

ORDINANCE NO. _____
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN
AMENDING SECTION 16.16.050 OF THE MARIN COUNTY CODE TO AUTHORIZE
ARREST AND CITATION AUTHORITY UNDER THE UNIFORM FIRE CODE, THE
MARIN COUNTY CODE AND THE CALIFORNIA BUILDING STANDARDS CODE
REGULATIONS TO: (1) THE MARIN COUNTY FIRE CHIEF AND/OR HIS/HER
DESIGNEE INCLUDING THE FIRE MARSHALL; AND (2) THE MARIN COUNTY
SHERIFF'S DEPARTMENT

WHEREAS, the Board of Supervisors of the County of Marin adopted Ordinance No. 3479 in 2007 after a noticed public hearing. In that Ordinance, the Board authorized the Fire Chief and chief officers to arrest and issue citations for violations of the Uniform Fire Code, the Ordinance and the California Building Standards Code regulations; and

WHEREAS, the Board of Supervisors wishes to clarify that the Marin County Fire Chief and/or his/her designee including the Fire Marshall, and the Marin County Sheriff and/or his/her designee has the right to arrest and issue citations for violations of the Uniform Fire Code, Chapter 16.16 of the Marin County Code and/or the California Building Standards Code regulations.

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

SECTION I. Amendment of Section 16.16.050 of the Marin County Code.

Section 16.16.050 of the Marin County Code is hereby amended to read as follows:

Section 16.16.050: Authority to arrest and issue citations

- (a) The Marin County Sheriff and/or his/her designee, and/or the Marin County Fire Chief and/or his/her designee of the Marin County Fire Department including the Fire Marshall, shall have the authority to arrest or to cite any person who violates any provision of this chapter involving the Uniform Fire Code and/or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshall, 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.

SECTION II. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III. Operative Date. This ordinance shall become effective thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same in the INDEPENDENT JOURNAL, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ___th day of June 2008 by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT: SUPERVISOR

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK