

**ORDINANCE NO. 3550**

**AN ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS:**

**(1) RETITLING CHAPTER 16.10 OF THE MARIN COUNTY CODE, AMENDING THE FEE STRUCTURE OF THE FIRE DEPARTMENT FIRE PREVENTION FEE SCHEDULE AND PARAMEDIC/AMBULANCE FEE SCHEDULE IN CSA 28 AND AUTHORIZING COLLECTION OF SPECIFIC FIRE PREVENTION REVIEW FEES BY THE MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY; (2) AMENDING SECTION 16.08.065 BY DELETING REFERENCES TO THE UNIFORM FIRE CODE; (3) REPEALING CHAPTER 16.16 OF THE MARIN COUNTY CODE; (4) ESTABLISHING NEW CHAPTER 16.16 RELATING TO: (A) MARIN COUNTY ADOPTION OF AND AMENDMENTS TO SPECIFIC PROVISIONS OF THE 2009 INTERNATIONAL FIRE CODE, THE 2010 CALIFORNIA FIRE CODE AND 2009 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE; (B) PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; (C) PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND (D) ESTABLISHING A FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN HEREBY ORDAINS AS FOLLOWS:**

**SECTION I. CHAPTER 16.10**

**A. FINDINGS:**

1. In 2007, the Board of Supervisors enacted Ordinance No. 3479 setting forth Paramedic Fees and the Fire Department Fire Prevention Fee Schedule (Chapter 16.10 of the Marin County Code). At that time, Chapter 16.10 was titled County Service Area 28 Paramedic Fees when it should have been titled County Service Area Paramedic Fee Schedule and Fire Prevention Fee Schedule; and
2. The Fire Prevention Fee Schedule needs to be updated to reflect the actual cost of staff from the Marin County Fire Department to conduct reviews and shall include the fee increases set forth in Exhibit A, which reflects an hourly rate of \$177 per hour for the Fire Chief, the designated Fire Code Official, which covers his salary, benefits and authorized overhead. Additionally, the Fire Department should be authorized to collect fees to recover its actual costs for miscellaneous services not reflected in Exhibit A.
3. Fees for basic life support and advanced life support ambulance and paramedic services furnished by the Fire Department in CSA 28 need to be increased to reflect the

actual cost of providing these services and accordingly, Exhibit A to Chapter 16.10 of the Marin County Code should be amended to reflect such increases.

4. The collection of specific fees for the Fire Prevention review should be obtained upon the submittal of plans to the Community Development Agency by an applicant where a discretionary review is necessary. Additionally, such collection of fees should properly involve a \$32 surcharge for the actual administrative costs incurred by the Community Development Agency. The following fees from the Fire Department Fire Prevention Fee Schedule should be collected by the Community Development Agency: (a) Planning Department Discretionary Permit Review; (b) Vegetation Management Plan Review in conjunction with a Planning Department Discretionary Permit; (c) Tentative Map (Land Division and Subdivision) Review; (d) General Review and Consulting Services, which includes Technical Advisory consultation and review of environmental studies.

## **B. CHANGES TO CHAPTER 16.10 OF THE MARIN COUNTY CODE**

Chapter 16.10 of the Marin County Code is hereby amended to read as follows:

### **CHAPTER 16.10 County Service Area Paramedic Fee Schedule and Fire Prevention Fee Schedule**

The following Sections to Chapter 16.10 are amended or added as set forth below:

#### **Sections:**

|                     |  |
|---------------------|--|
| <b>16.10.040(a)</b> | Increase in Fees (amended)   |
| <b>16.10.040(b)</b> | Fees for Services (amended)  |
| <b>16.10.040(c)</b> | Discretionary Review Fees; Collection by CDA (new)                     |
| <b>Exhibit A</b>    | Amended Paramedic/Ambulance Fee Schedule; Fire Prevention Fee Schedule |

**Section 16.10.040(a)** is amended to **add** the following at the end of the first sentence:

**Section 16.10.040(a):** Such fee increases shall include the fees relating to the Paramedic/Ambulance Fee Schedule and the Fire Prevention Fee Schedule set forth in **Exhibit A** (attached hereto and incorporated herein by reference) and the specific fees outlined in Section 16.10.040(c).

**Section 16.10.040(b)** is amended in its **entirety** to read:

**Section 16.10.040(b):** The fees for services for fiscal year 2010/2011 are set by this Ordinance (amended **Exhibit A** to Section 16.10) and the Board of Supervisors declares that such fees are the reasonable cost of providing the services and the Paramedic/Ambulance Fee Schedule and Fire Prevention Fee Schedule are amended

as set forth in **Exhibit A** to reflect actual costs. Additionally, the Fire Department is hereby authorized to charge fees for any miscellaneous services incurred by the Fire Department that are not specified in **Exhibit A** at an hourly rate of \$177. Any such fees shall not exceed the costs of the services rendered.

Section 16.10.040(c) is **enacted**.

**Section 16.10.040(c):** The following Fire Prevention Fees shall be collected by the Community Development Agency upon submittal of plans to the Community Development Agency. In addition to the fees outlined below, there shall be a surcharge of \$32 for the actual administrative costs incurred by the Community Development Agency and thus, an added administrative fee is authorized in addition to the Fire Prevention Fee set forth below:

- (1) Planning Department Discretionary Permit Review: This fee is \$310.
- (2) Vegetation Management Plan Review in conjunction with a Planning Department Discretionary Permit: This fee is \$354.
- (3) Tentative Map (Land Division and Subdivision) Review: This fee is \$708.
- (4) General Review and Consulting Services: This fee is \$177 per hour and includes services such as Technical Advisory consulting and reviews of environmental studies.

## **EXHIBIT A**

### **COUNTY SERVICE AREA 28 PARAMEDIC/AMBULANCE FEE SCHEDULE AND FIRE PREVENTION FEE SCHEDULE**

#### **CSA 28 PARAMEDIC/AMBULANCE FEE SCHEDULE**

The Board of Supervisors for County Service Area 28 establishes the following fee schedule. The Marin County Fire Department shall charge the following fees for basic life support and advanced life support ambulance and paramedic services furnished by the department pursuant to the creation of County Service Area 28. These fees reflect the actual cost of providing these services.

#### **Based Rate Fee Schedule:**

|                                     |                   |
|-------------------------------------|-------------------|
| Advanced life support 1 base rate:  | \$1,256.00        |
| Advanced life support 2 base rate:  | \$1,292.00        |
| Basic life support base rate:       | \$ 959.00         |
| Advanced life support non-transport | \$ 445.00         |
| Basic life support non-transport    | \$ 173.00         |
| Mileage:                            | \$ 20.00 per mile |
| Oxygen:                             | \$ 91.00          |

## **FIRE PREVENTION FEE SCHEDULE**

The Board of Supervisors establishes the following fees for the Fire Department Fire Prevention Bureau. These fees reflect the actual costs of providing the services. The fee schedule reflects the minimum time that county staff will expend on plan check and inspections. Where a minimum is set, that minimum reflects the fact that the plan check and/or inspection will take at least the amount of time that is indicated. Should further time be required, then the rate of \$177 per hour shall be applicable. Additionally, the Fire Department is hereby authorized to charge fees for any services incurred by the Fire Department when reviewing permit applications or performing services that are not reflected in this Exhibit A at an hourly rate of \$177 per hour.

|   |           |                 |
|---|-----------|-----------------|
| <b>Residential Fire Sprinkler System</b>                                      | <b>\$</b> | <b>354.00</b>   |
| <b>Commercial Fire Sprinkler System</b><br>(Overhead Piping 31 heads or more) | <b>\$</b> | <b>531.00</b>   |
| <b>Commercial T.I. 1-10 heads</b>   | <b>\$</b> | <b>295.00</b>   |
| <b>Commercial T.I. 11-30 heads</b>  | <b>\$</b> | <b>354.00</b>   |
| <b>Underground</b>  | <b>\$</b> | <b>354.00</b>   |
| <b>VMP Single-Family Dwelling</b>   | <b>\$</b> | <b>354.00</b>   |
| <b>VMP Subdivision:</b>   |           |                 |
| <b>2-5 Residences</b>   | <b>\$</b> | <b>531.00</b>   |
| <b>6-15 Residences</b>  | <b>\$</b> | <b>1,416.00</b> |
| <b>16 or more Residences</b>  | <b>\$</b> | <b>1,770.00</b> |
| <b>Ministerial Permits</b>  | <b>\$</b> | <b>295.00</b>   |
| <b>WUI Fire Protection Plan</b>   | <b>\$</b> | <b>354.00</b>   |
| <b>Fire Alarm/Detection Systems</b>   | <b>\$</b> | <b>354.00</b>   |
| <b>Pre-Engineered Systems</b>   | <b>\$</b> | <b>354.00</b>   |
| <b>SFM Facility 25 or less</b>  | <b>\$</b> | <b>50.00</b>    |
| <b>SFM Facility 26 or more</b>  | <b>\$</b> | <b>100.00</b>   |
| <b>California Fire Code Permit</b>  | <b>\$</b> | <b>295.00</b>   |
| <b>Photovoltaic Systems</b>   | <b>\$</b> | <b>354.00</b>   |

**SECTION II. CHANGES TO SECTION 16.08.065**

Section 16.08.065 of the Marin County Code is hereby amended in its title only. The language of existing Section 16.08.065 shall remain the same. The change in the title is as follows:

**Section 16.08.065** Issuance of Citations by Designated Officers and Employees for Violations of the International Fire Code and California Fire Code

**SECTION III REPEAL OF CHAPTER 16.16**

Chapter 16.16 of the Marin County Code is repealed.

**SECTION IV ESTABLISHMENT OF NEW CHAPTER 16.16**

**A. FINDINGS**

1. Both the California Fire Code and the International Fire Code have been updated. The updates to these Codes necessitate that the County of Marin adopt updated portions of these codes and make amendments to them. Additionally, the Uniform Fire Code is obsolete and the aforementioned Codes have replaced that Code.

**B. New Chapter 16.16** is hereby established with the title:

**MARIN COUNTY AMENDMENTS TO THE INTERNATIONAL FIRE CODE AND THE CALIFORNIA FIRE CODE**

The following Sections to new Chapter 16.16 are established:

- 16.16.010** Adoption of the California Fire Code and International Fire Code
- 16.16.020** Establishment and Duties of the Fire Prevention Bureau
- 16.16.030** Definitions
- 16.16.031** Establishment of Geographic Limits of Districts in which Storage of Class I, Class II, and Class III Liquids in Outside Aboveground Tanks is Prohibited

|                  |   |
|------------------|---|
| <b>16.16.032</b> | Establishment of Geographic Limits of Districts in which Storage of Class I, Class II, and Class III Liquids in Aboveground Tanks is Prohibited |
| <b>16.16.033</b> | Establishment of Geographic Limits in which Storage of Liquefied Petroleum Gases is Restricted  |
| <b>16.16.034</b> | Establishment of Geographic Limits of Districts in which Storage of Explosives and Blasting Agents is Prohibited                                |
| <b>16.16.035</b> | Establishment of Geographic Limits of Districts in which the Storage of Compressed Natural Gas is Prohibited                                    |
| <b>16.16.036</b> | Establishment of Geographic Limits of Districts in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids is Prohibited            |
| <b>16.16.037</b> | Establishment of Geographic Limits of Districts in which the Storage of Hazardous Materials is Prohibited or Limited                            |
| <b>16.16.040</b> | Amendments Made to the 2010 California Fire Code, 2009 International Fire Code and 2009 International Wildland-Urban Interface Code             |
| <b>16.16.050</b> | Authority to Arrest and Issue Citations   |
| <b>16.16.060</b> | Penalties   |
| <b>16.16.070</b> | Appeals   |
| <b>16.16.080</b> | Former Ordinances   |
| <b>16.16.090</b> | Validity  |
| <b>16.16.100</b> | Ordinance Publication and Effective Date  |
| <b>16.16.110</b> | California Environmental Quality Act  |

**16.16.010 ADOPTION OF CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE.**

The Marin County Board of Supervisors hereby adopts, 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 16.16.040 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 16.16.040 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 Marin County Fire Department 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 Marin County Fire Department.

#### **16.16.020 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 Marin County Fire Department and shall be operated under the supervision of the Chief of the Fire Prevention Bureau of the Marin County Fire Department.

#### **16.16.030 DEFINITIONS**

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

(a) Whenever the words "Fire Code" are used they shall mean those Codes and Standards adopted in Section 16.16.040 of this Ordinance.

(b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Marin County Fire Department.

(c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Marin County Fire Department.

(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 Marin County Fire Department.

**16.16.031 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 County of Marin, and agricultural land of less than two (2) acres.

**16.16.032 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 County of Marin, and agricultural land of less than two (2) acres.

**16.16.033 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 County of Marin, whichever is applicable.

**16.16.034 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 County of Marin, whichever is applicable.

**16.16.035 ESTABLISHMENT OF 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 County of Marin, whichever is applicable.



**16.16.036 ESTABLISHMENT OF 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 County of Marin, whichever is applicable.

**16.16.037 ESTABLISHMENT OF 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 County of Marin, whichever is applicable.

**16.16.040 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 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 *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.

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. **Aircraft refueling vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 11.

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

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

7. **Fire hydrants and valves.** An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed

on water systems accessible to a fire apparatus access road that is open to or generally used by the public.

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

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

10. **High-piled storage.** An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46m<sup>2</sup>).

11. **Miscellaneous combustible storage.** An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71m<sup>3</sup>) gross volume of combustible empty packing cases, boxes, barrels, wooden pallets, or similar containers, rubber tires, rubber, cork, or similar combustible material.

12. **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 milli-curie (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.

13. **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.

14. **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.

15. **Live audiences.** An operational permit is required to install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

Section 105.7.15 is hereby added to Chapter 1 and shall read as follows:

Section 105.7.15 **Vegetation management plan.** A construction permit is required to implement a vegetation management plan.

Section 109.3 of Chapter 1 is hereby amended by specifying that any violations of this Chapter shall be a misdemeanor with a fine amount up to \$500 and/or imprisonment up to 180 days.

Section 109 of Chapter 1 is amended by adding section 109.3.2 to read as follows:

Section 109.3.2 Abatement of clearance of brush or vegetative growth from structures. The Fire Code Official 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 exist to correct such conditions. If the owner fails to correct such conditions, the Fire Code Official is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

Section 111.4 of Chapter 1 is hereby amended by specifying the fine amounts as not less than \$500 and not more than \$1,500.

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 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 of the Marin County Fire Department, that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an onsite Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Marin County Fire Department

Section 402.1 of Chapter 4 is hereby amended by adding the definition of 'Pre-plans' as follows:

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

Section 408.1.1 is hereby added to Chapter 4 and shall read as follows:

Section 408.1.1 **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 408.8.4 is hereby added to Chapter 4 and shall read as follows:

Section 408.8.4. **Emergency Preparedness for Hotels, Lodging and Congregate Houses.** Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

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 Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

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

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

Section 503.1.4 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 service areas of the Marin County Fire Department so as to gain access to improved, unimproved, and undeveloped service areas of the Marin County Fire Department, 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 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 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.

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.

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.

Section 907.9.5 of Chapter 9 is hereby amended by adding Section 907.9.5.1 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 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 and lands within specific Wildland Urban Interface areas of the jurisdiction of the Marin County Fire Department shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or pyrophytic vegetative types necessitate removal as determined by the Fire Code Official. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves and needles from roof and gutters. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2003 International Wildland-Urban Interface Code, as amended by the County of Marin.

**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.

#### **16.16.050 AUTHORITY TO ARREST AND ISSUE CITATIONS**

(a) The Fire Chief, Chief Officers, and law enforcement officers 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 Supervisors of the County of Marin 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.

## **16.16.060 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 Section 16.16.040. If an 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 Marin County Fire Department 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 Marin County Fire Department. Said civil penalties shall be a debt owed to the Marin County Fire Department 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 16.16.070. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Marin County Fire Department 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 Marin County Fire Department from recovering all costs associated with a Marin County Fire Department 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 Marin County Fire Department 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 Marin County Fire Department 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 Supervisors of the County of Marin 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 Marin County Fire Department 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.

#### **16.16.070 APPEALS**

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 16.16.060 or a bill for Marin County Fire Department response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the 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 Supervisors of the County of Marin 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 16.16.060 above.

#### **16.16.080 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.

**16.16.090 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 Supervisors of the County of Marin 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.

**16.16.100 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 Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors 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 Supervisors voting for or against same, in the Independent Journal, a newspaper of general circulation in the County of Marin, State of California.

**16.16.110 CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Board of Supervisors of the County of Marin 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 Clerk of the Marin County Board of Supervisors shall also post in the office of the Marin County Board of Supervisors, a certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the Ordinance.

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**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this \_\_\_th day of \_\_\_\_\_, 2010, by the following vote:

**AYES: SUPERVISORS**

NOES: NONE

ABSENT: NONE

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
CLERK