

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING
TITLE 16 OF THE RIVERSIDE MUNICIPAL CODE, CHAPTER 16.32 TO
ADOPT THE 2016 EDITION OF THE CALIFORNIA FIRE CODE WITH
LOCAL AMENDMENT THERETO.

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

Section 1: Section 1.17.231 of the Riverside Municipal Code is amended as follows:

“Section 1.17.231 Administrative citation fines for specific violations; assessment and amounts.

A. Due to the significant risks of certain violations to public health, safety and welfare, the amount of fine to be imposed for the following violations of this code and assessed by means of an administrative citation shall be Five Hundred Dollars (\$500.00) for the first and each subsequent occurrence of the same type of violation. Notwithstanding this section, the amount of fine to be assessed by means of an administrative citation may be established by resolution of the City Council.

1. RMC 16.32.~~100~~ **375** Manufacture, possession, storage, sale, use and handling of fireworks.

2. RMC 16.32.020, CFC 107.6; overcrowding.

3. RMC 16.32.~~020~~ **225 through RMC 16.32.270**, CFC 307; illegal burning.

4. RMC 16.32.020, CFC 308; open flame/unwanted fire.

5. RMC 16.32.020, CFC 901.2; installing a fire protection system without a permit.

6. RMC 16.32.020, CFC Chapter ~~23~~ **32**; High Piled Storage.”

Section 2: Chapter 16.32 of the Riverside Municipal Code is amended in its entirety and replaced with Chapter 16.32, Fire Prevention, attached hereto as **Exhibit A** and incorporated herein by reference.

Section 3: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations,

1 Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical
2 change in the environment nor have a significant impact on the environment.

3 Section 4: The City Clerk shall certify to the adoption of this ordinance and cause
4 publication once in a newspaper of general circulation in accordance with Section 414 of the
5 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the
6 date of its adoption.

7 ADOPTED by the City Council this ____ day of _____, 2016.

8
9 _____
10 WILLIAM R. BAILEY, III
Mayor of the City of Riverside

11 Attest:

12 _____
13 COLLEEN J. NICOL
City Clerk of the City of Riverside

14
15 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
16 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
17 ____ day of _____, 2016, and that thereafter the said ordinance was duly and
18 regularly adopted at a meeting of the City Council on the ____ day of _____, 2016
19 by the following vote, to wit:

20 Ayes:

21 Noes:

22 Absent:

23 Abstain:

24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
25 City of Riverside, California, this ____ day of _____, 2016.

26
27 _____
City Clerk of the City of Riverside

28 CA: 16-1278
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EXHIBIT "A"

Chapter 16.32

FIRE PREVENTION

<u>Section 16.32.010</u>	<u>Reference to Fire Code.</u>
<u>Section 16.32.020</u>	<u>International Fire Code Adopted - Filed with City Clerk.</u>
<u>Section 16.32.030</u>	<u>Sections deleted and not adopted.</u>
<u>Section 16.32.035</u>	<u>Section 103.4 amended - Liability.</u>
<u>Section 16.32.040</u>	<u>Section 104.1.1 added - Citations.</u>
<u>Section 16.32.045</u>	<u>Section 104.1.2 added - Fire Prevention Bureau Enforcement Powers.</u>
<u>Section 16.32.050</u>	<u>Section 104.3 added - Right of Entry.</u>
<u>Section 16.32.055</u>	<u>Section 104.3.1 added - Warrants.</u>
<u>Section 16.32.060</u>	<u>Section 104.8 added Modifications.</u>
<u>Section 16.32.065</u>	<u>Section 104.9 added - Alternative Materials and Methods.</u>
<u>Section 16.32.070</u>	<u>Section 104.9.1 added - Research Reports.</u>
<u>Section 16.32.075</u>	<u>Section 104.9.2 added - Tests.</u>
<u>Section 16.32.080</u>	<u>Section 104.10.1 added - Assistance from other Agencies.</u>
<u>Section 16.32.085</u>	<u>Section 104.11 added - Authority at Fires and other Emergencies.</u>
<u>Section 16.32.090</u>	<u>Section 104.11.1 added - Barricades.</u>
<u>Section 16.32.095</u>	<u>Section 104.11.2 added - Obstructing Operations.</u>
<u>Section 16.32.100</u>	<u>Section 104.11.3 added - Systems and Devices.</u>
<u>Section 16.32.105</u>	<u>Section 104.12 added - Cost Recovery.</u>
<u>Section 16.32.110</u>	<u>Section 105.2.3 added - Time Limitation.</u>
<u>Section 16.32.115</u>	<u>Section 105.3.1 added - Expiration.</u>
<u>Section 16.32.120</u>	<u>Section 105.3.2 added - Extensions.</u>
<u>Section 16.32.125</u>	<u>Section 105.6.10 added - Covered and Open Mall Buildings.</u>
<u>Section 16.32.130</u>	<u>Section 105.6.17 amended - Flammable and Combustible Liquids.</u>
<u>Section 16.32.135</u>	<u>Section 105.6.21 amended - Hazardous Materials.</u>
<u>Section 16.32.140</u>	<u>Section 105.6.24 amended - Hot Works Operations.</u>
<u>Section 16.32.145</u>	<u>Section 105.6.32 added - Open Burning.</u>
<u>Section 16.32.150</u>	<u>Section 105.6.34 added- Open Flames and Candles.</u>
<u>Section 16.32.155</u>	<u>Section 105.6.50 added - Christmas Tree and Pumpkin Sales Lots.</u>
<u>Section 16.32.160</u>	<u>Section 105.7.17 added - Standpipe Systems.</u>
<u>Section 16.32.165</u>	<u>Section 105.7.18 added - Temporary Membrane Structures and Tents.</u>
<u>Section 16.32.170</u>	<u>Section 108 amended - Board of Appeals.</u>
<u>Section 16.32.175</u>	<u>Section 109.3.4 added - Unauthorized Tampering.</u>
<u>Section 16.32.180</u>	<u>Section 109.4 amended - Violation Penalties.</u>
<u>Section 16.32.185</u>	<u>Section 109.4.1 added - Abate of Violation.</u>
<u>Section 16.32.190</u>	<u>Section 111.4 amended - Failure to Comply.</u>
<u>Section 16.32.195</u>	<u>Section 112 added - Authority to Disconnect Utilities.</u>
<u>Section 16.32.200</u>	<u>Section 113.1 added - Fees.</u>
<u>Section 16.32.205</u>	<u>Section 113.2 added – Schedule of Permit Fees.</u>
<u>Section 16.32.210</u>	<u>Section 113.2.1 added - Afterhours Plan Review and Inspections.</u>
<u>Section 16.32.215</u>	<u>Section 113.3 added - Work Commencing before Permit Issuance.</u>
<u>Section 16.32.220</u>	<u>Section 305.2.1 amended - Hot Ashes and Spontaneous Ignition Sources.</u>
<u>Section 16.32.225</u>	<u>Section 307.1 added - Open Burning, Recreational Fires and Portable Outdoor Fireplaces.</u>
<u>Section 16.32.230</u>	<u>Section 307.1.1 added - Prohibited Open Burning.</u>
<u>Section 16.32.235</u>	<u>Section 307.2 added - Permit Required.</u>

<u>Section 16.32.240</u>	<u>Section 307.2.1 added - Authorization.</u>
<u>Section 16.32.245</u>	<u>Section 307.3 added - Extinguishment Authority.</u>
<u>Section 16.32.250</u>	<u>Section 307.4 added - Location.</u>
<u>Section 16.32.255</u>	<u>Section 307.4.1 added - Bonfires.</u>
<u>Section 16.32.260</u>	<u>Section 307.4.2 added - Recreational Fires.</u>
<u>Section 16.32.265</u>	<u>Section 307.4.3 added - Portable Outdoor Fireplaces.</u>
<u>Section 16.32.270</u>	<u>Section 307.5 added - Attendance.</u>
<u>Section 16.32.275</u>	<u>Section 308.1.6.3 added - Sky Lanterns.</u>
<u>Section 16.32.280</u>	<u>Section 503.3 amended - Markings.</u>
<u>Section 16.32.285</u>	<u>Section 503.4 amended- Obstruction of Fire Apparatus Access Roads.</u>
<u>Section 16.32.290</u>	<u>Section 503.4.2 added - Emergency Fire Lane.</u>
<u>Section 16.32.295</u>	<u>Section 503.6 amended - Security Gates.</u>
<u>Section 16.32.300</u>	<u>Section 506.1 amended - Where Required.</u>
<u>Section 16.32.305</u>	<u>Section 506.3 added - Automatic Infrared Gate System.</u>
<u>Section 16.32.310</u>	<u>Section 507.1 amended - Required Water Supply.</u>
<u>Section 16.32.315</u>	<u>Section 507.5.1 amended - Where Required.</u>
<u>Section 16.32.320</u>	<u>Section 507.5.5 amended - Clear Space around Hydrants.</u>
<u>Section 16.32.325</u>	<u>Section 507.5.7 added - Hydrant Identification.</u>
<u>Section 16.32.330</u>	<u>Section 510.6.4 added - Emergency Responder Radio Coverage.</u>
<u>Section 16.32.335</u>	<u>Section 903.2 amended - Where Required.</u>
<u>Section 16.32.340</u>	<u>Section 907.6.6 added - Monitoring.</u>
<u>Section 16.32.345</u>	<u>Section 912.2.1 amended – Visible Location.</u>
<u>Section 16.32.350</u>	<u>Section 912.5 added – Fire Appliance Signage.</u>
<u>Section 16.32.355</u>	<u>Section 912.8 added - Fire Department Connection.</u>
<u>Section 16.32.360</u>	<u>Chapter 25 amended - Fruit and Crop Ripening.</u>
<u>Section 16.32.365</u>	<u>Section 4906.4 added - Designation of Very High Fire Hazard Severity Zones (VHFHS).</u>
<u>Section 16.32.370</u>	<u>Section 5601.1.1 amended - Manufacturing.</u>
<u>Section 16.32.375</u>	<u>Section 5601.1.3 amended - Fireworks.</u>
<u>Section 16.32.380</u>	<u>Finding and Declaration.</u>
<u>Section 16.32.385</u>	<u>Severability.</u>
<u>Section 16.32.390</u>	<u>Hazardous Materials Clean-up Cost Recovery.</u>

Section 16.32.010 Reference to Fire Code.

This chapter shall be known as the "Fire Code" and may be cited as such. Whenever in this code or any ordinance of the City the phrases "California Fire Code" or "Fire Code" appear, such phrases shall be deemed and construed to refer to or apply to this Chapter. The addition of the word "standards" to such phrases shall limit the reference and application of such phrases to the "California Fire Code Standards." (Ord. 7245 §3, 2014; Ord. 6964 §2, 2007; Ord. 5259 §36, 1985; Ord. 4147 §1 (part), 1974)

Section 16.32.020 International Fire Code Adopted - Filed with City Clerk.

The 2015 International Fire Code as amended by the California State Fire Marshal, also known as the 2016 California Fire Code ("this Code"), including Appendices Chapter 4, B, C, E, F, G, I, M, and N which prescribes regulations consistent with nationally recognized good practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises, is adopted and by this reference is made a part of this Code with the force and effect as though set out herein in full, with the exception of the parts expressly excepted and deleted or as amended by this Chapter. One copy of this Code has been certified as a true copy, is on file and open to public

inspection in the Office of the City Clerk. (Ord. 7245 §3, 2014; Ord. 7104 §2, 2010; Ord. 7000 §2, 2008; Ord. 6964 §3, 2007; Ord. 6633 §1, 2002; Ord. 6473 §2, 1999; Ord. 6262 §1, 1996; Ord. 6031 §1, 1993; Ord. 5803 §1, 1990; Ord. 5551 §1, 1987; Ord. 5259 §37, 1985; Ord. 4854 §1, 1980; Ord. 4589 §1 (part), 1978; Ord. 4192 §5 (part), 1975; Ord. 4147 §1 (part), 1974)

Section 16.32.030 Sections deleted and not adopted.

The chapters, sections, paragraphs, and parts of the California Fire Code which are excepted, deleted and not adopted are:

1. Part 2, Division II, Sections 103.2, 105.6.1, 105.6.3, 105.6.4, 105.6.6, 105.6.7, 105.6.8, 105.6.9, Table 105.6.9, 105.6.11, 105.6.12, 105.6.13, 105.6.16, 105.6.25, 105.6.26, 105.6.28, 105.6.33, 105.6.48.
(Ord. 7245 §3, 2014)

Section 16.32.035 Section 103.4 amended - Liability.

Section 103.4 is amended in its entirety to read as follows:

This Code shall not be construed to hold the public entity or any officer or employee responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein provided or by reason of the approval or disapproval of any equipment or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

The expense of securing any emergency which is the result of a violation of this code is a charge against the person whose violation of this code caused the emergency.

Damages caused by and expenses incurred by the Fire Department for securing such emergency shall constitute a debt of such person and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied. (Ord. 7245 §3, 2014; Ord. 7104 §3, 2010; Ord. 6964 §5, 2007; Ord. 6262 §3, 1996; Ord. 6031 §3, 1993; Ord. 4854 §3, 1980; Ord. 4589 §1 (part), 1978; Ord. 4147 §1 (part), 1974)

Section 16.32.040 Section 104.1.1 added - Citations.

Section 104.1 is amended by adding Section 104.1.1 to read as follows:

The fire code official and his or her designee are authorized to issue a citation to persons operating or maintaining an occupancy, premises, or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so. (Ord. 7245 §3, 2014; Ord. 7104 §4, 2010)

Section 16.32.045 Section 104.1.2 added - Fire Prevention Bureau Enforcement Powers.

Section 104.1 is amended by adding Section 104.1.2 to read as follows:

The fire code official and his or her designees have authority to enforce the terms of this Chapter to the extent afforded by law. (Ord. 7245 §3, 2014; Ord. 7104 §5, 2010)

Section 16.32.050 Section 104.3 added - Right of Entry.

Section 104.3 is added in its entirety to read as follows:

Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

Section 16.32.055 Section 104.3.1 added - Warrants.

Section 104.3.1 is added in its entirety to read as follows:

Where the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code.

Section 16.32.060 Section 104.8 added - Modifications.

Section 104.8 is added in its entirety to read as follows:

Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modifications in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

Section 16.32.065 Section 104.9 added - Alternative Materials and Methods.

Section 104.9 is added in its entirety to read as follows:

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved.

Section 16.32.070 Section 104.9.1 added - Research Reports.

Section 104.9.1 is added in its entirety to read as follows:

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

Section 16.32.075 Section 104.9.2 added -Tests.

Section 104.9.2 is added in its entirety to read as follows:

Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the fire code official for the period required for retention of public records.

Section 16.32.080 Section 104.10.1 added - Assistance from other Agencies.

Section 104.10.1 is added in its entirety to read as follows:

Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or enforcement when requested to do so.

Section 16.32.085 Section 104.11 added - Authority at Fires and other Emergencies.

Section 104.11 is added in its entirety to read as follows:

The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

Section 16.32.090 Section 104.11.1 added - Barricades.

Section 104.11.1 is added in its entirety to read as follows:

The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

Section 16.32.095 Section 104.11.2 added - Obstructing Operations.

Section 104.11.2 is added in its entirety to read as follows:

Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

Section 16.32.100 Section 104.11.3 added - Systems and Devices.

Section 104.11.3 is added in its entirety to read as follows:

Persons shall not render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident

Section 16.32.105 Section 104.12 added - Cost Recovery.

Section 104.12 is amended by adding Section 104.12 to read as follows:

To the extent consistent with state law, the City may obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the fire department to protect the public from criminal or negligent activities, and from fire or hazardous substances. (Ord. 7245 §3, 2014; Ord. 7104 §6, 2010)

Section 16.32.110 Section 105.2.3 added - Time Limitation.

Section 105.2.3 is added in its entirety to read as follows:

An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued, except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 16.32.115 Section 105.3.1 added - Expiration.

Section 105.3.1 is added in its entirety to read as follows:

An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the

work authorized by such permit is suspended or abandoned for period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

Section 16.32.120 Section 105.3.2 added - Extensions.

Section 105.3.2 is added in its entirety to read as follows:

A permittee holding an unexpired permit shall have the right to apply for an extension of time within which the permittee will commence work under that permit where work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

Section 16.32.125 Section 105.6.10 added - Covered and Open Mall Buildings.

Section 105.6.10 is added in its entirety to read as follows:

An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

Section 16.32.130 Section 105.6.17 amended - Flammable and Combustible Liquids.

Section 105.6.17 is amended in its entirety to read as follows:

An operational permit is required for:

1. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above ground flammable or combustible liquid tank.
2. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
3. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial industrial, governmental or manufacturing establishments.

Section 16.32.135 Section 105.6.21 amended - Hazardous Materials.

Section 105.6.21 is amended in its entirety to read as follows:

An operation permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts pursuant to Riverside Municipal Code, Chapter 9.48

Section 16.32.140 Section 105.6.24 amended - Hot Work Operations.

Section 105.6.24 is amended in its entirety to read as follows:

An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

EXCEPTION: Work that is conducted under a construction permit.

Section 16.32.145 Section 105.6.32 added - Open Burning.

Section 105.6.32 is added in its entirety to read as follows:

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

Section 16.32.150 Section 105.6.34 added - Open Flames and Candles.

Section 105.6.34 is added in its entirety to read as follows:

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

Section 16.32.155 Section 105.6.50 added - Christmas Tree and Pumpkin Sales Lots.

Section 105.6 is amended by adding Section 105.6.50 to read as follows:

A permit is required to operate any Christmas tree or Pumpkin sales lot.

EXCEPTION: Nurseries and tree farms. (Ord. 7245 §3, 2014)

Section 16.32.160 Section 105.7.17 added - Standpipe Systems.

Section 105.7.17 is added in its entirety to read as follows:

A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be modification and does not require a permit.

Section 16.32.165 Section 105.7.18 added - Temporary Membrane Structures and Tents.

Section 105.7.18 is added in its entirety to read as follows:

A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet.

EXCEPTIONS:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all of the following:
 - 3.1.1 Individual tents shall have a maximum size of 700 square feet.
 - 3.1.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet total.
 - 3.1.3 A minimum clearance of 12 feet to structures and other tents shall be maintained.

Section 16.32.170 Section 108 amended - Board of Appeals.

Section 108 is amended in its entirety to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the Planning Commission of the City of Riverside. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code. (Ord. 7245 §3, 2014)

Section 16.32.175 Section 109.3.4 added - Unauthorized Tampering.

Section 109.3.4 is added in its entirety to read as follows:

Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with, or removed, without authorization from the fire code official.

Section 16.32.180 Section 109.4 amended – Violation Penalties.

Section 109 is amended by amending Section 109.4 in its entirety to read as follows:

In addition to other enforcement provisions applicable to this Code, persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction or misdemeanor, punishable by a fine of not more than \$1,000.00 dollars or by imprisonment not exceeding 6 months in jail, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 7245 §3, 2014)

Section 16.32.185 Section 109.4.1 added - Abate of Violation.

Section 109.4.1 is added in its entirety to read as follows:

In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

Section 16.32.190 Section 111.4 amended - Failure to Comply.

Section 111 is amended by amending Section 111.4 in its entirety to read as follows:

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 not less than one hundred dollars (\$100) or more than one thousand dollars (1,000). (Ord. 7245 §3, 2014)

Section 16.32.195 Section 112 added- Authority to Disconnect Utilities.

Section 112 is added in its entirety to read as follows:

The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, then the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Section 16.32.200 Section 113.1 added- Fees.

Section 113.1 is added in its entirety to read as follows:

A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Section 16.32.205 Section 113.2 added – Schedule of permit fees.

Section 113.2 is added in its entirety to read as follows:

A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

Section 16.32.210 Section 113.2.1 Added - Afterhours plan review and inspections.

Section 113.2.1 is added in its entirety to read as follows:

At the discretion of the Fire Marshal, the Fire Prevention Division may make an emergency inspection, complete plan review, or perform inspection services during other than normal working hours upon the request of the applicant. The charge for afterhours plan review or inspection services shall be two and one-half times the hourly wage rate of the plan reviewer or inspector providing the service, or as otherwise set by resolution of the City Council. Such service for each hour or any

portion thereof, shall be in addition to any other fees that may have been paid or are due. Afterhours inspection requests require a minimum two hour service charge.

Section 16.32.215 Section 113.3 added - Work Commencing before Permit Issuance.

Section 113.3 is added in its entirety to read as follows:

A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

Section 16.32.220 Section 305.2.1 added - Hot Ashes and Spontaneous Ignition Sources.

Section 305 is amended by adding Section 305.2.1 in its entirety to read as follows:

Hot ashes, cinders or smoldering coals kept indoors shall be on a non-combustible surface, under a listed minimum Type II ventilation hood that meets the currently adopted California Mechanical Code requirements.

Disposal of hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall be deposited in a covered, noncombustible receptacle and placed on a noncombustible floor, ground surface or stand a minimum of 10 feet from any structure or vehicle. (Ord. 7245 §3, 2014; Ord. 7077 §2, 2010)

Section 16.32.225 Section 307.1 added - Open Burning, Recreational Fires and Portable Outdoor Fireplaces

Section 307.1 is added in its entirety to read as follows:

General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

Section 16.32.230 Section 307.1.1 added - Prohibited Open Burning.

Section 307.1.1 is added in its entirety to read as follows:

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

EXCEPTION: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

Section 16.32.235 Section 307.2 added - Permit required.

Section 307.2 is added in its entirety to read as follows:

A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Section 16.32.240 Section 307.2.1 added - Authorization.

Section 307.2.1 is added in its entirety to read as follows:

Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

Section 16.32.245 Section 307.3 added - Extinguishment authority.

Section 307.3 is added in its entirety to read as follows:

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.

Section 16.32.250 Section 307.4 added - Location.

Section 307.4 is added in its entirety to read as follows:

The location for open burning shall be not less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

EXCEPTIONS:

1. Fires in approved containers that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

Section 16.32.255 Section 307.4.1 added - Bonfires.

Section 307.4.1 is added in its entirety to read as follows:

A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

Section 16.32.260 Section 307.4.2 added - Recreational Fires.

Section 307.4.2 is added in its entirety to read as follows:

Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

Section 16.32.265 Section 307.4.3 added - Portable Outdoor Fireplaces.

Section 307.4.3 is added in its entirety to read as follows:

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

EXCEPTION: Portable outdoor fireplaces used at one- and two-family dwellings.

Section 16.32.270 Section 307.5 added - Attendance.

Section 307.5 is added in its entirety to read as follows:

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section 16.32.275 Section 308.1.6.3 added – Sky Lanterns.

Section 308.1.6 is amended by adding Section 308.1.6.3 to read as follows:

Sky lanterns: An unmanned device that incorporates an open flame in order to make the device airborne. No person shall release or cause to be released an untethered sky lantern.

EXCEPTIONS: Upon approval of the fire code official, sky lanterns may be used as necessary for religious or cultural ceremonies providing that adequate safeguards have been taken as approved by the fire code official. Sky lanterns shall be tethered in a safe manner to prevent them from leaving the area and shall be constantly attended until extinguished. (Ord. 7245 §3, 2014)

Section 16.32.280 Section 503.3 amended - Markings.

Section 503 is amended by amending Section 503.3 in its entirety to read as follows:

Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility. The fire code official shall be

the only authority authorized to designate fire lanes. (Ord. 7245 §3, 2014)

Section 16.32.285 Section 503.4 amended- Obstruction of Fire Apparatus Access Roads.

Section 503 is amended by amending Section 503.4 in its entirety to read as follows:

No person shall place, store or park any object, material or vehicle in any established exit way, driveway, gateway, alleyway, designated fire lane or any access roadway required by Section 503.4 of this Code, whether of public or private property, which could hamper the egress of building occupants from or the ingress of Fire Department emergency vehicles to any occupied structure. When any such obstructions are found that might, in the opinion of the fire code official, delay or impede the egress of occupants or the ingress of Fire Department emergency vehicles, such object, material or vehicle shall be immediately removed when so ordered by the fire code official. When such obstacle is a vehicle and signs are posted indicating a fire lane or prohibiting parking giving notice of removal and the Police Department telephone number, the vehicle shall be immediately removed by the owner or other responsible person in charge of the vehicle or the Police Department or Fire Department may cause its removal. The person causing the removal of such vehicle shall comply with the requirements of Section 25001.1 and 22514 of the California Vehicle Code. A notice to appear and or parking ticket may be issued for any vehicle, whether attended or unattended, stopped, parked or left standing contrary to the provisions of this subsection instead of or in addition to the removal of such vehicle. (Ord. 7245 §3, 2014)

Section 16.32.290 Section 503.4.2 added – Emergency Fire Lane.

Section 503.4 is amended by adding Section 503.4.2 to read as follows:

Emergency fire lanes for temporary street closures shall have an unobstructed width of not less than 12 feet. (Ord. 7245 §3, 2014)

Section 16.32.295 Section 503.6 amended – Security Gates.

Section 503 is amended by amending Section 503.6 in its entirety to read as follows:

The installation of security gates across a fire apparatus access road shall be approved by the fire code official, and shall have a minimum width of 12 feet. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. (Ord. 7245 §3, 2014)

Section 16.32.300 Section 506.1 amended - Where Required.

Section 506 is amended by amending Section 506.1 in its entirety to read as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box and/or key switch to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (Ord. 7245 §3, 2014; Ord. 7104 §10, 2010; Ord. 6964 §9, 2007; Ord. 6473 §3, 1999; Ord. 6262 §8, 1996; Ord. 6031 § 7, 1993; Ord. 5803 § 6, 1990; Ord. 5551 § 4, 1987)

Section 16.32.305 Section 506.3 added - Automatic Infrared Gate System.

Section 506 is amended by adding Section 506.3 to read as follows:

All new electric emergency access gates shall have installed an automatic opening infrared gate system approved by the fire official. (Ord. 7245 §3, 2014; Ord. 7104 § 11, 2010)

Section 16.32.310 Section 507.1 amended - Required Water Supply.

Section 507 is amended by amending Section 507.1 in its entirety to read as follows:

An approved water supply capable of supplying the required fire flow for fire protection shall

be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Public fire hydrants shall be spaced a maximum of 350 feet apart. Any such required fire hydrants shall be spaced per Appendix C.

EXCEPTION: Single family residences equipped with a residential fire sprinkler system as outlined in Section 903 shall have a public fire hydrant spaced a maximum of 500 feet apart. Fire hydrants on dead end streets or roads shall not exceed 400 feet from the end of the street or road. (Ord. 7245 §3, 2014)

Section 16.32.315 Section 507.5.1 amended – Where Required.

Section 507 is amended by amending Section 507.5.1 in its entirety to read as follows:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet (107 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

EXCEPTION:

1. For Group R-3 and Group U occupancies, *equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3*, the distance requirement shall be *not more than* 600 feet (183 m). (Ord. 7245 §3, 2014)

Section 16.32.320 Section 507.5.5 amended - Clear Space around Hydrants.

Section 507 is amended by amending Section 507.5.5 in its entirety to read as follows:

A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, fire department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved. (Ord. 7245 §3, 2014)

Section 16.32.325 Section 507.5.7 added - Hydrant Identification.

Section 507 is amended by adding Section 507.5.7 to read as follows:

Hydrant locations shall be identified by the installation of approved blue reflective markers, as required by the fire code official. (Ord. 7245 §3, 2014)

Section 16.32.330 Section 510.6.4 added – Emergency Responder Radio Coverage.

Section 510.6 is amended by adding 510.6.4 to read as follows:

In addition to Section 510, emergency responder radio coverage systems shall also comply with Riverside Municipal Code, Chapter 16.36 - Public-Safety Radio Amplification System. (Ord. 7245 §3, 2014)

Section 16.32.335 Section 903.2 amended - Where Required.

Section 903 amended by amending Section 903.2 to read as follows:

A. Where required. An automatic fire extinguishing system shall be installed and maintained in operable condition in the buildings and locations as set forth in this section.

For special provisions on hazardous chemicals, magnesium and calcium carbide, see the Fire Code.

B. All New Buildings. An automatic sprinkler system shall be installed and maintained in operable condition in all new buildings. All systems shall conform to the National Fire Protection Association Standards 13, 13D, and 13R and the Riverside Fire Department Standards and Policies.

EXCEPTIONS:

1. Buildings less than 1,000 square feet in floor area, other than Group R-1, Group R-2, Group R-3, and Group R-4 occupancies, unless specifically required by other provisions of the California Fire Code.

2. Group U occupancy buildings accessory to Group R-3 occupancies other than additional R-1, R-2, R-3, or R-4 occupancies.

3. Group S occupancies, less than 5,000 square feet in floor area, that are accessory to uses such as golf courses, tree nurseries, parks, farms, etc. Administrative and clerical office use area may not exceed 25 percent of the floor area of the major use. Additionally, the site must be zoned RE, HR, RA, RA-2, RA-5 or RC.

4. Structures that have no occupant load as determined by the Building Official.

5. Swimming pools, spas, gazebos, shade structures or other open-air structures that meet California Building Code requirements for separation.

6. Structures which do not require building permits.

7. Mausoleums, crypts, and similar structures.

8. Agricultural buildings as defined in the California Building Code, Appendix C.

9. Structures and buildings designed exclusively to shelter or protect equipment such as pump houses, substations, and similar structures.

10. Aircraft hangars, pursuant to California Fire Code, Section 914.8.3

11. Temporary modular construction offices.

12. Group R occupancies for which a fire station development fee as set forth in Chapter 16.52 has been paid prior to March 1, 1993 or Group R occupancies situated within a community facilities district or an assessment district formed prior to March 1, 1993 when said district has agreed to pay for a proportionate share for construction of a fire station to serve the area of the district.

C. Existing Buildings. Buildings in existence prior to March 1, 1993 or buildings for Group R, Division 3 and Group U occupancies for which plans were submitted and plan check fees paid to the City prior to March 1, 1993 shall be exempt from the requirements of this section.

EXCEPTIONS:

1. Pursuant to California Fire Code, Section 903 in its entirety.

D. Conflict. Where in any case, there are conflicting provisions between the California Fire Code as adopted by the City and this section, the more restrictive shall govern.

E. Standards. All automatic fire sprinkler systems required by this section shall comply with N.F.P.A. 13, 13D and 13R. (Ord. 7245 §3, 2014; Ord. 7104 §13, 2010; Ord. 7000 §5, 2008)

Section 16.32.340 Section 907.6.6 added - Monitoring.

Section 907.6 is amended by adding Section 907.6.6 to read as follows:

1. All new installations requiring monitoring shall be UL certificated "UUF" listed for the life of the system or FM certificated, or ETL certificated when approved by the fire code official.

2. Any existing fire alarm or fire sprinkler monitoring system that has more than six false alarm responses within a year's time frame shall comply with the system being certificated by UL, FM, or ETL. A false alarm is the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

Section 16.32.345 Section 912.2.1 amended - Visible Location.

Section 912.2 is amended by amending Section 912.2.1 in its entirety to read as follows:

Fire department connections shall be located on the front access side of buildings, fully-visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official. (Ord. 7245 §3, 2014)

Section 16.32.350 Section 912.5 added - Fire Appliance Signage.

Section 912.5 is amended to read as follows:

Fire department connections, control valves, and other applicable fire appliances shall have signs identifying the building address, addresses or other readily distinguishable identification that the fire department connection serves, according to the Fire Department standards approved by the fire code official. (Ord. 7245 §3, 2014)

Section 16.32.355 Section 912.8 added - Fire Department Connection.

Section 912 is amended by adding Section 912.8 to read as follows:

Any fire sprinkler system with a required water flow below 750 gpm requires the fire department connection to be equipped with (2) 2-1/2 inch female swivel inlets. The threads shall be 2.5-7.5 American National Hose connections screw threads (NH). The riser to the FDC must be 4 inch in diameter.

Any fire sprinkler system with a required water flow greater than 750 gpm requires that the fire department connection be equipped with (2) 2-1/2 inch female swivel (2.5-7.5) inlets and (1) 4 inch female swivel (4-4 NH) inlet. The riser to the FDC must be 6 inches in diameter pipe. A listed check valve device shall be installed at each inlet, in addition to the clapper valve. (Ord. 7245 §3, 2014)

Section 16.32.360 Chapter 25 amended - Fruit and Crop Ripening.

Chapter 25 of the California Fire Code is adopted in its entirety. (Ord. 7245 §3, 2014)

Section 16.32.365 Section 4906.4 added - Designation of Very High Fire Hazard Severity Zones (VHFHS).

Section 4906 is amended by adding Section 4906.4 to read as follows:

The designation, locations, and boundaries of the VHFHS Zones in the City of Riverside are designated on the map labeled "Very High Fire Hazard Severity Zones", located in General Plan 2025, Public Safety Element, Figure PS-7. (Ord. 7245 §3, 2014)

Section 16.32.370 Section 5601.1.1 amended - Manufacturing.

Section 5601 is amended by adding Section 5601.1.1 to read as follows:

The manufacture of explosives shall be prohibited within all areas and zones of the City. (Ord. 7245 §3, 2014; Ord. 7000 §1, 2008; Ord. 6964 §14, 2007; Ord. 6262 §16, 1996; Ord. 6031 §15, 1993; Ord. 5803 §11, 1990; Ord. 4854 §12, 1980; Ord. 4589 §1 (part), 1978; Ord. 4147 §1 (part), 1974)

Section 16.32.375 Section 5601.1.3 amended - Fireworks.

Section 5601.1.3 is amended in its entirety to read as follows:

A. It shall be unlawful to sell, offer for sale, use, discharge, possess, store, or transport fireworks, unless subject to one of the following exceptions:

1. Sale of fireworks when allowed by the Fire Chief under special permits when not otherwise prohibited by applicable local or state laws, ordinances and regulations.

2. Use and handling of fireworks for display in accordance with Title 19 of the California Code of Regulations.

3. Activities listed in the State Fireworks Law where all necessary valid state and local permits for the activity or activities have been issued

4. Transportation of fireworks by a person holding a valid state license upon approved routes pursuant to the State Fireworks Law.

5. Possession, storage, sale, use, and handling of snap caps, snappers, or party poppers in accordance with Title 19 of the California Code of Regulation.

B. The manufacturing of fireworks is prohibited unless permitted by the Fire Chief and in accordance with the State Fireworks Law.

C. The manufacture, storage, or use of pyrotechnic special effects material is prohibited unless permitted by the Fire Chief and in accordance with all applicable laws.

D. Nothing in this section shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

E. It shall be unlawful and a public nuisance for any person and/or responsible party to allow

or permit the violation of this Section.

Section 16.32.380 Finding and Declaration.

As required by the Health and Safety Code of the State of California, the City Council finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions and are consistent with a comprehensive fire prevention program for the City. (Ord. 7245 §3, 2014)

Section 16.32.385 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this chapter and each section or subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses or phrases be declared invalid. (Ord. 7245 §3, 2014)

Section 16.32.390 Hazardous Materials Clean-up Cost Recovery.

A. The City is authorized to perform various functions that relate to identification, clean up and abatement of hazardous material unlawfully released, discharged, or deposited upon or into any property or facility within the City and to perform certain protective activities such as evacuation. However, the authority to recover costs under this section shall not include fire extinguishment and medical aid services which are normally or usually provided by the Fire Department. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of such identification, clean up and abatement activity.

1. The person or persons whose negligent or willful act or omission proximately caused such release, discharge or deposit; and

2. The person or persons who owned or had custody or control of the hazardous substance or waste at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and

3. The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause.

B. In the event that any person undertakes, either voluntarily or upon order of the Fire Chief or other City official, to clean up or abate the effects of any hazardous material unlawfully released, discharged or deposited upon or into any property or facilities within the City, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in subsection A shall be liable to the City for all costs incurred as a result of such supervision or verification.

C. For purposes of this section, "hazardous material" shall be as defined as in Chapter 2 of the California Fire Code as that section may be amended.

D. For purposes of this section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including benefits and administrative overhead; cost of equipment operation, cost of materials obtained directly by the City; and cost of any contract labor and materials.

E. The remedies provided by this section shall be in addition to any other remedies provided by law. (Ord. 7245 §3, 2014; Ord. 6964 §18, 2007; Ord. 5910 §3, 1991)