

ORDINANCE NO. 902

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE
MADERA ADOPTING THE 2007 CALIFORNIA FIRE CODE AND 2006
INTERNATIONAL FIRE CODE PRESCRIBING REGULATIONS GOVERNING
CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR
EXPLOSION, PROVIDING FOR THE ISSUANCE OF PERMITS FOR
HAZARDOUS USES OR OPERATIONS, AND ESTABLISHING A BUREAU OF
FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND
DEFINING THEIR POWERS AND DUTIES, AND
REPEALING ORDINANCE #876**

The Town Council of the Town of Corte Madera does ordain as follows:

SECTION 1. Chapter No. 15.02 of the Town of Corte Madera Municipal Code is amended to read as follows:

**CHAPTER 15.02
FIRE CODE**

Sections:

15.02.010 ADOPTION OF CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE

15.02.020 ESTABLISHMENT AND DUTIES OF THE DIVISION OF FIRE PREVENTION

15.02.030 DEFINITIONS

15.02.040 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II, AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED

15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

15.02.060 ESTABLISHMENTS OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED

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

- 15.02.080 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED**
- 15.02.090 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED**
- 15.02.100. ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED**
- 15.02.110 AMENDMENTS MADE TO THE 2007 CALIFORNIA FIRE CODE AND THE 2006 INTERNATIONAL FIRE CODE**
- 15.02.120 FINDINGS**
- 15.02.130 APPEALS**
- 15.02.140 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS**
- 15.02.160 REPEAL OF CONFLICTING ORDINANCES**
- 15.02.150 PENALTIES**
- 15.02.170 VALIDITY**
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15.02.010 ADOPTION OF CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE

There is hereby adopted by the Town Council of the Town of Corte Madera, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the following:

1. The 2007 California Fire Code, which consists of certain portions of the 2006 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a. Appendix Chapter 1 ADMINISTRATION,
 - b. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,
 - c. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,

- d. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - e. Appendix E HAZARD CATEGORIES,
 - f. Appendix F HAZARD RANKING,
 - g. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS, and
 - h. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS;
2. The following Appendices of the 2000 Edition of the Uniform Fire Code:
- a. Appendix 1A LIFE SAFETY REQUIREMENTS FOR EXISTING HIGH-RISE BUILDINGS,
 - b. Appendix I-C STAIRWAY IDENTIFICATION,
 - c. Appendix II-A SUPPRESSION AND CONTROL OF HAZARDOUS FIRE AREAS,
 - d. Appendix II-B PROTECTION AND FLAMMABLE AND COMBUSTIBLE LIQUID TANKS IN LOCATIONS SUBJECT TO FLOODING,
 - e. Appendix II-C MARINAS,
 - f. Appendix II-D RIFLE RANGES,
 - g. Appendix II-H SITE ASSESSMENTS FOR DETERMINING POTENTIAL FIRE AND EXPLOSION RISKS FROM UNDERGROUND FLAMMABLE OR COMBUSTIBLE LIQUID TANK LEAKS,
 - h. Appendix II-K NON PROTECTED ABOVEGROUND STEEL TANKS FOR PRIVATE MOTOR VEHICLE FUEL DISPENSING STATIONS OUTSIDE BUILDINGS,
 - i. Appendix III-D FIRE DEPARTMENT ACCESS GUIDELINES,
 - j. Appendix IV-A INTERIOR FLOOR FINISH,
 - k. Appendix IV-B CHRISTMAS TREES,
 - l. Appendix V-A NATIONALLY RECOGNIZED STANDARDS OF GOOD PRACTICE ,
 - m. Appendix VI-B GUIDELINES FOR EVALUATING FIRE AND TESTING TO SUBSTANTIATE ALTERNATE MATERIALS AND FIRE PROTECTION DESIGNS,
 - n. Appendix VI-D EMERGENCY RELIEF VENTING FOR FIRE EXPOSURE FOR ABOVE-GROUND TANKS,
 - o. Appendix VI-H RECOMMENDED SEPARATION DISTANCES FOR EXPLOSIVE MATERIALS, and
 - p. Appendix VI-J REFRIGERANT GROUPS AND PROPERTIES;
3. The International Fire Code published by the International Fire Code Council, Inc., 2006 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 11 of this Ordinance.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Corte Madera Fire Department

and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the Town of Corte Madera.

15.02.20 ESTABLISHMENT AND DUTIES OF THE DIVISION OF FIRE PREVENTION

The 2007 California Fire Code, which consists of certain portions of the 2006 edition of the International Fire Code as amended by the California Building Standards Commission, and the 2006 edition of the International Fire Code, and certain portions of the 2000 edition of the Uniform Fire Code as adopted and amended herein, shall be enforced by the Fire Department of the Town of Corte Madera and shall be operated under the supervision of the Chief of the Fire Department.

15.02.030 DEFINITIONS

Wherever they appear in the California and International Fire Code, 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:
 - 1. For those portions of the International Fire Code that have been adopted by the California Building Standards Commission – the California Fire Code.
 - 2. For those portions of the International Fire Code that have not been adopted by the California Building Standards Commission – the International Fire Code.
- (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Town of Corte Madera.
- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Town of Corte Madera.
- (c) Wherever the words "Chief of Fire Prevention Bureau" or "Fire Code Official" are used in the Fire Code, they shall be held to mean the "Fire Marshal of the Town of Corte Madera."
- (d) "Chief" or "Fire Chief" shall mean the Director of Emergency Services of the Corte Madera Fire Department or any other official in the fire department duly appointed by the Director of Emergency Services to administer the provisions of this ordinance.

15.02.040 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 3404.2.9.5.1 of the International Fire Code in which storage of Class I, Class II, and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all areas of the Town of Corte Madera. (Exception – Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Chief.

15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED

The geographic limits referred to in Section 3406.2.4.4. of the International Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all areas of the Town of Corte Madera. (Exception – Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Chief.

15.02.060 ESTABLISHMENTS OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED

The geographic limits referred to in Section 3802.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the Town of Corte Madera. (Exception: portable LPG tanks, containing five gallons or less storage capacity, are acceptable for approved use.)

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

The geographic limits referred to in Chapter 33 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are amended as follows: In all areas within the boundaries of the Town of Corte Madera.

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

The geographic limits referred to in Chapter 30 of the International Fire Code, in which the storage of compressed natural gas is prohibited, are hereby established as follows: residential areas and all heavily populated or congested commercial areas within the boundaries of the Town of Corte Madera.

15.02.090 ESTABLISHMENT OF THE GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED

The geographic limits referred to in Section 3204.3.1.1 of the International Fire Code, in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all areas within the boundaries of the Town of Corte Madera.

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

The geographic limits referred to in Chapter 27 of the International Fire Code, in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: residential areas and all heavily populated or congested commercial areas within the boundaries of the Town of Corte Madera.

15.02.110 AMENDMENTS MADE TO THE 2007 CALIFORNIA FIRE CODE AND THE 2006 INTERNATIONAL FIRE CODE

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

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

Section 104.1.2 Supplemental Rules, Regulations and Standards. The Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards to carry out the application and intent of this code.

- Section 104 of Appendix Chapter 1 is hereby added and shall read as follows:

Section 104.12. The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses

incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

- Section 105.2 of Appendix Chapter 1 is hereby amended by adding the following sentence thereto:

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

- Section 202 of Chapter 2 is hereby amended by adding the definition of Adequate Water Supply.

Adequate Water Supply shall mean the available flow of water which the Fire Chief determines is or reasonably may be necessary to protect any building or structure on the land to be developed.

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

Fire Road See Section 502.1 of Chapter 5

- Section 202 of Chapter 2 is hereby amended by adding the definition of Public Storage Facility thereto.

Public Storage Facility See section 302.1 of Chapter 3

- Section 220 of Chapter 2 is hereby amended by adding the definition of second unit, spark arrestor and substantial remodel.

Second Unit shall mean an attached or detached additional dwelling unit which provides complete independent living facilities, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.

Spark Arrestor shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge

galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

Substantial Remodel shall mean the alteration, modification, improvement, conversion, repair, or 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. 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 purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

- Section 202 of Chapter 2 is hereby amended by adding the definition of Temporary thereto.

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

- Section 302.1 is amended by adding the following definition.

Public Storage Facility shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

- Section 304.1.2 of Chapter 3 is amended to read as follows:

Section 304.1.2 Fire Hazard Reduction. Any person who owns, leases, controls or maintains any building or structure within specific Wildland Urban Interface areas of the jurisdiction of the shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or pyrophytic vegetative types necessitate removal as determined by the Fire Code Official. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves and needles from roof and gutters. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. Vegetation clearance requirements for new construction and substantial remodels in urban-wildland interface areas shall be in accordance with the 2006 International Wildland-Urban Interface Code as amended by the Town of Corte Madera

- Section 501.4 of Chapter 5 is hereby amended by adding a paragraph thereto to read as follows:

Section 501.4 Timing of Installation. Failure to comply with this section upon written or verbal notice from the Chief shall result in a Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

- Section 316 of Chapter 3 is hereby added

Public Storage Facilities

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

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

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

Section 316.2. Location on Property and Fire Resistance of Exterior. All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

- Section 316.3 of Chapter 3 is hereby added to read as follows:

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

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

Section 316.4. Storage of Flammable and Combustible Liquids and Hazardous Materials. The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 34 of this code.

- Section 401.1 of Chapter 4 is hereby amended to read as follows:

Section 401.1. General. In occupancies of a hazardous nature, where access for fire apparatus is unduly difficult, or where special life and fire safety hazards exist as determined by standards of the Corte Madera Fire Department, that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an on site Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Corte Madera Fire Department.

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

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

- Section 408.8.4 is hereby added as follows:

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

- Section 501.4 of Chapter 5 is hereby amended by adding a sentence to read as follows:

Failure to comply with this section upon written or verbal notice from the Chief shall result in a Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

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

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

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

Section 503.1.4 Fire Roads. Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the Town of Corte

Madera so as to gain access to improved, unimproved, and undeveloped areas of the Town of Corte Madera in a manner approved by the Chief. Any vehicle causing such an obstruction may be towed away at the owner's expense.

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

Section 503.1.5 For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Chief.

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

Any vehicle causing such an obstruction may be towed away at the owner's expense.

- Section 503.4 is renumbered to 503.4.1 and Section 503.4.2 is hereby added to read as follows:

503.4.2 Prohibition on Vehicular Parking on Private Access ways.

If, in the judgment of the Chief, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Chief may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

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

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

- Section 503.6.1 is hereby added to read as follows:

Section 503.6.1 All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 13 feet 6 inches.

- Section 503.6.2 is hereby added to read as follows:

Section 503.6.2 Electronic gates. All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards adopted by the Chief.

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

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

- Section 504.1.1 of Chapter 5 is hereby added to read as follows:

504.1.1 Hard Surface Path / Steps. Where the average ground slope on any side of a structure exceeds 15%, a three (3) foot wide hard surface path shall be provided for fire department access. Where the slope exceeds 30%, approved hard surface steps shall be provided.

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

Section 506.3 Key Entry Systems. General. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, or where an automatic supervised products of combustion fire detection and alarm system, or automatic fire sprinkler system, the Chief is authorized to require a key entry system to be installed in an accessible location. The key entry system shall be of an approved type and if it is a box shall contain keys necessary to gain access as required by the Chief.

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

- Section 508.5.1 is hereby amended by deleting Exceptions 1. and 2:
- Section 508.5.1.1 of Chapter 5 is hereby added to read:

Section 508.5.1.1 Fire hydrant upgrades. When additions or modifications to structures are made, the nearest fire hydrant (if a new one is not required) located by the Chief, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the minimum standard of one 4 1/2" outlet and two 2 1/2" outlets for commercial structures.

Exception: If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.

- Section 705 of Chapter 7 is hereby added to read as follows:

Section 705 – Roofing Materials.

- Section 705.1 of Chapter 7 is hereby added to read as follows:

Section 704.1 All Roofing Materials shall be in accordance with section 705

- Section 705.2 of Chapter 7 is hereby added to read as follows:

Section 705.2 – New Roofs. All newly installed roofs and additions to existing roofs are to be of non-combustible or minimum "Class A" listed construction.

- Section 705.3 of Chapter 7 is hereby added to read as follows:

Section 705.3 – Existing roofs. When alterations or repairs to existing roofs exceed 50% of the total roof area in any twenty-four (24) month period, the entire roof shall be replaced with non-combustible or minimum "Class A" listed construction.

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

This section shall also apply to residential fire sprinkler systems.

- Section 903.2 Of Chapter 9 is hereby amended to read as follows:

Section 903.2 Where Required. All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

2. In newly created second units.

3. In all buildings which have more than fifty per cent (50%) floor area added or any "substantial remodel" as defined in this code, within any 24 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.

4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 12 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.

5. In all residential buildings required to be sprinklered above, protection shall be extended into all areas of the building in accordance with standards developed by the chief.

6. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building in accordance with standards developed by the chief.

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

8. The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 504 and 506 of the Building Code.

9. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

10. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

- Section 903.4 of Chapter 9 is amended to read as follows:

Section 903.4 Where required. The alarm from any automatic fire sprinkler system shall transmit fire and tamper signals to a Central Station which has

been approved by the Fire Department and a nationally recognized testing laboratory and with Standards developed by the Chief.

Exception: One and two family dwellings.

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

Section 906.11 Fire Extinguisher Documentation. The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

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

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

Exception: One and two family dwellings, Group U and Agricultural Buildings.

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

Section 907.20.6 Smoke Alarm Documentation. The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

- Section 1006.3 of Chapter 10 is amended to read as follows:

Section 1006.3 – Emergency Power Source. In all buildings or tenant spaces newly constructed, or where a permit is issued for over \$10,000.00 of work, where the occupant load is ten (10) or more, there shall be approved means provided for illumination of the path of egress in the event of primary illumination failure.

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

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

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

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

Section 3406.6.2.1. Parking Near Residential, Educational, Assembly and Institutional Occupancies and Other High Risk Areas. A tank vehicle shall not be left unattended on any residential street; nor in or within five hundred (500) feet of any residential area, apartment or hotel complex, educational, public assembly, hospital or care facility at any time; or at any other place that would, in the opinion of the Chief, present an extreme life hazard.

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

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

Section 3406.6.2.2 Parking on Thoroughfares. Exception:

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

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

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

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

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

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

16.2 – Corrective Actions –

- A. The owners of real property within the Town shall be responsible for the maintenance of such property in conformance with the vegetation management standards contained in Section 16.1 of the Uniform Fire Code. Failure of the property owner to maintain such property in compliance with these vegetation management standards shall constitute a public nuisance and be subject to the nuisance abatement procedures established by this section.
- B. Whenever it is determined that a property is being maintained in violation of the vegetation management standards contained in Section 16.1 of the Uniform Fire Code, a written notice shall be given to the owner of the property. The notice shall be mailed by first class mail, postage prepaid, to each person to whom the property is assessed, at the address shown in the last equalized assessment roll as of the date the notice is issued. Service of the notice shall be deemed complete at the time the notice is deposited in the mail at the address noted above. Failure of any person to receive notice, provided the notice is mailed in the manner provided for above, shall not affect the validity of any proceeding taken hereunder. The notice shall state the violations noted on the property and the corrective actions which must be taken by the owner to abate the nuisance conditions. The notice shall provide the owner a designated time period in which to abate the nuisance conditions. The notice shall further state that if the owner fails to abate these nuisance conditions within the time specified in the notice, the property may be declared a public nuisance by the Fire Chief thereby authorizing abatement by the Town with the abatement charges becoming a special assessment and lien upon the property.
- C. If the property owner fails to comply with the notice by abating the nuisance conditions in the time specified in the notice, the property owner may be directed to appear before the Fire Chief, at a stated time and place, not less than seven days, from the date of the notice, to show cause why the property should not be declared a public nuisance and to show cause why the public nuisance should not be abated by the Town at the property owner's expense. The notice shall state the conditions which constitute the public nuisance and the methods by which the nuisance conditions may be abated. The notice shall state that if the nuisance conditions are abated by the Town, that the abatement costs shall be made a special assessment and lien upon the property. The notice shall further state that if the property owner does not attend the

hearing, or make arrangements for another hearing date, that this will constitute a waiver of the right to a hearing regarding the existence of the nuisance, and the Town will abate the nuisance and the expenses thereof will be made a special assessment and lien upon the property.

- D. Notice of the hearing shall be served in person or by first class mail, postage prepaid, to the property owner in the manner specified in paragraph B above. The address of the owner as shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. Failure of the property owner to receive notice shall not affect the validity of the proceeding to abate the public nuisance.
- E. At least one copy of the notice shall be posted on the property which is the subject of the proceeding within one day of the mailing of the notice pursuant to paragraph D above.
- F. The Fire Chief shall conduct the hearing at the time, place and date specified in the notice, which shall be no less than 10 calendar days after mailing of the notice, and shall take testimony and review the evidence submitted by the Town and the property owner. Upon the conclusion of the hearing, the Fire Chief shall determine, in writing, whether the property constitutes a public nuisance and the facts upon which this determination is based. If the Fire Chief finds that a public nuisance does exist, the Fire Chief shall direct the property owner to abate the nuisance on or before a specified date. The burden of proof shall rest with the Town to establish that a public nuisance does exist on the subject property. The Fire Chief's written determination shall inform the property owner that if the property owner fails to abate the nuisance conditions on or before that specified date, the Town may abate the public nuisance and the expenses thereof be made a special assessment and lien upon the property, The Fire Chief's written determination shall include notification of the right to appeal the Fire Chief's determination and shall be served on the property owner in the manner specified in paragraph B above.
- G. If the property owner fails to appear at the hearing on the time and date specified in the notice, this shall constitute a waiver of the right to a hearing and an admission by the property owner of the existence of the nuisance conditions contained in the hearing notice. The Fire Chief may order that the nuisance conditions be abated by the Town and shall issue a notice to the property owner that such an order has been issued. Such notice shall be mailed to the property owner in the manner specified in paragraph B above. If the property owner fails to appear at the hearing, the property owner shall not have the right to appeal the Fire Chief's decision pursuant to paragraph H below.

- H. The Fire Chief's decision rendered after the hearing described in paragraph F above, may be appealed to the Town Manager within seven days from the date of service of the Fire Chief's decision. The appeal must be in writing and must set forth in ordinary and concise language the facts and circumstances which form the basis for the appeal. The appeal shall be accompanied by a fee in the amount established by the Town Council. Failure to file the appeal and pay the fee within seven days from the date of service of the Fire Chief's decision shall constitute a waiver of all appeal rights and the decision of the Fire Chief shall become final. The appeal must be signed by all parties named as appellants and must contain the appellants' official mailing address. Written notice of the date, time and place of the appeal hearing shall be given to each appellant at least five days prior to the date of the hearing by mailing notice of the date, time and place of the hearing to each appellant, by first class mail, at the address contained in the appeal notice. The failure to file an appeal shall be deemed a failure to exhaust administrative remedies, and shall act as a bar to any legal proceeding challenging Town abatement of the public nuisance.
- I. At the time of the appeal hearing, the Town Manager, or his or her designee, shall allow any interested person to present written or oral arguments relating to the appeal. The Town Manager decision shall be based on the administrative record and the written and oral arguments presented at the hearing. In addition to the submission of written or oral statements, live witness testimony may be offered to demonstrate that there has been a substantial change in the condition of the property since the time of the Fire Chief hearing. Other evidence shall not be permitted unless a showing is made by the offering party that the evidence could not reasonably have been presented at the Fire Chief hearing. At the conclusion of the hearing, the Town Manager shall determine, in writing, whether the property at issue constitutes a public nuisance and the reasons upon which this determination is made. If the Town Manager, or his or her designee, finds that a public nuisance does exist, the property owner shall be directed to abate the nuisance on or before a specified date. The Town Manager's written decision shall state that if the property owner fails to abate the nuisance conditions on or before that specified date, the Town may abate the public nuisance and the expenses thereof made a special assessment and lien upon the property. The Town Manager's decision shall be final and conclusive. The written decision shall state that any action to review said decision shall be had pursuant to Section 1094.5 of the Code of Civil Procedure only, and that the petition for writ of mandate must be filed within the time limits specified in Section 1094.6 of the Code of Civil Procedure. The decision shall be served on the appellants in the manner specified in paragraph B above.

- J. If the public nuisance is not completely abated by the property owner within the time provided, the public nuisance may be abated by the Fire Chief, through the use of Town employees or by private contract. Entry onto the property is expressly authorized in order to abate said public nuisance conditions.
- K. The Fire Chief shall keep a record of the costs incurred by the Town in abating the public nuisance. Such abatement costs may include the administrative expenses incurred by the Town in abating the nuisance, plus any attorneys' fees the Town seeks to recover in connection with the proceeding. At such time as the Fire Chief deems appropriate, a hearing shall be scheduled before the Town Council for consideration of the record of the abatement costs. Notice of the time, date and place of the Council hearing shall be mailed to the property owner by first class mail, postage prepaid, not less than 10 days prior to the date of the hearing. The notice shall contain a copy of the record of the abatement costs.
- L. At the time fixed for the hearing on the record of abatement costs, the Town Council shall hear any objections by the property owners liable to be assessed for the work of abatement. Thereupon, the Town Council may make such modifications in the record of abatement costs as it deems necessary, after which, by order or resolution, the record of abatement costs shall be confirmed, and, if the Town has requested payment of its attorney's fees, attorney's fees shall be awarded to the prevailing party.
- M. The cost of such abatement, as determined by the Town Council, shall become a special assessment and lien against the property at issue, which assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.
- N. The Fire Chief shall send notice by certified mail to the property owner at the time the assessment is imposed, informing the owner that the property may be sold after three years by the tax collector for unpaid delinquent assessments.
- O. The procedures provided for herein are an alternative to any other procedure adopted by the Town Council for the abatement of public nuisances, or which may be authorized by the law of the State of California and not intended to be an exclusive remedy for any violation of this Chapter.

- P. Nothing contained in this section shall be construed as requiring the Town to enforce the vegetation management standards contained in Section 16.1 of the Uniform Fire Code against any and all properties which may be in violation of those standards. The manner and method by which this section is enforced rests entirely in the Town's prosecutorial discretion. Nothing in this section shall be construed as imposing a duty on the Town, or on Town officers, agents or employees.”
- Appendix II-A, Section 17 is hereby amended by adding the following sentence thereto:

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

15.02.120 FINDINGS

To the extent that any of the provisions of this Ordinance constitute changes or modifications in the requirements contained in Health and Safety Code Section 17922, the Corte Madera Town Council does hereby find that such changes and modifications are reasonably necessary because of local conditions prevailing within the Town of Corte Madera. A description of said local conditions is hereinafter set forth.

CLIMATIC. The weather patterns within the Town of Corte Madera are considered to be moderately affected by the Pacific Ocean and the San Francisco Bay which extends the year-round growing season of vegetation. The normal year's rainfall is approximately 28 inches, while the summer condition, with its prevalent Pacific High Cell, creates the morning and late afternoon fog normally associated with the San Francisco Bay.

While normal temperatures usually do not exceed 75-80 degrees during the summer months, little or no rain falls during the period between April and November. This combination often creates hazardous fuel conditions in the town. Drying winds in the summer and fall months reduce fuel moisture and relative humidity to the minimum levels, thereby creating ideal fire weather conditions. The normal afternoon winds which precede the fog can move a fire quickly in the hillside and open space areas of the town.

Because of climatic conditions, the County of Marin has experienced water rationing in recent years, including a mandatory 35 percent reduction in 1989. Water shortages can be expected in future years due to limited storage capacities in Marin, increased domestic consumption and weather patterns which reduce the already minimal annual rainfall. While sound management

of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

GEOLOGIC. The Town of Corte Madera is geologically mixed with three classifications of rock: igneous, metamorphic and sedimentary. The outstanding material is volcanic in origin with ridges of serpentine reaching in excess of 700 feet in elevation.

Much of the town is characterized by precipitous hilly areas where escape opportunities from residential structures are limited to one side of the home only. The steepness and uneven nature of the land often hinders, and sometimes prevents, the erecting of rescue ladders at the side of a home on a hillside parcel.

Seismic activity within the town occurs yearly with little or no damage, although a real potential does exist with the town situated between two active faults: the San Andreas and Hayward faults.

Landslides have also been experienced in the town in recent years. While stabilization of hillsides can sometimes be achieved, heavy rainfalls have caused failures. These slides can close roadways, making accessibility to many locations in the town impossible until properly cleared.

TOPOGRAPHIC. The town is accessible from the outside by one primary thoroughfare on the east side and three on the west side. Speed limits of 25 miles per hour, by virtue of the narrow and twisting configuration of the roads, do not allow quick responses to emergencies. The Highway 101 corridor goes directly through the town and an overpass that may or may not withstand an earthquake presents another problem.

Vehicular access within the town is affected by steep, hilly terrain and many secondary ridgelines. Many streets are narrow and winding, restricting the speed at which fire apparatus may safely respond and also increasing the time lapse between fire detection and apparatus arrival, during which time a family will face the fire or other emergency on their own. The town has many dead-end streets, and on Christmas Tree Hill, there is one main access route in or out of the area. Dead-end streets can restrict the ease of relocating fire and rescue equipment from one location to another, even though actual separating distance between two areas may be minimal. In addition to restricting access routes for fire apparatus, the dead-end streets also limit egress opportunities for residents.

Many of the commercial buildings in Corte Madera were largely built long before present code requirements existed. Consequently, many of these structures do not meet even minimal standards for fire protection and life safety. Wood frame construction of older buildings, especially those in

mountainous areas, creates an adverse exposure problem, not only in being easily ignited by an adjacent structure fire, but also in contributing to the extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the town has shown flying embers will start secondary fires after being blowing in the air.

Throughout the town, there are areas in which there are no water mains constructed at all. Meadow Valley has no water main supply, other than domestic, and there is minimal water supply along Casa Buena Drive, fronting the auto dealerships and the other major commercial establishments.

The buildings on Christmas Tree Hill, many of which were constructed 50 or more years ago, are serviced by minimal water main sizes. The lack of adequate water supply in this area, along with winding streets, creates a unique fire problem. The generalized water shortage in Marin County results in occasional inadequate water volume and pressure for firefighting purposes in certain areas of the town.

15.02.130 APPEALS

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Town Council in writing, within 30 days from the date of the decision appealed. The Board shall render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant.

15.02.140 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS

The Fire Chief and Town Manager shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

15.02.150 PENALTIES

13.1 Any person who violates any of the provisions of the International Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as

affirmed or modified by the Corte Madera Fire Department, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively be guilty of a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$1,000.00 or by imprisonment for not more than 180 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

13.2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

15.02.160 REPEAL OF CONFLICTING ORDINANCES

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the International Fire Code as adopted and amended herein are hereby repealed.

15.02.170 VALIDITY

The Town Council of the Town of Corte Madera hereby declares that should any section, subsection, paragraph, sentence, phrase, or word of this Ordinance or of the International Fire Code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the Corte Madera Town Council that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

15.02.180 RETROACTIVE REQUIREMENTS

The use of any existing building not conforming to all the provisions of Section 11 of this ordinance, and to which the provisions of this ordinance would otherwise apply, shall be terminated or the building shall be made to conform to all the provisions of Section 11 of this ordinance, in the event that repairs or alterations are made which would be defined herein as a "substantial remodel" within any two-year period or when the character of the occupancy changes as defined in the International Building Code.

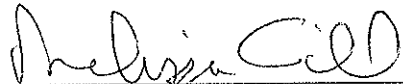
* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 902 of the Town of Corte Madera entitled as above; was introduced on November 7, 2007 and that it was adopted by the Town Council on November 20, 2007 by the following vote:

AYES: COUNCIL MEMBERS: Condon, Dupar, Gill, Lappert

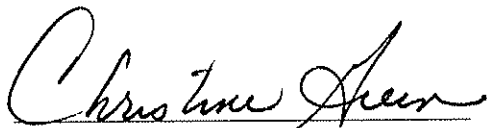
NOES: COUNCIL MEMBERS: - None -

ABSENT: COUNCIL MEMBERS: Yang



Melissa Gill, Mayor

ATTEST:



Christine Green, Town Clerk