

CITY OF BELVEDERE

ORDINANCE NO. 2019 - 12

AN ORDINANCE OF THE CITY OF BELVEDERE
REPEALING THE CONTENTS OF CHAPTER 16.12, "CALIFORNIA FIRE CODE,"
OF THE BELVEDERE MUNICIPAL CODE AND ADOPTING BY REFERENCE THE
2019 CALIFORNIA FIRE CODE, THE 2018 INTERNATIONAL FIRE CODE, AND
APPENDIX A OF THE 2018
INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

THE CITY COUNCIL OF THE CITY OF BELVEDERE DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council of the City of Belvedere finds that in order to best protect the health, safety and welfare of the citizens of the City of Belvedere, the fire code standards within the City must conform with State law.

SECTION 2. Repeal. Chapter 16.12 of the Belvedere Municipal Code is hereby repealed. This action shall not relieve any party from the requirements of compliance with provisions of the previous ordinance implemented while it was in force.

SECTION 3. Addition. Chapter 16.12 is hereby added to the Belvedere Municipal Code to read in its entirety as follows:

Chapter 16.12

CALIFORNIA FIRE CODE

Sections:

- 16.12.010 2019 California Fire Code, 2018 International Fire Code, and Appendix A of the 2018 International Wildland-Urban Interface Code —Adopted.
- 16.12.020 Establishment and duties of the Community Risk Reduction Bureau and Fire Prevention Division.
- 16.12.030 Definitions.
- 16.12.040 Establishment of geographic limits of districts in which storage of Class I, Class II, and Class III liquids in outside aboveground tanks is prohibited.
- 16.12.050 Establishment of geographic limits of districts in which storage of Class I, Class II, and Class III liquids in aboveground tanks is prohibited.
- 16.12.060 Establishment of geographic limits in which the storage of stationary tanks of flammable cryogenic fluids is to be prohibited.
- 16.12.070 Establishment of geographic limits in which storage of liquefied petroleum gases is to be restricted.
- 16.12.080 Establishment of geographic limits of districts in which storage of explosives and blasting agents is to be prohibited.
- 16.12.090 Establishment of geographic limits of districts in which the storage of compressed natural gas is to be prohibited.
- 16.12.100 Establishment of geographic limits of districts in which the storage of hazardous materials is to be prohibited or limited.

16.12.010 2019 California Fire Code, 2018 International Fire Code, and Appendix A of the 2018 International Wildland-Urban Interface Code —Adopted.

A. There is hereby adopted by the City Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The 2019 California Fire Code, which consists of certain portions of the 2018 edition of the International Fire Code as amended by the California Building Standards Commission, including:

2. The International Fire Code published by the International Fire Code Council, Inc., 2018 Edition, hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 16.12.050 of this Chapter.

3. Appendix A of the 2018 edition of the International Wildland-Urban Interface Code.

B. Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Tiburon Fire Protection District, and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the City of Belvedere.

16.12.020 Establishment and duties of the Community Risk Reduction Bureau and Fire Prevention Division. The 2019 California Fire Code, which consists of certain portions of the 2018 edition of the International Fire Code as amended by the California Building Standards Commission, and the 2018 edition of the International Fire Code, and Appendix A of the 2018 edition of the International Wildland-Urban Interface Code as adopted herein, shall be enforced by the Fire Prevention Bureau of the Tiburon Fire Protection District and shall be operated under the supervision of the Chief of the Tiburon Fire Protection District.

16.12.030 Definitions. Wherever they appear in the California Fire Code, the International Fire Code, and International Wildland-Urban Interface Codes, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

A. Whenever the words "Fire Code" are used they shall mean those Codes and Standards adopted in Section 16.12.010 of this Chapter.

B. Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the City of Belvedere.

C. Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Tiburon Fire Protection District.

D. Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Community Risk Reduction Bureau and Fire Prevention Division of the Tiburon Fire Protection District.

16.12.040 Establishment of geographic limits of districts in which storage of Class I, Class II, and Class III liquids in outside aboveground tanks is prohibited. The geographic limits referred to in Section 5704.2.9.6.1 of the International Fire Code in which storage of Class I, Class II, and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all areas within the boundaries of the City of Belvedere.

16.12.050 Establishment of geographic limits of districts in which storage of Class I, Class II, and Class III liquids in aboveground tanks is prohibited. The geographic limits referred to in

Section 5706.2.4.4 of the International Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all areas within the boundaries of the City of Belvedere.

16.12.060 Establishment of geographic limits in which the storage of stationary tanks of flammable cryogenic fluids is to be prohibited. The geographic limits referred to in Section 5806.2 in which the storage of flammable cryogenic fluids in stationary containers are prohibited are hereby established as follows: In all areas within the boundaries of the City of Belvedere.

16.12.070 Establishment of geographic limits in which storage of liquefied petroleum gases is to be restricted. The geographic limits referred to in Section 6104.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: : In all areas within the boundaries of the City of Belvedere.

16.12.080 Establishment of geographic limits of districts in which storage of explosives and blasting agents is to be prohibited. The geographic limits in which storage of explosives and blasting agents is prohibited, are as follows: In all areas within the boundaries of the City of Belvedere.

16.12.090 Establishment of geographic limits of districts in which the storage of compressed natural gas is to be prohibited. The geographic limits in which the storage of compressed natural gas is prohibited, are hereby established as follows: In all areas within the boundaries of the City of Belvedere.

16.12.100 Establishment of geographic limits of districts in which the storage of hazardous materials is to be prohibited or limited. The geographic limits in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: In all areas within the boundaries of the City of Belvedere.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, the City Clerk shall cause the ordinance to be published, with the names of those City Council Members voting for and against the ordinance, in a newspaper of general circulation in the City.

SECTION 6. California Environmental Quality Act. The City Council of the City of Belvedere finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, § 15061(b)(3).

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INTRODUCED AT A REGULAR MEETING on December 9, 2019, and adopted at a public hearing of the Belvedere City Council of the City of Belvedere on January 13, 2020 by the following vote:

AYES: Claire McAuliffe, Marty Winter, Bob McCaskill and Mayor Nancy Kemnitzer

NOES: None

ABSENT: James Campbell

ABSTAIN: None

Approve: /s/ Nancy Kemnitzer, Mayor

Attest: /s/ Christina Cook, City Clerk



CERTIFICATION OF CITY ORDINANCE POSTING AND PUBLICATION

I, Christina Cook, City Clerk of the City of Belvedere, hereby certify regarding the document to which this certificate is annexed:

- (a) It is a true and correct copy of the City ordinance.
- (b) The number of the ordinance is 2019-12.
- (c) The introduction and first reading of the ordinance as an "Other Scheduled Item" was heard at the December 9, 2019 Regular City Council meeting. A notice was posted in front of City Hall on December 17, 2020 for the adoption of the ordinance at the January 13, 2020 Regular City Council meeting. The notice was published in *The Ark* and the *Marin Independent Journal*, newspapers of general circulation published in the county and circulated in the City, on December 25, 2019 and January 1, 2020.
- (d) A Notice of Adoption of Ordinance was posted on January 21, 2020, in front of City Hall. The notice included the names of those city council members voting for or against the ordinance.
- (e) The same Notice of Adoption of Ordinance and full Ordinance No. 2019-12 was published on January 23, 2020 in *The Marin Independent Journal*, a newspaper of general circulation published in the county and circulated in the City.
- (f) A certified copy of the ordinance with the names of those city council members voting for and against the ordinance was posted in the office of the City Clerk on January 21, 2020.

WITNESS my hand and the official city seal of the City of Belvedere.



Christina Cook, City Clerk
01/21/2020

(Seal)

