

MEETING DATE: January 28, 2008

AGENDA ITEM: Adoption of an Ordinance of the City of Culver City, State of California, Repealing and Replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code, and Adopting by Reference the 2007 California Fire Code, with Local Amendments.

ATTACHMENTS

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ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, REPEALING AND REPLACING CHAPTER 9.02 OF TITLE 9 OF THE CULVER CITY MUNICIPAL CODE, AND ADOPTING BY REFERENCE THE 2007 CALIFORNIA FIRE CODE, WITH LOCAL AMENDMENTS

The City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1: That Chapter 9.02 of Title 9 of the Culver City Municipal Code, entitled "Fire Prevention," is hereby repealed; and that certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the 2006 International Fire Code, with errata, incorporating Part 9 of Title 24 of the California Code of Regulations known as the 2007 California Fire Code, with errata, including the 2007 Fire Code Appendix Chapter 1 as amended, Chapter 2 as amended, Appendix Chapter 4, Appendix B as amended, Appendix C as amended, Appendix D as amended, Appendix E, Appendix F, Appendix G, and Appendix H as amended by the California Building Standards Commission, is hereby adopted as the Fire Code of the City of Culver City, in the State of California, and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk of Culver City are hereby referred to, adopted, and made a part hereof, as though fully set out in this ordinance, with the additions, insertions, amendments, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

SECTION 2. Chapter 9.02 of Title 9 of the Culver City Municipal Code, entitled "Fire Prevention," having been repealed in Section 1 above, is hereby replaced as follows:



1 CALIFORNIA FIRE CODE

2 § 9.02.005 THE INTERNATIONAL FIRE CODE WITH CALIFORNIA
3 FIRE CODE ADOPTED BY REFERENCE.
4

5 A. The City Council hereby adopts certain amendments, additions,
6 deletions and exceptions to the 2006 International Fire Code, with errata,
7 incorporating Part 9 of Title 24 of the California Code of Regulations known
8 as the 2007 California Fire Code, with errata, including the 2007 Fire Code
9 Appendix Chapter 1 as amended, Chapter 2 as amended, Appendix Chapter
10 4, Appendix B as amended, Appendix C as amended, Appendix D as
11 amended, Appendix E, Appendix F, Appendix G, and Appendix H as
12 amended by the California Building Standards Commission, and subject to
13 the provisions of § 15.02.200, Chapter 9.02, the Zoning Code, as set forth in
14 Title 17 of this Code, and any other City regulations relating to existing
15 zoning, fireworks, building trades, is hereby adopted. The provisions of the
16 International Fire Code, with errata, California Fire Code, Fire Code
17 Appendices, as indicated above, shall be applicable in the City and referred
18 to as the "Fire Code of the City of Culver City."
19

20 B. One copy of the Fire Code of the City of Culver City shall be
21 available in the Culver City Fire Prevention office for public inspection.

22 § 9.02.010 VIOLATIONS AND PENALTIES.
23

24 A. No person shall violate any provision or fail to comply with the
25 requirements of the Fire Code of the City of Culver City, hereinafter referred
26 to as the "Fire Code." Any person violating any of the provisions or failing to
27 comply with any of the requirements of the Fire Code shall be guilty of a
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1 misdemeanor and upon conviction thereof, shall be punishable in accordance
2 with §§ 1.01.035 and 1.01.040 of this Code.

3 B. In addition to the penalties herein above provided, any condition
4 caused or permitted to exist in violation of any provision of the Fire Code,
5 shall be deemed a public nuisance and may be summarily abated as such,
6 and each day such condition continues, shall be regarded as a new and
7 separate offense.

8
9 § 9.02.015 AMENDMENTS, ADDITIONS, DELETIONS, AND
10 SUBSTITUTIONS.

11 The Fire Code is amended as provided in this Subchapter.
12

13 § 9.02.020 AMENDMENT; Chapter 1 OF THE CALIFORNIA FIRE CODE.
14

15 Chapter 1 of the Fire Code is hereby amended to read as follows:

16 Per the requirements of Appendix Chapter 1 section 104.1, the Culver City
17 Fire Department has adopted by reference and has amended appendices in
18 this document. Adopted appendices by reference are Appendix Chapter 1 as
19 amended, Appendix Chapter 4, Appendix B as amended, Appendix C as
20 amended, Appendix D as amended, Appendix E, Appendix F, Appendix G,
21 and Appendix H and as amended by the California Building Standards
22 Commission and subject to the provisions of 15.02.200 as referenced in
23 CCMC 9.02.005.

24
25 § 9.02.025 AMENDMENT; CHAPTER 2 OF THE CALIFORNIA FIRE CODE.

26 Chapter 2 is hereby amended to read as follows:
27
28

1 Section. 202 D, Department of Fire Prevention. Whenever the
2 term "Department of Fire Prevention" is used in this Code it shall be deemed
3 to mean the "Fire Prevention and Arson Investigation Division".
4

5 § 9.02.030 AMENDMENT; CHAPTER 4 OF THE CALIFORNIA FIRE CODE.

6 Chapter 4 is hereby amended to read as follows:
7

8 Section 408.11.2.1 Identification. Identification numbers shall be provided
9 for all individual units in covered mall buildings, multi-unit buildings and other
10 commercial complexes, and shall be placed in such a position as to be plainly
11 visible and legible. The position and size of such identification numbers shall
12 be determined by the Fire Code Official. Numbers and names shall be
13 provided for all enclosed rooms and spaces, including service rooms,
14 mechanical rooms, closets, and similar spaces to identify use.

15 § 9.02.035 AMENDMENT; CHAPTER 9 OF THE CALIFORNIA FIRE CODE.

16 Chapter 9 of the Fire Code is hereby amended to read as follows:
17

18 Section 901.4.1.1 Partial Fire Sprinkler Systems. Where in the Fire Code
19 or the Building Code a partial fire sprinkler system is allowed or required, the
20 fire sprinkler system shall be installed, modified or extended to protect the
21 entire building or structure.

22 Section 901.4.1.2 An automatic fire-extinguishing (sprinkler) system shall
23 be installed in every new building in the City, including any new residential
24 building, hereinafter constructed or moved into the City, regardless of area
25 separation or type of construction.
26
27
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1 Section 901.4.1.2 *EXCEPTION: New buildings less than 500 square feet*
2 *may be exempted upon approval of the Fire Code Official.*

3 Section 901.4.1.3 Commercial, Industrial and Multi-family. In existing
4 commercial, industrial and multi-family residential occupancies, fire sprinklers
5 shall be required in existing and new portions of the building for height
6 increases, area increases of 50% or more, and any occupancy change that
7 increases fire risk or hazard.

8 Section 901.4.1.4 Residential. Existing one and two family dwellings shall
9 be required to install a full automatic fire sprinkler system in existing and new
10 portions of the building when a story is added, more than 75% of the existing
11 roof structure is replaced, or the enclosed floor area is increased by more
12 than 75%.

13 Section. 901.4.5 Systems. Sprinkler systems, fire hydrant systems,
14 standpipe systems, fire alarm systems, portable fire extinguishers, smoke
15 and heat ventilators, smoke-removal systems and other fire-protective or
16 extinguishing systems or appliances shall be maintained in an operative
17 condition at all times and shall be replaced or repaired where defective. Fire-
18 protection or extinguishing systems coverage, spacing and specifications and
19 fire alarm systems shall be maintained in accordance with and recognized
20 standards at all times. Such systems shall be extended, altered or
21 augmented as necessary to maintain and continue protection whenever any
22 building so equipped is altered, remodeled or added to. Additions, repairs,
23 alterations and servicing shall be in accordance with approved standards. A
24 report of system activation, cause and correction shall be forwarded to the
25 Fire Prevention Office after each incident.

1 Section 901.6.1.1 Installation, approval and maintenance of automatic
2 fire-extinguishing (sprinkler) systems shall be in compliance with the most
3 current National Fire Protection Association Standards #13, #13R, #13D, and
4 Uniform Building Code as adopted and amended by the City.

5 Section 901.6.1.2 Automatic fire-extinguishing systems shall be installed
6 and maintained at the owner's expense.

7
8 Section 901.6.1.3 If the Fire Code Official or his/her designee determines
9 that access for fire apparatus and equipment to any building or structure, not
10 otherwise required hereunder to maintain an automatic fire-extinguishing
11 system, is unduly difficult, installation of an automatic fire-extinguishing
12 system shall be required.

13 Section. 907.1.5 System Voltage Drop. Maximum percent of voltage drop
14 on any initiation, output or audible/visual circuit shall not exceed 10%.

15
16 Section. 907.1.6 Projection Room Controls. All projection equipment and
17 audio equipment shall be interconnected to the fire alarm system for shut
18 down, upon an interrupt signal from the fire alarm panel, to prevent
19 interference of all visual and audible evacuation devices and directions from
20 the theatre staff for evacuation directions.

21
22 § 9.02.040 AMENDMENT; CHAPTER 11 OF THE CALIFORNIA FIRE
23 CODE.

24 Chapter 11 is hereby amended to read as follows:

25 Section 1107.1.1 All high-rise buildings, 75 feet or higher, on which
26 construction begins after the date of adoption of this Code shall have an
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28

1 approved Emergency Helistop on the roof or top floor, unless a written
2 exception request is approved by the Fire Code Official.

3 § 9.02.045 AMENDMENT; CHAPTER 22 OF THE CALIFORNIA FIRE
4 CODE.

5
6 Chapter 22 is hereby amended to read as follows:

7 Section 2201.7 Class III-B Liquids. Where in this chapter there is a
8 requirement for Class III-A Liquids, this same requirement shall apply to
9 Class III-B Liquids.

10
11 § 9.02.050 AMENDMENT; CHAPTER 34 OF THE CALIFORNIA FIRE
12 CODE.

13 Chapter 34 is hereby amended to read as follows:

14 Section 3401.6 Class III-B Liquids. Where in this chapter there is a
15 requirement for Class III-A Liquids, this same requirement shall apply to
16 Class III-B liquids.

17
18 § 9.02.055 AMENDMENT; CHAPTER 46 OF THE CALIFORNIA FIRE CODE.

19
20 Chapter 46 is hereby amended to read as follows:

21 Section 4604.2.1 Aisles Marking. Television and motion picture sound
22 stage perimeter aisles shall be identified by a four-inch wide contrasting
23 painted line, located four feet from the building's interior wall and as approved
24 by the Fire Code Official.

25 Section 4604.6.1 Illumination. The approved perimeter aisles shall be
26 illuminated at floor level with light fixtures spaced at intervals of not more than
27 fifty (50) feet apart and providing a minimum light intensity of not less than (1)
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1 foot-candle. Power for the emergency light fixtures shall be supplied as
2 required by Culver City Fire Department Regulations. All Exit and Emergency
3 lights shall comply with the Building Code requirements for two sources of
4 power with one of the two sources of power provided by approved batteries.

5 Section. 4604.10 Flammable Liquids and Compressed Gases on Sound
6 Stages. Unless approved, in writing, by the Fire Code Official, flammable
7 liquids and compressed flammable gases shall be prohibited on television
8 and motion picture sound stages.
9

10 Section 4604.11 Fire Department Filming and Performance Regulations.
11 All Motion Picture and Television Production Studio Sound Stages, Approved
12 Production Facilities and Productions Locations shall comply with Culver City
13 Fire Department Filming and Performance Regulations. Fire Department
14 Filming Regulations are available for review at the Fire Prevention Counter.

15
16 § 9.02.060 AMENDMENT; APPENDIX CHAPTER 1 OF THE CALIFORNIA
17 FIRE CODE.

18 Appendix Chapter 1 is hereby amended to read as follows:

19
20 Section 103.1.1 Department of Fire Prevention. Whenever the term
21 "Department of Fire Prevention" is used in this Code it shall mean the "Fire
22 Prevention and Arson Investigation Division."

23 Section 104.11.4 Arrest, Search and Seizure. The apprehension and
24 prosecution of anyone suspected of violating any fire law or arson statute.

25 Section 105.1.1.1 Permit Fees. Permit Fees shall be adopted by
26 resolution of the City Council.
27
28

1 Section _108.4 Appeals. Protests and appeals from the enforcement of
2 this subchapter shall be made to the Municipal Code Appeals Committee in
3 accordance with Section 15.02.020 of the Culver City Municipal Code.

4 § 9.02.065 AMENDMENT; APPENDIX B OF THE CALIFORNIA FIRE CODE.
5

6 Appendix B, Exception, is hereby amended to read as follows:

7 Section B105.2, Exception: The reduction in required fire flow of up to 50
8 percent, as approved, is allowed when the building is provided throughout
9 with an approved automatic fire sprinkler system installed in accordance with
10 Section 903.3.1.1 or 903. 3.1.2. The minimum resulting fire-flow shall not be
11 less than 1,500 gallons per minute (5678 L/min) for the prescribed duration
12 as specified in Table B105.1.
13

14 § 9.02.070 AMENDMENT; APPENDIX C OF THE CALIFORNIA FIRE CODE.

15 Appendix C is hereby amended to read as follows:

16 Section C101.1.2. Whenever the reference is made to Table C105.1, use
17 Culver City Fire Department, Fire Prevention Guidelines and Procedures for
18 Hydrant Placement, Spacing and Specifications.
19

20 § 9.02.075 AMENDMENT; APPENDIX D, OF THE CALIFORNIA FIRE
21 CODE.
22

23 Appendix D is hereby amended to read as follows:

24 Section D101.1.2. Whenever the reference is made to Table D103.1, use
25 Culver City Fire Department, Fire Prevention Guidelines and Procedures for
26 Fire Apparatus Access.
27
28

1 § 9.02.080 DELETIONS.

2 Section -3301 FIREWORKS is hereby deleted in its entirety.

3
4 FIREWORKS

5
6 § 9.02.200 DEFINITIONS.

7 The following words and phrases, as used in this Subchapter, are defined
8 as follows:

9 *FIREWORKS.* Means and includes any combustible explosive
10 composition, or any substance or combination of substances, or article
11 prepared for the purpose of producing a visible or an audible effect by
12 combustion, explosion, deflagration, or detonation, and shall include blank
13 cartridges, toy pistols, toy cannons, toy canes, or toy guns in which
14 explosives are used, the type of balloons which require fire underneath to
15 propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Day
16 glow bombs, sparklers, or other devices of like construction and any devices
17 containing any explosives or flammable compound, or any tablets or other
18 device containing any explosive substance, except that the term
19 *FIREWORKS* shall not include any auto flares, paper caps containing not in
20 excess of an average of twenty-five hundredths (.25) of a grain of explosive
21 content per cap, and toy pistols, toy canes or toy guns or other devices for
22 use of such caps, the sale and use of which shall be permitted at all times.

23
24 *PERSON.* Includes any individual, firm, partnership, joint venture,
25 association concern, corporation, estate, trust, business trust, receiver,
26 syndicate, or any other group or combination acting as a unit.
27
28

1 *PUBLIC DISPLAY OF FIREWORKS.* An entertainment feature where the
2 public is admitted or permitted to view the display or discharge of fireworks,
3 including but not limited to those above defined.

4
5 § 9.02.205 SALE, USE OR TRANSPORTATION OF FIREWORKS;
6 PROHIBITIONS AND RESTRICTIONS.

7 A. Except as provided herein, it shall be unlawful for any person to use,
8 possess, sell or discharge any fireworks of any kind within the City.

9
10 B. Fireworks may be transported through the City from and to points
11 outside the City by any wholesaler, retailer, jobber, warehouseman, or
12 manufacturer; provided that, no fireworks shall be so transported without
13 written approval of the Fire Code Official, which approval shall be revocable
14 for cause and shall be granted only upon application therefore setting forth
15 the description of the route to be used for the transportation and such other
16 information as the Fire Chief shall require.

17 C. Fireworks may be transported through the City from and to points
18 outside the City by an ultimate consumer of the fireworks.

19
20 D. Fireworks may be kept or stored by City safety officers in a safe and
21 secure place pending the lawful disposal thereof.

22 E. A person may use, store and possess fireworks in order to conduct a
23 public display of fireworks after obtaining a permit pursuant to this
24 Subchapter.

25 F. Nothing in this Subchapter shall be construed to prohibit the use of
26 fireworks by personnel of railroads or other transportation agencies for signal
27 purposes or illumination, or the sale or use of blank cartridges for a show or
28



1 theater, or for signal or ceremonial purposes in athletics or sports, or for use
2 by military organizations.

3 G. Nothing in this Subchapter shall be construed to prohibit the
4 assembling, compounding, use and display of fireworks of whatever nature
5 by any person engaged in the production of motion pictures, theatricals, or
6 operas or when such use and display is a necessary part of the production
7 and such person possesses a valid permit to purchase, possess, transport or
8 use such fireworks as required by State and local regulations.
9

10 § 9.02.210 PERMITS TO CONDUCT DISPLAYS OF FIREWORKS
11 GRANTED BY CITY COUNCIL.
12

13 The City Council, by resolution, upon written application as provided in this
14 Subchapter and subject to the provisions of this Subchapter, may grant two
15 (2) permits to conduct a public display of fireworks in a calendar year, each
16 display to occur on a separate date.

17 § 9.02.215 APPLICATION FOR PERMIT; CONDITIONS FOR FILING.
18

19 An application for a permit to conduct a public display of fireworks shall be
20 filed in compliance with all of the following:

21 A. Application for a permit to conduct a public display of fireworks shall
22 be filed in the Office of the City Manager, on forms provided by the City, at
23 least 180 days prior to the date requested for conducting the public display of
24 fireworks.
25

26 B. The following information shall be included on the application:
27
28

1 1. The location of the public display of fireworks as approved by the
2 Culver City Fire Department;

3 2. The location for storage of the fireworks to be displayed as
4 approved by the Culver City Fire Department, if within the City;
5

6 3. Who, if anyone, will provide management services to the applicant
7 for the public display of fireworks and evidence that such manager has
8 complied with all business tax certificate requirements; and

9 4. Any other information deemed necessary by the City Council for
10 the consideration of the application.
11

12 C. Evidence of the following types of insurance in a form and with
13 endorsements as approved by the City Attorney and in an amount not less
14 than One Million Dollars (\$1,000,000.00) shall be filed with the application:

15 1. Public liability insurance; combined single limit, bodily injury and
16 property damage, each occurrence;
17

18 2. Premises/operation liability;

19 3. Contractual liability, specifically referencing indemnification
20 agreements with the City; and
21

22 4. Products liability, including completed operations liability.

23 D. All fees required pursuant to this Code and City Council resolution
24 shall be paid at the time of filing the application; and

25 E. Evidence of compliance with any special conditions required by the
26 Culver City Fire Department because of the location of the public display of
27 fireworks.
28

1 § 9.02.220 CONDITIONS GOVERNING PERMIT.

2 Any permit granted to conduct a public display of fireworks shall be
3 governed by all of the following:
4

5 A. The public display of fireworks shall be conducted by a duly licensed
6 pyrotechnician who shall have obtained Culver City Fire Department approval
7 no later than the last day of June of the year in which the permit is granted;

8 B. One public display of fireworks shall be conducted on July 4th, and
9 the other shall be conducted in conjunction with Culver City High School's
10 annual homecoming celebration. Both displays shall be conducted strictly in
11 accordance with all regulations and conditions specified in this Subchapter
12 and in the Council resolution granting the permit;
13

14 C. Any attempt to transfer a permit to any person shall void the permit;

15 D. The permittee shall agree, in writing, to indemnify and hold harmless
16 the City, its officers, representatives, and employees from any loss or liability
17 or damages, including expenses and costs, for bodily injury or property
18 damage sustained by any person as a result of any operation related to the
19 permit; and
20

21 E. Failure to comply with any of the provisions of this Subchapter shall
22 preclude consideration of any application filed if permits have not been
23 granted thereunder; and shall be sufficient cause of the revocation of any
24 permit previously issued.

25 § 9.02.225 SEIZURE OF UNAUTHORIZED FIREWORKS.
26

27 Any duly authorized member of the Fire Department or Police Department
28 shall seize, take, remove or cause to be removed at the expense of the

1 owner all stocks of fireworks displayed, stored, held or offered or exposed for
2 sale in violation of this Subchapter.

3
4 § 9.02.230 DISPOSAL OF FIREWORKS.

5 Any fireworks that remain unfired after the public display of fireworks is
6 concluded, or which are seized pursuant to § 9.02.225, shall be disposed of
7 in a way safe for the particular type of fireworks.

8
9 § 9.02.235 CHANGE TO TIME LIMITS.

10 The City Council, by resolution, may extend or shorten the time
11 requirements established by this Subchapter.

12
13 § 9.02.240 RESCISSION OF PROHIBITION.

14 The prohibition set forth in § 9.02.205 shall not be rescinded by the City
15 Council without the approval of a majority of the voters voting at a regular or
16 special election.

17
18 ADMINISTRATIVE ASSESSMENT COST RECOVERY PROGRAM

19
20 § 9.02.300 DEFINITIONS.

21 For the purpose of this Subchapter, the following definitions shall apply
22 unless the context clearly indicates or requires a different meaning.

23 *CULVER CITY MUNICIPAL CODE.* The ordinances embraced in the
24 Chapters and Sections found in "The Code of the City of Culver City,
25 California," hereinafter referred to as "CCMC."

26
27 *FAILURE TO NOTIFY.*

1 1. Pre-Test Notification Failure - failure to notify the Fire Department
2 before proceeding with any testing of a fire alarm or fire suppression system
3 which results in an unnecessary response.

4 2. Post-Test Notification Failure - failure to notify the Fire
5 Department after completion of testing and/or maintenance of a fire alarm or
6 fire suppression system, which results in an unnecessary response.

7
8 *FALSE ALARM.* The deliberate reporting of an alarm for which no fire or
9 emergency actually exists or an alarm that is set off "needlessly" includes, but
10 is not limited to, the triggering of an alarm by conditions that are not typical of
11 a current or impending fire emergency.

12 *FIRE CODE.* The "Fire Code of the City of Culver City" as defined in §
13 9.02.005 of the CCMC.

14
15 *FIRE CODE STANDARDS.* Volume 2 of the "International Fire Code"
16 published by the International Code Council.

17 *HAZARDOUS MATERIALS.* Any material that, because of its quantity,
18 concentration, or physical or chemical characteristics, poses a significant or
19 potential hazard to human health and safety, to the environment, or to
20 property if released. For the purposes of this chapter *HAZARDOUS*
21 *MATERIALS* include, but are not limited to, hazardous materials as defined
22 in § 9.03.105 N., O., or P. of the CCMC, and other substances known to
23 cause harm to the environment if released such as used oil, paint, paint
24 residues, and solvents.

25
26 *HOUSEHOLD HAZARDOUS WASTE.* Hazardous waste generated from
27 a Culver City household in conducting non-commercial activities.

1 *MUNICIPAL CODE APPEALS COMMITTEE.* The committee authorized
2 to hear appeals of alleged violations of the CCMC. [CCMC § 9.04.425].

3 *RE-INSPECTION.* A repeat inspection for compliance after the issuance
4 of an "Order to Comply" served by a member of the Culver City Fire
5 Department to any person, firm or corporation to correct a Fire Code
6 violation.

7 *SEWER SYSTEM.* All pipes, drains, channels, and other means used to
8 transport sewage to the Hyperion Water Treatment Plant for treatment (e.g.
9 household or commercial drains, and the like).

10 *STORM DRAIN SYSTEM.* All pipes, drains, channels, and other means
11 used to transport surface waters to the ocean without treatment (e.g.,
12 curbside drains, La Ballona Creek, and the like).

13 *UNAUTHORIZED DISCHARGE.* A release or emission of materials in a
14 manner which does not conform to the provisions of this code [CCMC §
15 9.02.005] or applicable public health and safety regulations.

16
17
18 § 9.02.305 HAZARDOUS MATERIALS CLEANUP.

19
20 A. *Violation.* It shall be a violation of this Section to release hazardous
21 materials in an unauthorized manner. At no time shall a hazardous material
22 be released into a street or surface where the drainage is to the storm drain
23 system.

24 B. *Responsibility for cleanup.* The person, firm or corporation
25 responsible for an unauthorized discharge, shall institute and complete all
26 actions necessary to remedy the effects of such unauthorized discharge,
27 whether sudden or gradual, at no cost to the jurisdiction. When deemed
28

1 necessary by the Fire Code Official or his designee, cleanup may be initiated
2 by the Fire Department or by an authorized individual or firm. Costs
3 associated with such a cleanup shall be borne by the owner, operator or
4 other operator or other person responsible for the unauthorized discharge.

5 C. *Assessment of administrative charges.* Costs are determined based
6 on actual personnel costs plus benefits, and estimated costs of equipment
7 per unit response, plus any other applicable expenditures.
8

9 § 9.02.310 FALSE ALARMS; VIOLATIONS.
10

11 A. *Violation.* It shall be a violation of this Section for:

12 1. Any person, firm, entity or corporation to cause or allow to be
13 caused more than four (4) false alarms within the prior three hundred sixty-
14 five (365) days from a facility in a residential, commercial, or manufacturing
15 zone; or any other zone recognized by the Culver City Municipal Code.

16 2. An alarm company to cause or allow to be caused more than one
17 (1) "Failure to Notify" the Culver City Police/Fire Dispatcher to testing,
18 inspecting, or maintaining a fire suppression and/or alarm system of a
19 specified facility within the prior three hundred sixty five (365) days. [NFPA
20 Standards 25:7-1.3 & 25:1-4.3].
21

22 3. An alarm company to cause or allow to be caused more than one
23 (1) "Failure to Notify" the Culver City Police/Fire Dispatcher within one (1)
24 hour after completion of testing, inspecting, or maintaining a fire suppression
25 and/or alarm system of a specified facility, within the prior three hundred
26 sixty-five (365) days. [NFPA Standards 25:7-1.3 & 25:1-4.3].
27
28

1 B. *Assessment of administrative charges.* An administrative charge of
2 One Hundred Dollars (\$100.00) will be assessed for each additional false
3 alarm above the limits as set forth in Subsection A.

4
5 § 9.02.315 RE-INSPECTIONS.

6 A. *Violation.* It shall be a violation for any person, firm, entity or
7 corporation to fail to comply within the prescribed time with orders to comply
8 issued by the Culver City Fire Department.

9
10 B. *Violation corrected.* Where the violation has been corrected within
11 the time period prescribed as confirmed by inspection or other proof
12 acceptable to the Fire Marshal, the case shall not be assessed.

13 C. *Violation not corrected.* Where the violation has not been corrected
14 within the time period prescribed by the Fire Department, any additional
15 compliance inspection(s) shall be assessed to the violator at an
16 administrative charge of One Hundred Dollars (\$100.00) for the first
17 additional inspection. If compliance is still not achieved, a further
18 administrative charge of Five Hundred Dollars (\$500.00) per each additional
19 inspection required shall be assessed.

20
21 § 9.02.320 PENALTIES.

22 In addition to any administrative costs as described above, violations of
23 this Section shall be punished as:

24 A. For the first violation in a twelve (12) month period as an infraction;

25
26 B. For the second and each subsequent violation in a twelve (12) month
27 period as an infraction or misdemeanor as determined by the City Attorney.
28

1 § 9.02.325 APPEALS.

2 A. The "initial warning" cannot be appealed. Subsequent notices and
3 orders can be appealed to the Municipal Code Appeals Committee. To
4 contest first and subsequent notices and orders to comply, and/or the
5 administrative fee assessment, a written objection must be filed with the City
6 Clerk's office within ten (10) days of receipt of the appealable notice or order.
7 The City will notify each appellant of the date and time of the scheduled
8 informal hearing.
9

10 B. Those who wish to appeal an Order to Comply an Administrative
11 Assessment shall follow the process set forth on the order to comply form
12 and appropriate City procedures.
13

14 **SECTION 3:** Nothing in this Ordinance shall be construed to affect
15 any suit or proceeding impending in any court, or any rights acquired, or
16 liability incurred, or any cause or causes of action acquired or existing, under
17 any act or Ordinance hereby repealed as cited in Section 1 of this Ordinance;
18 nor shall any just or legal right or remedy of any character be lost, impaired or
19 affected by this Ordinance.
20

21 **SECTION 4:** Pursuant to Section 619 of the City Charter, this
22 Ordinance shall take effect thirty (30) days after its adoption. Pursuant to
23 Section 616 and 621 of the City Charter, prior to the expiration of fifteen (15)
24 days after the adoption, the City Clerk shall cause this Ordinance, or a
25 summary thereof, to be published in the Culver City News and shall post this
26 Ordinance or a summary thereof in at least three (3) places within the City.
27

28 **SECTION 5:** City Council hereby declares that, if any provision,
section, subsection, paragraph, sentence, phrase or word of this Ordinance is

1 rendered or declared invalid or unconstitutional by any final action in a court
2 of competent jurisdiction or by reason or any preemptive legislation, then the
3 City Council would have independently adopted the remaining provisions,
4 sections, subsections, paragraphs, sentences, phrases, or words of this
5 Ordinance, and as such they shall remain in full force and effect.

6 APPROVED and ADOPTED this _____ day of _____ 2008.

7
8
9 _____
10 ALAN CORLIN, MAYOR
11 City of Culver City, California

12 ATTEST:

13 APPROVED AS TO FORM:

14 _____
15 CHRISTOPHER ARMENTA,
16 City Clerk

17
18
19 _____
20 CAROL A. SCHWAB,
21 City Attorney
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23
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