

## Ordinance Number: 19-19

### AN ORDINANCE OF THE ARCATA FIRE PROTECTION DISTRICT ADOPTING THE 2019 CALIFORNIA FIRE CODE, TITLE 24, PART 9, BASED ON THE 2018 INTERNATIONAL FIRE CODE.

The Board of Directors of the Arcata Fire Protection District of the County of Humboldt ordains as follows:

#### **ARTICLE I. Adoption of the California Fire Code**

There is hereby adopted by the Board of Directors, 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 International Fire Code as amended with errata. Said amendments are listed in Article IV of this ordinance.

#### **ARTICLE II. Establishment and Duties of the Division of Fire Prevention**

The 2019 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 Arcata Fire Protection District, and shall be operated under the supervision of the Fire Chief of the Arcata Fire Protection District.

#### **ARTICLE III. 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 Arcata 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 Arcata 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 the Arcata Fire Protection District or his/her designee.”

#### **ARTICLE IV. Adoption by Chapter and Local Amendments to the California Fire Code**

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

- (A) Chapter 1- Scope and Administration, the following sections are added to the Fire Code:
  - 1) Section 101- General. Entire section is adopted.
  - 2) Section 102- Applicability. Entire section is adopted.
  - 3) Section 103- Department of Fire Prevention. Entire section is adopted with the following addition:

- a. 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 Arcata Fire Protection District for securing such emergency shall constitute a debt of such person and shall be collectable by the Arcata Fire Protection District as in the case of an obligation under contract, express or implied.
- 4) Section 104- General Authority and Responsibilities. Entire section is adopted.
- 5) Section 106- Inspections. Entire section is adopted.
- 6) Section 107- Maintenance. Entire section is adopted.
- 7) Section 109- Violations. Entire section is adopted.
- 8) Section 110- Unsafe Buildings. Entire section is adopted.
- 9) Section 111- Stop work order. Section is adopted with the following amendment:
  - a. 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
- 10) Section 112- Service Utilities. Entire Section is adopted
- 11) Section 113- Fees. Entire section is adopted

(B) Chapter 3- General Precautions Against Fire is added to the Fire Code and the entire chapter is adopted with the following amendments

- a. Section 308.1.6 Open Flame Devices, Permit Required
- b. Section 308.2 Open Flames Permit Required

(C) Chapter 5- Fire Service Features. Entire chapter is adopted as amended by the California OSFM with the following additional local 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 six (6) inches in height and minimum 3/8 inch stroke width. Where buildings are set back from the street, larger numbers may be required.

Exception: Existing legible identification

- c. Section 505.1.2 is added to read: In multi-tenant buildings, individual tenant spaces shall be identified with the characters a minimum two (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. Approved 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 reset by the Fire District.
- 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).

(D) Chapter 8- Interior Finish, Decorative Materials and Furnishings. Section 806 Decorative Vegetation in New and Existing Buildings is adopted.

Exception: Section 806.1 is not adopted.

(E) Chapter 9- Fire Protection Systems. Entire chapter is adopted as amended by the California OSFM with the addition of the following section:

- 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 with the exception of R-3 occupancies which shall be installed per the California Residential Code.

(F) Chapter 26- Fumigation and Thermal Insecticidal Fogging. Entire chapter adopted.

(G) Appendix B- Fire Flow Requirements for Buildings. Appendix adopted as amended by California OSFM.

(H) Appendix C- Fire Hydrant Locations and Distribution. Appendix adopted as amended by California OSFM.

(I) Appendix D- Fire Apparatus Access Roads. Entire chapter is adopted as amended by the California OSFM with the addition of the following section:

- a. **D103.7 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 D103 as approved by the Fire Code Official.

## **ARTICLE V. Authority to Arrest and Issue Citations**

(A) The Fire Chief, and Fire Marshal shall have the authority to arrest or to cite any person who violates any provision of this article involving the California Fire

Code or the California Buildings Standards Code relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided with 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 the Penal Code Section 836.5 is applicable to the aforementioned officers exercising their arrest or citation authority within the course and scope of their employment pursuant to this article.
- (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.

#### **ARTICLE VI. 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 twelve (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 Arcata Fire Protection District and is set at \$150.00, or as determined by an adopted fee schedule, plus actual costs of all inspections required to gain compliance, at the rate set from time to time by the Arcata Fire Protection District. Said civil penalties shall be a debt owed to the Arcata Fire Protection 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 article XIII. Upon failure to pay the civil penalty when due, the responsible person shall be liable in civil action brought by the Arcata Fire Protection District for such civil penalties and costs of the litigation, including reasonable attorney's fees.
- (C) Any subsequent violation within a twelve (12) 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 Arcata Fire Protection District from recovering all costs associated with a Arcata Fire Protection District response as described in Chapter 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 Arcata Fire Protection District to collect 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 Fire Chief of the Humboldt Bay Fire's intent to charge the property owner for all administrative costs associated with 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 Fire Chief's decision to the Arcata Fire Protection District Board of Directors 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 Arcata Fire Protection 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 cost of litigation, including reasonable attorney's fees.

**ARTICLE VII. Limits Of Districts For Storage Of Explosives And Blasting Agents**

(A) The limits referred to in Section 5601.1 of said 2019 California Fire Code, Title 24, Part 9, as referenced to the California Code of Regulations, Title 19, Division 1, Chapter 10, in which a permit is required for the storage of explosives and blasting agents, such storage is prohibited within the boundaries of the Arcata Fire Protection District jurisdiction.

**ARTICLE VIII. Limits Of Districts For Storage Of Flammable And Combustible Liquids And Liquefied Petroleum Gas**

(A) The geographic limits referred to in Section 5704.2.9.6.1 of said 2013 California Fire Code, Title 24, Part 9, in which the storage of flammable or combustible liquids in aboveground tanks outside of buildings is prohibited, and the limits referred to in Section 5706.5.1.1 of said Code in which construction of new bulk plants for the storage of flammable or combustible liquids is prohibited, and the geographic limits referred to in Section 6104.2 of said Code, in which the bulk storage of liquefied petroleum gas is restricted to commercial districts and approved by the Fire Chief or his designee.

(B) The geographic limits referred to in Section 5706.2.4.4 of said 2019 California Fire Code, Title 24, Part 9, in which the storage of Class I and II flammable and combustible liquids in above-ground tanks at farms and construction sites are prohibited, are hereby established as the boundaries of the Humboldt Bay Fire jurisdiction.

(C) The geographic limits referred to in Section 5806.2 of said 2019 California Fire Code, Title 24, Part 9, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, is hereby established as the boundaries of the Arcata Fire Protection District jurisdiction.

**ARTICLE IX. Appeals**

(A) Any person receiving a citation for a civil penalty pursuant to Article VI or a bill for Arcata Fire Protection District response costs and expenses pursuant to Section 103.4.2 as added to the 2019 California Fire Code 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) days advance written notice of the time and place of the hearing. Within ten (10) days after the hearing the Fire 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 Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Arcata Fire Protection District Board of Directors within ten (10) days from the date of the decision.

#### **ARTICLE X. 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.

#### **ARTICLE XI. 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. City of Arcata and the Arcata 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 thereof shall be declared invalid.

#### **ARTICLE XII. 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.

#### **ARTICLE XIII. 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 Arcata Fire Protection District Headquarters at least fifteen (15) days prior to the board meeting at which it is adopted.

This ordinance shall be in full force and effective thirty (30) days after its final passage, and the summary of this ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Arcata Fire Protection District Board members voting for or against the same, in the Mad River Union, a newspaper of general circulation published in the City of Arcata, County of Humboldt, State of California.

Within fifteen (15) days after adoption, the Board Secretary of Arcata Fire Protection District shall also make available in Arcata Fire Protection District Headquarters, a copy of the full text of this ordinance along with the names of those Board Members voting for and against this ordinance.

The foregoing Ordinance No. 19-19 was read and introduced at the regular board meeting of the Arcata Fire Protection District held on the October 8, 2019 and November 12, 2019 respectively, and ordered passed to print and will come up for public hearing at Board Meetings scheduled for October 8, 2019 and November 12, 2019 respectively, and possible adoption as an ordinance of the Arcata Fire Protection District at the same meeting of the Board of Directors on November 12, 2019.

**NOW THEREFORE, BE IT RESOLVED THAT** the Arcata Fire Protection District Board of Directors hereby approve Ordinance 19-19, adopting the 2019 California Fire Code, Title 24, Part 9, based on the 2018 International Fire Code.

**ADOPTED, SIGNED AND APPROVED** at a duly called meeting of the Board of Directors of the Arcata Fire Protection District by the following polled vote:

Ayes: Johnson, Mendosa, Rosen and Campbell

Nays: None

Abstain: None

Absent: David

**DATED:** November 12, 2019

Signed:

  
\_\_\_\_\_  
Rene Campbell, President

Attest:

  
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Becky Schuette, Board Clerk/Secretary