

ORDINANCE NO. (11-19-2025)

AN ORDINANCE OF THE ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT ADOPTING THE 2025 EDITION OF THE CALIFORNIA FIRE CODE PART 9 WITH AMENDMENTS, AS WELL AS THE 2025 EDITION OF THE CALIFORNIA WILDLAND-URBAN INTERFACE CODE, PART 7, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION AND FOR PROVIDING FOR THE ISSUANCE OF PERMITS, REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE ALBION-LITTLE RIVER FIRE PROTECTION DISTRICT IN CONFLICT HEREWITH.

The Board of Directors of the Albion-Little River Fire Protection District does ordain as follows:

Part 1. That the California Fire Code, 2025 edition, including Appendix Chapter 4 and Appendices B, BB, C, CC, D, E, F, G, H, I, K, N, and O as published by the International Code Council, as well as the 2025 edition of the California Wildland-Urban Interface Code (WUI), including Appendix A, B, and F as published by the International Code Council, be and is hereby adopted as the Fire Code of the Albion-Little River Fire Protection District in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Albion-Little River Fire Protection District are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Part 2 of this Ordinance.

Part 2. That the following sections of the 2025 edition of the California Wildland-Urban Interface Code are hereby amended and changed in the following respects:

Section 101.1 Title of Chapter 1 is amended to read as follows:

101.1 Title. These regulations shall be known as the California Wildland-Urban Interface Code of the Albion-Little River Fire Protection District, hereinafter referred to as “this code.”

Section 103.1 Creation of agency. The Albion-Little River Fire Protection District is hereby created, and the official in charge thereof shall be known as the Fire Code Official. The function of this agency shall be the implementation, administration, and enforcement of the provisions of this code.

That the following sections of the 2025 edition of the California Fire Code are hereby amended and changed in the following respects:

Section 101.1 Title of Chapter 1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the Albion-Little River Fire Protection District, hereinafter referred to as “this code.”

Section 105.1 General of Chapter 1 is amended to read as follows:

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.7.25 or other provisions of this code as required by the Albion-Little River Fire Protection District.

Section 112 Board of Appeals Established of Chapter 1 is amended to read as follows:

112.1 Board of Appeals Established. 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 Board of Directors of the Albion-Little River Fire Protection District or a sub-committee as appointed by the Board of Directors of the Albion-Little River Fire Protection District. 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.

Section 112.3 Qualifications of Chapter 1 is deleted.

Section 112.5 Appeals Process of Chapter 1 is added to read as follows:

112.5 Appeals Process. The appeals process for appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code shall be defined by sections 112.5.1 through 112.5.5.

Section 112.5.1 Initiating Appeal of Chapter 1 is added to read as follows:

Section 112.5.1 Initiating Appeal. Any beneficially interested party has the right to appeal the order served by the fire code official by filing a written “NOTICE OF APPEAL” with the office of the fire code official within ten days after service of such order and upon payment of the sum of \$150. In the event the order of the fire code official is overturned following the appeal, the fee shall be returned. The notice shall state the order appealed from, the identity and mailing address of the Appellant, and the specific grounds upon which the appeal is made.

Section 112.5.2 Stay of Order of Chapter 1 is added to read as follows:

Section 112.5.2 Stay of Order. The timely filing of a properly completed notice of appeal shall have the effect of staying the implementation of the order appealed from until the final decision of the appeal. Failure to file a timely notice of appeal waives any right to further challenge the order of the fire code official. “File” means delivered to the office of the fire code official at PO Box 634, Albion, CA, 95410

Exception: Orders affecting acts or conditions which in the opinion of the fire code official, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion, or release are enforceable when made and are not stayed by the filing of a notice of appeal.

Section 112.5.3 Hearing of Appeal of Chapter 1 is added to read as follows:

Section 112.5.3 Hearing of Appeal. Following is the process for establishing and hearing appeals:

The Board of Appeals, or the secretary thereof, shall set the matter to be heard at a date within thirty (30) days of receipt of such notice of appeal. Written notice of the time and place set for hearing shall be served on the Appellant by first class mail to the mailing address given in the notice of appeal. A hearing may not be conducted less than 20 days after notice is given to the applicant. The Board of Appeals may adopt rules governing the conduct of its hearings. Those rules shall include, at least, the following:

1. The fire code official shall submit evidence at the hearing substantiating his/her decision. Such evidence may include testimony, fire district, police or other reports of the incident, witness statements, and other documents. Not less than 10 days prior to the scheduled hearing, the fire code official must notify the Appellant of the name, address and phone number of any witness to the violation and furnish Appellant with a copy of any document the fire code official intends to submit at the hearing. Not less than seven (7) days prior to the hearing, the Appellant may request the fire code official to produce at the hearing any witness he/she intends to rely upon to substantiate the violation. The written request must name the witness or witnesses who are requested to attend the hearing. The fire code official may not rely on the testimony of any witness (including such testimony contained in reports or written witness statements) whose appearance at the hearing is required by this subsection, if that witness fails to appear.
2. Not less than 10 days prior to the hearing, the Appellant must notify the fire code official in writing of the name, address and phone number of any witness the Appellant intends to call as a witness at the hearing, provide a brief description of the proposed testimony, and furnish the fire code official with a copy of any document the Appellant intends to offer as evidence at the hearing. The Appellant may not call any witness to testify at the hearing who was not identified as required by this subsection or offer any document as evidence at the hearing that was not provided to the fire code official as required by this subsection.
3. At the hearing, the Appellant may be represented by an attorney, at Appellant's expense. Both the fire code official and the Appellant shall have the right to examine and cross-examine any witness produced at the hearing. The rules of evidence that normally apply in court shall not apply in a hearing before the Board of Appeals, but it shall only consider evidence which would be relied upon by reasonable people making an important decision, and shall disregard evidence which by its nature is unreliable or not credible.
4. The entire hearing shall be electronically or steno graphically recorded. The Board of Appeals shall base its decision exclusively on the evidence presented at the hearing and shall issue a written decision, which includes a statement of the relevant facts which it finds to be true and explains how the facts support its decision. The record of the hearing shall be preserved for not less than six (6) months after the decision is served on the Appellant.

Section 112.5.4 Hearing Decision of Chapter 1 is added to read as follows:

Section 112.5.4 Hearing Decision. The chairperson of the Board of Appeals shall issue the written decision required by subsection 4 of Section 112.4 Hearing of appeal. The Board of Appeals may issue a decision affirming, modifying or vacating the order of the fire code official. The decision shall be in writing and shall be served upon the Appellant by first class mail to the mailing address given in the notice of appeal. The hearing decision shall include notice of the Appellant's right to seek review of the decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 112.5.5 Finality of the Decision of the Board of Appeals of Chapter 1 is added to read as follows:

Section 112.5.5 Finality of the Decision of the Board of Appeals. The decision of the Board of Appeals shall be the final decision for the District. The Board of Appeals shall have the power to continue any hearing and may, in its discretion, take the appeal under submission. The Board of Appeals shall render a decision not later than the seventh (7th) day following the date the matter was taken under submission, and forthwith notify the interested parties as previously set forth.

Section 112.5.6 Appeal to Superior Court of Chapter 1 is added to read as follows:

Section 112.5.6 Appeal to Superior Court. Judicial review of the decision of the Board of Appeals shall be governed by the Code of Civil Procedure Sections 1094.5 and 1094.6.

Section 112.5.7 Enforcement of Decision of Chapter 1 is added to read as follows:

Section 112.5.7 Enforcement of Decision. Unless stayed by a court, any final decision of the Board of Appeals is effective immediately and may be implemented and enforced by the District. The remedies provided by this code are cumulative and in addition to any other remedies available at law or in equity.

1. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall constitute a violation.
2. Violations of this code are hereby declared to be public nuisances.
3. A violation of this code constitutes a misdemeanor/infraction punishable by a fine of \$1,000 or by imprisonment in the County jail for six months, or both.
4. In addition to other remedies provided by this ordinance or by other law, any violation of this ordinance may be remedied by a civil action brought by the District, including, for example, administrative or judicial nuisance abatement proceedings, other legally authorized enforcement proceedings, and suits for injunctive relief.

Section 113.4 Violation Penalties of Chapter 1 is amended to read as follows:

Section 113.4 Violation Penalties. 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 a misdemeanor/infraction. The first citation within a 12-month period, for violations of the Fire Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the Albion-Little River Fire Protection District and is set at \$250.00 plus the actual costs of all inspections required to gain compliance at the current rate set by the Albion-Little River Fire Protection District, per hour with a 1 hour minimum. Said civil penalties shall be a debt owed to the District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in this section. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Albion-Little Fire Protection District for such penalty and costs of the litigation, including reasonable attorney's fees.

Any subsequent citations within a twenty-four (24) month period for any violations of the Fire Code and any amendments adopted herein shall be misdemeanors/infractions, and shall be subject to the penalties set forth herein, or a civil penalty shall be assessed in the sum of \$500.00 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Albion-Little Fire Protection District. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that a violation occurs or continues, after a final notice has been delivered, shall constitute a separate offense. The application of both penalties shall be held to prevent the enforced correction of prohibited condition. Nothing contained in this Section shall be construed or interpreted to prevent the Albion-Little Fire Protection District from recovering all costs associated with a Fire District.

Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the Albion-Little Fire Protection District to collect the costs of abatement and related administrative costs by a nuisance abatement lien as more particularly set forth in Government Code Section 38773.1, and by special assessment to be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.5. At least thirty (30) days prior to recordation of the lien, or submission of the report to the Tax Collector for collection of this special assessment, the record owner shall receive notice from the Chief of the Albion-Little River Protection District of the intent to charge the property owner for all administrative costs associated with enforcement of this Ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief's decision to the Board of Directors of the Albion-Little Fire Protection District within fifteen (15) days of the date of the notice and request a public hearing prior to recordation of the lien or submission of the report to the County Tax Collector for collection of the special assessment. In addition to the foregoing, the Albion-

Little River Fire Protection District is authorized to prosecute a civil action to collect such abatement costs from the property owner or other person in possession or control of the affected property, and shall be entitled to recover such abatement costs, together with the cost of litigation, including reasonable attorney's fees.

Any person receiving a citation for a civil penalty pursuant to Section 112.3, Violation Penalties of Chapter 1, may file an appeal per Section 111.4 through 111.4.7 of this code against imposition of the civil penalty or response costs and expenses.

Section 114.4 Failure to Comply of Chapter 1 is amended to read as follows:

Section 114.4 Failure to Comply. 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 conditions, shall be liable to a fine payable directly to the Albion-Little River District set at not less than \$250.00 or more than \$1000.00 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Albion-Little River Fire Protection District. This civil penalty shall be a debt owed to the District by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided for in Section 112.5.

Part 3. RESERVED

Part 4. Upon its effective date, this Ordinance shall supersede any and all previous ordinances adopting earlier versions of the California Fire Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Part 5. That if any part, subpart, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Albion-Little River Fire Protection District hereby declares that it would have passed this Ordinance, and each part, subpart, clause, or phrase thereof, irrespective of the fact that any one or more parts, subparts, sentences, clauses, and phrases be declared unconstitutional.

Part 6. That nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Part 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Part 7. That the Fire Chief of the Albion-Little River Fire Protection District is hereby ordered and directed to cause a notice of this Ordinance to be published in a newspaper in general circulation in accordance with Section 6066 of the California Government Code. Within fifteen (15) days after adoption, the Fire Chief of the Albion-Little River Fire Protection District shall also post in the office of the Albion-Little Fire Protection District, a certified copy of the full text of this Ordinance along with the names of those Board of Directors members voting for and against this Ordinance.

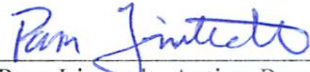
Part 8. That this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force upon adoption by the Albion-Little River Fire Protection District board of Directors. This Ordinance shall remain in full force and effect until a subsequent superseding ordinance becomes effective.

Part 9. The Fire Chief, Chief Officers, Fire Marshal, Deputy Fire Marshal, Fire Code Official, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Ordinance involving the Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended. It is the intent of the Board of Directors of the Albion-Little River Fire Protection District that the immunities provided in Penal Code Section 836.5 be applicable to the aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Ordinance.

Part 10. The Board of Directors of the Albion-Little District finds adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, Chapter 3, Article 5, § 15061(b)(3).

The foregoing Ordinance 2025-2 was read and introduced at a regular meeting of the Board of Directors of the Albion-Little River Fire Protection District held on 10/15/2025. A second reading/adoption occurred at a regular board meeting held on 11/19/2025 and was adopted and ordered passed to print by the following vote, to wit:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
DIRECTOR Pam Linstedt	3	0	0
DIRECTOR Lee Welty			
DIRECTOR Steve Acker			
DIRECTOR Chuck Greenberg			
DIRECTOR			



Pam Linstedt, Acting President

ATTEST: 

Steve Acker, Board Secretary