

Chapter 8  
**FIRE PREVENTION<sup>1</sup>**

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SECTION 8.1            ADOPTION OF CALIFORNIA FIRE CODE

The 2016 California Fire Code, based on the 2015 International Fire Code, as adopted and/or amended by the office of the California State Fire Marshal, including Appendices A through K, is hereby adopted by reference, subject to any changes set forth in the chapter. The Council, by resolution, may from time to time designate which edition of the California Fire Code is currently revised, and the edition so designated by Council resolution shall be the one referred to throughout this Code. One copy of Chapter 8 of the Piedmont Municipal Code and the California Fire Code shall be kept on file at the Department of Public Works. (Ord. No.315 N.S., Ord. 634 N.S. 12/02, Ord. 675 N.S. 12/07, Ord. No. 713 N.S. 02/14, Ord. 732 N.S. 06/17)

SECTION 8.2            ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

- (a) The California Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Piedmont, which is hereby established, and which shall be operated under the supervision of the Chief of the Fire Department.
- (b) The person in charge of the Bureau of Fire Prevention shall be the Fire Marshal and shall be appointed by the Fire Chief.
- (c) The Fire Chief, members of the Fire Prevention Division, and personnel assigned as Fire Arson Investigators shall be peace officers and have the powers as such as established in Section 830.37(a) of the California Penal Code. Other members of the Fire Department shall be peace officers and have the powers as such as established in Section 830.37(b) of the California Penal Code. (Ord. No. 315 N.S.; Ord. 592 N.S. 10/97, Ord. 634 N.S. 12/02)

SECTION 8.3            DEFINITIONS

For the purposes of this chapter, certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from their context that a different meaning is intended:

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<sup>1</sup> For charter provisions as to the Chief of the Fire Department, see Char. §3.09. For state law generally as to fires and fire protection, see H. & S.C. §13000 et seq.

- (a) Abatement Authority. The Chief of the Piedmont Fire Department or his designee.
- (b) Corporation Counsel. Wherever used in the California Fire Code it shall be held to mean the City Attorney for the City of Piedmont. ()
- (c) Defensible Space. The area between a house or unimproved property and an oncoming fire where the vegetation has been modified to reduce the wildfire threat and which provides an opportunity for firefighters to safely defend the house.
- (d) Fire Chief. The City of Piedmont Fire Chief or his or her designee.
- (e) Fire Prevention Engineer or Chief of the Bureau of Fire Prevention. Whenever used in the California Fire Code these terms shall be held to mean the Fire Marshal of the City of Piedmont.
- (f) Flammable Vegetation. Vegetation which is dry, dead, or dying; pyrofites which have a high resin or sap content including but not limited to Arborvitae, California Bay, Cedar, Cypress, Douglas Fir, Eucalyptus, Fir, Juniper, Palm, Pine, Spruce, Yew, California buckwheat, California sagebrush, Chamise or greasewood, Laurel sumac, Manzanita, Pampas grass, Rosemary, Scotch broom, Spanish Broom, Sugar bush, and Toyon; and which is over six (6) inches in height.
- (g) Hazardous Fire Areas. Areas of the city identified by the Fire Marshal in which the combination of aspect, slope and/or density of naturally occurring flammable vegetation create an additional fire hazard. These areas shall be established by the Fire Marshall and maps indicating the properties subject to this definition shall be made available to the public.
- (h) Jurisdiction. Whenever used in the California Fire Code, it shall be held to mean the Piedmont Fire Department.
- (i) Vegetative Growth. Plant material including but not limited to grasses, weeds, vines, shrubs and trees which occur naturally or are part of a landscaped area.
- (j) Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during the construction of residential and commercial projects.
- (k) Temporary water supply. Water stored for firefighting purposes in an approved above ground system during the construction of residential or commercial projects. (Ord. 315 N.S. 05/74, Ord. 592 N.S. 10/97, Ord. 634 N.S. 12/02, Ord. 730 N.S. 05/17)

SECTION 8.4

CHRISTMAS TREE LOTS AND PUMPKIN PATCHES

All Christmas tree and pumpkin patch lots shall comply with the following standards:

- (a) Pumpkin patch lots shall not be permitted to operate before October 1 of each year and Christmas tree lots shall not be permitted to operate before November 22 of each year.
- (b) Prior to opening for business, each person or business that intends to operate a pumpkin patch lot or Christmas tree lot must obtain a permit issued by the Fire Chief. Approval of the permit is contingent on a determination by the Fire Chief that the proposed pumpkin patch lot or Christmas tree lot will be maintained and operated in compliance with all the provisions this Code, Fire Department Policies and Procedures, and the laws of the State of California. Prior to and subsequent to issuing a permit, the Fire Chief may inspect the pumpkin patch lot or Christmas tree lot to ensure compliance. If the Fire Chief determines that a pumpkin patch lot or Christmas tree lot is operating in violation of this Section, the Fire Chief may revoke the permit issued to that person or business. An appeal to a determination by the Fire Chief to revoke an existing permit shall be filed and process in the same manner as an appeal to a determination of a nuisance and order to abate as set forth in Chapter 6 of this Code. It shall be a violation of this Code and a nuisance to operate a pumpkin patch lot or Christmas tree lot without a permit.
- (c) No merchandise, equipment, vehicles, refuse, or other material associated with a pumpkin patch lot or Christmas tree lot shall block circulation or parking aisles outside fenced areas on the lot.
- (d) No aspect of the pumpkin patch lot or Christmas tree lot operation shall impede access to any public driveway, nor any parking areas required for the operation of surrounding uses.
- (e) All parking and loading must be done on the pumpkin patch lot or Christmas tree lot and not on any public street. Parking areas shall be surfaced to prevent mud or dust from being tracked onto the public right-of-way.
- (f) Fencing around the premises shall be properly stabilized.
- (g) Signs shall be confined to the designated lot area only and must not obstruct vision of motorists. Signs shall comply with the requirements set forth in Chapter 17 of this Code.
- (h) If sawdust or other similar material is used to cover the lot, it shall be kept moist.
- (i) All trees or pumpkins, merchandise, debris, fences, poles, hay or sawdust and other evidence of the use must be removed within 7 days after the Halloween or

Christmas holiday. To the maximum extent possible, all wood products must be recycled. Ord. 730 N.S. 05/17)

SECTION 8.5            FIRE HAZARD ABATEMENT

Fire hazard abatement in the City of Piedmont may be enforced pursuant to the California Fire Code or its successor codes.

8.5.1 Authority to Abate. The Abatement Authority may abate any fire hazard within the City of Piedmont and make the expense of abatement (1) a personal obligation of the property owner, and (2) a lien against the property on which the fire hazard exists or is maintained which may be assessed and collected with ordinary municipal taxes, pursuant to the provisions of the California Fire Code or its successor codes.

8.5.2 Abatement Procedure. The abatement procedure for fire hazards shall be in accordance with procedures set forth in Sections 6.5 through 6.16 of the Piedmont Municipal Code. (Ord. 592 N.S. 10/97, Ord. 634 N.S. 12/02, Ord. 675 N.S. 12/07, Ord. 730 N.S. 05/17)

SECTION 8.6            CALIFORNIA FIRE CODE – AMENDMENTS

The following sections of the California Fire Code adopted in Section 8.1 of this Code are amended to read as follows:

8.6.1 Section 5608.1 Fireworks: The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the City are prohibited.

Exceptions:

1. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices. (Ord. No. 713 N.S. 02/14, Ord. 730 N.S. 05/17)

Rev. 2017-07-19 (Ord. 732 N.S.)