ORDINANCE NO. 2007-X

AN ORDINANCE: (1) ESTABLISHING OF FEES FOR SERVICES PROVIDED BY THE MARIN COUNTY FIRE DEPARTMENT, AND FOR BASIC LIFE SUPPORT AND ADVANCED LIFE SUPPORT AMBULANCE AND PARAMEDIC SERVICES IN COUNTY SERVICE AREA 28; (2) ADOPTING THE CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE, AND UNIFORM FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; (3) PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; (4) 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 1. Chapters 16.10 and 16.16 are hereby amended to read as set forth below.

Sections:

16.10.010 Findings and Intent
16.10.020 Delegation of Authority and Direction to Fire Chief
16.10.030 "Fully Burdened Hourly Rate" defined
16.10.040 Schedule of Fees and Service Charges
16.10.050 Statutory Public Meeting
16.10.060 Provision of Data
16.10.070 Appeal to the County of Marin
16.16.010 Adoption of the California Fire Code, International Fire Code and certain provisions of the Uniform Fire Code
16.16.020 Establishment and duties of the Fire Prevention Bureau of the Marin County Fire Department
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
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
16.16.033 Establishment of geographic limits in which storage of liquefied petroleum gases is to be restricted
16.16.034 Establishment of geographic limits of districts in which storage of explosives and blasting agents is to be prohibited
16.16.035 Establishment of the geographic limits of districts in which the storage of compressed natural gas is to be prohibited

16.16.036 Establishment of the geographic limits of districts in which the storage of stationary tanks of flammable cryogenic fluids is to be prohibited
16.16.037 Establishment of the geographic limits of districts in which the storage of hazardous materials is to be prohibited or limited
16.16.040 Amendments to the 2007 California Fire Code, the 2006 International Fire Code, and to the 2000 Uniform Fire Code
16.16.050 Authority to arrest and issue citations
16.16.060 Penalties
16.16.070 Appeals
16.16.080 Former Ordinances
16.16.090 Validity
16.16.100 Ordinance publication and effective date
16.16.110 California Environmental Quality Act

CHAPTER 16.10

SECTION 16.10.010 FINDINGS AND INTENT

(a) Pursuant to Article XIIIB of the California Constitution, it is the intent of the Board of Supervisors of the County of Marin to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefrom in providing the regulation, products or services hereinafter enumerated in this Ordinance.

(b) The fee and service charge cost analysis system set forth in this Ordinance provides a mechanism for ensuring that fees adopted by the County of Marin for services rendered do not exceed the reasonable estimated cost of providing the services for which the fees are charged.

(c) The adoption of this Ordinance is exempt from the California Environmental Act (Public Resources Code Sections 21080 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of the County.

(d) For the fiscal year 2007-2008, the fees listed in Exhibit A reflect the reasonable cost of providing the services reflected in the schedule.

(e) Following the 2007/2008 fiscal year, the Board finds that the reasonable costs of providing the services for the fees set forth in Exhibit A, which is attached hereto and incorporated herein by reference, are the fees for 2007/2008 plus the annual increases in the fully burdened hourly rate that affect the cost of providing the service.

16.10.020 DELEGATION OF AUTHORITY AND DIRECTION TO FIRE CHIEF

(a) The Fire Chief is hereby delegated the authority and directed to provide documents to the Board of Supervisors to implement its herein enumerated policy to set fees and charges to recover the fully burdened hourly rate of costs reasonably borne as established hereby, in providing the regulations, products and services enumerated in this Ordinance.

(b) The Fire Chief is hereby delegated authority to define terms, create administrative processes, fee collection, and financial procedures, and establish effective dates of all fees set by this Ordinance.

(c) "Fully Burdened Hourly Rate" is defined in Section 3. In recommending the adjustment of fees and charges, the Fire Chief shall consider only the standards and criteria established by this Ordinance, and the procedures set hereby and by applicable State law. All decisions hereunder shall comply in all respects with this Ordinance.

16.10.030 "FULLY BURDENED HOURLY RATE" DEFINED

Fully Burdened Hourly Rate shall reflect the costs reasonably borne by the Fire Department in providing the listed regulation, product, or services and shall include the following material:

(a) All applicable direct costs including but not limited to salaries, ages, overtime, employee fringe benefits, services and supplies, maintenance and operation expenses, contracted services, special supplies, and any other direct expense incurred.

(b) All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communications expenses, computer costs, printing and reproduction, vehicle expenses, insurance, debt service, and like expenses when distributed on an accounted and documented rational proration system.

(c) Fixed asset recovery expenses, consisting of depreciation of fixed assets, and additional fixed asset expense recovery charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement, also shall be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset.

(d) General overhead, expressed as a percentage, distributing and charging the expenses of all staff and support service provided to the County. Overhead shall be prorated between tax-financed services and fee-financed services on

the basis of said percentage so that each ----what----of taxes and fees and charges shall proportionately defray such overhead costs.

(e) Departmental overhead, expressed as a percentage, distributing and charging the cost of each Department Head and his or her supporting expenses as enumerated in subsections (a), (b), (c) and (f) of this Section.

(f) Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, or securities issues or loans of whatever nature or kind. Any required coverage factors and required or established reserves behind basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the County.

16.10.040 SCHEDULE OF FEES AND SERVICE CHARGES

(a) The Fire Chief shall review no less than annually the fees and service charges listed below, and prepare a proposed "Master Fee Schedule" for consideration and adoption by the Board of Supervisors, as originally proposed or as modified in the form of a resolution, so as to recover the listed percentage of costs reasonably borne necessary to provide the listed regulation, product or service.

Product or Service	**% of Cost Recovery**
Fire Sprinkler Check	100%
Fire System Inspection	100%
International Fire Code Permits	100%
Basic life support and advanced life support Ambulance and paramedic services furnished by the department pursuant to the creation of County Service Area 28	100%

(b) The fees for services for fiscal year 2007/2008 are set by this Ordinance (Exhibit A) and the Board of Supervisors declares that such fees are the reasonable costs of providing the services.

16.10.050 STATUTORY PUBLIC MEETING

Pursuant to California Government Code Section 66016 and 66018, the County of Marin shall cause notice to be provided as set forth in Government Code Section 6062a, and the Board of Supervisors periodically, at least annually, shall receive at a regularly scheduled meeting written presentations concerning fees and charges proposed to be increased or added. Such notice, written presentation and public meeting shall be provided prior to the Board

taking any action on any new or increased fees or charges with respect to the "Master Fee Schedule." Commencing in 2008, at least one such public hearing shall be held annually, if there are new or increased fees, per the requirements of Government Code Section 66018. Should there be no fee increase or new fees, there is no requirement of an annual public hearing.

16.10.060 PROVISION OF DATA

Pursuant to the California Government Code, at least ten (10) days prior to the required public hearing set forth herein, the County of Marin shall make available to the public appropriate data indicating the cost required to support the fees and charges for which changes are proposed to be made or fees or charges imposed. The County of Marin also shall provide a summary of the present fee and charge schedules and those proposed at such annual public hearing.

16.10.070 APPEAL TO THE COUNTY OF MARIN

(a) Any person who feels that any fee or charge determined and set in the "Master Fee Schedule" is in excess of the percentage of costs reasonably borne to be recovered as set out in this Chapter, or that in adopting such "Master Fee Schedule" the provisions of this Ordinance have not been followed, may appeal in writing to the Marin County Fire Department. Appeals under this section must be filed within 90 days of the adoption of the "Master Fee Schedule."

(b) Such appeal shall be heard within 45 days of the filing of the appeal. Such appealed fee or charge shall take effect, as originally imposed or as modified, immediately upon the decision following the hearing by the County Administrator's Office or its designee.

16.16.010 ADOPTION OF CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE AND CERTAIN PROVISIONS OF THE UNIFORM FIRE CODE

The Board of Supervisors of the County of Marin hereby adopt, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the following:

1. The 2007 California Fire Code, which consists of certain portions of the 2006 edition of the International Fire Code as amended by the California Building Standards Commission, including:

    a. Appendix Chapter 1 ADMINISTRATION,
    b. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,
    c. Appendix A BOARD OF APPEALS,

d. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
e. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
f. Appendix E HAZARD CATEGORIES,
g. Appendix F HAZARD RANKING,
h. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS, and
i. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS;

2. The following Appendices of the 2000 Edition of the Uniform Fire Code:
   a. Appendix IA LIFE SAFETY REQUIREMENTS FOR EXISTING HIGH-RISE BUILDINGS,
   b. Appendix I-C STAIRWAY IDENTIFICATION,
   c. Appendix II-A SUPPRESSION AND CONTROL OF HAZARDOUS FIRE AREAS,
   d. Appendix II-B PROTECTION AND FLAMMABLE AND COMBUSTIBLE LIQUID TANKS IN LOCATIONS SUBJECT TO FLOODING,
   e. Appendix II-C MARINAS,
   f. Appendix II-D RIFLE RANGES,
   g. Appendix II-H SITE ASSESSMENTS FOR DETERMINING POTENTIAL FIRE AND EXPLOSION RISKS FROM UNDERGROUND FLAMMABLE OR COMBISTIBLE LIQUID TANK LEAKS,
   h. Appendix II-K NON PROTECTED ABOVEGROUND STEEL TANKS FOR PRIVATE MOTOR VEHICLE FUEL DISPENSING STATIONS OUTSIDE BUILDINGS,
   i. Appendix III-D FIRE DEPARTMENT ACCESS GUIDELINES,
   j. Appendix IV-A INTERIOR FLOOR FINISH,
   k. Appendix IV-B CHRISTMAS TREES,
   l. Appendix V-A NATIONALLY RECOGNIZED STANDARDS OF GOOD PRACTICE ,
   m. Appendix VI-B GUIDELINES FOR EVALUATING FIRE AND TESTING TO SUBSTANTIATE ALTERNATE MATERIALS AND FIRE PROTECTION DESIGNS,
   n. Appendix VI-D EMERGENCY RELIEF VENTING FOR FIRE EXPOSURE FOR ABOVE-GROUND TANKS,
   o. Appendix VI-H RECOMMENDED SEPARATION DISTANCES FOR EXPLOSIVE MATERIALS, and
   p. Appendix VI-J REFRIGERANT GROUPS AND PROPERTIES;

3. The International Fire Code published by the International Fire Code Council, Inc., 2006 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by 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 jurisdiction of the Marin County Fire Department.

16.16.020 ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION BUREAU OF THE MARIN COUNTY FIRE DEPARTMENT

The 2007 California Fire Code, which consists of certain portions of the 2006 edition of the International Fire Code as amended by the California Building Standards Commission, and the 2006 edition of the International Fire Code, and certain portions of the 2000 edition of the Uniform Fire 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 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 16.16.010 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 County of Marin.

(d) Wherever the words “Fire Code Official” are used in the Fire Code, they shall be held to mean the 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 3404.2.9.5.1 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.

16.16.034 ESTABLISHMENTS OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED

The geographic limits referred to in Chapter 33 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are amended as follows: In all residential areas and in heavily populated or congested commercial areas as established by the County of Marin.

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

The geographic limits referred to in Chapter 30 of the International Fire Code, 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.

16.16.036 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 3204.3.1.1 of the International 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, as established by the County of Marin.

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

The geographic limits referred to in Chapter 27 of the International Fire Code, 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.

16.16.040 AMENDMENTS MADE TO THE 2007 CALIFORNIA FIRE CODE AND 2006 INTERNATIONAL FIRE CODE AND 2000 UNIFORM FIRE CODE

The 2007 California Fire Code and the 2006 International Fire Code is amended and changed in the following respects:

•Section 104 of Appendix Chapter 1 is hereby amended by renumerating 104.1 as section 104.1.1 and adding a new section to read as follows:

Section 104.1.2 **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 of Appendix Chapter 1 is hereby added and shall read as follows:

Section 104.12. 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 105.2 of Appendix Chapter 1 is amended by adding the following sentence thereto:

The person actually maintaining, storing, using or handling permitted materials or conducting processes, producing hazardous conditions, or installing equipment shall apply for the permit.

•Section 105.6 of Appendix Chapter 1 is hereby amended by adding permits and shall read as follows:

Section 105.6 **Required Operational Permits**. The Fire Code Official is authorized to issue operational permits for the operations set forth in appendix Chapter 1, Sections 105.6 through 105.6.46.

105.6.1 **Aerosol products**. An operational permit is required to manufacture store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

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

105.6.3 **Amusement buildings.** An operational permit is required to operate a special amusement building.

105.6.4 **Aviation facilities.** An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include but are not limited to, hot work, hazardous materials and flammable or combustible liquids.

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

105.6.6 **Carnivals and fairs.** An operational permit is required to conduct a carnival or fair.

105.6.7 **Cellulose nitrate film.** An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.8 **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).

105.6.9 **Combustible dust producing operations.** An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices and sugar or other operations producing combustible dusts as defined in Chapter 2.

105.6.10 **Combustible fibers.** An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8m^3).

Exception: A permit is not required for agricultural storage.

105.6.11 **Compressed gases.** An operational permit is required for the storage, use or handling at normal temperature (NTP) of compressed gases in excess of the amounts listed in Appendix Chapter 1, Table 105.6.11.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

Table 105.6.11
PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	**AMOUNT** (cubic feet at NTP)
Corrosive	200
Flammable(except cryogenic fluids and liquefied petroleum gases)	200
Highly Toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot = 0.02832 m^3

105.6.12 **Covered mall buildings.** An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

105.6.13 **Commercial rubbish-handling operation.** An operational permit is required to operate a commercial rubbish-handling operation.

105.6.14 **Cryogenic fluids.** An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Appendix Chapter 1, Table 105.6.14

Table 105.6.14
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS

TYPE OF CRYOGENIC FLUID	**INSIDE BUILDING** (gallons)	**OUTSIDE BUILDING** (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L

105.6.14 **Cutting and welding.** An operational permit is required to conduct cutting or welding operations within the jurisdiction.

105.6.15 **Dry cleaning plants.** An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.5.16 **Dust-producing operations.** An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices, sugar, or other operation producing combustible dusts as defined.

105.6.17 **Exhibits and trade shows.** An operational permit is required to operate exhibits and trade shows.

105.6.18 **Explosives.** An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or any pyrotechnic special effects within the scope of Chapter 33.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.

105.6.19 **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.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate the fire hydrants or valves.

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

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

105.6.22 **Flammable or combustible liquids.** An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.

2. To store, handle or use Class I liquids in excess of 5 gallons (18.9L) in a building or in excess of 10 gallons (37.9L) outside of a building, except that a permit is not required for the following:

2.1 The storage of use of Class I liquids in the fuel tank of motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the Fire Code Official, would cause an unsafe condition.

2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227L) outside a building except for fuel oil used in connection with oil burning equipment.

4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved stationary on site pumps normally used for dispensing purposes.

5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

6. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.

7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.

8. To manufacture, process, blend or refine flammable or combustible liquids.

9. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

10. To utilize a site for dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

105.6.23 **Floor finishing.** An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33m^2) using Class I or Class II liquids.

105.6.24 **Fruit and crop ripening.** An operational permit is required to operate a fruit or crop-ripening facility, or conduct a fruit-ripening process using ethylene gas.

105.6.25 **Fumigation and thermal insecticidal fogging.** An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.26 **Hazardous materials.** An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.26.

105.6.27 **HPM facilities.** An operational permit is required to store, handle or use hazardous production materials.

105.6.28 **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^2).

105.6.29 **Hot work operations.** An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.

2. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

3. Fixed-hot work equipment such as welding booths.

4. Hot work conducted within a hazardous fire area.

5. Application of roof coverings with the use of an open-flame device.

6. When approved, the Fire Code Official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 26. These permits shall be issued only to their employees or hot work operations under their supervision.

TABLE 105.6.26
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	**AMOUNT**
Combustible liquids	See Section 105.6.22
Corrosive materials	
Gases	See Section 105.6.11
Liquids	55 gallons
Solids	500 pounds
Explosive materials	See Section 105.6.18
Flammable materials	
Gases	See section 105.6.11
Liquids	See Section 105.6.22
Solids	100 pounds
Highly toxic materials	

Gases	See Section 105.6.11
Liquids	Any amount
Solids	Any amount
Oxidizing materials	
Gases	See Section 105.6.11
Liquids	
Class 4	Any amount
Class 3	1 gallon[a]
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any amount
Class 3	10 pounds[b]
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon
Class IV	2 gallons
Class V	No permit required
Solids	
Class I	Any amount
Class II	Any amount
Class III	10 pounds
Class IV	20 pounds
Class V	No permit required
Pyrophoric materials	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Toxic materials	
Gases	See Section 105.6.11
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any amount
Class 3	Any amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any amount
Class 3	Any amount

Class 2	50 pounds
Class 1	10 pounds
Water reactive materials	
Liquids	
Class 3	Any amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon= 3.785 L, 1 pound = 0.454 kg.

a. 20 gallons when Table 2703.1.1(1) Note; k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities 20 gallons or less.
b. 200 pounds when Table 2703.1.1(1) Note; k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities 200 pounds or less.

105.6.30 **Industrial ovens.** An operational permit is required for operation of industrial ovens regulated by Chapter 21.

105.6.31 **Lumberyards and woodworking plants.** An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft^3) (236m^3).

105.6.32 **Liquefied- or gas-fueled vehicles or equipment in assembly buildings.** An operational permit is required to display, operate or demonstrate liquid or gas-fueled vehicles or equipment in assembly buildings.

105.6.33 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

   Exception: a permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

105.6.34 **Magnesium.** An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54kg) of magnesium.

105.6.35 **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^3) gross volume of combustible empty packing cases, boxes, barrels, wooden pallets, or similar containers, rubber tires, rubber, cork or similar combustible material.

105.6.36 **Motor vehicle fuel dispensing.** An operational permit is required to dispense flammable or combustible liquids, liquefied petroleum gases or compressed natural gas at motor vehicle fuel-dispensing stations.

105.6.37 **Open burning.** An operational permit is required to conduct open burning. Where burning is conducted on public property or the property of someone other that the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions.

105.6.38 **Open flames and torches.** An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a hazardous fire area.

105.6.39 **Open flames and candles.** An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

105.6.40 **Organic Coatings.** An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4L) of an organic coating in one day.

105.6.41 **Parade floats.** An operational permit is required to use a parade float for public performance, presentation, spectacle, entertainment or parade.

105.6.42 **Places of assembly.** An operational permit is required to operate a place of assembly.

105.6.43 **Private fire hydrants.** An operational permit is required for the removal from service, use or operation of private fire hydrants.

> Exception: a permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

105.6.44 **Pyrotechnic special effect material.** An operational permit is required for use and handling of pyrotechnic special effects material.

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

105.6.46 **Refrigeration equipment.** An operational permit is required to operate mechanical refrigeration unit or system regulated by Chapter 6.

105.6.47 **Repair garages and motor vehicle fuel dispensing facilities.** An operational permit is required for operation of repair garages and automotive, amine and fleet motor fuel-dispensing facilities.

105.6.48 **Rooftop heliports.** An operational permit is required for the operation of a rooftop heliport or rooftop helispot.

105.6.49 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.

105.6.50 **Storage of scrap tires and tire by-products.** An operational permit is required to establish, conduct or maintain storage of scrap tires and tire by-products that exceed 2,500 cubic feet (71m^3) of total volume of scrap tires and for indoor storage of tires and tire by-products.

105.6.51 **Temporary membrane structures, tents and canopies.** An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 200 square feet (19m^2), or a canopy in excess of 400 square feet (37m^2).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies open on all sides which comply with the following:

    2.1 Individual canopies having a maximum size of 700 square feet (65m^2).

    2.2 The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than 12 feet (3658mm) shall not exceed 700 square feet (65m^2) total.

    2.3 A minimum clearance of 12 feet (3658mm) to structures and other tents shall be provided.

105.6.52 **Tire-rebuilding plants.** An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

105.6.53 **Vegetation management plan.** An operational permit is required to implement a vegetation management plan.

105.6.54 **Waste handling.** An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.55 **Wood products.** An operational permit is required to store wood chips, hogged material, lumber or plywood in excess of 200 cubic feet ($6m^3$).

105.6.56 **Production facilities.** An operational permit is required to change use or occupancy, or to allow the attendance of a live audience in buildings or structures or portions thereof not intended for assembly purposes.

105.6.57 **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.

105.6.58 **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 46.

•Section 202-F of Chapter 2 is hereby amended by adding the definition of Fire Road thereto.

FIRE ROAD. See section 502.1.

•Section 202 [P] of Chapter 2 is hereby amended by adding the definition of Public Storage Facility as follows:

Public Storage Facility, see section 302.1 of Chapter 3.

•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 12 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 or floor coverings, or the installation of earthquake retrofit, energy efficiency, or solar energy measures.

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

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

●Section 301.3 of Chapter 3 is added to read as follows:

301.3. **Warming Devices -- Permitted Locations -- Permit required**. It is unlawful for any person to use cooking devices or camp lights using flammable fluids, woods, or paper products, including portable barbecues, hibachis, or other type of container used for warming by means of fire, in any area other than established campgrounds, developed residential areas or approved areas without first securing a permit from the Marin County Fire Department.

- Section 302.1 is amended by adding the following definition.

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 304.1.2 of Chapter 3 is amended to read as follows:

Section 304.1.2 **Fire Hazard Reduction.** Any person who owns, leases, controls or maintains any building or structure within specific Wildland Urban Interface areas of the jurisdiction shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when the aspect, topography, 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 urban-wildland interface areas shall be in accordance with the 2003 International Wildland-Urban Interface Code, as amended by Marin County.

- Section 307.2 of Chapter 3 is amended to read as follows:

307.2. **Open Burning.** A permit shall be required for any type of outdoor burning, including but not necessarily limited to the burning of any brush, logs, fallen timber, fallows, slash or grass, or any other combustible vegetation or material. The issuance of any outdoor burning permit shall be in accordance with recognized fire safety standards and the regulations of the Bay Area Air Quality Management District.

- Section 316 of Chapter 3 is hereby added: Public Storage Facilities

- Section 316.1 of Chapter 3 is hereby added to read as follows:

Section 316.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

- Section 316.2 of Chapter 3 is hereby added to read as follows:

Section 316.2. **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 316.3 of Chapter 3 is hereby added to read as follows:

Section 316.3. **Public Storage Facilities.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.1.1.

- Section 316.4 of Chapter 3 is hereby added to read as follows:

Section 316.4. **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 of Chapter 4 is hereby amended to read as follows:

Section 401.1. **General.** 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 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 Marin County Fire Department.

- Section 403.1 of Chapter 4 is hereby amended by adding thereto a sentence to read as follows:

Section 403.1 Facility personnel shall also perform, as required, emergency medical care to the sick and injured.

- Section 408.8.4 is hereby added 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 Marin County 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 to read as follows:

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

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

•Section 503.1.4 **Fire Roads.** Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the jurisdiction so as to gain access to improved, unimproved, and undeveloped areas of the jurisdiction, in a manner approved by the Chief. Any vehicle causing such an obstruction may be towed away at the owner's expense.

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

Section 503.1.5 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 Chief.

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

Any vehicle causing such an 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 503.2.6.1. of Chapter 5 is hereby added to read as follows:

Section 503.2.6.1 Bridges, Piers and Wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Chief.

- Section 503.6.1 is hereby added to read as follows:

503.6.1 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 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 Chief.

All electronic or motorized gates shall incorporate in their design that means for fast, effective manual operation of the gates in the event of power or mechanical failure; i.e., easily removable hinge pins for separating power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open.

All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

•Section 506.3 of Chapter 5 is hereby added to read as follows:

Section 506.3 **Key Entry Systems.** General. 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, the Chief is authorized to require a key entry

system to be installed in an accessible 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 Chief.

506.3.1 All costs associated with the required emergency access provision of this section shall be borne by the owner of the security gate and appurtenances.

•Section 508.5.1.1 of Chapter 5 is hereby added to read:

Section 508.5.1.1 **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 508.5.1 is hereby amended to read as follows and by deleting Exceptions 1. and 2:

  Section 508.5.1 **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 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 0f 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 12 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.

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 12 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.

5. In all residential buildings required to be sprinkled above, attached garages shall also be sprinkled, and in multi-family residential occupancies the attics shall be sprinkled.

6. 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 in accordance with standards developed by the chief.

7. All single family dwellings in excess of 6,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13R and Standards developed by the Chief.

8. 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.

9. 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.

10. 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 903.4 of Chapter 9 is amended to read as follows:

Section 903.4 **Where required**. The alarm from any automatic fire sprinkler system shall transmit fire and tamper signals to a Central Station which has been approved by the Fire Department and a nationally recognized testing laboratory and with Standards developed by the Chief.

Exception: Group R-3, and U.

- Section 907.15 of Chapter 9 is hereby amended to read as follows:

Section 907.15 **Fire Alarm Monitoring**. The alarm from any automatic fire alarm system or automatic fire extinguishing system shall transmit fire and tamper signals to a Central Station which has been approved by the Fire Department and a nationally recognized testing laboratory and with Standards developed by the Chief.

- Section 906.11 of Chapter 9 is added to 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 907.20.6 of Chapter 9 is added to read as follows:

Section 907.20.6 **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 2701.7 of Chapter 27 is added to read as follows:

Section 2701.7 **Locations where hazardous material is to be prohibited or limited.** The storage of hazardous materials is prohibited within the limits established by law as the limits of Districts in which such storage is prohibited.

- Section 2706 Parking and Garaging is hereby added to Chapter 27.

- Section 2706.1 of Chapter 27 is hereby added to read as follows:

Section 2706.1 **General.** The parking and garaging of vehicles used for the transportation of hazardous materials shall comply with Section 3406.6.2 and 3406.6.3.

Section 3001.3 of Chapter 30 is added to read as follows:

Section 3001.3 **Locations where compressed natural gas is to be prohibited.** The storage of compressed natural gas is prohibited within the limits established by law as the limits of Districts in which such storage is prohibited.

Section 3309 of Chapter 33 is added to read as follows:

Section 3309 **Locations where explosives and fireworks are to be prohibited.** The storage of explosives and fireworks is prohibited within the limits established by law as the limits of Districts in which such storage is prohibited.

- Section 3404.3 of Chapter 34 is amended hereby with the following paragraph added as follows:

Section 3404.3. **Aboveground outside/inside storage of flammable and combustible liquids.** Combustible liquids in aboveground tanks inside or outside of buildings is prohibited within the jurisdictional boundaries of the Marin County Fire Department unless authorized by permit issued by the Office of Waste Management, the Fire Chief or his authorized representative. In all cases, requests for permits shall be subject to inspection and determination that adequate fire safety measures exist. In no case shall a permit be issued in any area of the jurisdiction which is used primarily for residential or commercial type occupancies.

- Section 3406.6.2.1 of Chapter 34 is hereby amended to read as follow:

Section 3406.6.2.1. **Parking Near Residential, Educational, Assembly and Institutional Occupancies and Other High Risk Areas.** A tank vehicle shall not be left unattended on any residential street; nor in or within five

hundred (500) feet of any residential area, apartment or hotel complex, educational, public assembly, hospital or care facility at any time; or at any other place that would, in the opinion of the Chief, present an extreme life hazard.

In locations other than those specified in above, a driver shall not leave a tank vehicle unattended on any street, highway, avenue or alley.

- Section 3406.6.2.2 of Chapter 34 is hereby amended by amending Exception 2 to read as follows:

Section 3406.6.2.2 **Parking on Thoroughfares.**

Exception: Stops for meals during the day or night, if the street is well illuminated at the point of parking and the tank vehicle is visible from the place of dining. The vehicle location shall be in accordance with Section 3406.6.2.1. If the public assembly is a restaurant, the vehicle may be at one hundred and fifty (150) feet instead of the five hundred (500) feet stated above;

- Section 3406.6.2.3 of Chapter 34 is hereby amended to read as follows:

Section 3406.6.2.3 **Durations Exceeding One Hour.** Tank vehicles parked at any one point for longer than one hour shall be located off of streets, highways, avenues or alleys in accordance with the distance provisions of Section 3406.6.2.1.

- Section 3804.3 of Chapter 38 is hereby added as follows:

Section 3804.3. Containers shall be located at least thirty (30) feet away from occupied residential or commercial occupancies. Combustible vegetation shall be cleared at least thirty (30) feet from all sides of the container (tank). If adequate clearance cannot be achieved, exemption to this section and alternate mitigation measures may be granted by the Fire Code Official.

Section 9001.4 **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.

- Appendix II-A, Section 16.2, of the 2000 Uniform Fire Code, is hereby amended to read as follows:

Appendix II-A, 16.2 **Corrective Action.** Failure to comply with the requirements of Section 16.1 shall be deemed a public nuisance. Whenever the

Fire Chief determines that there is substantial evidence of a failure to comply with Section 16.1, he shall cause a written Notice of Hearing to be posted on the affected property, and to be served by certified mail on the property owner at the address shown on the county assessor records. Said Notice of Hearing shall specify the conditions violating Section 16.1, and the date, time and place at which the Fire Chief or his/her designee will hear evidence from the property owner and all interested persons on the existence of a public nuisance on the affected property. The hearing date shall be scheduled no sooner than 10 days following posting and service of the Notice of Hearing. Following the hearing, the Fire Chief or his/her designee shall render a written Decision, which shall be final. If the Hearing Officer finds that a public nuisance does exist, the Decision shall contain an order directing the property owner to abate such public nuisance on or before a specified date. A copy of the Decision shall be posted on the affected property and served by certified mail on the property owner as provided above. If the property owner fails to abate the public nuisance by the specified date contained in the Decision, the Chief is authorized to commence legal action against the property owner including but not limited to the institution of a mandatory injunction to immediately obtain a court order for the property owner to perform the corrective action to abate the nuisance. In that legal action, the property owner shall be liable for any costs associated with the Fire Department's identification and investigation of the public nuisance prior to the institution of the legal proceedings. Those costs shall be calculated by multiplying the number of hours expended by the fully burdened hourly rate of the person(s) who is (are) involved in the identification and investigation of the public nuisance. These recovery costs may include reasonable attorney fees and costs incurred in the action if the County prevails, as the County reserves the right to seek to recover reasonable attorney fees, on a case by case basis, pursuant to California Government Code Section 25845, subdivision (c). In those cases in which the County seeks to recover reasonable attorney fees and costs, the other party may likewise do so. The cost of such abatement and related administrative costs, including any attorney time, shall constitute a nuisance abatement lien on the affected property as more particularly set forth in Government Code Section 38773.1, and a special assessment against the affected property which may be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.1. At least thirty (30) days prior to the recordation of the lien, or submission of the report to the County Tax Collector for collection of a special assessment, the property owner shall receive notification the Fire Marshal of the Marin County Fire Department's intention to charge the property owner for the aforementioned abatement and related administrative costs. The property owner may appeal from the Fire Marshal's Decision to the Fire Chief within fifteen (15) days of the date of the notice and request a hearing prior to the recordation of the lien or submission of the report to the County Tax collector for collection of the special assessment. The Decision by the Fire Chief shall be final. 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.

- Appendix II-A, Section 17 is hereby amended by adding the following sentence thereto:

Appendix II-A, 17. **Clearance of Brush or Vegetative Growth from Roadways.** Corrective action, if necessary, shall be in the same manner as Appendix II-A, Section 16.2.

16.16.050 AUTHORITY TO ARREST AND ISSUE CITATIONS

(a) The Fire Chief, and Chief 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 here in.

(b) 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 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 11. 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.

(c) 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.

(d) 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.

(e) 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 Fire Department response as described in Section 104.12 of Appendix Chapter 1 of the 2007 California Fire Code.

(f) 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 Fire Chief of the Marin County Fire Department's 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 Fire Chief's decision in writing to the Marin County Administrator's Office within fifteen (15) days of the date of the notice and request a hearing before the Administrator's Office prior to recordation of the lien or submission of the report to the County Tax Collector for collection of the special assessment. The County Administrator or his/her designee shall hear the appeal. 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 16.16.040 of this Code and Section 16.2 of Appendix II-A of the 2000 Uniform Fire Code as amended.

16.16.070 APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 13 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 Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Marin County Administrator's Office 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 Item 16.2 of Appendix II-A of the 2000 Uniform Fire Code as amended in 16.16.040 of this Code, or to matters for which an appeal is provided pursuant to 16.16.070 (a) 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. The fees and charges established by this Chapter shall supersede all previously established fees or charges for the same regulation, product or service, and all such previous fees and charges are hereby repealed on the effective date of the Resolution adopting the "Master Fee Schedule."

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 Marin County 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.

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 Clerk at least five (5) days prior to the Board of Supervisors 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 published in the City of Novato, County of Marin, State of California.

16.16.110 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Board of Supervisors of the Marin County 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 Marin County Board of Supervisors Clerk 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.

_____
, President of the Board
of Directors/Supervisors

Attest:

_____
, Marin County Board of Supervisors Clerk

The foregoing **Ordinance No. 2007-X** was read and introduced at a Regular meeting of the Board of Directors/Supervisors of the Marin County Fire Department held on the ___ day of _____, 2007, and ordered passed to print by the following vote, to wit:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

and will come up for adoption as an Ordinance of Marin County at a Regular meeting of the Board of Supervisors to be held on the ____ day of November, 2007.

_____
, Marin County Board of Supervisors Clerk