

MEETING DATE: March 7, 2011

AGENDA ITEM : Adoption of an Ordinance Repealing and Replacing Chapter 9.02 of Title 9 of the Culver City Municipal Code and Adopting by Reference the 2010 California Fire Code with Local Amendments

ATTACHMENTS

1. Ordinance

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SECTION 2: Chapter 9.02 of Title 9 of the Culver City Municipal Code, entitled "Fire Prevention," having been repealed in Section 1 above, is hereby replaced as follows:

California Fire Code Adoption and Amendments

9.02.005 The 2010 California Fire Code adopted by reference

9.02.010 Violations and penalties

9.02.015 Amendments, additions, deletions, and substitutions

9.02.020 Amendments; Chapter 1 of the California Fire Code

9.02.025 Amendments; Chapter 4 of the California Fire Code

9.02.030 Amendments; Chapter 5 of the California Fire Code

9.02.035 Amendments; Chapter 9 of the California Fire Code

9.02.040 Amendments; Chapter 11 of the California Fire Code

9.02.045 Amendment; Chapter 22 of the California Fire Code

9.02.050 Amendment; Chapter 33 of the California Fire Code

9.02.055 Amendment; Chapter 34 of the California Fire Code

9.02.060 Amendments; Chapter 48 of the California Fire Code

9.02.065 Amendment; Appendix B of the California Fire Code

9.02.070 Amendment; Appendix C of the California Fire Code

9.02.075 Amendment; Appendix D of the California Fire Code

Fireworks

9.02.200 Definitions

9.02.205 Sale, use or transportation of fireworks; prohibitions and restrictions

9.02.210 Permits to conduct displays of fireworks granted by City Council

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9.02.225 Seizure of unauthorized fireworks

- 1 9.02.230 Disposal of fireworks
2 9.02.235 Change to time limits
3 9.02.240 Rescission of prohibition

4 ***Administrative Assessment Cost Recovery Program***

- 5 9.02.300 Definitions
6 9.02.305 Hazardous materials cleanup
7 9.02.310 False alarms; violations
8 9.02.315 Re-inspections
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13 ***California Fire Code Adoption and Amendments***

14 **§ 9.02.005 THE 2010 CALIFORNIA FIRE CODE ADOPTED BY REFERENCE.**

15 A. The City Council hereby adopts all chapters, certain
16 amendments, additions, deletions and exceptions to California Code of
17 Regulations, Title 24, Part 9, known as the 2010 California Fire Code,
18 incorporating the International Fire Code, 2009 Edition, published by the
19 International Code Council, with errata, including the 2010 Fire Code Chapter
20 1 as amended, Chapter 4 as amended, Chapter 5 as amended, Chapter 11
21 as amended, Chapter 22 as amended, Chapter 33 as amended, Chapter 34
22 as amended, Chapter 48 as amended, Appendix Chapter 4, Appendix B as
23 amended, Appendix BB, Appendix C as amended, Appendix CC, Appendix D
24 as amended, Appendix E, Appendix F, Appendix G, Appendix H, Appendix I,
25 and Appendix J, as amended by the State Fire Marshal and adopted by the
26 California Building Standards Commission. The provisions of the California
27 Fire Code, and Fire Code Appendices, as indicated above, shall be
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1 applicable in the City and referred to as the "Fire Code of the City of Culver
2 City."

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

5 **§ 9.02.010 VIOLATIONS AND PENALTIES.**

6 A. No person shall violate any provision or fail to comply with the
7 requirements of the Fire Code of the City of Culver City, hereinafter referred
8 to as the "Fire Code." Any person violating any of the provisions or failing to
9 comply with any of the requirements of the Fire Code shall be guilty of a
10 misdemeanor, and shall be punished in accordance with §1.01.035 and
11 §1.01.040 of this Code.

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

17 **§ 9.02.015 AMENDMENTS, ADDITIONS, DELETIONS AND**
18 **SUBSTITUTIONS.**

19 The Fire Code is amended as provided in this Subchapter.

20 **§ 9.02.020 AMENDMENTS; CHAPTER 1 OF THE CALIFORNIA FIRE**
21 **CODE.**

22 Section 103.1.1 Department of Fire Prevention

23 Whenever the term "Department of Fire Prevention" is used in this
24 Code it shall mean the "Fire Prevention and Arson Investigation Division."

25 Section 104.11.4 Arrest, Search and Seizure

26 The apprehension and prosecution of anyone suspected of violating
27 any fire law or arson statute.
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1 Section 105.1.1.1 Permit Fees

2 Permit Fees shall be adopted by resolution of the City Council.

3 Section 105.6.3.1 Aviation

4 An operational permit is required for flying, hovering, landing, and
5 lifting, filming, parking or similar activities.

6 Section 105.6.34.1 Special Events and Assemblage

7 An operational permit is required for special events and assemblages.

8 Section 105.6.48 Non-Defined Operations

9 An operational permit may be required after a Fire Department Review
10 for hazards to people or property from the proposed operation, system or
11 event.

12 Section 105.7.15. Roof Obstructions

13 A permit is required for the installation or modification of solar
14 photovoltaic systems as defined in CCFD Regulation 5-10, roof gardens,
15 landscaped areas or similar obstructions on any roof that covers more than
16 50% of the roof surface.

17 *Exception: Non-habitable structures include but are not limited*
18 *to, shade structures, private carports, solar trellises, etc.*

19 Section 108.4 Appeals

20 Protests and appeals from the enforcement of this subchapter shall be
21 made to the Municipal Code Appeals Committee in accordance with sections
22 9.04.425 and 9.04.445 of the Culver City Municipal Code.

23 **§ 9.02.025 AMENDMENTS; CHAPTER 4 OF THE CALIFORNIA FIRE**
24 **CODE.**

25 Chapter 4 is hereby amended to read as follows:

26 Section 401.1.1 Permits

1 A permit shall be required as set forth in the Culver City, City Council
2 approved fee schedule for all special event and assemblages.

3 Section 403.1.1.1 Special Event Application and Submittals

4 All special events and assemblages shall be submitted to the fire
5 department for review. All applications shall have a contact name, phone
6 number, business name, address, a plot plan, floor plan and sufficient detail
7 and information to allow for a comprehensive evaluation. Permits, Fire Safety
8 Officers, security, and other issues determined by the review shall be
9 provided by the event organizer prior to allowing the event or assemblage to
10 operate. Tents needed for the special event or assemblage shall meet the
11 requirements of CFC Chapter 24 and shall require a separate fire permit.

12 Section 408.11.2.1 Identification

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

20 **§ 9.02.030 AMENDMENTS; CHAPTER 5 OF THE CALIFORNIA FIRE**
21 **CODE.**

22 Chapter 5 is hereby amended to read as follows:

23 Section 503.1.2.1 Difficult Apparatus Access

24 If the Fire Code Official or his/her designee determines that access for
25 fire apparatus and equipment to any building or structure, not otherwise
26 required hereunder to maintain an automatic fire-extinguishing system, is
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unduly difficult, installation of an automatic fire-extinguishing system shall be required.

Section 504.1.1 Keysets, handles, locks and keys

As determined by a fire department review, all noted exterior doors shall be provided with locksets and handles for Fire Department Access. Keys for required access shall be provided by the owner and made readily available in the KNOX Box.

Section 510.4. Emergency Responder Radio Coverage

Section 510 and Appendix J shall be used when radio coverage within a building or structure are below Culver City Fire Department Standards as determined by fire department radio staff testing.

§ 9.02.035 AMENDMENTS; CHAPTER 9 OF THE CALIFORNIA FIRE CODE.

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

Section 901.4.1.1 Partial Fire Sprinkler Systems

Where in the Fire Code or the Building Code a partial fire sprinkler system is allowed or required, the fire sprinkler system shall be installed, modified or extended to protect the entire building or structure.

Section 901.4.1.2 Fire Sprinkler Requirements

An automatic fire-extinguishing (sprinkler) system shall be installed in every new building in the City, including any new residential building, hereinafter constructed or moved into the City, regardless of area separation or type of construction.

Exception: New buildings less than 500 square feet may be exempted upon approval of the Fire Code Official.

Section 901.4.1.3 Fire Sprinkler Requirements for Existing Commercial, Industrial and Multi-family Occupancies

1 In existing commercial, industrial and multi-family residential
2 occupancies, fire sprinklers shall be required in existing and new portions of
3 the building for height increases, area increases of 50% or more, and any
4 occupancy change that increases fire risk or hazard.

5 Section 901.4.1.4 Fire Sprinkler Requirements for Existing Residential
6 Occupancies

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

11 Section. 901.4.5 Systems Maintenance

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

25 Section 901.6.1.1 Fire Sprinkler Costs

26 Automatic fire-extinguishing systems shall be installed and maintained
27 at the owner's expense.
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1 Section. 907.1.2(9) Voltage Drop Calculations

2 Maximum percent of voltage drop on any initiation, output,
3 audible/visual circuit or load consuming circuit shall not exceed 10%.

4 Section. 907.1.6 Projection Room Controls

5 All projection equipment and audio equipment shall be interconnected
6 to the fire alarm system for shut down, upon an interrupt signal from the fire
7 alarm panel, to prevent interference of all visual and audible evacuation
8 devices and directions from the theatre staff for evacuation directions.

9 **§ 9.02.040 AMENDMENTS; CHAPTER 11 OF THE CALIFORNIA FIRE**
10 **CODE.**

11 Chapter 11 is hereby amended to read as follows:

12 Section 1101.4 Permits

13 All flight operations within the City of Culver City are required to have
14 an approved Culver City Fire Department permit, see section 105.6 and
15 105.7 for permit requirements. Permits shall cover but not be limited to: flight
16 to perform lifts, hovering, fly over, landings, filming and other operations while
17 flying, hovering or landing.

18 Commercially operated radio controlled aircraft shall provide a flight
19 plan and sufficient details to allow a review and for the operator to obtain an
20 approved permit from the Culver City Fire Department.

21 Section 1101.5 Operation and review standards

22 Compliance with CA Fire Code Chapter 11 and CCMC 9.09 shall be used to
23 obtain a flight permit and the requirements for flight operations and
24 approvals. All operations shall be reviewed and approved by the fire
25 department. Landing, fueling, repairs, and storage are limited.

26 The need for providing standby personnel, Fire Safety Officers and permits
27 for any or all activities shall be determined by the Fire Department.

1 Section 1107.1.1 Emergency Helistop

2 All high-rise buildings, 75 feet or higher, on which construction begins
3 after the date of adoption of this Code, shall have an approved Emergency
4 Helistop on the roof or top floor, unless a written exception request is
5 approved by the Fire Code Official.

6 **§ 9.02.045 AMENDMENT; CHAPTER 22 OF THE CALIFORNIA FIRE**
7 **CODE.**

8 Chapter 22 is hereby amended to read as follows:

9 Section 2201.7 Class III-B Liquids

10 Where in this chapter there is a requirement for Class III-A Liquids, this
11 same requirement shall apply to Class III-B Liquids.

12 **§ 9.02.050 AMENDMENT; CHAPTER 33 OF THE CALIFORNIA FIRE**
13 **CODE.**

14 Chapter 33 is hereby amended to read as follows:

15 Section 3301 thru 3308 EXPLOSIVES AND FIREWORKS is hereby
16 deleted in its entirety and replaced by sections 9.02.200 through 9.02.240 of
17 the Culver City Municipal Code.

18 **§ 9.02.055 AMENDMENT; CHAPTER 34 OF THE CALIFORNIA FIRE**
19 **CODE.**

20 Chapter 34 is hereby amended to read as follows:

21 Section 3401.6 Class III-B Liquids

22 Where in this chapter there is a requirement for Class III-A Liquids, this
23 same requirement shall apply to Class III-B liquids.

24 **§ 9.02.060 AMENDMENTS; CHAPTER 48 OF THE CALIFORNIA FIRE**
25 **CODE.**

26 Chapter 48 is hereby amended to read as follows:

27 Section 4804.6.1 Illumination

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

8 Section 4804.10 Flammable Liquids and Compressed Gases on
9 Sound Stages

10 Unless approved, in writing, by the Fire Code Official, flammable
11 liquids and compressed flammable gases shall be prohibited on television
12 and motion picture sound stages.

13 Section 4804.11 Fire Department Filming and Performance
14 Regulations

15 All Motion Picture and Television Production Studio Sound Stages,
16 Approved Production Facilities and Productions Locations shall comply with
17 Culver City Fire Department Filming and Performance Regulations. Fire
18 Department Filming Regulations are available for review at the Fire
19 Prevention Counter.

20 **§ 9.02.65 AMENDMENT; APPENDIX B OF THE CALIFORNIA FIRE**
21 **CODE.**

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

23 Section B105.2, Exception: The reduction in required fire flow of up to
24 50 percent, as approved, is allowed when the building or structure is provided
25 throughout with an approved automatic fire sprinkler system installed in
26 accordance with Section 903.3.1.1 or 903.3.1.2. The minimum resulting fire-

1 flow shall not be less than 1,500 gallons per minute (5678 L/min) for the
2 prescribed duration as specified in Table B105.1.

3 **§ 9.02.70 AMENDMENT; APPENDIX C OF THE CALIFORNIA FIRE**
4 **CODE.**

5 Appendix C is hereby amended to read as follows:

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

9 **§ 9.02.75 AMENDMENT; APPENDIX D, OF THE CALIFORNIA FIRE**
10 **CODE.**

11 Appendix D is hereby amended to read as follows:

12 Section D101.1.2. Whenever the reference is made to Table D103.1,
13 use Culver City Fire Department, Fire Prevention Guidelines and Procedures
14 for Fire Apparatus Access.

15
16 **Fireworks**

17 **§ 9.02.200 DEFINITIONS.**

18 The following words and phrases, as used in this Subchapter, are
19 defined as follows:

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

7 *PERSON.* Includes any individual, firm, partnership, joint venture,
8 association concern, corporation, estate, trust, business trust, receiver,
9 syndicate, or any other group or combination acting as a unit.

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

13 **§ 9.02.205 SALE, USE OR TRANSPORTATION OF FIREWORKS;**
14 **PROHIBITIONS AND RESTRICTIONS.**

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

17 B. Fireworks may be transported through the City from and to
18 points outside the City by any wholesaler, retailer, jobber, warehouseman, or
19 manufacturer; provided that, no fireworks shall be so transported without
20 written approval of the Fire Code Official, which approval shall be revocable
21 for cause and shall be granted only upon application therefore setting forth
22 the description of the route to be used for the transportation and such other
23 information as the Fire Chief shall require.

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

26 D. Fireworks may be kept or stored by City safety officers in a safe
27 and secure place pending the lawful disposal thereof.
28

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

4 F. Nothing in this Subchapter shall be construed to prohibit the use
5 of fireworks by personnel of railroads or other transportation agencies for
6 signal purposes or illumination, or the sale or use of blank cartridges for a
7 show or theater, or for signal or ceremonial purposes in athletics or sports, or
8 for use by military organizations.

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

15 **§ 9.02.210 PERMITS TO CONDUCT DISPLAYS OF FIREWORKS**
16 **GRANTED BY CITY COUNCIL.**

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

21 **§ 9.02.215 APPLICATION FOR PERMIT; CONDITIONS FOR FILING.**

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

24 A. Application for a permit to conduct a public display of fireworks
25 shall be filed in the Office of the City Manager, on forms provided by the City,
26 at least 180 days prior to the date requested for conducting the public display
27 of fireworks.
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1 B. The following information shall be included on the application:

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

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

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

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

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

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

18 2. Premises/operation liability;

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

21 4. Products liability, including completed operations liability.

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

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

27 **§ 9.02.220 CONDITIONS GOVERNING PERMIT.**

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

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

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

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

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

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

23 **§ 9.02.225 SEIZURE OF UNAUTHORIZED FIREWORKS.**

24 Any duly authorized member of the Fire Department or Police Department
25 shall seize, take, remove or cause to be removed at the expense of the
26 owner all stocks of fireworks displayed, stored, held or offered or exposed for
27 sale in violation of this Subchapter.
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1 **§ 9.02.230 DISPOSAL OF FIREWORKS.**

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

5 **§ 9.02.235 CHANGE TO TIME LIMITS.**

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

8 **§ 9.02.240 RESCISSION OF PROHIBITION.**

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

12
13 ***Administrative Assessment Cost Recovery Program***

14 **§ 9.02.300 DEFINITIONS.**

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

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

20 ***FAILURE TO NOTIFY.***

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

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

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

5 *FIRE CODE.* The "Fire Code of the City of Culver City" as defined in §
6 9.02.005 of the CCMC.

7 *HAZARDOUS MATERIALS.* Any material that, because of its
8 quantity, concentration, or physical or chemical characteristics, poses a
9 significant or potential hazard to human health and safety, to the
10 environment, or to property if released. For the purposes of this chapter
11 *HAZARDOUS MATERIALS* include, but are not limited to, hazardous
12 materials as defined in § 9.03.105 N., O., or P. of the CCMC, and other
13 substances known to cause harm to the environment if released such as
14 used oil, paint, paint residues, and solvents.

15 *HOUSEHOLD HAZARDOUS WASTE.* Hazardous waste generated
16 from a Culver City household in conducting non-commercial activities.

17 *MUNICIPAL CODE APPEALS COMMITTEE.* The committee is
18 authorized to hear appeals of alleged violations of the CCMC. [CCMC §
19 9.04.425].

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

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

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

4 **UNAUTHORIZED DISCHARGE.** A release or emission of materials in
5 a manner which does not conform to the provisions of this code [CCMC §
6 9.02.005] or applicable public health and safety regulations.

7 **§ 9.02.305 HAZARDOUS MATERIALS CLEANUP.**

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

12 B. *Responsibility for cleanup.* The person, firm or corporation
13 responsible for an unauthorized discharge, shall institute and complete all
14 actions necessary to remedy the effects of such unauthorized discharge,
15 whether sudden or gradual, at no cost to the jurisdiction. When deemed
16 necessary by the Fire Code Official or his designee, cleanup may be initiated
17 by the Fire Department or by an authorized individual or firm. Costs
18 associated with such a cleanup shall be borne by the owner, operator or
19 other operator or other person responsible for the unauthorized discharge.

20 C. *Assessment of administrative charges.* Costs are determined
21 based on actual personnel costs plus benefits, and estimated costs of
22 equipment per unit response, plus any other applicable expenditure.

23 **§ 9.02.310 FALSE ALARMS; VIOLATIONS.**

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

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

3 2. An alarm company to cause or allow to be caused more
4 than one (1) "Failure to Notify" the Culver City Police/Fire Dispatcher to
5 testing, inspecting, or maintaining a fire suppression and/or alarm system of a
6 specified facility within the prior three hundred sixty five (365) days. For
7 notification requirements for maintenance, service and testing see California
8 Fire Code Chapter 9, section 901.

9 3. An alarm company to cause or allow to be caused more
10 than one (1) "Failure to Notify" the Culver City Police/Fire Dispatcher within
11 one (1) hour after completion of testing, inspecting, or maintaining a fire
12 suppression and/or alarm system of a specified facility, within the prior three
13 hundred sixty-five (365) days. For notification requirements for maintenance,
14 service and testing see California Fire Code Chapter 9, section 901.

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

18 **§ 9.02.315 RE-INSPECTIONS.**

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

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

25 C. *Violation not corrected.* Where the violation has not been
26 corrected within the time period prescribed by the Fire Department, any
27 additional compliance inspection(s) shall be assessed to the violator at an
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1 administrative charge of One Hundred Dollars (\$100.00) for the first
2 additional inspection. If compliance is still not achieved, a further
3 administrative charge of Five Hundred Dollars (\$500.00) per each additional
4 inspection required shall be assessed.

5 **§ 9.02.320 PENALTIES.**

6 In addition to any administrative costs as described above, violations
7 of this subchapter shall be punished as:

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

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

13 **§ 9.02.325 APPEALS.**

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

21 B. Those who wish to appeal an Order to Comply an
22 Administrative Assessment shall follow the process set forth on the order to
23 comply form and appropriate City procedures.

24
25 **SECTION 3:** Nothing in this Ordinance shall be construed to affect any suit or
26 proceeding impending in any court, or any rights acquired, or liability incurred, or any
27 cause or causes of action acquired or existing, under any act or Ordinance hereby
28

1 repealed as cited in Section 1 of this Ordinance; nor shall any just or legal right or
2 remedy of any character be lost, impaired or affected by this Ordinance.

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

9 **SECTION 5:** City Council hereby declares that, if any provision, section,
10 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or
11 declared invalid or unconstitutional by any final action in a court of competent
12 jurisdiction or by reason or any preemptive legislation, then the City Council would
13 have independently adopted the remaining provisions, sections, subsections,
14 paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall
15 remain in full force and effect.

16 APPROVED and ADOPTED this ____ day of _____ 2011.

17
18 _____
19 CHRISTOPHER ARMENTA, MAYOR
20 City of Culver City, California

21 ATTEST:

APPROVED AS TO FORM:

22
23 _____
24 MARTIN R. COLE
City Clerk

25 _____
26 CAROL A. SCHWAB
27 City Attorney
28