

ORDINANCE NO. 7
BOARD OF DIRECTORS OF THE
POINT MONTARA FIRE PROTECTION DISTRICT
COUNTY OF SAN MATEO, STATE OF CALIFORNIA

AN ORDINANCE ADOPTING BY REFERENCE, THE UNIFORM FIRE CODE, 1994 EDITION (1995 CALIFORNIA FIRE CODE) PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION WITHIN THE TERRITORY OF THE POINT MONTARA FIRE PROTECTION DISTRICT, ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES, AND ADOPTING BY REFERENCE THE UNIFORM FIRE CODE RECOMMENDED BY THE WESTERN FIRE CHIEF'S ASSOCIATION AND THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS, 1994 EDITION.

WHEREAS, Health and Safety Code section 13869 provides that the Point Montara Fire Protection District Board of Directors ("Board") has the authority to adopt the Uniform Fire Code with amendments to said code after making requisite findings that the amendments are reasonably necessary because of topographical or other conditions within the District; and

WHEREAS, Article 78 of the Uniform Fire Code pertains to fireworks and this Board finds the County of San Mateo prohibits, in Article 5.1.8.12 of the ordinance, the use and sale of fireworks within the unincorporated territory of San Mateo County which includes all of the Point Montara Fire Protection District, and

WHEREAS, Section 103.1.4. of Article 1 of the Uniform Fire Code pertains to the Board of Appeals and this Board hereby determines that the Board of Directors act as a Board of Appeals; and

WHEREAS, Article 82 of the Uniform Fire Code does not specify where the storage, use, handling, or dispensing of liquid petroleum gas is permitted, and this Board finds that it is in the best interest of the District to specify where such uses should be permitted in the District; and

WHEREAS, Section 5 of Appendix III A of the Uniform Fire Code provides specified fire flow requirements for buildings and this Board finds that said requirements are not practical due to the lack of existing municipal water systems and the rural nature of the Fire District; and

WHEREAS, Article 1 of the Uniform Fire Code does not specifically authorize audio visual or other recording including photographs to assist with investigations of alleged violations of this Code or fire incidents and this Board finds that use of said technological assistance is in the best interest of the District; and

WHEREAS, Section 2 of Division V of Appendix V-A contains the Fire Safe Guides for Residential Development in California and this Board determined that said guidelines shall be used only as a guide to assist the District in attaining a reasonable level of safety

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WHEREAS, Section 2 of Division V of Appendix V-A contains the Fire Safe Guides for Residential Development in California and this Board determined that said guidelines shall be used only as a guide to assist the District in attaining a reasonable level of safety

WHEREAS, it is beneficial to have fire hydrants at intersections whenever possible for emergency vehicle access, and

WHEREAS, some buildings are further than 500 feet from an intersection and this Board finds that it is more beneficial to have the hydrant within 500 feet of the building or structure.

WHEREFORE, This Board does ordain as follows:

SECTION 1. TITLE.

This Ordinance shall be known as the "Uniform Fire Code" of the Point Montara Fire Protection District and may be cited as such, and will be referred to in this ordinance as the "Uniform Fire Code" or "this Code."

**SECTION 2. ADOPTION OF THE UNIFORM FIRE CODE, 1994 EDITION.
(1995 CALIFORNIA FIRE CODE)**

It 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 known as the Uniform Fire Code, 1994 Edition (1995 California Fire Code), recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, and the whole thereof, including all appendices, save and accept only such portions thereof as are hereinafter expressly deleted, modified or amended by this ordinance; and including such new sections and paragraphs which are hereinafter added to and made a part of the Uniform Fire Code and of this ordinance, of which not less than three (3) copies have been and are now filed in the Office of the Fire Chief of the Point Montara Fire Protection District and the same are hereby adopted and incorporated, by this reference, as fully as if set forth out at length herein, and from the date on which this ordinance shall take affect, the provisions of same shall be controlling within the Point Montara Fire Protection District.

**SECTION 3. ESTABLISHMENT OF BUREAU OF FIRE PREVENTION AND
DUTIES OF MEMBERS THEREOF.**

A. The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Point Montara Fire Protection District which is hereby established and which shall be operated under the supervision of the Chief of the Department.

B. The Chief of the Fire Department shall appoint a member of the Fire Department as head of the Bureau of Fire Prevention. The title shall be Fire Marshal. The appointment shall continue during good behavior and satisfactory service, and they shall not be removed from office except for cause in accordance with the rules and regulations of the Point Montara Fire Prevention District. Upon either resignation or removal, there shall be no impact on rank, benefits, or seniority, except for any salary adjustment made in relation to the duties of Fire Marshal.

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C. The Chief of the Fire Department may appoint such members of the Fire Department as inspectors as shall from time to time be necessary.

D. The Chief of the Fire Department shall recommend any amendments to the Code, which, in his judgment, shall be desirable.

SECTION 4. DEFINITIONS.

A. Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall mean the Point Montara Fire Protection District, except that wherever in the Uniform Fire Code, "jurisdiction" is used in a context which implies the ability to exercise governmental powers which the District does not have but which powers are exercised within District's territorial boundaries by another public agency, then in that context "jurisdiction" shall mean the particular public agency authorized to and exercising that governmental power.

B. Whenever the words "Chief of the Bureau of Fire Prevention" are used they shall be held to mean "Fire Marshal."

SECTION 5. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED.

The limits referred to in Section 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside above ground tanks is prohibited is hereby established as areas which are heavily populated or congested commercial areas within the territory of the Point Montara Fire Protection District.

SECTION 6. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUIFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in Section 8204.2 of the Uniform Fire Code, in which storage of liquefied petroleum gas is restricted is hereby established as heavy populated or congested commercial areas within the Point Montara Fire Protection District.

SECTION 7. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BALLASTING AGENTS IS TO BE PROHIBITED.

The limits referred to in Section 7701.7.2 of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the entire territory of the Point Montara Fire Protection District.

SECTION 8. PROVISIONS OF THE UNIFORM FIRE CODE DELETED.

The following provisions of the Uniform Fire Code shall be, and the same are hereby deleted:
Article 78 of the Uniform Fire Code pertaining to fireworks.

SECTION 9. PROVISIONS OF THE UNIFORM FIRE CODE AMENDED.

The following provisions of the Uniform Fire Code shall be, and the same are hereby amended as follows:

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SECTION 9. PROVISIONS OF THE UNIFORM FIRE CODE AMENDED.

The following provisions of the Uniform Fire Code shall be, and the same are hereby amended as follows:

A. Section 103.1.4 of Article 1, of the Uniform Fire Code on page 102 thereof, pertaining to Board of Appeals, to be deleted and the same to be amended by substituting the following: "Appeals."

Section 103.1.4 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 have been misconstrued or wrongly interpreted the applicant may appeal the decision of the Chief by presenting, within 10 days, a written request to the District Board of Directors for a hearing on and a review of such decision appealed. The request shall state the reasons therefore, and the District Board of Directors shall, within 30 days of the receipt of same, hold a hearing, and may, if they determine that the circumstances appear to justify such action, modify, vacate, or affirm the decision.

B. Section 8202.3 is hereby added to Article 82 of the Uniform Fire Code to read as follows:

"Where Permitted;

Section 8202.3 Liquified Petroleum Gas shall not be permitted within the Point Montara Fire Protection District where gas mains exist. Exception: Installation of Liquified Petroleum Gas may be permitted in the Point Montara Fire Protection District if used as a means of emergency standby supply for industrial operations, residential operations or used for medical, research, testing, or purposes not suited to the use of natural gas. Such installation shall be in accordance with nationally recognized good practices and all provisions of this code."

C. Appendix III-A, Division III, Section 5.

SECTION 5 of Appendix III A of the Uniform Fire code on page 1-438 thereof, pertaining to fire flow requirements for buildings to be deleted and the same to be amended by substituting the following:

SECTION 5 FIRE FLOW REQUIREMENTS FOR BUILDINGS

5.0.1 The requirements of this section are minimum requirements for new construction. No existing residential building or structure shall be required to conform to the requirements of Section 5, Fire Flow Requirements for Buildings, unless the additions, alterations, or repairs to the existing building or structure exceed fifty (50) percent of estimated value of such building or structure.

5.1 One and Two Family Dwellings.

The minimum fire flow shall be 1,000 gallons per minute. A water supply for water fire protection shall mean a fire hydrant at an intersection, capable of the required fire flow, within 500 feet from the building or structure. When the nearest intersection from the building exceeds 500 feet, the hydrant shall be within 500 feet of the structure or building. The fire flow may be reduced by 50% if the building is provided with an approved automatic sprinkler system.

EXCEPTION: An approved storage facility with a minimum of 10,000 gallons of water and a hydrant capable of 1,000 gallons per minute within 500 feet of the building. The fire flow may be reduced by 50% if the building is provided with an approved automatic sprinkler system.

SECTION 10. PROVISIONS ADDED TO UNIFORM FIRE CODE.

The following provisions shall be, and the same are hereby added to said code to read as follows:

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SECTION 10. PROVISIONS ADDED TO UNIFORM FIRE CODE.

The following provisions shall be, and the same are hereby added to said code to read as follows:

A. Section 104.2.1 is hereby added to Article 1 of the Uniform Fire Code to read as follows:

"Authority to Photograph or Otherwise Record Investigations.

Section 104.2.1 The Chief or his duly authorized representative may make such audio, visual or other recordings including photographs, video tapes, audio tapes, diagrams, drawings, sketches, and the like, in connection with the investigation of any actual or alleged violation of this Code or in connection with the investigation of any incident as authorized by Section 104.2 of this Code."

B. Add to Section 2, Division V, in Appendix V-A on page 1-450 Fire Safe Guides for Residential Development in California, State of California, 1993 Edition.

SECTION 11. FEES.

The Board of Directors may, by resolution, establish a schedule of fees to be charged and collected to checking plans and specifications, inspection services performed, and for the issuance of permits. Such schedule when adopted shall be incorporated by reference as a part of this code as fully as if set forth at length herein. Three copies of such resolution shall be kept on file in the office of the Fire Chief of the Point Montara Fire Protection District and shall be available for public inspection.

SECTION 12. VIOLATIONS.

A. Any person who shall violate any of the provision of the Uniform Fire Code hereby adopted or fails to comply therewith, or who shall violate or fail to comply with an order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the District Board of by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit is to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each day that any such prohibited conditions are maintained, shall constitute a separate offense.

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

SECTION 13. VALIDITY.

The Point Montara Fire Protection District Board of Directors hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Code of Standards hereby adopted be declared for any reason to be invalid, it is the intent of the Point Montara Fire Protection District Board of Directors that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 14. REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. 1, 1977-2, and 6 of the Point Montara Fire Protection District shall be and are hereby repealed.

A. Section 104.2.1 is hereby added to Article 1 of the Uniform Fire Code to read as follows:

"Authority to Photograph or Otherwise Record Investigations.

Section 104.2.1 The Chief or his duly authorized representative may make such audio, visual or other recordings including photographs, video tapes, audio tapes, diagrams, drawings, sketches, and the like, in connection with the investigation of any actual or alleged violation of this Code or in connection with the investigation of any incident as authorized by Section 104.2 of this Code."

B. Add to Section 2, Division V, in Appendix V-A on page 1-450 Fire Safe Guides for Residential Development in California, State of California, 1993 Edition.

SECTION 11. FEES.

The Board of Directors may, by resolution, establish a schedule of fees to be charged and collected to checking plans and specifications, inspection services performed, and for the issuance of permits. Such schedule when adopted shall be incorporated by reference as a part of this code as fully as if set forth at length herein. Three copies of such resolution shall be kept on file in the office of the Fire Chief of the Point Montara Fire Protection District and shall be available for public inspection.

SECTION 12. VIOLATIONS.

A. Any person who shall violate any of the provision of the Uniform Fire Code hereby adopted or fails to comply therewith, or who shall violate or fail to comply with an order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the District Board of by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit is to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each day that any such prohibited conditions are maintained, shall constitute a separate offense.

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

SECTION 13. VALIDITY.

The Point Montara Fire Protection District Board of Directors hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Code of Standards hereby adopted be declared for any reason to be invalid, it is the intent of the Point Montara Fire Protection District Board of Directors that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 14. REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. 1, 1977-2, and 6 of the Point Montara Fire Protection District shall be and are hereby repealed.

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"Authority to Photograph or Otherwise Record Investigations.

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SECTION 15. DATE OF EFFECT.

This ordinance shall be published once in the Half Moon Bay Review and shall be effective upon the expiration of thirty (30) days from its adoption.

Regularly passed and adopted this _____ day of _____, 1996, by the following vote:

AYES and in favor of said ordinance:

Directors: William Giussi, Jr.
Terrence M. Smith
Joseph M. Loomis

NOES against said ordinance:

Directors:

_____, Secretary of the Board, Point Montara Fire Protection District

Published: The Half Moon Bay Review, _____, 1996.

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