

Chapter 14.04

CALIFORNIA FIRE CODE

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Editor's Note: Previous Chapter 14.04 California Fire Code repealed (Ord. 718, 2022).

14.04.010 Adoption of 2022 California Fire Code, International Fire Code and Appendix A of the 2021 International Wildland Urban Interface Code.

The Town Council of Ross does hereby adopt, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following, which shall be collectively known as the "Town Fire Code":

1. The 2022 California Fire Code, which consists of certain portions of the 2021 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a. Division II of Chapter 1 ADMINISTRATION, except Sections 103.2,
 - 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,
 - h. Appendix O TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES

2. The International Fire Code published by the International Fire Code Council, Inc., 2021 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 14.04.100 of this Chapter.

Appendix A of the 2021 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 14.04.100 of this Ordinance.

Each and all of the regulations, provisions, penalties, conditions, and terms of said Town Fire Code are hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance, subject only to the amendments and deletions herein. Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Ross Valley Fire Department and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the Town of Ross. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.020 Establishment and duties of the Fire Prevention Bureau.

The Town Fire Code shall be enforced by the Fire Prevention Bureau of the Ross Valley Fire Department and shall be operated under the supervision of the Fire Chief of the Ross Valley Fire Department. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.030 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 the Town Fire Code adopted in Section 14.04.010 of this Ordinance.

- (b) Wherever the word "jurisdiction" is used, it shall be held to mean the Town of Ross.

- (c) Wherever the term "counsel" is used, it shall be held to mean the attorney for the Town of Ross.
- (d) Wherever the words "Fire Code Official" are used, they shall be held to mean the Fire Chief or Fire Marshal of the Ross Valley Fire Department. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.040 Establishment of geographic limits of districts in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited.

The geographic limits referred to in Section 5704.2.9.6.1 of the 2022 California Fire Code in which storage of Class I and Class II liquids in outside aboveground tanks is prohibited are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief. (Ord. 718 (part), 2022; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.041 Establishment of geographic limits of districts in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited.

The geographic limits referred to in Section 5706.2.4.4. of the 2022 California Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: Town limits. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.050 Establishments of geographic limits in which storage of liquefied petroleum gases is to be restricted.

The geographic limits referred to in Section 6104.2 of the 2022 California Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: Town limits. EXCEPTION: Property owned by the Town when approved by the Fire Chief. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.060 Establishments 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: Town limits. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.070 Establishment of the geographic limits of districts in which the storage of compressed natural gas is to be prohibited.

The geographic limits, in which the storage of compressed natural gas is prohibited, are hereby established as follows: Town limits. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.080 Establishment of the geographic limits of districts in which the storage of stationary tanks of flammable cryogenic fluids is to be prohibited.

The geographic limits, referred to in Section 5806.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: Town Limits. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.090 Establishment of the geographic limits of districts in which the storage of hazardous materials is to be prohibited or limited.

The geographic limits, in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: Town limits. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

14.04.100 Amendments made to the 2022 California Fire Code, 2021 International Fire Code and 2021 International Wildland-Urban Interface Code.

The 2022 California Fire Code, the adopted portions of the 2021 International Fire Code, as applicable, are amended and changed in the following respects:

CHAPTER 1
SCOPE AND ADMINISTRATION

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

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

Section 102.5 is hereby amended to read as follows:

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

1. Construction and designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure shall apply when specifically required by this code including, but not limited to, Section 903.2 and Chapter 12 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 102.7.3 is hereby added to Chapter 1 as follows:

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

Section 104.1.1 is hereby added to Chapter 1 as follows:

Section 104.1.1 **Supplemental Rules, Regulations and Standards or Policies.** The Fire Code Official is authorized render interpretations of this code 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 104.13 is hereby added to Chapter 1 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, investigation and other fire prevention services when requested to do so.

Section 105.5 of Chapter 1 is amended as follows:

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

Section 105.5.55 of Chapter 1 is hereby added as follows:

105.5.55 **Local Operational Permits.** In addition to the permits required by section 105.5, the following permits shall be obtained from the Ross Valley Fire Department prior to engaging in the following activities, operations, practices or functions:

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

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

105.6 **Required Construction Permits.** The fire code official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.25

Section 105.6.25 of Chapter 1 is hereby added to read as follows:

105.6.25 **Local Construction Permits.** In addition to the permits required by section 105.6, the following permits shall be obtained from the Ross Valley Fire Department prior to installation of the following:

1. **Exterior Wildfire Protection Systems.** A construction permit is required for the installation of or design modification to an Exterior Wildfire Protection System as regulated by section 918.
2. **Home Backup Generator.** A construction permit is required for the installation of a home backup generator as regulated by section 1218.
3. **Vegetation Management Plan.** A construction permit is required to implement a vegetation management plan.

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

Section 110.4 **Violation Penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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

Section 112.4.2 is added to Chapter 1 as follows:

Section 112.4.2 **Abatement of clearance of brush or vegetative growth from structures.** The executive body is authorized to instruct the Chief to give notice to the owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3 and section 4907.4 of Chapter 49 exists to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

Section 113.4 of Chapter 1 is amended to read as follows:

113.4 **Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500.00 dollars or more than \$1,000.00 dollars.

Section 115 is added to Chapter 1 as follows:

Section 115 **DAMAGES AND EXPENSE RECOVERY**

Section 115.1 **Damages and Expense Recovery.** The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

CHAPTER 2 **DEFINITIONS**

Section 202 [A] of Chapter 2 is hereby amended by adding the definition of ‘All Weather Surface’ as follows:

ALL WEATHER SURFACE shall mean A/C paving, or concrete capable of supporting 70,000 gross vehicle weight. Grades up to and including 18% may be of A/C paving. Grades greater than 18% shall be of concrete curb-cut so as to allow for water run-off and traction.

Exception: Materials approved by the Fire Code Official.

Section 202 [C] of Chapter 2 is amended by adding the definition of ‘Coverings’ as follows:

Coverings shall mean materials including, but not limited to, gypsum board, paneling, floor boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to rough framing of the building elements. ‘Coverings’ do not include carpet, linoleum, tile, wall paper, or other decorative finishes.

Section 202 [E] of Chapter 2 is hereby amended by adding the definition of ‘Exterior Wildfire Protection System’ as follows:

EXTERIOR WILDFIRE PROTECTION SYSTEM An approved system of devices and equipment which is automatically or manually activated to discharge water and or an approved fire extinguishing agent onto the structure and or the exterior of the structure to hydrate the Immediate Zone 0 (0-5 feet from the home, including the home) and the Intermediate Zone 1 (5-30 feet from the home).

Section 202 [F] of Chapter 2 is amended by adding the 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 202 [H] of Chapter 2 is hereby amended by adding the definition of ‘Home Backup Generator’ as follows:

HOME BACKUP GENERATOR. A permanent, fixed installation, internal combustion engine-driven device that provides temporary electrical power to a Group R-3 and R-4 Occupancies.

Section 202 [P] of Chapter 2 is amended by adding the definitions of ‘Pre-Plan’ and ‘Public Storage Facility’ 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.

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 202 [S] of Chapter 2 is amended by adding the definition of ‘spark arrestor’ and ‘substantial remodel’ as follows:

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 and/or amending the definition of ‘Target Hazard’ and ‘Temporary’ as follows:

TARGET HAZARD is defined as a location or plausible scenario in which a fire department or fire district could quickly become overwhelmed and for which additional resources, now scarce, would be needed.

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

Section 202 [U] of Chapter 2 is amended by adding the definition of ‘Unwarranted Alarm”:

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

CHAPTER 3 **GENERAL REQUIREMENTS**

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

Public Storage Facility

Section 319 of Chapter 3 is deleted in its entirety.

Section 324 is hereby added to Chapter 3 as follows:

Section 324 Public Storage Facilities

Section 324.1 **General.** Public Storage Facilities shall comply with the provisions of this section.

Section 324.2. **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 324.3. **Fire apparatus access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section 324.4. **Storage of Flammable and Combustible Liquids and Hazardous Materials.** The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

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

CHAPTER 4
EMERGENCY PLANNING AND PREPAREDNESS

Section 401.1.1 is hereby added to Chapter 4 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/policies of the Ross Valley 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 Ross Valley Fire Department.

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

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

Section 401.3.2.2 is added to Chapter 4 to read as follows:

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

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

Pre-Plans
Unwarranted Alarms
Target Hazards

Section 403.1.1 is hereby added to Chapter 4 as follows:

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

Section 403.9.1.4 is hereby added to Chapter 4 to read as follows:

Section 403.9.1.4 **Emergency Preparedness for Hotels, Lodging and Congregate Houses.** Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

CHAPTER 5
FIRE SERVICE FEATURES

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

Section 501.5 **Failure to Comply.** Failure to comply with this section upon written or verbal notice from the Chief shall result in a Ross Valley 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 the following:

Fire Road

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

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

Section 503.1.4 is hereby added to Chapter 5 as follows:

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

Section 503.1.5 of Chapter 5 is hereby added to read as follows:

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

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

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

Section 503.1.5.3 **Obstructions.** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road

and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

Section 503.2.1 is amended by adding an exception to read as follows:

EXCEPTION: Driveways serving as fire apparatus access roads serving fewer than 5 structures may reduce the width to 16 feet.

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

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

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

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

Section 503.4.2 is hereby added to Chapter 5 to read as follows:

503.4.2 **Prohibition of 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 or 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 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 as follows:

Section 503.6.2 **Electronic gates.** All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards/Policies adopted by the 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 503.6.3 is hereby added to Chapter 5 and shall read as follows:

Section 503.6.3 **Gate Setback Required.** Gates shall be set back from roadways a minimum of 30 feet or more so as not to cause cross traffic to stop or create a hazardous traffic condition on the roadway approach to the driveway.

Exception: The Fire Code Official is authorized to modify the setback if fire apparatus access onto the property is not required to achieve 150-foot access to the most remote portion of the building per 503.1.1.

Section 506.1 of Chapter 5 is hereby amended as follows:

Section 506.1 **Where Required.** When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes or in commercial structures that have an automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved location. The key entry system shall be of an approved type listed in accordance with UL1037, and if it is a box, shall contain keys necessary to gain access as required by the Fire Code Official.

Section 507.5.1 of Chapter 5 is hereby amended by deleting exceptions 1 and 2.

Section 507.5.1.1 of Chapter 5 is amended as follows:

Section 507.5.1.1 **Hydrant for fire department connections.** Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 100 feet of the fire department connections, or as approved by the fire code official.

Section 507.5.7 is hereby added to Chapter 5 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 or their designee, 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.

Exceptions:

1. If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.
2. One and two family dwellings equipped throughout with an approved automatic sprinkler system.

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

CHAPTER 9 **FIRE PROTECTION AND LIFE SAFETY SYSTEMS**

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

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

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

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

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

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

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

Exceptions:

1. 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.

2. 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.

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

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

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

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

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

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

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

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

Section 903.4 is hereby amended by deleting the following:

Exception #1, 2, 3.

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

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

Section 906.11 is hereby added to Chapter 9 as follows:

Section 906.11 **Fire Extinguisher Documentation.** The owner and/or operator of every R Division 2 occupancy 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 of Chapter 9 is amended to add the following paragraphs:

New Construction: Every new building constructed for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Existing Construction: Every existing building remodeled for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Section 907.2.13.1.2 of Chapter 9 is hereby amended by adding new subsection 3 to read as follows:

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

Section 907.6.6 is hereby amended by deleting exception 3 and to read as follows:

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

Exception: Monitoring by central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.

Section 907.8.5.1 is hereby added as follows:

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

Section 918 of Chapter 9 is hereby added and shall read as follows:

SECTION 918 EXTERIOR WILDFIRE PROTECTION SYSTEMS

Section 918.1 of Chapter 9 is hereby added and shall read as follows:

*Section 918.1 **General.** Exterior Wildfire Protection Systems shall comply with this section.*

Section 918.2 of Chapter 9 is hereby added and shall read as follows:

*Section 918.2 **Construction Documents.** Documentation of the system shall be submitted per 901.2.*

Section 918.3 of Chapter 9 is hereby added and shall read as follows:

*Section 918.3 **Permits.** Permits shall be required as set forth in Section 901.3.*

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

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

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

Exceptions:

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

Sections 1103.2 Item #1 is deleted.

Sections 1103.3 through 1103.6.2 are deleted.

Section 1103.9 is deleted.

Section 1104 and 1105 are deleted.

CHAPTER 12 **ENERGY SYSTEMS**

Section 1201.4 of Chapter 12 is hereby added and shall read as follows:

Section 1201.4 **Construction Documents.** A scaled and dimensioned site plan showing the location of all energy systems, property lines, buildings, service and electrical panels, transfer switches, disconnects, underground wiring and piping, fuel type and piping, map placard and signage. Site Plan shall clearly designate property frontage for viewer orientation.

Section 1201.5 of Chapter 12 is hereby added and shall read as follows:

Section 1201.5 **Signs and Labels.** Caution signs or labels are required to identify the quantity and type of additional power source(s) located on site. Signs shall be required at the main service panel, and on disconnect equipment. Additional locations may be required by the fire code official.

Section 1201.6 of Chapter 12 is hereby added and shall read as follows:

Section 1201.6 **Disconnect.** An approved and readily accessible independent and clearly labeled single exterior disconnect shall be located prior to any load/service panel and installed as close as possible to the main service panel or as approved by the fire code official. Integrated equipment toggle, rocker, or electronic switches shall not be utilized as an independent disconnects.

Section 1201.7 of Chapter 12 is hereby added and shall read as follows:

Section 1201.7 **Operational Testing.** New installations shall be tested for complete power and energy system shutdown. A normal power failure shall be simulated by closing the main service breaker supplying normal power to the building. Upon transfer from main power to alternate power source(s), the single disconnect(s) shall be used to disconnect alternate power from all alternate energy sources. A successful result of the shutdown test shall include termination of all alternate energy power sources serving the building (i.e. main service, photovoltaic system, energy storage systems, and generators, when installed).

Section 1202.1 in Chapter 12 is hereby amended to add the following:

HOME BACKUP GENERATOR

Section 1208 of Chapter 12 is hereby added and shall read as follows:

Section 1208.1 of Chapter 12 is hereby added and shall read as follows:

Section 1208.1 **General.** The use, operation and maintenance of home backup generators in Group R-3 and R-4 occupancies shall comply with this section.

Section 1208.2 of Chapter 12 is hereby added and shall read as follows:

Section 1208.2 **Use.** Home backup generators shall be installed in accordance with the California Building Code, the California Electrical Code, NFPA 110.

Section 1208.3 of Chapter 12 is hereby added and shall read as follows:

Section 1208.3 **Permits.** Permits shall be obtained for Home Backup Generators as set forth in Section 105.

Section 1208.4 of Chapter 12 is hereby added and shall read as follows:

Section 1208.4 **Installation.** Home backup generators shall be installed in accordance with the California Building Code, the California Electrical Code, NFPA 110.

Section 1208.5 of Chapter 12 is hereby added and shall read as follows:

Section 1208.5 **Listing.** Home backup generators shall be listed and labeled in accordance with UL 2200.

Section 1208.6 of Chapter 12 is hereby added and shall read as follows:

Section 1208.6 **Maintenance.** Home backup generators shall be operated and maintained in accordance with the manufacturer's instructions.

CHAPTER 26
FUMIGATION AND INSECTICIDAL FOGGING

Chapter 26 is deleted in its entirety.

CHAPTER 33
FIRE SAFETY DURING CONSTRUCTION

Section 3314.3 of Chapter 33 is amended by adding the following to the end of the exception:

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

Section 3315.3 in Chapter 33 is added to read as follows:

Section 3315.3 **Where required.** In buildings of combustible construction required to have automatic sprinkler system by Section 903, automatic sprinkler system shall be installed prior to construction exceeding two stories in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

Section 3315.4 of Chapter 33 is added to read as follows:

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

Section 3315.5 of Chapter 33 is added to read as follows:

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

CHAPTER 49 **REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS**

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

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for construction and development in areas designated as Wildland-Urban Interface (WUI), and/or Moderate, High or Very High Fire Hazard Severity Zone. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the Town of Ross as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires, as designated on the map titled Town of Ross Wildland-Urban Interface, dated August 12, 2018.

Section 4903.2.1 of Chapter 49 is amended to read as follows:

Section 4903.2.1.1 Preliminary fire protection plan. *When a preliminary fire protection plan is submitted, it shall include, at a minimum, the following:*

- 1) *Total size of the project.*
- 2) *Information on the adjoining properties on all sides, including current land uses, and if known, existing structures and densities, planned construction, natural vegetation, environmental restoration plans, roads and parks.*
- 3) *A map with all project boundary lines, property lines, slope contour lines, proposed structure foundation footprints, and proposed roads and driveways. The map shall identify project fuel modification zones and method of identifying the fuel modification zone boundaries.*
- 4) *The map shall include all existing emergency water supplies.*

Section 4903.2.1.2 of Chapter 49 is amended to include the following:

Section 4903.2.1.2 Final fire protection plan. The final fire protection plan shall include items listed in Section 4903.2.1.1 and the following:

1. A map identifying all proposed plants in the fuel modification zones with a legend that includes a symbol for each proposed plant species. The plan shall include specific information on each species proposed, including but not limited to:
 - a. The plant life-form;
 - b. The scientific and common name; and
 - c. The expected height and width for mature growth.
2. Identification of irrigated and non-irrigated zones.
3. Requirements for vegetation reduction around emergency access and evacuation routes.
4. Identification for points of access for equipment and personnel to maintain vegetation in common areas.
5. Legally binding statements regarding community responsibility for maintenance of fuel modifications zones.
6. Legally binding statements to be included in covenants, conditions and restrictions regarding property owner responsibilities for vegetation maintenance.
7. Identify the location of fire protection systems or equipment.
8. Identify any power sources, meters, and shut downs.

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

Section 4906.2 Application. *Buildings and structures located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency shall maintain the required hazardous vegetation and fuel management per Sections 4906.3 through 4906.5.3.*

Section 4906.3 of Chapter 49 is amended to read as follows:

Section 4906.3 Vegetation Management Plan. A Vegetation Management plan shall be required for new construction, substantial remodels, and landscape modifications including new plantings, modifications to existing plantings, and/or excavation.

Section 4906.3.1 of Chapter 49 is deleted in its entirety.

Section 4906.4.2.1 of Chapter 49 is amended to read as follows:

Section 4906.4.2.1 Tree Planting. New trees classified as fire-resistant vegetation shall be permitted provided the tree is planted and maintained so that the tree's drip line maturity is a minimum 5 feet (9144 mm) from any combustible structure.

Section 4907.2 of Chapter 49 is amended to read as follows:

Section 4907.2 **Application.** Building and structures located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency shall maintain the required hazardous vegetation and fuel management:

Section 4907.4 of Chapter 49 is hereby added and shall read as follows:

Section 4907.4 **Fire Hazard Reduction.** Any person who owns, leases, controls or maintains any building or structure, vacant lands, open space, and/or lands within specific Wildland Urban Interface areas of the jurisdiction of the Town of Ross, shall comply with the following:

1. Cut and remove all hazardous vegetation and ground coverings within 100 feet of structures, up to 200 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official.
2. Remove accumulated dead vegetation on the property.
3. Cut and remove tree limbs that overhang wood decks and roofs.
4. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters.
5. Clean any leaves and needles from roof and gutters.
6. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.
7. Ladder fuels shall be removed within 30 feet of the structure.

8. When required by the Fire Code Official, cut and remove trees that are 6” of diameter or less at breast height, or four feet, 6” above ground, to achieve canopy separation within 30 feet of the structure.
9. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2021 International Wildland-Urban Interface Code, as amended by the Town of Ross.

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

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 4907.5 of Chapter 49 is hereby added and shall read as follows:

*Section 4907.5 **Fire Hazard Reduction from Roadways.** The Fire Code Official is authorized to cause areas within 10 feet (3048 cm) on each side of portions of highways, fire apparatus access roads (improved or unimproved), and driveways (improved or unimproved), which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. Corrective action, if necessary, shall be the same as the actions required in section 4907.4. The Fire Code Official is authorized to enter upon private property to carry out this work.*

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

Section 4907.6 of Chapter 49 is hereby added and shall read as follows:

Section 4907.6 **Nuisance.** Failure to comply with the requirements of Section 4907.4 shall be deemed a public nuisance. The Fire Chief is hereby authorized to require the abatement of any nuisance condition described in Section 4907.4 or Section 4907.5. Abatement shall be accomplished in accordance with Section 14.04.120 of the Ross Municipal Code.

CHAPTER 56 **EXPLOSIVES AND FIREWORKS**

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

Section 5608.1.2 of Chapter 56 are added to read as follows:

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

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

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

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

(Ord. 719 (part), 2022; Ord. 701 (part), 2019; Ord. 691 (part), 2018; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).

CHAPTER 80 **REFERENCED STANDARDS**

California Fire Code, Chapter 80 is amended as follows:

NFPA.13-22: Standard for the installation of Sprinkler Systems

NFPA 13, Amended additional Sections as follows:

Revise Section 29.4.1 as follows:

29.4.1 The installing contractor shall identify a hydraulically designed sprinkler system with permanently raised, stamped or etched marked weatherproof metal or ridged plastic sign secured with corrosion resistant wire, chain, or other approved means. Such signs shall be placed at the alarm valve, dry pipe valve, preaction valve, or deluge valve supplying the corresponding hydraulically designed area. Pipe schedule systems shall be provided with a sign indicating that the system was designed and installed as a pipe schedule system and the hazard classification(s) included in the design.

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

Section A104.7.2 **Permits.** The fire code official is authorized to stipulate reasonable conditions for permits as necessary to reduce the threat of wildfire in a wildland-urban interface area and improve the capability of controlling such fires. 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 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 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 as follows:

Section 104.13 **APIARIES.** Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the fire code official.

(Ord. 718 (part), 2022; Ord. 701 (part), 2019).

SECTION 14.04.110. AUTHORITY TO ARREST AND ISSUE CITATIONS

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

(b) It is the intent of the Town Council of the Town of Ross 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. (Ord. 718 (part), 2022).

SECTION 14.04.120. NUISANCE ABATEMENT.

(a) Any violations of the Town Fire Code shall be deemed a public nuisance.

(b) The owner of any property within the Town has the primary responsibility for keeping the property free of public nuisances. Tenants and occupants, for the purposes of this Chapter, shall be deemed to be the agents of the owner.

(c) All entries and inspections shall be done in a lawful and reasonable manner. If an owner, lawful occupant, or the respective agent thereof refuses permission to enter and/or inspect, the Fire Chief of the Ross Valley Fire Department or the duly authorized enforcement officer (collectively hereinafter, "Fire Chief") may seek an administrative inspection warrant pursuant to the procedures provided by California Code of Civil Procedure Section 1822.50 through 1822.59, as may be amended from time to time, or the successor provisions thereto.

(d) Whenever the Fire Chief believes a public nuisance exists, the Fire Chief shall commence abatement proceedings.

(e) The Fire Chief shall cause a written notice to be issued to abate such nuisance. Notice requiring the abatement of such nuisance shall be given by mail to the owner of the property upon which, or in front of which, such nuisance exists, at such owner's address as shown on the last equalized Assessment Roll of the County of Marin. Such notice shall contain the following:

1. The street address and Assessor's Parcel Number for the affected property.
2. The date of the inspection of the property by the Fire Department during which such nuisance was discovered.
3. A description of the nuisance and its location on, or in front of, the property.
4. The abatement action which the owner is required to take and a time limit for such abatement.
5. A statement that if the owner fails to abate such nuisance within the prescribed time and the Fire Department, or other Town agent, will abate the nuisance.
6. A statement that if the Fire Department, or other Town agent, is required to abate the nuisance the cost of such abatement will be assessed as a lien or special assessment against the property.
7. A statement that the determination of the existence of a nuisance may be appealed to the Fire Chief within the time limit to abate the nuisance.

(f) Abatement. Should the owner of the affected property (i) fail to abate the nuisance, and (ii) fail to appeal the determination of the existence of a nuisance to the Fire Chief within the period set forth in the notice requiring abatement, the Fire Chief is authorized to perform such abatement and shall keep an accurate account of the cost of such abatement, including administrative costs.

(g) The Fire Chief shall mail written notice of the costs of the abatement to the owner of the affected property who may, within fifteen days of the date of such mailing, request a hearing by the Fire Chief with respect to such cost. The Fire Chief shall hold a hearing within thirty (30) days of receiving the request. The Fire Chief may make any corrections or modifications if it deems the proposed costs to be excessive or incorrect. The decision of the Fire Chief shall be final.

(h) Assessment of Cost. The cost of such abatement as finally fixed and determined by the Fire Chief may be recovered in an appropriate civil action, including costs of litigation and attorney fees, or may be enforced by a nuisance abatement lien or special assessment against the parcel of land as more particularly set forth in Government Code Sections 38773.1 and 38773.5, respectively. At least thirty (30) days prior to recordation of the nuisance abatement lien, or submission of the report to the Tax Collector for collection of this special assessment, the Fire Chief shall give notice to the record owner of the property of the intent to collect abatement and related administrative costs against the property. In addition to any information required by state law, the notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance.

(i) Emergency Abatement. Notwithstanding any other provisions of this Chapter, whenever the Fire Chief determines that any real property or any building, structure or condition thereon is dangerous or constitutes an immediate threat to public health or safety, the Fire Chief shall, without being required to comply with the procedures of this Section, immediately cause such public nuisance to be abated, provided all other legal constitutional requirements are complied with.

(j) Remedies are Cumulative. Nothing in this Chapter shall be deemed to prevent the Town from commencing a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of applicable ordinances or state law to correct hazards, deficiencies or violations of law in real property in addition to or as alternatives to the proceedings set forth in this Chapter. (Ord. 718 (part), 2022).

SECTION 14.04.130 PENALTIES

(a) Any violation of the Town Fire Code as adopted herein may be a misdemeanor or infraction, and subject to the penalties set forth herein.

(1) The first citation, within a 12-month period, for a violation of the Town Fire Code shall be treated as an infraction, punishable by a fine of \$100.

(2) Any subsequent citation within a twelve (12) month period for any violation of the Town Fire Code may be either a misdemeanor or an infraction, as determined by the discretion of the Fire Chief. Misdemeanors shall be subject to the penalties set forth in Section 110 or 112 as applicable. Infractions shall be punishable by the fines specified in California Government Code Section 36900.

(b) An Administrative Citation and fine may also be imposed in accordance with Chapter 9.70. The use of Administrative Citation and fine as means for addressing violations of

this code shall be in addition to criminal, civil or other legal or equitable remedies established by law that may be pursued to address violations of this code and may be used at the sole discretion of the Town. The amounts of the Administrative Citation fines are contained in Section 9.70.120 of the Ross Municipal Code.

(c) 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. Unless 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 criminal and administrative penalties shall not be held to prevent enforcement or the correction of prohibited conditions.

(d) Nothing contained in Subsections (a) and (b) of this Section shall be construed or interpreted to prevent the Ross Valley Fire Department from recovering all costs associated with a Ross Valley Fire Department emergency response as described in Section 114.1 of the 2022 California Fire Code, as amended. (Ord. 718 (part), 2022).

SECTION 14.04.140. APPEALS

(a) Any person receiving an Administrative Citation may contest the Citation in accordance with Section 9.70.070.

(b) Any person receiving a bill for Ross Valley Fire Department response costs and expenses pursuant to Section 114.1 of the Fire Code, may file within thirty (30) days after the date of mailing the bill, an administrative appeal against imposition of the response costs and expenses. 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.

(c) 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 Town Council within 10 days from the date of the decision. The Town Council shall conduct an administrative hearing on 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 Town Council shall give written notice of the decision to the appellant, which decision shall be final. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 14.04.130 (a) or (b) above. (Ord. 718 (part), 2022).

SECTION 14.04.150. FEE AND PENALTY ADJUSTMENTS

The Town Council may, by resolution, revise the fees and penalties established by this Title 14.04. (Ord. 718 (part), 2022; Ord. 701 (part), 2019; Ord. 676 (part), 2016; Ord. 651 (part), 2013; Ord. 646 (part), 2013).