

FORTUNA FIRE PROTECTION DISTRICT

ADOPTION OF ORDINANCE NO. 2022/2023-1

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 2022 California Fire Code, Title 24, Part 9 which consists of the 2021 edition of the International Fire Code as amended with errata, including the International Fire Code Standards, 2021 edition as amended by the "International Fire Code Standards, 2021 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 2021 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.

Section 8. Amendments to the International Fire Code.

The 2022 California Fire Code, Title 24, Part 9, Based on the 2021 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 – Code Compliance Agency. Entire section is adopted
- d. Section 104 – Duties and Powers of the Fire Code Official. Entire section is adopted with the following addition:

Section 104.7.2 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.

- e. Section 107 – Fees. Entire section is adopted.
- f. Section 108 - Inspections. Entire section is adopted.
- g. Section 109 - Maintenance. Entire section is adopted.
- h. Section 110 – Service utilities. Entire section is adopted.
- i. Section 112 – Violations. Entire section is adopted.
- j. Section 113 - Stop Work Order. Entire section is adopted with the following amendment:

Section 113.4 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.

- k. Section 114 - Unsafe Structures or Equipment. Entire section is adopted.

2. Chapter 3- General Precautions 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. Sections 1205.2.4 and Sections 1205.3.4 (Locations of DC conductors) are amended to read: Conduit, wiring systems and raceways for photovoltaic circuits shall be located within enclosed spaces in a building. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building. Conduit located in attics shall be installed away from the ridge area and shall be attached to the bottom of load bearing members and/or installed directly below the array or mounted to the top of ceiling joists to minimize the potential for cutting of conduits and conductors during ventilation operations.

Exception: When approved by the fire official, exterior run conduit, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes the total amount of conduit on the roof by taking the shortest path on the roof to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays.

7. Chapter 26 - Fumigation and Thermal Insecticidal Fogging is added to the Fire Code, and the entire chapter is adopted.
8. 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.
9. 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.

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.

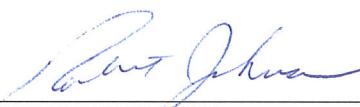
Section 12. **Former Ordinances**

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

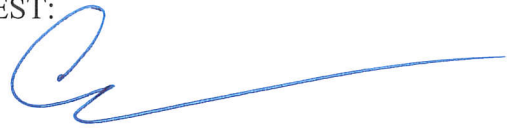
PASSED, APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF FORTUNA FIRE PROTECTION DISTRICT on this 9th day of January, 2023 by the following roll-call vote:

	AYES:	NOES:	ABSENT:
Commissioner Kent Johnson	X		
Commissioner Robert Johnson	X		
Commissioner David Morris	X		
Commissioner Glen Senestraro			X
Commissioner Mel Berti	X		

SIGNED:


_____, CHAIRMAN
BOARD OF COMMISSIONERS;
FORTUNA FIRE PROTECTION DISTRICT

ATTEST:



CARMEN GLASS, SECRETARY OF THE BOARD
FORTUNA FIRE PROTECTION DISTRICT