

FORTUNA FIRE PROTECTION DISTRICT

ADOPTION OF ORDINANCE NO. 2019/2020-1

AN ORDINANCE ADOPTING THE CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE STANDARDS 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 FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREOF AND DEFINING THEIR POWERS AND DUTIES.

Be it ordained by the Board of Commissioners of the Fortuna Fire Protection District.

Section 1. Adoption of the California Fire Code

There is hereby adopted by the Board of Commissioners of the Fortuna Fire Protection District, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code and supporting Standards known as the 2019 California Fire Code, Title 24, Part 9 which consists of the 2018 edition of the International Fire Code as amended with errata, including the International Fire Code Standards, 2018 edition as amended by the “International Fire Code Standards, 2018 edition, together with certain portions of the International Fire Code not included in the State Building Standards Code adoption, referenced herein, save and except such portions as are hereinafter deleted, modified, or amended by section 8 of this Ordinance of which Code and Standards are filed in the office of the Fire Marshal of Fortuna Fire Protection District, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Fortuna Fire Protection District.

Section 2. Establishment and Duties of the Division of Fire Prevention

The California Fire Code, which consists of the 2018 International Fire Code as adopted and amended herein, shall be enforced by the Fire Prevention Bureau of the Fortuna Fire Protection District, and shall be operated under the supervision of the Chief of the District.

Section 3. Definitions

Whenever they appear in the California Fire Code, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

- (a) Wherever the word “jurisdiction” is used in the California Fire Code, it shall mean the Fortuna Fire Protection District.
- (b) Wherever the term “district counsel” is used in the California Fire Code, it shall be held to mean the attorney for the Fortuna Fire Protection District.

- (c) Wherever the words “Chief of the Fire Prevention Bureau” are used in the California Fire Code, they shall be held to mean the “Fire Chief of Fortuna Fire Protection District or his/her designee”.

Section 4. Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids (Class 1 and 2) in outside Aboveground Tanks is Prohibited.

The limits referred to in section 5704.2.9.6.1 of the California Fire Code in which storage of flammable or combustible liquids in outside unprotected aboveground tanks is prohibited are defined as all areas of Fortuna Fire Protection District. Storage in protected aboveground tanks is allowed consistent with the provisions of Article 5704 of the International Fire Code. Historically documented unprotected tanks with secondary containment will be allowed based on site-by-site determinations of the Fire Chief.

Section 5. Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids (Class 1 and 2) in Aboveground Tanks is Prohibited.

The limits referred to in section 5706.2.4.4 of the California Fire Code in which storage of Class 1 and 2 liquids in unprotected aboveground tanks is prohibited are defined as all areas of Fortuna Fire Protection District. Storage in protected aboveground tanks is allowed consistent with the provisions of Article 5704 of the International Fire Code. Historically documented unprotected tanks with secondary containment will be allowed based on site-by-site determinations of the Fire Chief.

Section 6. Establishment of limits of Districts in which the storage of Stationary Tanks of Flammable Cryogenic Fluids are to be prohibited.

The limits referred to in Section 5806.2 of California Fire Code in which the storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited are defined as all areas of Fortuna Fire Protection District.

Section 7. Establishment of Limits of Districts in which Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in Section 6104.2 of the California Fire Code in which storage of liquefied petroleum gas is restricted are defined as all areas within Fortuna Fire Protection District and will be allowed with the approval of the Fire Chief or his/her designee.

Section 8. Amendments to the International Fire Code.

The 2019 California Fire Code, Title 24, Part 9, Based on the 2018 International Fire Code is hereby amended as follows:

1. Chapter 1 – Scope and Administration, the following sections are added to the Fire Code:

- a. Section 101 - General. Entire section is adopted.
- b. Section 102 - Applicability. Entire section is adopted.
- c. Section 103 - Department of Fire Prevention. Entire section is adopted with the following addition:

Section 103.4.2 Cost Recovery: Fire suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1 as amended. Additionally, any person who negligently, intentionally or in violation of the law causes an emergency response, including but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as amended. Any expense incurred by the Fortuna Fire Protection District for securing such emergency shall constitute a debt of such person and shall be collectable by the Fortuna Fire Protection District as in the case of an obligation under contract, express or implied.

- d. Section 104 - General Authority and Responsibilities. Entire section is adopted.
- e. Section 106 - Inspections. Entire section is adopted.
- f. Section 107 - Maintenance. Entire section is adopted.
- g. Section 109 - Violations. Entire section is adopted.
- h. Section 110 - Unsafe Buildings. Entire section is adopted.
- i. Section 111 - Stop Work Order. Section is adopted with the following amendment:

Section 111.4 is amended to read: 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 \$150.00.

- j. Section 112 – Service utilities. Entire section is adopted.
- k. Section 113 – Fees. Entire section is adopted.

2. Chapter 3- General Precautions Against Fire, is added to the Fire Code, and the entire chapter is adopted.

3. Chapter 5 - Fire Service Features, is added to the Fire Code, and the entire chapter is adopted with the following amendments.

- a. Section 503.2.9 is added to read: Application of Humboldt County Fire Safe Ordinance #1952. Minimum specifications of the Humboldt County Fire Safe Ordinance #1952 may be required in lieu of Section 503.2 as approved by the Fire Code Official.
- b. Section 505.1.1 is added to read: For other than one and two family dwellings and individual mobile homes, address numbers shall be a minimum of 6 inches in height. Where buildings are set back from the street, larger numbers may be required.
 - i. Exception: Existing legible identification
- c. Section 505.1.2 is added to read: In multi-tenant buildings individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike-side of the entry door.

Exception: Existing legible identification
- d. Section 506.1.2 is added to read: Approved key boxes shall be installed in new buildings equipped with fire alarm systems, fire sprinkler systems, elevators, and/or as required by 506.1. Key boxes shall be installed in existing buildings where new fire alarm systems, fire sprinkler systems, and/or elevators are installed, or as required by 506.1.
- e. Section 506.1.3 is added to read: Motorized gates providing access to facilities or property shall be provided with an approved gate key switch or other approved means of emergency operation. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the fire department.
- f. Section 507.2.2 is amended to read: Water tanks for private fire protection shall be installed in accordance with NFPA 22, Humboldt County Fire Safe Ordinance #1952, and shall be no less than 2500 gallons in capacity outside the hydrant service areas and when required by county modified limited density owner-built rural dwelling regulations (ordinance #1644).

4. Chapter 8 – Interior Finish, Decorative Materials, and Furnishings

- a. Section 806 Decorative Vegetation in New and Existing Buildings is adopted with the exception of Section 806.1.1 which is deleted.

5. Chapter 9– Fire Protection Systems

- a. Section 903.4.4 is added to read: In addition to the requirements of 903.4, valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be locked in the correct position.

6. Chapter 26 - Fumigation and Thermal Insecticidal Fogging, is added to the Fire Code, and the entire chapter is adopted.

7. Appendix B- Fire Flow Requirements for Buildings. The entire Appendix is adopted

8. Appendix C- Fire Hydrant Locations and Distribution. The entire Appendix is adopted.

9. Appendix D- Fire Apparatus Access Roads. The Appendix is adopted with the addition of the following section:

- a. D103.7 Application of the Humboldt County fire Safe Ordinance #1952. Minimum specifications of the Humboldt County Fire Safe Ordinance #1952 may be required in lieu of Section D103 as approved by the Fire Code Official.

10. Appendix I- Fire Protection Systems-Noncompliant Conditions. The entire appendix is adopted.

Section 9. **Authority to Arrest and Issue Citations**

- (a) The Fire Chief and/or Fire Marshal shall have powers of peace officers as provided by the California Penal Code section 830.37 and shall have the authority to arrest or to cite any person who violates any provision of this Chapter involving the International Fire Code or the California Buildings 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 Fire Board that the immunities provided in Penal Code Section 836.5 be applicable to the aforementioned officers exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

- (c) Arrest and issuance of a citation are considered to be last resort in the mitigation of violations and/or hazards. Every effort shall be made to reach a resolution to given issues prior to issuance of a citation or making an arrest.

Section 10. Penalties

- (a) The violations of the California Fire Code as adopted herein are misdemeanors/infractions and are subject to the penalties set forth herein.
- (b) The first citation, within a 12 month period, for violations of the California Fire Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the Fortuna Fire Protection District and is set at \$150.00, or as determined by an adopted fee schedule, plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Fire District. Said Civil penalties shall be a debt owed to the District by the person responsible for the violation due within thirty (30) days after the date of mailing of the citation unless an appeal is filed as is provided in section 11. Upon failure to pay the civil penalty when due, the responsible person shall be liable in civil action brought by the District for such civil penalties and costs of the litigation, including reasonable attorney's fees.
- (c) Any subsequent violation within a twelve month period for violation of the California Fire code and any amendments adopted herein shall be misdemeanors/infractions, and shall be subject to the penalties set forth herein.
- (d) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified each day that a violation occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.
- (e) Nothing contained in subsections (a) through (f) of this section shall be construed or interpreted to prevent the District from recovering all costs associated with a Fire District response as described in Section 103.4.2 as added to the 2019 California Fire Code.
- (f) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the 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 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 District's intent to charge the property owner for all administrative costs associated with

the 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 Fortuna Fire District Board of Commissioners within fifteen (15) days of the date of the notice and request a public hearing prior to recordation of the lien or special assessment. In addition to the foregoing, the 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.

Section 11. **Appeals**

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 10 or a bill for Fire District response costs and expenses may file within thirty (30) days after the date of mailing the citation or bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) day's advance written notice of the time and place of the hearing. Within ten 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 full or in part, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the hearing officer.

(b) Whenever the 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 has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Commissioners of the Fortuna Fire Protection District within ten (10) days from the date of the decision.

Section 12 **Former Ordinances**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code hereby adopted are hereby repealed.

Section 13. **Validity**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Commissioners of the Fortuna Fire Protection District hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

Section 14. **Continuity of Previous Requirements**

Publications, handouts, applications, notices or other documents provided by the District referencing previous editions of codes adopted by the District shall be deemed to refer to the pertinent section(s) of current editions of the adopted code.

Section 15. **Ordinance Publication and Effective Date**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Fortuna Fire Protection District Headquarters Station at least five days prior to the Board Meeting at which it is adopted.

This Ordinance shall be in full force and effective thirty (30) days after it's final passage and the summary of this Ordinance shall be published within fifteen (15) days after the adoption together with the names of the District Board members voting for or against same in three locations within the Fortuna Fire Protection District, County of Humboldt, State of California.


Within fifteen (15) days after adoption, the District Board Clerk shall also post in the Fortuna Fire Main Station, a copy of the full text of this Ordinance along with the names of those District Board Members voting for or against this Ordinance.

The foregoing Ordinance No. 2019-2020-1 will be read and introduced at the Regular Board Meeting of the Fortuna Fire Protection District to be held on the 16th day of December, 2019 and will come up for adoption as an Ordinance of the Fortuna Fire Protection District at the regular meeting of the Board of Commissioners to be held on the 13th day of January, 2020.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF FORTUNA FIRE PROTECTION DISTRICT on this 13th day of January, 2020 by the following roll-call vote:

	AYES:	NOES:	ABSENT:
Commissioner Kent Johnson		Ø	Ø
Commissioner Robert Johnson		Ø	Ø
Commissioner David Morris		Ø	Ø
Commissioner David Nicholson		Ø	Ø
Commissioner Mel Berti		Ø	Ø

SIGNED:

 CHAIRMAN
BOARD OF COMMISSIONERS;
FORTUNA FIRE PROTECTION DISTRICT

ATTEST:


CARMEN GLASS, SECRETARY OF THE BOARD
FORTUNA FIRE PROTECTION DISTRICT