Other variables may tend to intensify the situation:

1. The extent of damage to the water system;
2. The extent of isolation due to bridge and/or freeway overpass collapse;
3. The extent of roadway damage and/or amount of debris blocking the roadways;
4. Climatic conditions (hot, dry weather with high winds);
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
6. The availability of timely mutual aid or military assistance;
7. The large portion of dwellings with wood shingle roof coverings could result in conflagrations.

Conclusion: Local climatic, geographic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be reasonably necessary that the International Fire Code, California Fire 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 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the Tiburon Fire Protection District finds that the following table provides code sections that have been modified pursuant to Ordinance No. 129, which are building standards as defined in Health and Safety Code Section 18909, and the associated referenced conditions for modification due to local climatic, geographical, and topographical reasons.

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

Section Number: Local Climatic, Geographical and Topographical Conditions:

Chapter 2 DEFINITION

202 1d, 1e, 2a, 2b, 2d, 2e, 2f

Chapter 3 GENERAL REQUIREMENTS

302.1 2b, 2d, 2e

321.1 2b, 2d, 2e

321.2 2b, 2d, 2e

321.3 2b, 2d, 2e

321.4 2b, 2d, 2e

Chapter 4 EMERGENCY PLANNING AND PREPAREDNESS

401.1.1 2c,2d,2e

401.3.2.2 2a,2b,2c,2d,2e

403.1.1 2a,2b,2c,2d,2e

403.10.1.4 2a,2b,2c,2d,2e

Chapter 5 FIRE SERVICE FEATURES

503.1 2a,2c,2d,2e,2f

503.1.4 2a,2c,2d,2e,2f

503.1.5 2a,2c,2d,2e,2f

503.2.6.1 2a,2c,2d,2e,2f

503.4 2a,2c,2d,2e,2f

503.4.2 2a,2c,2d,2e,2f

503.6.1 2a,2c,2d,2e,2f

503.6.2 2a,2c,2d,2e,2f

507.5.1 2a,2c,2d,2e,2f

507.5.1.1 2a,2c,2d,2e,2f

507.5.7 2a,2c,2d,2e,2f

510.1 2a,2c,2d,2e,2f

Chapter 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

903.2.1 – 903.2.4 2a, 2b, 2c, 2d, 2e

903.3.9 2a, 2b, 2c, 2d, 2e

903.6.1 2a, 2b, 2c, 2d, 2e

907.6.6 2a, 2b, 2c, 2d, 2e

912.2 2a, 2b, 2c, 2d, 2e

Chapter 33 FIRE SAFETY UNDER CONSTRUCTION

3313.3 1c,1d,2a, 2b, 2c, 2d

3314.3 1c,1d,2a, 2b, 2c, 2d

3314.4 1c,1d,2a, 2b, 2c, 2d

Chapter 49 REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

4902.1 1a,1b,1c,1d,1e,2a,2b,2c,2d

4906.2 1a,1b,1c,1d,1e,2a,2b,2c,2d

4907.1 1a,1b,1c,1d,1e,2a,2b,2c,2d

4907.2 1a,1b,1c,1d,1e,2a,2b,2c,2d

4908 1a,1b,1c,1d,1e,2a,2b,2c,2d

Chapter 56 EXPLOSIVES AND FIREWORKS

5608.1.2 - 5608.2

1e,2a,2c,2d,2e

Appendix B

2a,2b,2c,2d,2e,2f

ACCORDINGLY, THE 2019 CALIFORNIA FIRE CODE IS AMENDED, ADDED OR DELETED AS IDENTIFIED HEREIN:

CHAPTER 1: SCOPE AND ADMINISTRATION

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

Section 101.1 **Title.** These regulations *and locally adopted standards* shall be known as the Fire Code of the Tiburon Fire Protection District hereinafter referred to as “this code.”

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

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

1. Construction and designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure when specifically required by this code including, but not limited to, Section 903.2 and 1204.2.1 shall apply. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply
2. Administrative, operational and maintenance provisions of this code shall apply.

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

Section 102.7.3 **Nationally Recognized Listed Products.** Any installation of products and equipment due to permits required by this Code shall be Labeled and Listed, as defined in Section 202.

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

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

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

Section 104.12. **Fire Prevention Resource Sharing.** Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement, investigation and other fire prevention services when requested to do so.

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

Section 105.6 **Required Operational Permits.** The fire code official is authorized to issue operational permits for operations set forth in Sections 105.6.1 through 105.6.52

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

Section 105.6.52 **Local Permits.** In addition to the permits required by section 105.6, the following permits shall be obtained from the Fire Prevention Division prior to engaging in the following activities, operations, practices or functions:

1. **Fire Protection Plan.** An operational permit is required to implement a fire protection plan.
2. **Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed source or more 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.

Section 105.7.26 is hereby added to Chapter 1 and shall read as follows:

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

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

Section 110.4 **Violation Penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be

guilty of a misdemeanor, punishable by a fine of not more than \$500 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

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

Section 110.4.2 Abatement of clearance of brush or vegetative growth from structures. The executive body is authorized to instruct the Chief to give notice to the owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3 and section 4907.1 of Chapter 49 exists to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

Section 112.4 of Chapter 1 is hereby amended to read as follows:

Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not less than \$500 dollars or more than \$1500 dollars.

Section 114.1 is hereby added to Chapter 1 and shall read as follows:

Section 114.1 Damages and Expense Recovery. The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

CHAPTER 2: DEFINITIONS

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

Coverings Shall mean materials including, but not limited to, gypsum board, paneling, floorboards, 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, wallpaper, or other decorative finishes.

Driveway A private road giving access from a public way to a building or structure on abutting grounds.

Easement Access An access that allows one or more persons to access or use or travel across another's land to reach a nearby location, such as a road.

Fire-Prone Plant Species Plants which can ignite readily and burn intensely, generating large amounts of embers and other fire debris.

Fire-Resistive Plant Species Those plant species that don't readily ignite from a flame or other ignition sources.

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

Occupancy Classification is modified to include:

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

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

Pre-Plans shall mean detailed plans of target hazard buildings. These pre-plans include information on the building's location, occupancy, hazards, fire department connections and hydrants, building layout, and other pertinent data that would assist the fire department in case of an emergency.

Private Roadways A road owned and maintained by a private individual, organization, or company rather than a government agency.

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

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

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any 36-month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

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

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

CHAPTER 3: GENERAL REQUIREMENTS

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

Public Storage Facility

Section 304.1.2 in Chapter 3 is hereby amended to add the following:

Section 304.1.2.1 **Vegetation Management Plan.** All new construction and Substantial Remodel applications, not subject to regulations in Chapter 49, shall prepare a vegetation management plan (VMP). Not less

than two (2) complete plan sets shall be submitted to the Fire Code Official for review or a single complete set in digital form.

Section 304.1.2.2 **Content.** The VMP shall be created by the requirements of the Tiburon Fire District Standard 220-220B which can be found on the Tiburon Fire District website.

Section 304.1.2.3 **Cost.** The cost of vegetation management plan (VMP) preparation, review and recertification shall be the responsibility of the applicant.

Section 304.1.2.3.4 **Maintenance Agreement.** Upon the approval of a VMP, the Fire Code Official shall require a signed memorandum, constructed by the District, as a Maintenance Agreement for the property. The agreement shall require that the vegetation does not display any fire-prone characteristics including, but not limited to, oil secretion and debris retainment or be deemed fire prone via the list provided by Fire Safe Marin. The agreement shall require that in any instance the vegetation is deemed by the Fire Code Official as unmaintained, dead, or hazardous to life and safety standards, that vegetation shall be maintained and/or removed from the property. The Maintenance Agreement is required to be returned to the Fire Code Official and shall be on record for the duration of the three years, with which the VMP will be recertified or required to be amended.

Section 307.4.4 is hereby added to Chapter 3 and shall read as follows:

Section 307.4.4 **Exterior Fire Features.** Exterior fire features, commonly used in landscape modifications or enhancements, shall be surrounded by hardscape one and a half times the height of the flame and located ten (10) feet from the structure. All exterior fire features shall be sourced by natural gas.

Section 317.4.4 is hereby added to Chapter 3 and shall read as follows:

Section 317.4.4 **Maintenance Agreement.** Upon the approval of a rooftop garden or landscaped roof, the Fire Code Official shall require a signed memorandum, constructed by the District, as a Maintenance Agreement for the proposed roof. The agreement shall require that the vegetation selected does not display any fire-prone characteristics, including, but not limited to, oil secretion and debris retainment. The agreement shall require that in any instance the vegetation is deemed by the Fire Code Official as unmaintained, dead, or hazardous to life and safety standards, all vegetation shall be removed from the roof surface

and a Class A roof covering shall be installed post-removal. The Maintenance Agreement is required to be returned to the Fire Code Official and shall be on record for the duration of the existence of the rooftop garden or landscaped roof.

Section 319 of Chapter 3 is deleted in its entirety.

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

Section 321 Public Storage Facilities.

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

Section 321.2 Location on Property and Fire Resistance of Exterior. All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

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

Section 321.4 Storage of Flammable and Combustible Liquids and Hazardous Materials. The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 57 of this code.

CHAPTER 4: EMERGENCY PLANNING AND PREPAREDNESS

Section 401.1.1 is hereby added to Chapter 4 and shall read as follows:

Section 401.1.1 Hazardous Occupancies. In occupancies of a hazardous nature, where access for fire apparatus is unduly difficult, or where special life and fire safety hazards exist as determined by standards or policies of the Tiburon Fire Protection District, that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an on-site Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Tiburon Fire Protection District.

Section 401.3.2.1 is hereby added to Chapter 4 and shall read as follows:

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

Section 401.3.2.2 is added to read as follows:

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

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

**Pre-Plans
Unwarranted Alarms**

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

Section 403.1.1 **Pre-Plans:** When required by the Fire Code Official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.

Section 403.10.1.4 is hereby added to Chapter 4 and shall read as follows:

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.

CHAPTER 5: FIRE SERVICE FEATURES

Section 501.5 is hereby added to Chapter 5 to read as follows:

Section 501.5 **Failure to Comply.** Failure to comply with this section upon written or verbal notice from the Fire Chief, Division Chief/Fire Marshal or his/her designee shall result in a Fire District order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

Section 502.1 of Chapter 5 is hereby amended by adding the following term(s):

Fire Road

Section 503.1. of Chapter 5 is hereby amended as follows:

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

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

Section 503.1.4 **Undeveloped Areas.** Fire Apparatus access roads, improved or unimproved, shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the 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 hereby added to read as follows:

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

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

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

Section 503.1.5.3 **Obstructions.** Overhead utility and power lines shall not be located over the Aerial Fire Apparatus access road or between the Aerial Fire Apparatus access road and the building. Other obstructions shall be permitted to be placed with the approval of the Fire Code Official.

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

Section 503.2.6.1 **Evaluation and maintenance.** All existing private bridges and elevated surfaces that are a part of the District access roadway shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for safety and weight rating, in accordance with American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," Second Edition, or other approved standard. Vehicle load limits shall be posted at both entrances to bridges. All bridges and elevated structures providing District access shall be routinely maintained in accordance with Section 503.2.6 or when directed by the Fire Code Official or authorized designee.

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

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

Section 503.4.2 is hereby added to read as follows:

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

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

503.6.1 **Width.** All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider

than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 15 feet.

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

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

Section 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 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 of Chapter 5 is hereby amended by deleting exceptions 1 and 2 and shall read as follows:

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 507.5.1.1 of Chapter 5 is amended to read as follows:

Section 507.5.1.1 **Hydrant for fire department connections.** Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant

within 100 feet of the fire department connections, or as approved by the Fire Code Official. (Also see Section 912.2).

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

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

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

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

CHAPTER 9: FIRE PROTECTION AND LIFE SAFETY SYSTEMS

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

Section 901.7 **Systems out of Service.** Where a required fire protection system is out of service, the District and the Fire Code Official shall be notified immediately and, where required by the Fire Code Official, the building shall be either evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. This section shall also apply to residential fire sprinkler systems.

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

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

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

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

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

Exceptions:

1. Detached pool houses, workshops, Group U private garages, barns and similar structures, built in conjunction with existing non-sprinklered single family residences and provided the new structure is less than 1,000 square feet and is not intended for use as a dwelling unit.
2. Detached non-combustible, limited combustible, or fire-retardant treated wood canopies.
3. Group B or M occupancies less than 1000 square feet.
4. Detached restroom facilities associated with golf courses, ball fields, parks and similar uses as approved by the Fire Code Official.
5. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2000 square feet, having clear unobstructed side yards free of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, located within an agricultural zoned district as defined in the Marin County Planning Code.

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

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

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

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

Section 903.3 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 2019 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 also be sprinkled, and except for single family dwellings, in all residential occupancies the attics shall be sprinkled.
- b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.
- c. All single-family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R.
- d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

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

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

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

3. Buildings that are two or more stories below the highest level of fire department vehicle access.

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

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

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

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 (DSA).

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufacturers' 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 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 907.2.12.1.2 of Chapter 9 is hereby amended by adding new subsection 3 to read as follows:

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

Section 907.6.6 is hereby amended to read as follows:

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

Exception: Monitoring by central station is not required for:

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

Section 907.8.5.1 of Chapter 9 is hereby added and shall read as follows:

Section 907.8.5.1 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

CHAPTER 11: CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

Section 1103.1 of Chapter 11 is hereby amended to read as follows:

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

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

Exceptions:

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

Sections 1103.2 Item #1 is deleted.

Sections 1103.3 through 1103.6.2 are deleted.

Sections 1103.9 is deleted.

Sections 1104 and 1105 are deleted.

CHAPTER 26: FUMIGATION AND INSECTICIDAL FOGGING

Chapter 26 is deleted in its entirety.

CHAPTER 33: FIRE SAFETY DURING CONSTRUCTION

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

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

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

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

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

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

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

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

CHAPTER 49: REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

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

Section 4902.1 **WILDLAND-URBAN INTERFACE FIRE AREA.** A geographical area identified by the Tiburon Fire Protection District as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires, as designated on the map titled "Tiburon Fire District Wildland-Urban Interface Fire Areas," dated November 2008.

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

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

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:

- 1.1. Moderate Fire Hazard Severity Zones
 - 1.2. High Fire Severity Zones
 - 1.3. Very-high Fire Severity Zones
2. Land designated as Very-high Fire Hazard Severity Zone by cities and other local agencies.
3. Land designated as Wildland-Urban Interface Fire Areas by cities and other local agencies.

Section 4906.4. **Vegetation Management Plan.** 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 Fire Code Official for review or a single complete set in digital form.

Section 4906.4.1 **Content.** The VMP shall be created by the requirements of the Tiburon Fire District Standard 220-220B which can be found on the Tiburon Fire District website.

Section 4906.4.2 **Cost.** The cost of Vegetation Management Plan (VMP) preparation and review shall be the responsibility of the applicant.

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

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

Buildings and structures within the Very-high Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175-51189 and any local ordinance of the authority having jurisdiction.

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

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

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

1. Cut and remove all fire prone vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official.
2. Remove accumulated dead vegetation on the property.
3. Cut and remove tree limbs that overhang wood decks and roofs.
4. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters
5. Clean any leaves and needles from roof and gutters.
6. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.
7. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2018 International Wildland-Urban Interface Code, as amended by the Tiburon Fire Protection District
8. Clearance of flammable brush or vegetative growth from fire access road or driveways. The Fire Code Official is authorized to require, within 10 feet on each side and 15 feet in height of highways, streets, fire apparatus roads and driveways, to be abated of flammable vegetation and other combustible growth.

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

EXCEPTION 2: When approved by the Fire Code Official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457

mm) in height above the ground need not be removed where necessary to stabilize soil and prevent erosion.

Section 4908 of Chapter 49 is hereby added and shall read as follows:

Section 4908 **Fire Hazard Reduction from Roadways.** The Fire Code Official is authorized to cause areas within 10 feet (3048 cm) on each side of portions of highways, Fire Apparatus access roads (improved or unimproved), and driveways (improved or unimproved), which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. Corrective action, if necessary, shall be the same as the actions required in section 4907.2. The Fire Code Official is authorized to enter upon private property to carry out this work.

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

CHAPTER 56: EXPLOSIVES AND FIREWORKS

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

Section 5608.1.2 of Chapter is added to read as follows:

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

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

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

use, explosion, discharge, or disposal of fireworks is prohibited in any area as established by applicable land-use and zoning standards.

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

APPENDIX B: FIRE-FLOW REQUIREMENTS FOR BUILDINGS

California Fire Code, Appendix B Table B105.1(1) is amended to read as follows:

TABLE B105.1(1)
REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,500	2
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at The required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	1,000	1
3,601 and greater	Section 903.3.1.3 of the <i>California Fire Code</i> or Section 313.3 of the <i>California Residential Code</i>	½ value in Table B105.1(2) ^a	Duration in Table B105.1(2) at The required fire-flow rate

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.

Appendix B Table B105.2 is amended to read as follows:

TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM	MINIMUM FIRE-FLOW	FLOW DURATION (hours)
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(Design Standard)	(gallons per minute)	
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

APPENDIX C: FIRE HYDRANT LOCATIONS AND DISTRIBUTION

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

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

Section C103.2 of Appendix C is deleted.

Section C103.3 of Appendix C is deleted.

INTERNATIONAL WILDLAND-URBAN INTERFACE: APPENDIX A

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 of Appendix A of the International Wildland-Urban Interface Code is hereby added and shall read as follows:

Section A104.11 – **Tracer Bullets, Tracer Charges, Rockets and Model Aircraft.** Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.

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

Section A104.12 **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 A104.13 of Appendix A of the International Wildland-Urban Interface Code is hereby added and shall read as follows:

Section A104.13 **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 12. AUTHORITY TO ARREST AND ISSUE CITATIONS

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

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. 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 109 of the California Fire Code and 109.4, or 111.4 of Section 11 of this ordinance. If an administrative citation is issued, the penalties are as follows:
 - 1. 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 \$250 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 14. 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.

2. 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.
3. The imposition of a 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.
4. Nothing contained in Subsections (1) through (4) of this Section shall be construed or interpreted to prevent the Tiburon Fire Protection District from recovering all costs associated with a Fire District response as described in Section 104.12 of the 2019 California Fire Code as amended.
5. 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 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 110.

SECTION 14. APPEALS

- A. Any person receiving a citation for a civil penalty pursuant to Section 13 (B) 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. FORMER ORDINANCES

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

SECTION 16. VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors of the Tiburon Fire Protection District hereby declares that it would have adopted the Ordinance

- 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. FORMER ORDINANCES

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

SECTION 16. VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors of the 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, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

SECTION 17. ORDINANCE PUBLICATION AND EFFECTIVE DATE

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the Tiburon Fire Protection District Clerk at least five (5) days prior to the 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 Board of Directors voting for or against same, in the Marin IJ, a newspaper of general circulation in the County of Marin, State of California.

SECTION 18. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Board of Directors of the 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).

The foregoing **Ordinance No.129** was read and introduced at a Regular meeting of the Board of Directors of the Tiburon Fire Protection District held on the 9th day of October 2019, with a public hearing and ordered passed to print by the following vote, to wit:

AYES: Miller, Sears, Woodford, O'Neill, Kirchhoff

NOES:

ABSENT:

and will come up for adoption as an Ordinance of the Tiburon Fire Protection District at a Regular meeting of the Board of Directors to be held on the 13th day of November 2019.



Nicole Chaput, Clerk of the Board
Tiburon Fire Protection District

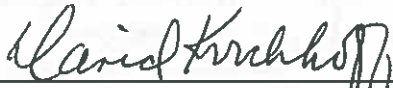
PASSED AND ADOPTED by the Board of Directors, Tiburon Fire Protection District, on the 13th day of November 2019, with last public hearing by the following vote:

AYES: Miller, Woodford, O'Neill, Kirchhoff

NOES:

ABSENT: Sears

Attest:



David Kirchhoff, Board Secretary



Cheryl Woodford, Vice President