

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE UKIAH VALLEY FIRE DISTRICT ADOPTING THE 2019 EDITION OF THE CALIFORNIA FIRE CODE WITH AMENDMENTS, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION AND FOR PROVIDING FOR THE ISSUANCE OF PERMITS, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE UKIAH VALLEY FIRE DISTRICT IN CONFLICT HERewith.

The Board of Directors of the Ukiah Valley Fire District does ordain as follows:

Part 1. That the California Fire Code, 2019 edition, including Appendix Chapter 4 and Appendices B, BB, C, CC, D, F, G, I, and K, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Ukiah Valley Fire District in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Ukiah Valley Fire District are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Part 2 of this Ordinance. Further, the regulations known as the "SRA Fire Safe Regulations" as set forth within Title 14, Division 1.5, Chapter 7, Subchapter 2 of the California Board of Forestry applicable to the State Responsibility Area ("SRA") are hereby incorporated, adopted verbatim and made a part hereof, and such SRA Fire Safe Regulations shall be enforced and implemented within the applicable SRA service area.

Part 2. That the following sections of the 2019 edition of the California Fire Code are hereby amended and changed in the following respects:

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

101.1 Title. These regulations shall be known as the Fire Code of the Ukiah Valley Fire District, hereinafter referred to as "this code."

Section 105.1 General of Chapter 1 is amended to read as follows:

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.18 or other provisions of this code as required by the Ukiah Valley Fire District.

Section 108.1 Board of Appeals Established of Chapter 1 is amended to read as follows:

108.1 Board of Appeals Established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be the Board of Directors of the Ukiah Valley Fire District or a sub-committee as appointed by the Board of Directors of the Ukiah Valley Fire District. The fire code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the Appellant with a duplicate copy to the fire code official.

Section 108.3 Qualifications of Chapter 1 is deleted.

Section 108.4 Appeals Process of Chapter 1 is added to read as follows:

108.4 Appeals Process. The appeals process for appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code shall be defined by sections 108.4.1 through 108.4.5.

Section 108.4.1 Initiating Appeal of Chapter 1 is added to read as follows:

Section 108.4.1 Initiating Appeal. Any beneficially interested party has the right to appeal the order served by the fire code official by filing a written "NOTICE OF APPEAL" with the office of the fire code official within ten days after service of such order and upon payment of the sum of \$150. In the event the order of the fire code official is overturned following the appeal, the fee shall be returned. The notice shall state the order appealed from, the identity and mailing address of the Appellant, and the specific grounds upon which the appeal is made.

Section 108.4.2 Stay of Order of Chapter 1 is added to read as follows:

Section 108.4.2 Stay of Order. The timely filing of a properly completed notice of appeal shall have the effect of staying the implementation of the order appealed from until the final decision of the appeal. Failure to file a timely notice of appeal waives any right to further challenge the order of the fire code official. "File" means delivered to the office of the fire code official at 1500 South State Street, Ukiah, California.

Exception: Orders affecting acts or conditions which in the opinion of the fire code official, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion, or release are enforceable when made and are not stayed by the filing of a notice of appeal.

Section 108.4.3 Hearing of Appeal of Chapter 1 is added to read as follows:

Section 108.4.3 Hearing of Appeal. The following is the process for establishing and hearing appeals:

The Board of Appeals, or the secretary thereof, shall set the matter to be heard at a date within thirty (30) days of receipt of such notice of appeal. Written notice of the time and place set for hearing shall be served on the Appellant by first class mail to the mailing address given in the notice of appeal. A hearing may not be conducted less than 20 days after notice is given to the applicant. The Board of Appeals may adopt rules governing the conduct of its hearings. Those rules shall include, at least, the following:

1. The fire code official shall submit evidence at the hearing substantiating his/her decision. Such evidence may include testimony, fire district, police or other reports of the incident, witness statements, and other documents. Not less than 10 days prior to the scheduled hearing, the fire code official must notify the Appellant of the name, address and phone number of any witness to the violation and furnish Appellant with a copy of any document the fire code official intends to submit at the hearing. Not less than seven (7) days prior to the hearing, the Appellant may request the fire code official to produce at the hearing any witness he/she intends to rely upon to substantiate the violation. The written request must name the witness or witnesses who are requested to attend the hearing. The fire code official may not rely on the testimony of any witness (including such testimony contained in reports or written witness statements) whose appearance at the hearing is required by this subsection, if that witness fails to appear.

2. Not less than 10 days prior to the hearing, the Appellant must notify the fire code official in writing of the name, address and phone number of any witness the Appellant intends to call as a witness at the hearing, provide a brief description of the proposed testimony, and furnish the fire code official with a copy of any document the Appellant intends to offer as evidence at the hearing. The Appellant may not call any witness to

testify at the hearing who was not identified as required by this subsection or offer any document as evidence at the hearing that was not provided to the fire code official as required by this subsection.

3. At the hearing, the Appellant may be represented by an attorney, at Appellant's expense. Both the fire code official and the Appellant shall have the right to examine and cross-examine any witness produced at the hearing. The rules of evidence that normally apply in court shall not apply in a hearing before the Board of Appeals, but it shall only consider evidence which would be relied upon by reasonable people making an important decision, and shall disregard evidence which by its nature is unreliable or not credible.

4. The entire hearing shall be electronically or stenographically recorded. The Board of Appeals shall base its decision exclusively on the evidence presented at the hearing and shall issue a written decision, which includes a statement of the relevant facts which it finds to be true and explains how the facts support its decision. The record of the hearing shall be preserved for not less than six (6) months after the decision is served on the Appellant.

Section 108.4.4 Hearing Decision of Chapter 1 is added to read as follows:

Section 108.4.4 Hearing Decision. The chairperson of the Board of Appeals shall issue the written decision required by subsection 4 of Section 108.4.3 Hearing of appeal. The Board of Appeals may issue a decision affirming, modifying or vacating the order of the fire code official. The decision shall be in writing and shall be served upon the Appellant by first class mail to the mailing address given in the notice of appeal. The hearing decision shall include notice of the Appellant's right to seek review of the decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 108.4.5 Finality of the Decision of the Board of Appeals of Chapter 1 is added to read as follows:

Section 108.4.5 Finality of the Decision of the Board of Appeals. The decision of the Board of Appeals shall be the final decision for the District. The Board of Appeals shall have the power to continue any hearing and may, in its discretion, take the appeal under submission. The Board of Appeals shall render a decision not later than the seventh (7th) day following the date the matter was taken under submission, and forthwith notify the interested parties as previously set forth.

Section 108.4.6 Appeal to Superior Court of Chapter 1 is added to read as follows:

Section 108.4.6 Appeal to Superior Court. Judicial review of the decision of the Board of Appeals shall be governed by the Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 108.4.7 Enforcement of Decision of Chapter 1 is added to read as follows:

Section 108.4.7 Enforcement of Decision. Unless stayed by a court, any final decision of the Board of Appeals is effective immediately and may be implemented and enforced by the District. The remedies provided by this code are cumulative and in addition to any other remedies available at law or in equity.

1. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall constitute a violation.
2. Violations of this code are hereby declared to be public nuisances.

3. A violation of this code constitutes a misdemeanor/infracton punishable by a fine of \$1,000 or by imprisonment in the County jail for six months, or both.
4. In addition to other remedies provided by this ordinance or by other law, any violation of this ordinance may be remedied by a civil action brought by the District, including, for example, administrative or judicial nuisance abatement proceedings, other legally authorized enforcement proceedings, and suits for injunctive relief.

Section 109.4 Violation Penalties of Chapter 1 is amended to read as follows:

Section 109.4 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/infracton. 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 Ukiah Valley Fire District and is set at \$250 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Ukiah Valley Fire District. Said civil penalties shall be a debt owed to the District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in this section. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Ukiah Valley Fire District for such penalty and costs of the litigation, including reasonable attorney's fees.

Any subsequent citations within a twenty-four (24) month period for any violations of the Fire Code and any amendments adopted herein shall be misdemeanors/infractons, and shall be subject to the penalties set forth herein, or a civil penalty shall be assessed in the sum of \$500 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Ukiah Valley Fire District. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. 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 be held to prevent the enforced correction of prohibited condition. Nothing contained in this Section shall be construed or interpreted to prevent the Ukiah Valley Fire District from recovering all costs associated with a Fire District response as described in Ordinance 2004-1 or subsequent cost recovery ordinances.

Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the Ukiah Valley Fire District to collect the costs of abatement and related administrative costs by a nuisance abatement lien as more particularly set forth in Government Code Section 38773.1, and by special assessment to be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.5. At least thirty (30) days prior to recordation of the lien, or submission of the report to the Tax Collector for collection of this special assessment, the record owner shall receive notice from the Chief of the Ukiah Valley Fire District of the intent to charge the property owner for all administrative costs associated with enforcement of this Ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief's decision to the Board of Directors of the Ukiah Valley Fire District within fifteen (15) days of the date of the notice and request a public hearing prior to recordation of the lien or submission of the report to the County Tax Collector for collection of the special assessment. In addition to the foregoing, the Ukiah

Valley Fire District is authorized to prosecute a civil action to collect such abatement costs from the property owner or other person in possession or control of the affected property, and shall be entitled to recover such abatement costs, together with the cost of litigation, including reasonable attorney's fees.

Any person receiving a citation for a civil penalty pursuant to Section 109.3, Violation Penalties of Chapter 1, may file an appeal per Section 108.4 through 108.4.7 of this code against imposition of the civil penalty or response costs and expense.

Section 111.4 Failure to Comply of Chapter 1 is amended to read as follows:

Section 111.4 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 conditions, shall be liable to a fine payable directly to the Ukiah Valley Fire District set at \$250 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Ukiah Valley Fire District. This civil penalty shall be a debt owed to the District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided for in Section 108.4.

Section 503.3.1 Fire Lane Designation of Chapter 5 is hereby added to read as follows:

Section 503.3.1 Fire Lane Designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1 (public) or 22658(a) (private).

Section 503.4.2 Roadway Design Features of Chapter 5 is hereby added to read as follows:

Section 503.4.2 Roadway Design Features. Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus responses shall not be installed on fire access roadways, unless they meet design criteria approved by the fire code official.

Section 505.1 Address Identification of Chapter 5 is hereby amended to read as follows:

Section 505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property from either direction of approach. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Minimum standards as to size: 4" high with a 1/2" stroke for residential buildings, 6" high with a 3/4" stroke for commercial and multi-residential buildings, 12" high with a 1" stroke for industrial buildings. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Section 505.3 Easement Address Signs of Chapter 5 is hereby added to read as follows:

Section 505.3 Easement Address Signs. All easements, which are not named differently from the roadway from which they originate, shall have an address sign installed and maintained, listing all street numbers occurring on that easement, located where the easement intersects the named roadway. Easement address signs shall use the address identification standards set forth in Section 505.1 Address Identification.

Section 505.4 Map Directories of Chapter 5 is hereby added to read as follows:

Section 505.4 Map Directories. A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance to multiple unit residential projects and mobile home parks, where the numbers of units in such projects exceed 15.

Section 505.5 Response Map Updates of Chapter 5 is hereby added to read as follows:

Section 505.5 Response Map Updates. Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format (PDF and/or CAD format as approved by the AHJ) or compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

Section 506.3 Emergency Electrical Disconnects of Chapter 5 is hereby added as follows:

Section 506.3 Emergency Electrical Disconnects. Where access to main electrical control panels requires entry to, and passage through, portions of a structure which may be involved with fire, smoke, gasses, hazardous materials, or which otherwise present unsafe conditions to emergency personnel, the fire code official may require that a means of remotely disconnecting electrical service to the structure be provided. This means of remotely disconnecting electrical service shall be by a secured key switch mechanism approved by the Fire District.

Section 605.3.1.1 Alternate Power Sources of Chapter 6 is hereby added to read as follows:

Section 605.3.1.1 Alternate Power Sources. All permanent installations of electrical generators, wind generators, or other power sources shall be approved by the building code official. All applicable provisions of the National Electrical Code, the Uniform Fuel Gas Code, the California Building Code, and this Code shall be followed for any such installation. Permanent engraved and affixed signage, red in color, reading "WARNING – This premise is provided with an Alternate Power source. Disconnection of commercial power may not disable the electric power source". Lettering shall be a minimum of 0.5" tall and shall be permanently affixed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.

Section 903.2 Where required of Chapter 9 is hereby amended to read as herein provided. This Section shall not amend the portion commencing and following Section 903.2.1

Section 903.2 Where required. Approved automatic sprinkler systems in new, additions to existing, remodeled, added to or altered buildings and structures shall be provided in the locations described in this section.

- A. Approved automatic sprinkler systems shall be provided in new buildings and structures requiring a fire flow of 2,000 gallons per minute (GPM) or greater as determined by Appendix B of this code.

- B. Approved automatic sprinkler systems shall be provided in additions to existing structures where the new total building area would require a fire flow of 2,000 gallons per minute (GPM) or greater as determined by Appendix B of this code.
- C. Approved automatic sprinkler systems shall be provided in existing structures which are remodeled, added to or altered, except for ordinary maintenance and repair not involving structural alterations, requiring a fire flow of 2,000 gallons per minute (GPM) or greater as determined by Appendix B of this code, and when the cost of such remodels, additions, or alterations within any 36 month period exceeds \$60,000.

Exception: Projects which are solely complying with statutory regulations (examples may be Health and Safety Codes, earthquake/seismic, American Disabilities Act (ADS), or façade improvements) will not trigger this requirement.

- D. Approved automatic sprinkler systems shall be provided in new structures exceeding 30 feet in height above the lowest grade level.
- E. Approved automatic sprinkler systems shall be provided in those new, additions to existing, remodeled, added to or altered buildings and structures which require a fire flow, as determined by Appendix B of this code, in excess of the capability of the available water supply.

Section B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses of Appendix B is hereby amended as follows:

Exceptions: 1. A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1(2).

Section BB105.1 Fire-Flow requirements for buildings of Appendix BB is hereby amended as follows:

Section BB105.1 *The minimum fire flow and flow duration for school buildings shall be specified in Table BB105.1.*

Exception: *A reduction in required fire flow of up to 50 percent is allowed when the building is provided with an approved automatic sprinkler system.*

Part 3. That the geographic limits referred to in certain sections of the 2016 edition of the California Fire Code are hereby established as follows:

Section 5704.2.9.6.1 The geographic limits referred to in Section 5704.2.9.6.1 of the 2016 edition of the California Fire Code in which storage of Class I, Class II and liquids in outside aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas.

Section 5706.2.4.4 The geographic limits referred to in Section 5706.2.4.4. of the 2016 edition of the California Fire Code in which storage of Class I, Class II and liquids in aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas.

Section 5806.2 The geographic limits referred to in the 2016 edition of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all residential areas and in all heavily populated or congested commercial areas.

Section 6104.2 The geographic limits referred to in Section 6104.2 of the 2016 edition of the California Fire Code in which storage of liquefied petroleum gas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7,570 liters), is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas.

Part 4. Upon its effective date, this Ordinance shall supersede any and all previous ordinances adopting earlier versions of the California Fire Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Part 5. That if any part, subpart, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Ukiah Valley Fire District hereby declares that it would have passed this Ordinance, and each part, subpart, clause or phrase thereof, irrespective of the fact that any one or more parts, subparts, sentences, clauses and phrases be declared unconstitutional.

Part 6. That nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Part 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Part 7. That the Fire Chief of the Ukiah Valley Fire District is hereby ordered and directed to cause a notice of this Ordinance to be published in a newspaper in general circulation in accordance with Section 6066 of the California Government Code. Within fifteen (15) days after adoption, the Fire Chief of the Ukiah Valley Fire District shall also post in the office of the Ukiah Valley Fire District, a certified copy of the full text of this Ordinance along with the names of those Board of Directors members voting for and against this Ordinance.

Part 8. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force upon ratification by the County of Mendocino pursuant to Health and Safety Code Section 13869.7(c). This Ordinance shall remain in full force and effect until a subsequent superseding ordinance becomes effective.

Part 9. The Fire Chief, Chief Officers, Deputy Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Ordinance involving the Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended. It is the intent of the Board of Directors of the Ukiah Valley Fire District that the immunities provided in Penal Code Section 836.5 be applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Ordinance.

Part 10. The Board of Directors of the Ukiah Valley Fire District finds adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulation, Title 14, Chapter 3, Article 5, § 15061(b)(3).

The foregoing Ordinance 2020-01 was read and introduced at a regular meeting of the Board of Directors of the Ukiah Valley Fire District held on February 11, 2020 which was open to the public. A second reading occurred at a regular meeting of the Board of Directors of Ukiah Valley Fire District held on April 14, 2020 and finally adopted and ordered passed to print by the following vote, to wit:

AYES: Directors Bazzani, Bushby, Cherry, Graham and President Haas

NAYS:

ABSENT:

ABSTAIN:

David B Haas

David B. Haas, President

ATTEST:

Stephanie Abba

Stephanie Abba, Clerk of the Board



COUNTY OF MENDOCINO
BOARD OF SUPERVISORS

2020 JUL 6 PM 2 12

EXECUTIVE OFFICE

PER _____

UKIAH, CALIFORNIA