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4 **ORDINANCE NO.**
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6 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO**
7 **AMENDING CHAPTER 8.40 OF THE SAUSALITO MUNICIPAL CODE AND**
8 **ADOPTING THE CALIFORNIA FIRE CODE, INTERNATIONAL FIRE CODE, AND**
9 **INTERNATIONAL WILDLAND-URBAN INTERFACE CODE PRESCRIBING**
10 **REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND**
11 **PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF**
12 **PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A**
13 **FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREFORE AND**
14 **DEFINING THEIR POWERS AND DUTIES**
15

16
17
18 The City Council of the City of Sausalito hereby ordains as follows:
19

20 **SECTION 1.** Chapter 8.40 of Title 8 of the Sausalito Municipal Code is hereby
21 amended in its entirety to read as follows:
22

23 **Chapter 8.40**
24 **FIRE CODE**
25

26 **Sections:**
27

- 28 8.40.010 Adoption of California Fire Code, International Fire Code and Appendix
29 A of the International Wildland Urban Interface Code
30 8.40.020 Establishment and Duties of the Fire Prevention Bureau
31 8.40.030 Definitions
32 8.40.040 Establishment of Geographic Limits of Districts in which Storage of Class
33 I, Class II and Class III Liquids in Outside Aboveground Tanks is
34 Prohibited
35 8.40.050 Establishment of Geographic Limits of Districts in which Storage of Class
36 I, Class II and Class III Liquids in Aboveground Tanks is Prohibited
37 8.40.060 Establishments of Geographic Limits in which Storage of Liquefied
38 Petroleum Gases is to be Restricted
39 8.40.070 Establishment of Geographic Limits of Districts in which Storage of
40 Explosives and Blasting Agents is to be Prohibited
41 8.40.080 Establishment of the Geographic Limits of Districts in which the Storage
42 of Compressed Natural Gas is to be Prohibited
43 8.40.090 Establishment of the Geographic Limits of Districts in which the Storage
44 of Stationary Tanks of Flammable Cryogenic Fluids is to be Prohibited
45 8.40.100 Establishment of the Geographic Limits of Districts in which the Storage
46 of Hazardous Materials is to be prohibited or Limited

- 1 8.40.110 Amendments made to the 2010 California Fire code, 2009 International
- 2 Fire Code and 2009 International Wildland-Urban Interface Code
- 3 8.40.120 Authority to Arrest and Issue Citations
- 4 8.40.130 Penalties

5
6
7 **8.40.010 Adoption of California Fire Code, International Fire Code and Appendix A of**
8 **the International Wildland Urban Interface Code.**

9
10 The City Council of the City of Sausalito hereby adopts, for the purpose of prescribing
11 regulations governing conditions hazardous to life and property from fire or explosion the
12 following:

- 13
- 14 1. The 2010 California Fire Code, which consists of certain portions of the 2009 edition of
- 15 the International Fire Code as amended by the California Building Standards
- 16 Commission, including:
 - 17 a. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON
 - 18 USE AND OCCUPANCY,
 - 19 b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
 - 20 c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - 21 d. Appendix E HAZARD CATEGORIES,
 - 22 e. Appendix F HAZARD RANKING,
 - 23 f. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME
 - 24 EQUIVALENTS, and
 - 25 g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND
 - 26 HAZARDOUS MATERIALS INVENTORY STATEMENTS;
- 27
- 28 2. The International Fire Code published by the International Fire Code Council, Inc., 2009
- 29 Edition hereof and the whole thereof, save and except such portions as are hereinafter
- 30 deleted, modified or amended by Section 11 of this Ordinance.
- 31
- 32 3. Appendix A of the 2009 edition of the International Wildland-Urban Interface Code save
- 33 and except such portions as are hereinafter deleted, modified or amended by Section 11
- 34 of this Ordinance.
- 35

36 Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the
37 Fire Marshal of the City of Sausalito and the City Clerk for the City of Sausalito and the same
38 are hereby adopted and incorporated fully as if set out at length herein, and from the date on
39 which this Ordinance shall take effect, and the provisions thereof shall be controlling within the
40 limits of the City of Sausalito.

41
42 **8.40.020 Establishment and Duties of the Fire Prevention Bureau.**

43
44 The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the
45 International Fire Code as amended by the California Building Standards Commission, and the
46 2009 edition of the International Fire Code, and Appendix A of the 2009 edition of the

1 International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced
2 by the Fire Prevention Bureau of the City of Sausalito Fire Department and shall be operated
3 under the supervision of the Fire Chief of the City of the City of Sausalito.

4
5 **8.40.030 Definitions.**
6

7 Wherever they appear in the California and International Fire Codes, unless otherwise provided,
8 the following words shall have the meanings ascribed to them in this section:
9

- 10 (a) Whenever the words "Fire Code" are used they shall mean those Codes
11 and Standards adopted in Section 1 of this Ordinance.
12
13 (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held
14 to mean the City of Sausalito.
15
16 (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to
17 mean the City Attorney for the City of Sausalito.
18
19 (d) Wherever the words "Fire Code Official" are used in the Fire Code, they
20 shall be held to mean the Fire Chief or Fire Marshal of the City of
21 Sausalito.
22

23 **8.40.040 Establishment of Geographic Limits of Districts in which Storage of Class I,
24 Class II and Class III Liquids in Outside Aboveground Tanks is Prohibited.**
25

26 The geographic limits referred to in Section 3404.2.9.6.1 of the International Fire Code in which
27 storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are
28 amended as follows: In all residential areas, all heavily populated or congested commercial
29 areas, and all open space areas of less than two (2) acres as established by the City of Sausalito.
30

31 **8.40.050 Establishment of Geographic Limits of Districts in which Storage of Class I,
32 Class II and Class III Liquids in Aboveground Tanks is Prohibited.**
33

34 The geographic limits referred to in Section 3406.2.4.4. of the International Fire Code in which
35 storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended
36 as follows: In all residential areas, all heavily populated or congested commercial areas, and all
37 open space areas of less than two (2) acres as established by the City of Sausalito.
38

39 **8.40.060 Establishment of Geographic Limits in which Storage of Liquefied Petroleum
40 Gases is to be Restricted.**
41

42 The geographic limits referred to in Section 3804.2 of the International Fire Code, in which
43 storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas
44 and all heavily populated or congested commercial areas as established by the City of Sausalito.
45

1 **8.40.070 Establishment of Geographic Limits of Districts in which Storage of Explosives**
2 **and Blasting Agents is to be Prohibited.**
3

4 The geographic limits in which storage of explosives and blasting agents is prohibited, are as
5 follows: In all residential areas and all heavily populated or congested commercial areas as
6 established by the City of Sausalito.
7

8 **8.40.080 Establishment of the Geographic Limits of Districts in which the Storage of**
9 **Compressed Natural Gas is to be Prohibited.**
10

11 The geographic limits in which the storage of compressed natural gas is prohibited, are hereby
12 established as follows: In all residential areas and all heavily populated or congested commercial
13 areas, as established by the City of Sausalito.
14

15 **8.40.090 Establishment of the Geographic Limits of Districts in which the Storage of**
16 **Stationary Tanks of Flammable Cryogenic Fluids is to be Prohibited**
17

18 The geographic limits in which the storage of flammable cryogenic fluids in stationary
19 containers are prohibited, are hereby established as follows: In all residential areas and all
20 heavily populated or congested commercial areas, as established by the City of Sausalito.
21

22 **8.40.100 Establishment of the Geographic Limits of Districts in which the Storage of**
23 **Hazardous Materials is to be Prohibited or Limited**
24

25 The geographic limits in which the storage of hazardous materials is prohibited or limited, are
26 hereby established as follows: In all residential areas and all heavily populated or congested
27 commercial areas, as established by City of Sausalito.
28

29 **8.40.110 Amendments made to the 2010 California Fire Code, 2009 International Fire**
30 **Code and 2009 International Wildland-Urban Interface Code**
31

32 The 2010 California Fire Code and the 2009 International Fire Code is amended and changed in
33 the following respects:
34

35 Section 102.5 is hereby amended to read as follows:
36

37 **102.5 Application of Residential Code.** Where structures are designed and constructed
38 in accordance with the *International Residential Code*, the provisions of this code shall
39 apply as follows:
40

41 1. Construction and designed provisions: Provisions of this code pertaining to the
42 exterior of the structure shall apply including, but not limited to, premises identification,
43 fire apparatus access and water supplies. Provisions of this code pertaining to the interior
44 of the structure when specifically required by this code including, but not limited to,
45 Section 903.2 shall apply. Where interior or exterior systems or devices are installed,
46 construction permits required by Section 105.7 of this code shall also apply.

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2. Administrative, operational, and maintenance provisions: all such provisions of this code shall apply.

Section 102.7.1 is hereby added to Chapter 1 and shall read as follows:

Section 102.7.1 Nationally Recognized Listed Products. Any installation of products and equipment due to permits required by this Code shall be Labeled and Listed, as defined in Section 202.

1 Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:
2

3 Section 104.1.1 **Supplemental Rules, Regulations and Standards.** The Fire Code
4 Official is authorized to render interpretations of this code and to make and enforce rules
5 and supplemental regulations and to develop Fire Protection Standards to carry out the
6 application and intent of this code.
7

8 Section 104.12 is hereby added to Chapter 1 and shall read as follows:
9

10 Section 104.12. **Damages and expense recovery.** The expense of securing any
11 emergency that is within the responsibility for enforcement of the Fire Chief as given in
12 Section 104 is a charge against the person who caused the emergency. Damages and
13 expenses incurred by any public agency having jurisdiction or any public agency
14 assisting the agency having jurisdiction shall constitute a debt of such person and shall be
15 collectible by the Fire Chief for proper distribution in the same manner as in the case of
16 an obligation under contract expressed or implied. Expenses as stated above shall
17 include, but not be limited to, equipment and personnel committed and any payments
18 required by the public agency to outside business firms requested by the public agency to
19 secure the emergency, monitor remediation, and clean up.
20

21 Section 104.13 is hereby added to Chapter 1 and shall read as follows:
22

23 Section 104.13. **Fire prevention resource sharing.** Other enforcement agencies shall
24 have authority to render necessary assistance in plan review, inspection, code
25 interpretation, enforcement and other fire prevention services when requested to do so.
26

27 Section 105.6.47 of Chapter 1 is hereby amended by adding the following additional operational
28 permits:
29

30 4. **Aircraft refueling vehicles.** An operational permit is required to operate aircraft
31 refueling vehicles. See Chapter 11.
32

33 5. **Automobile wrecking yards.** An operational permit is required to operate an
34 automobile wrecking yard.
35

36 6. **Cellulose nitrate storage.** An operational permit is required to store or handle more
37 than 25 pounds of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly
38 of articles or parts of articles containing cellulose nitrate plastics (pyroxylin).
39

40 7. **Fire hydrants and valves.** An operational permit is required to use or operate fire
41 hydrants or valves intended for fire suppression purposes which are installed on water
42 systems accessible to a fire apparatus access road that is open to or generally used by the
43 public.
44

45 8. **Fireworks.** An operational permit is required to store and use fireworks for public
46 display.

1
2 **9. Fire Protection Plan.** An operational permit is required to implement a fire protection
3 plan.
4

5 **10. High-piled storage.** An operational permit is required to use a building or portion
6 thereof as a high-piled storage area exceeding 500 square feet (46m²).
7

8 **11. Miscellaneous combustible storage.** An operational permit is required to store in
9 any building or upon any premises in excess of 2,500 cubic feet (71m³) gross volume of
10 combustible empty packing cases, boxes, barrels, wooden pallets, or similar containers,
11 rubber tires, rubber, cork, or similar combustible material.
12

13 **12. Radioactive material.** An operational permit is required to store or handle at any
14 installation more than 1 micro curie (37,000 Becquerel) of radioactive material not
15 contained in a sealed source or more than 1 millicurie (37,000,000 Becquerel) of
16 radioactive material in a sealed source or sources, or any amount of radioactive material
17 for which specific license from the Nuclear Regulatory Commission is required.
18

19 **13. Spraying or dipping.** An operational permit is required to conduct a spraying or
20 dipping operation utilizing flammable or combustible liquids or the application of
21 combustible powders regulated by Chapter 15.
22

23 **14. Pyrotechnics and special effects.** An operational permit is required to use special
24 effects, open flame, use of flammable or combustible liquids and gases, welding, and
25 parking of motor vehicles in any building or location used for the purpose of motion
26 picture, television and commercial production.
27

28 **15. Live audiences.** An operational permit is required to install seating arrangements for
29 live audiences in approved production facilities, production studios and sound stages.
30 See Chapter 48.
31

32 Section 105.7.15 is hereby added to Chapter 1 and shall read as follows:
33

34 Section 105.7.15 **Vegetation Management Plan.** A vegetation management plan may be
35 required by the Fire Code Official prior to issuance of a Fire Department Construction
36 Permit.
37

38 Section 109.3 of Chapter 1 is hereby amended by specifying that any violations of this Chapter
39 shall be a misdemeanor with a fine amount up to \$500 and imprisonment up to 180 days.
40

41 Section 109.3.2. is hereby added to Chapter 1 and shall read as follows:
42

43 Section 109.3.2 **Abatement of Clearance of Brush or Vegetative Growth from**
44 **Structures.** The Fire Code Official is authorized to give notice to the owner of the
45 property upon which conditions regulated by section 304.1.2 of Chapter 3 and section
4907.1 of Chapter 49 exists to correct such conditions. If the owner fails to correct such

1 conditions, the Fire Code Official is authorized to cause the same to be done and make
2 the expense of such correction a lien upon the property where such condition exists.

3 Section 111.4 of Chapter 1 is hereby amended by specifying the fine amounts as not less than
4 \$500 and not more than \$1,500

5
6 Section 202-[F] of Chapter 2 is hereby amended by adding the definition of 'Fire Road' as
7 follows:

8
9 **FIRE ROAD.** See section 502.1.

10
11 Section 202 [S] of Chapter 2 is hereby amended by adding the definition of 'second unit', 'spark
12 arrester' and 'substantial remodel' as follows:

13
14 **Second Unit** (a.k.a. "Accessory Dwelling Unit, as defined in Chapter 10.88) shall
15 mean an attached or detached additional dwelling unit which provides complete
16 independent living facilities, and which includes permanent provisions for living,
17 sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.

18
19 **Spark Arrester** shall mean a chimney device constructed in a skillful-like
20 manner. The net free area of a spark arrester shall not be less than four times the net free
21 area of the outlet of the chimney. The spark arrester screen shall have heat and corrosion
22 resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless
23 steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2
24 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

25
26 **Substantial Remodel** shall mean the renovation of any structure, which
27 combined with any additions to the structure, affects a floor area which exceeds fifty
28 percent of the existing floor area of the structure within any 36 month period. When any
29 changes are made in the building, such as walls, columns, beams or girders, floor or
30 ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining
31 walls or similar components, the floor area of all rooms affected by such changes shall be
32 included in computing floor areas for the purposes of applying this definition. This
33 definition does not apply to the replacement and upgrading of residential roof coverings.

34
35 Section 202 [T] of Chapter 2 is hereby amended by adding the definition of 'Temporary',
36 'Tracer' and 'Tracer charge' as follows:

37
38 **Temporary** shall mean any use for a period of less than 90 days.

39
40 **Tracer** shall mean any bullet or projectile incorporating a feature which marks or traces
41 the flight of said bullet or projectile by flame, smoke, or other means which results in fire
42 or heat.

1 **Tracer Charge** is any bullet or projectile incorporating a feature designed to create a
2 visible or audible effect by means which result in fire or heat and shall include any
3 incendiary bullets and projectiles.
4

5 Section 302.1 is amended by adding the definition of ‘Public Storage Facility’ as follows:
6

7 **Public Storage Facility** shall mean any business that sells, leases or rents space to
8 the public that is enclosed, whether it is a building, storage container or similar
9 configuration.
10

11 Section 318 is hereby added to Chapter 3 and shall read as follows:
12

13 Section 318 **PUBLIC STORAGE FACILITIES**

14 Section 318.1 **General.** Public Storage Facilities shall comply with the provisions of
15 this section.

16 Section 318.2. **Location on Property and Fire Resistance of Exterior.** All public
17 storage facilities shall meet the minimum requirements for setback from property lines or
18 fire resistive construction as set forth in Table 602 of the Building Code for Group S,
19 Division 1 occupancies.
20

21 Section 318.3. **Fire apparatus access.** All public storage facilities shall have fire
22 apparatus access roads provided in accordance with Section 503.1.1.
23

24 Section 318.4. **Storage of Flammable and Combustible Liquids and Hazardous**
25 **Materials.** The storage of hazardous materials or flammable or combustible liquids in
26 public storage facilities is prohibited. Such facilities shall post legible and durable sign(s)
27 to indicate same in a manner and location(s) as specified by the Fire Code Official. This
28 section shall apply to new and existing public storage facilities.

29 Exception: Only those quantities of flammable and combustible liquids necessary for
30 maintenance of the facility may be stored by the facility management per Chapter 34 of
31 this code.
32

1 Section 401.1.1 is hereby added to Chapter 4 and shall read as follows:

2 Section 401.1.1 **Hazardous Occupancies.** In occupancies of a hazardous nature, where
3 access for fire apparatus is unduly difficult, or where special life and fire safety hazards
4 exist as determined by standards of the Fire Code Official , that facility or business
5 management shall be required to develop and implement an Emergency Response Plan,
6 provide for an on site Emergency Response Team, Emergency Liaison Officer, staff
7 training and fire drills in accordance with Sections 405 and 406 and standards developed
8 by the Fire Code Official.
9

10 Section 402.1 of Chapter 4 is hereby amended by adding the definition of ‘Pre-plans’ as follows:
11

12 **Pre-plans** shall mean detailed plans of target hazard buildings. These pre-plans include
13 information on the building's location, occupancy, hazards, fire department connections
14 and hydrants, building layout, and other pertinent data that would assist the fire
15 department in case of an emergency.
16

17 Section 408.1.1 is hereby added to Chapter 4 and shall read as follows:
18

19 Section 408.1.1 **Pre-plans:** When required by the Fire Code Official, pre-plans shall be
20 developed for target hazard buildings according to the written standards developed by the
21 authority having jurisdiction.
22

23 Section 408.8.4 is hereby added to Chapter 4 and shall read as follows:
24

25 Section 408.8.4. **Emergency Preparedness for Hotels, Lodging and Congregate**
26 **Houses.** Hotels, lodging and congregate houses shall provide guests with immediate
27 access to a telephone to report emergencies. The exit diagram shall indicate the location
28 of the nearest telephone and instructions to dial 911.
29

30 Section 501.4 of Chapter 5 is hereby amended by adding a sentence to read as follows:
31

32 Failure to comply with this section upon written or verbal notice from the Fire Code
33 Official shall result in an order to cease operations and desist further operations until such
34 time as adequate access and/or water for fire protection is provided.
35

1 Section 502.1 of Chapter 5 is hereby amended by adding a definition of ‘Fire Road’ as follows:
2

3 **Fire Road** shall mean those improved or unimproved roads, public or private, that
4 provide access for firefighting equipment and personnel to undeveloped areas.
5

6 Section 503.1.4 of Chapter 5 is hereby amended by adding a paragraph thereto to read as
7 follows:
8

9 Section 503.1.4 **Fire Roads**. Fire Roads shall be provided for firefighting equipment,
10 apparatus and personnel to undeveloped areas of the City of Sausalito so as to gain access
11 to improved, unimproved, and undeveloped areas of the City of Sausalito, in a manner
12 approved by the Fire Code Official. Any vehicle or other obstructions may be towed
13 away at the owner's expense.
14

15 Section 503.1.5 of Chapter 5 is amended by adding a sentence thereto as follows:
16

17 Section 503.1.5 **Truck company access**. For buildings 3 or more stories or greater than
18 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be
19 provided within the necessary operational distances as specified by the Fire Code
20 Official.
21

22 Section 503.2.6.1. is hereby added to Chapter 5 and shall read as follows:
23

24 Section 503.2.6.1 **Load testing**. Bridges, piers and wharfs used for fire apparatus access
25 shall be load tested to the original designed capacity when required by the Fire Code
26 Official.
27

28 Section 503.4 of Chapter 5 is amended by adding a sentence thereto to read as follows:
29

30 Any vehicle or other obstruction may be towed away at the owner's expense.
31

32 Section 503.4 is renumbered to 503.4.1 and Section 503.4.2 is hereby added to read as follows:
33

34 **503.4.2 Prohibition on Vehicular Parking on Private Access ways**. If, in the judgment
35 of the Fire Code Official, it is necessary to prohibit vehicular parking along private
36 access ways serving existing facilities, buildings, or portions of buildings in order to keep
37 them clear and unobstructed for fire apparatus access, the Fire Code Official may issue an
38 Order to the owner, lessee or other person in charge of the premises to paint the curbs red
39 or install signs or other appropriate notices to the effect that parking is prohibited by
40 Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee or
41 other person in charge of the premises to fail to install, maintain in good condition, the
42 form of notice so prescribed. When such areas are marked or signed as provided herein,
43 no person shall park a vehicle adjacent to any such curb or in the private access way
44 contrary to such markings or signs. Any vehicle so parked in the private access way may
45 be towed away at the expense of the owner of the vehicle.
46

1 Section 503.6.1 is hereby added to Chapter 5 and shall read as follows:
2

3 503.6.1 **Width.** All gates shall open fully to provide an unobstructed passage width of not
4 less than 16 feet or a minimum of two feet wider than the approved net clear opening of
5 the required all weather roadway or driveway and a minimum net vertical clearance of 13
6 feet 6 inches.
7

8 Section 503.6.2 is hereby added to Chapter 5 and shall read as follows:
9

10 Section 503.6.2 **Electronic Gates.** All electronic operated gates shall have installed an
11 approved key switch override system mounted on a stanchion or wall as approved by the
12 Fire Code Official in accordance with Standards adopted by the Fire Code Official. All
13 electronic or motorized gates shall incorporate in their design the means for fast, effective
14 manual operation of the gates in the event of power or mechanical failure (i.e., easily
15 removable hinge pins for separating power linkage from gates; undercut, weakened or
16 frangible members requiring 40 pounds or less pressure against the gates to cause their
17 failure and the gates to open. All electrical wiring and components of motorized gates
18 shall be UL listed and installed in accordance with the National Electric Code.
19

20 Section 506.1 of Chapter 5 is hereby amended to read as follows:
21

22 Section 506.1 **Key Entry Systems.** When access to or within a structure or an area is
23 unduly difficult because of secured openings or where immediate access is necessary for
24 life-saving or firefighting purposes or in commercial structures that have an automatic
25 fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require
26 a key entry system to be installed in an approved location. The key entry system shall be
27 of an approved type and if it is a box shall contain keys necessary to gain access as
28 required by the Fire Code Official.
29

30 Section 507.5.1 is hereby amended to read as follows and by deleting the Exception:
31

32 Section 507.5.1 **Where Required.** Where a portion of the facility or building hereafter
33 constructed or moved into or within the jurisdiction is more than 350 feet from a hydrant
34 on a fire apparatus access road, as measured by an approved route around the exterior of
35 the facility or building, on-site fire hydrants and mains shall be provided where required
36 by the Fire Code Official.
37

38 Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:
39

40 Section 507.5.7 **Fire hydrant upgrades.** When additions or modifications to structures
41 are made, the nearest fire hydrant (if a new one is not required) located by the Fire Code
42 Official, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2"
43 outlet for single family dwellings and the minimum standard of one 4 1/2" outlet and two
44 2 1/2" outlets for commercial structures.
45

1 Exception: If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project
2 based on the building permit valuation.
3

4 Section 605.11 is hereby added to Chapter 6 and shall read as follows:
5

6 Section 605.11 **Alternative Power Supplies.** The use of an electrical power supply,
7 (including but not limited to; photovoltaic, wind, geothermal or fuel fired generators)
8 other than the community's commercial source, currently Pacific Gas and Electric, shall
9 comply with section 605.11.1 through 605.11.3.
10

11 605.11.1. **Disconnect.** The electrical service disconnect for the alternative power supply
12 shall be located within eight feet from the P. G. & E. electrical service disconnect on the
13 same or an adjacent exterior wall. The disconnect shall be accessible to emergency
14 personnel from the exterior without the use of ladders or other special
15 equipment.
16

17 Exception: Enphase or similar technology for solar equipment that de-energizes
18 the system at the roof panels upon loss of A/C reference leaving no energized
19 electrical potential inside the structure when the main breaker is tripped.
20

21 605.11.2. **Warning Sign.** The following wording shall placed on a permanent sign
22 attached at the main electrical disconnect from P.G. & E. The sign shall be red
23 background with white letters or a white background with red letters. Minimum
24 size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.
25

WARNING:
**This building supplied with an alternative power source. Alternate disconnect is:
(describe location - on the right, below etc.)
of this main disconnect. Both must be used.**

26 605.11.3. **Required conduit.** All wiring that may contain electrical potential when the
27 alternate service disconnect has been activated, (such as the wiring between the solar
28 arrays and the DC electrical disconnect on a photovoltaic system) shall be completely
29 contained in metal conduit.
30

31 Section 901.7 of Chapter 9 is hereby amended by adding the following sentence:
32

33 This section shall also apply to residential fire sprinkler systems.
34
35

1 Section 903.2 Of Chapter 9 is hereby amended to read as follows:
2

3 Section 903.2 **Where Required.** All Occupancies and Facilities. An automatic fire
4 sprinkler system shall be installed in all of the following:
5

6 1. Every newly constructed building and facility.
7

8 Exceptions:

9 a. Free standing Group U Occupancies not more than 1,000 square feet
10 and provided with exterior wall and opening protection as per Table 602
11 of the Building Code.
12

13 b. Agricultural buildings as defined in Appendix C of the Building Code
14 and not exceeding 2,000 square feet, having clear unobstructed side yard
15 of combustible materials, exceeding 60 feet in all directions and not
16 exceeding 25 feet in height, and located within the Open Space Zoning
17 District as defined in Title 10 -- Zoning Ordinance.
18

19 2. In newly created second units.
20

21 3. In all buildings which have more than fifty per cent (50%) floor area added or
22 any "substantial remodel" as defined in this code, within any 36 month period.
23 Exceptions may be granted by the Fire Code Official when alternate means of
24 protection are installed as approved by the Fire Code Official.
25

26 4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have
27 more than ten per cent (10%) floor area added within any 36 month period.
28 Exceptions may be granted by the Chief when alternate means of protection are
29 installed as approved by the Fire Code Official.
30

31 5. A change in the use of a structure that results in a higher fire or life safety
32 exposure when the square footage of the area changing use is more than 50% of
33 the square footage of the building.
34

1 Section 903.3 of Chapter 9 is hereby amended by adding the following thereto:
2

3 The requirements for fire sprinklers in this code section are not meant to disallow the
4 provisions for area increase, height increase, or Fire-Resistive substitution if otherwise
5 allowed by sections 504 and 506 of the Building Code. All automatic fire sprinkler
6 systems shall be installed in accordance with the written standards of the Fire Code
7 Official and the following:

8 a. In all residential buildings required to be sprinkled any attached garages shall
9 also be sprinkled, and except for single family dwellings, in all residential
10 occupancies the attics shall be sprinkled.

11
12 b. In all existing buildings, where fire sprinklers are required by provisions of this
13 code, they shall be extended into all unprotected areas of the building.

14
15 c. All single family dwellings in excess of 5,000 square feet shall have automatic
16 fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R.

17
18 d. All public storage facilities shall have installed an approved automatic fire
19 sprinkler system. An approved wire mesh or other approved physical barrier shall
20 be installed 18 inches below the sprinkler head deflector to prevent storage from
21 being placed to within 18 inches from the bottom of the deflector measured at a
22 horizontal plane.
23

24 Section 907.2.11 of Chapter 9 is hereby amended by changing the first sentence of the exception
25 to read as follows:

26
27 **EXCEPTION:** For group R occupancies other than single family dwellings.
28

29 Section 906.11 is hereby added to Chapter 9 and shall read as follows:
30

31 Section 906.11 **Fire Extinguisher Documentation.** The owner and/or operator of every
32 Group R Division 1 and R Division 2 occupancies shall annually provide the Fire Code
33 Official written documentation that fire extinguishers are installed and have been
34 serviced as required by Title 19 California Code of Regulations when such extinguishers
35 are installed in residential units in lieu of common areas.
36

37 Section 907.9.5.1 is hereby added to Chapter 9 and shall read as follows:
38

39 Section 907.9.5.1 **Smoke Alarm Documentation.** The owner and/or operator of every
40 Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually
41 provide the Fire Code Official with written documentation that the smoke alarms
42 installed pursuant to the Building Code have been tested and are operational. If alarms
43 are found to be inoperable or are missing, such alarms shall be repaired or replaced
44 immediately.
45

46 Section 4906.2 paragraph 2 of Chapter 49 is amended to read as follows:

1
2 2. Land designated as a Wildland-Urban Interface Area by the City of Sausalito to be at a
3 significant risk from wildfires and lands designated as Very-High Fire Hazard Severity
4 Zones by the City of Sausalito.
5

6 Section 4907.1 of Chapter 49 is amended to read as follows:
7

8 Section 4907.1 **General.** Defensible space will be maintained around all buildings and
9 structures in State Responsibility Area (SRA) as required in Public Resources Code 4290
10 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14 Division 1.5,
11 Chapter 7, Subchapter 2, Section 1270.
12

13 Buildings and structures within the Wildland-Urban Interface Area as designated by the
14 local enforcing agency to be at a significant risk from wildfires and Very-High Fire
15 Hazard Severity Zones of a local responsibility areas (LRA) shall maintain defensible
16 space as outlined in Government Code 51175-51189, and any local ordinance or standard
17 published by the Fire Code Official.
18

19 Section 4907.2 is hereby added to Chapter 49 and shall read as follows:
20

21 Section 4907.2 **Fire Hazard Reduction.** Any person who owns, leases, controls or
22 maintains any building or structure and lands within specific Wildland Urban Interface
23 areas of the jurisdiction of the City of Sausalito, shall comply with the following: Cut
24 and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150
25 feet when topographic or pyrophytic vegetative types necessitate removal as determined
26 by the Fire Code Official. Remove piles of accumulated dead vegetation on the property.
27 Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of
28 any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves and
29 needles from roof and gutters. Cut and remove growth less than 3-inches in diameter,
30 from the ground up to a maximum height of 10 feet, provided that no crown shall be
31 raised to a point so as to remove branches from more than the lower one-third of the
32 tree’s total height.
33

34 **EXCEPTION 1:** When approved by the Fire Code Official, single specimens of
35 trees, ornamental shrubbery or similar plants used as ground covers, provided that
36 they do not form a means of rapidly transmitting fire from the native growth to
37 any structure.
38

39 **EXCEPTION 2:** When approved by the Fire Code Official, grass and other
40 vegetation located more than 30 feet (9144 mm) from buildings or structures less
41 than 18 inches (457 mm) in height above the ground need not be removed where
42 necessary to stabilize soil, and prevent erosion.
43

44 Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended
45 to read as follows:
46

1 Section A104.7.2 **Permits.** The Fire Code Official is authorized to stipulate conditions
2 for permits. Permits shall not be issued when public safety would be at risk, as
3 determined by the Fire Code Official.
4

5 Section A104.11 is hereby added to Appendix A of the International Wildland-Urban Interface
6 Code and shall read as follows:
7

8 Section A104.11 – **TRACER BULLETS, TRACER CHARGES, ROCKETS AND**
9 **MODEL AIRCRAFT.** Tracer bullets and tracer charges shall not be possessed, fired or
10 caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and
11 balloons powered with an engine, propellant or other feature liable to start or cause a fire
12 shall not be fired or projected into or across hazardous fire areas.
13

14 Section A104.12 is hereby added to Appendix A of the International Wildland-Urban Interface
15 Code and shall read as follows:
16

17 Section A104.12 **EXPLOSIVES AND BLASTING.** Explosives shall not be possessed,
18 kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed
19 of within hazardous fire areas except by permit from the Fire Code Official.
20

21 Section A104.13 is hereby added to Appendix A of the International Wildland-Urban Interface
22 Code and shall read as follows:
23

24 Section 104.13 **APAIRIES.** Lighted or smoldering material shall not be used in
25 connection with smoking bees in or upon hazardous fire areas except by permit from the
26 Fire Code Official.
27

28 **8.40.120 Authority to Arrest and Issue Citations.**

29
30 (a) The Fire Chief, Chief Officers, Fire Marshal, Deputy Fire Marshal, and Fire
31 Inspectors shall have authority to arrest or to cite any person who violates any provision of this
32 Chapter involving the Fire Code or the California Building Standards Code regulations relating
33 to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the
34 arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as
35 prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including
36 Section 853.6, or as the same hereafter may be amended.
37

38 (b) It is the intent of the City Council of the City of Sausalito that the
39 immunities provided in Penal Code Section 836.5 be applicable to aforementioned officers and
40 employees exercising their arrest or citation authority within the course and scope of their
41 employment pursuant to this Chapter.
42

43 **8.40.130 Penalties.**

44
45 (a) The violations of the Fire Code as adopted herein are
46 misdemeanors/infractions and are subject to the penalties set forth herein.

1
2 (b) If a criminal citation is issued, penalties shall be per Section 108, 109, or
3 111 of this code. If an administrative citation is issued, the penalties are as follows:
4

5 (c) The first citation, within a 12-month period, for violations of the Fire Code
6 and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the
7 City of Sausalito and is set at \$150 plus the actual costs of all inspections required to gain
8 compliance at the rate set from time to time by the City Council of the City of Sausalito. Said
9 civil penalties shall be a debt owed to the City by the person responsible for the violation within
10 thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in
11 Section 11. Upon failure to pay the civil penalty when due, the responsible person shall be liable
12 in a civil action brought by the City for such civil penalty and costs of the litigation, including
13 reasonable attorney's fees.
14

15 (d) Any subsequent citations within a twelve (12) month period for any
16 violations of the Fire Code and any amendments adopted herein shall be
17 misdemeanors/infractions, and shall be subject to the penalties set forth herein.
18

19 (e) The imposition of one penalty for any violation shall not excuse the
20 violation or permit it to continue and all such persons shall be required to correct or remedy such
21 violations or defects within a reasonable time and, when not otherwise specified each day that a
22 violation occurs or continues, after a final notice has been delivered shall constitute a separate
23 offense. The application of both penalties shall not be held to prevent the enforced correction of
24 prohibited conditions.
25

26 (f) Nothing contained in Subsections (a) through (f) of this Section shall be
27 construed or interpreted to prevent the City from recovering all costs associated with a Fire
28 District response as described in Section 104.12 of the 2009 International Fire Code as amended.
29

30 (g) Any violation of any provision of this Chapter shall constitute a public
31 nuisance and shall entitle the City of Sausalito to collect the costs of abatement and related
32 administrative costs by a nuisance abatement lien as more particularly set forth in Government
33 Code Section 38773.1, and by special assessment to be collected by the County Tax Collector as
34 more particularly set forth in Government Code Section 38773.5. At least thirty (30) days prior
35 to recordation of the lien, or submission of the report to the Tax Collector for collection of this
36 special assessment, the record owner shall receive notice from the Fire Chief of intent to charge
37 the property owner for all administrative costs associated with enforcement of this Ordinance
38 and abatement of the nuisance. The notice shall include a summary of costs associated with
39 enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal
40 the Chief's decision to the City Council of the City of Sausalito within fifteen (15) days of the
41 date of the notice and request a public hearing prior to recordation of the lien or submission of
42 the report to the County Tax Collector for collection of the special assessment. In addition to the
43 foregoing, the City is authorized to prosecute a civil action to collect such abatement costs from
44 the property owner or other person in possession or control of the affected property, and shall be
45 entitled to recover such abatement costs, together with the cost of litigation, including reasonable

1 attorney's fees. The provisions of this section shall also apply to corrective actions for the
2 clearance of brush or vegetative growth from structures as outlined in section 109.3.2
3

4 **8.40.140 Appeals.**
5

6 (a) Any person receiving a citation for a civil penalty pursuant to Subsection
7 (b) of Section 13 or a bill for Fire Department response costs and expenses pursuant to Section
8 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the citation or
9 bill, an administrative appeal against imposition of the civil penalty or response costs and
10 expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of
11 the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative
12 hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of
13 the time and place of the hearing. Within ten (10) days after the hearing the Chief shall give
14 written notice of the decision to the appellant, which decision shall be final. If the appeal is
15 denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the
16 notice of the decision of the hearing officer.
17

18 (b) Whenever the Chief shall disapprove an application or refuse to grant a
19 permit applied for, or when it is claimed that the provisions of the code do not apply or that the
20 true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant
21 may appeal from the decision of the Chief to the City Council of the City of Sausalito within 10
22 days from the date of the decision. The provision of this section shall not apply to corrective
23 actions for the clearance of brush or vegetative growth from structures as outlined in various
24 sections of this Code, or to matters for which an appeal is provided pursuant to Section 14 (a)
25 above.
26

27 **SECTION 2. FORMER ORDINANCES**
28

29 All former ordinances or parts thereof conflicting or inconsistent with the
30 provisions of this Ordinance or the Code hereby adopted are hereby repealed.
31

1 **SECTION 3. VALIDITY**

2
3 If any section, subsection, sentence, clause or phrase of this ordinance is for any
4 reason held to be invalid, such decision shall not affect the validity of the remaining portion of
5 this Ordinance. The City Council of the City of Sausalito hereby declares that it would have
6 adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof,
7 irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrase
8 thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or
9 phrases shall be declared invalid.

10
11 **SECTION 4. ORDINANCE PUBLICATION AND EFFECTIVE DATE**

12
13 A summary of this Ordinance shall be published and a certified copy of the full
14 text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to
15 the City Council meeting at which it is adopted.

16
17 This Ordinance shall be in full force and effective thirty (30) days after its final
18 passage, and the summary of this Ordinance shall be published within fifteen (15) days after the
19 adoption, together with the names of the City Council members voting for or against same, in the
20 Marin Scope, a newspaper of general circulation in the City of Sausalito.

21
22 **SECTION 5. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

23
24 The City Council of the City of Sausalito finds that adoption of this ordinance is
25 exempt from the California Environmental Quality Act (“CEQA”) under California Code of
26 Regulations, Title 14, § 15061(b)(3).

27
28 This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

29
30 **SECTION 6.** This Ordinance shall be published once within fifteen (15) days after its
31 passage and adoption in a newspaper of general circulation in the City of Sausalito.

32
33 THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City
34 Council on the day , 2010, and was adopted at a regular meeting of the City Council
35 on the day of , 2010 by the following vote:

- 36
37 **AYES:** Councilmembers:
38 **NOES:** Councilmembers:
39 **ABTAIN:** Councilmembers:
40 **ABSENT:** Councilmembers:
41
42
43
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MAYOR OF THE CITY OF SAUSALITO

ATTEST:

CITY CLERK

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