

Chapter 10.04

FIRE CODE

10.04.010 Adoption of California Fire Code. The California Fire Code, published by the California Building Standards Commission, 2007 edition, including Appendix Chapters I & 4, Appendix B, C, D, F & H inclusive, the National Fire Protection Association Standards 13, 13-D and 13-R, not less than one copy of which are on file in the office of the Fire Chief and not less than one copy of which are on file in the office of the City Clerk of the City of Del Mar, are adopted by reference as the city fire code, subject to the changes, modifications, additions or amendments set forth in this chapter. This chapter may be referred to as the California Fire Code. [Ord. 360, 506, 538, 593, 674, 775, 808, 812]

10.04.020 Establishment and duties of the fire prevention bureau.

A. The California Fire Code as adopted and amended herein shall be enforced by the fire prevention bureau in the fire department in the City of Del Mar which is hereby established and shall be operated under the supervision of the chief of the fire department.

B. The Fire Marshal in charge of the fire prevention bureau shall be appointed by the chief of the fire department on the basis of examination to determine his or her qualifications.

C. The Chief of the Fire Department may detail such members of the fire department as inspectors as shall from time to time be necessary.

10.04.030 Definitions.

In addition to the definitions set forth in the California Fire Code as adopted by reference, whenever the following words or phrases are used in this chapter, they shall have the meaning established by this section:

A. "Chief of Fire Prevention Bureau" means the Fire Marshal or, if there is none, the Chief of the Fire Department.

B. "Jurisdiction" means the City of Del Mar.

C. "Corporation counsel" means the City Attorney of Del Mar.

10.04.040 Establishments of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited. The limits referred to in Sections 3404.1 and 3406.2.4.4 of the California Fire Code in which the storage of flammable or combustible liquids is restricted as follows:

A. The storage of flammable liquids in outside aboveground tanks is prohibited within the City limits of Del Mar.

Exception: Crankcase drainings may be stored in specially constructed aboveground storage tanks, approved by the chief, with a maximum capacity of 550 gallons. Such tanks may be located within a building when the chief deems appropriate, and the container meets the following: specially designed, approved and listed containers which have features incorporated into their design which mitigate concerns for exposure to heat (two-hour fire resistance), ignition sources and mechanical damage. Containers must be installed and used in accordance to their listing, and provisions must be made for leak and spill containment. In no case shall such storage be permitted within 100 feet of a residential or institutional structure.

Exception: With the Chief's approval, Class I and II liquids may be stored aboveground outside of buildings in specially designed, approved, and listed containers which have features incorporated into their design which mitigate concerns for exposure to heat (two-hour fire resistive), ignition sources, and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. Storage in such tanks on any site shall not exceed 1,100 gallons for class I or 2,000 gallons for class II liquids. The chief may disapprove the installation of such containers when in his or her opinion, their use presents a risk to life or property.

10.04.050 Establishment of limits of districts in which storage of liquefied petroleum gases is to be restricted. The limits referred to in Section 3804.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

A. The storage of liquefied petroleum gases is prohibited in heavily populated areas, congested commercial areas, and those areas with natural gas service available.

B. The use of liquefied petroleum gas-fired heaters or similar appliances is prohibited inside any "A" occupancy, restaurant or drinking and dining establishment.

10.04.060 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited. The limits referred to in Section 3301 of the California Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the area within the city limits of Del Mar.

10.04.070 Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited. The limits referred to in Section 3004.3 of the California Fire Code, in which the storage of compressed natural gas storage is prohibited, are hereby established as heavily populated areas and congested commercial areas within the city limits of Del Mar.

10.04.080 Section 103.2.1.3 added - Supplemental rules and regulations. Section 103.2.1.3 is added to the California Fire Code to read as follows:

103.2.1.3 Supplemental Rules and Regulations.

103.2.1.3.1 The Chief is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of this code.

103.2.1.3.2 The Chief may develop such policy decisions as he deems appropriate regarding interpretation of this code and the standards it references, based on his own experience and knowledge and such references as National Fire Protection

Association publications, Factory Mutual Engineering Corporation, Insurance Services Office, and similar sources. Decisions may be developed on a case-by-case basis, but when general in nature shall be summarized in writing, and may be obtained from the Fire Marshal.

103.2.1.3.3 A minimum of one signed copy of such rules, regulations and policies shall be filed in the administrative offices of the fire department, and shall be in effect immediately thereafter.

10.04.090 Section 104.1.1 added - Occupancy approval. Section 103.3.2.3 is added to the California Fire Code to read as follows:

104.1.1 Occupancy Approval. The Building Official shall not issue a Certificate of Occupancy without the approval of the Fire Department.

10.04.100 Section 105.1.1.1 added - Permit fees. Section 105.1.1.1 is added to the California Fire Code to read as follows:

105.8.1 Whenever the Fire Department issues any permit or conducts any inspection required for the issuance of any permit, the person or entity requesting the permit or inspection shall pay a fee in an amount established by City Council Resolution.

10.04.110 Section 106 added - Cost recovery and reimbursement. Section 106 is added to the California Fire Code to read as follows:

Section 106 - Cost Recovery and Reimbursement

106.1 Cost Recovery and Reimbursement Required.

106.1.1 In accordance with Health and Safety Code Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by fire or the release of a hazardous substance shall be liable for reimbursement to the agency for the costs incurred.

106.1.2 When any construction project, building, manufacturing process, hazardous occupancy or such similar occurrence present

demands on the fire protection service levels that are in excess of those already established and provided by the Fire Department, and cannot be mitigated by the installation of fire protection appliances or devices, then the owner and/or operator of that entity shall be responsible for costs associated with necessary training and equipment purchases that may be incurred by the Fire Department to provide an adequate and safe level of emergency response. This level of emergency response will be established by the Fire Chief.

106.1.3 In accordance with Government Code, Sections 53150 through 53159, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft, caused by that influence proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the cost incurred. Additionally, any person who intentionally, knowingly, and willfully enters into any area that is closed or has been closed to the public by competent authority for any reason, or an area that a reasonable person under the circumstances should have known was closed to the public, is liable for the expenses of an emergency response required to search for or rescue that person, or if the person was operating a vehicle, any of his or her passengers, plus the expenses for the removal of any inoperable vehicle. Posting a sign, placing a barricade, a restraining or retaining wall, roping off an area, or any other device is sufficient indication that an area is closed to the public due to danger of injury, for the public's safety, or for any other reason. A person who drives a vehicle on a public street or highway that is temporarily covered by a rise in water level, including groundwater or overflow of water, and that is barricaded by any of the means described above, because of flooding, is liable for the expenses of any emergency response that is required to remove from the public street or highway, the driver, or any passenger in the vehicle that has become inoperable on the public street or highway, or the vehicle that has become inoperable on the public street or highway. Unless otherwise provided by law, this section shall apply to all persons, regardless of whether the person is on foot, or is operating a motor vehicle, bicycle, vessel, watercraft, raft, all-terrain vehicle, or any other boat or vehicle of any description. A person who was attempting to rescue another person or an animal shall not be liable for expenses of an emergency response under this section.

106.1.4 As used in this section, expenses of an emergency response means those reasonable and necessary costs incurred for an appropriate emergency response to an incident and includes the costs of providing police, firefighting, search and rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident.

10.04.120 Section 107 added - Fire fighting cost recovery. Section 107 is added to the 2007 California Fire Code to read as follows:

Section 107 - Fire Fighting Cost Recovery

107.1 Fire Fighting Cost Recovery

107.1.1 Where a fire has resulted from failure to comply with fire safety requirements after notice was given, the Chief may recover costs relating to the response, suppression and overhaul of the fire from the responsible party.

10.04.130 Section 108 added - Enforcement cost recovery. Section 108 is added to the 2007 California Fire Code to read as follows:

108.1 Enforcement Cost Recovery

108.1.1 When a person fails to comply with a first notice of correction, notice of violation, or notice to cure, the Chief may impose a fee for the recovery of expenses incurred as a result of activities undertaken pursuant to enforcing the fire prevention provisions of this Code.

10.04.140 Section 202 amended - Live/work. Section 202 of the 2007 California Fire Code is amended to add the following definition:

LIVE/WORK are occupancies located outside of residential zoning districts where a variety of commercial users ("at home" business operators) allowed by the applicable use-matrix of the existing commercial zoning which governs the location of the proposed live/work project (specifically excluding "H" occupancies as set forth in Section 1009.1.5) occupy joint

living and work quarters. This occupancy can be in a building originally designed for industrial or commercial use, or in a new building specifically designed for live/work use.

10.04.150 Section 220 amended - Story. Section 220 of the 2007 California Fire Code is amended to add the following definition:

STORY also includes basements, garages, cellars, mezzanines or similar structures or uses. The definition of the word STORY differs from that used in the Uniform Building Code. Separate contiguous levels of a building will be considered as separate Stories.

10.04.160 Section 503.3 added - Private easement roads. Section 505.3 is added to the 2007 California Fire Code to read as follows:

505.3 Private Easements. All private easements, whether named differently from the roadway from which they originate, shall have an address sign listing all address numbers occurring on the private easement installed and maintained where the road easement intersects the public street. The address sign shall be approved by the Chief.

10.04.170 Section 503.4.1 added - Notification of street work. Section 503.4.1 is added to the California Fire Code to read as follows:

503.4.1 Notification of Street Work. Any person excavating or working upon any street, alley, or public thoroughfare and by reason thereof or for any other reasons causes the same to be blocked or made impassible, shall notify the Chief not less than twenty four hours before the start of such work and immediately upon completion thereof.

10.04.175 Section 4702.2 added - Urban/Wildland Interface Areas. Section 4702.2 is added to the California Fire Code to read as follows:

4702.2 Fire Protection in Urban/Wildland Interface Areas. In addition to other provisions of this code, buildings built less than one hundred (100) feet from brush covered areas shall comply with the following:

4702.2.1 Fuel breaks shall be constructed and maintained in accordance with Appendix II-A, Section 16.

4702.2.2 Fire retardant roofs (Class A noncombustible material) shall be required.

4702.2.3 Stucco or other approved noncombustible surface materials shall be used on all walls and overhangs on the sides of buildings facing brush covered areas.

4702.2.4 Any tree adjacent to, or overhanging any building, shall be maintained free of dead or dying wood.

4702.2.5 A screen shall be maintained over the outlet of every chimney or stovepipe at all times.

4702.2.6 Fire Sprinklers need only be required as enhanced measures, when the recommended brush management standard of 100 feet cannot be achieved.

4702.2.7 Eave protection shall be required on all structures.

Where an existing building or structure would be required to have eave protection if built as a new building, its use will be allowed to be continued until such time as a project for the remodeling of a building is proposed at an estimated cost of more than 50 percent of the building's value, as set forth in Section 30.76.070, B of the Zoning code, at which time it shall be made to conform to the provisions of this Section.

4702.2.8 Fencing on structures that face wildland fuels need to have the first five feet of the fencing that connects to the structure be heavy timber, fire retardant pressure treated wood or non-combustible construction.

4702.2.9 The minimum for special building construction standards for all residential structures built in the urban-wildland interface area, as defined in the map shown in Attachment #1, shall be Class 1 Ignition-Resistant Construction.

4702.2.10 The Fire Chief shall have the authority to require vegetation management in all areas of the City of Del Mar where vegetation presents a hazard due to a combination of density, and proximity to structures and natural habitat or open space areas.

10.04.180 Section 503.6.1 added - Fire lane gate specifications and regulations. Section 503.6.1 is added to the California Fire Code to read as follows:

503.6.1 Gates.

503.6.1 All gates or other structures or other devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet the standards approved by the Chief, and receive specific plan approval.

503.6.2 All automatic gates or traffic arms across fire access roadways shall be equipped with approved emergency key-operated switches overriding all command functions and opening the gate(s). All gates shall meet fire department policies deemed necessary by the Chief for rapid reliable access.

503.6.3 Gates accessing more than four residences or residential lots, or gates accessing hazardous institutional, educational or assembly occupancy group structures, shall also be equipped with approved emergency traffic control-activating strobe light sensors, or other devices approved by the Chief, which will activate the gate on the approach of emergency vehicles.

10.04.190 Section 503.2.8 added - Fire lane parking restrictions. Section 503.2.8 is added to the 2007 California Fire Code to read as follows:

503.2.8 Fire Lanes - No Parking.

503.2.8 No person shall park, stand or leave unattended any vehicles in any fire lane or fire apparatus access road designated and marked according to the provisions of this Section.

503.2.9 The Chief or the Fire Marshal shall have the authority to designate fire lanes or fire apparatus access roads within the City, and to enforce the provisions of this Section. The Chief or the Fire Marshal may designate existing roadways as fire access roadways consistent with California Vehicle Code Section 22500.1, where he/she determines that such designation was intended when development plans were reviewed for adequate emergency access.

503.2.10 Any vehicle parked or left standing in violation of this Section may be removed, provided signs are posted giving notice that vehicles parked or left standing will be removed.

503.2.11 The temporary obstruction of a fire apparatus access road for necessary construction or maintenance work may be permitted by the owner of the property or a homeowner's association after receiving authorization from the Chief. The request from the property owner or homeowner's association for authorization must be made in writing and must state the reason for the use, the dates and times of such use, and be submitted to the Chief at least 48 hours in advance.

503.2.12 Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus responses shall not be installed on fire access roadways.

10.04.200 Section 503.6.4 added - Security gates. Section 902.5 is added to the 2007 California Fire Code to read as follows:

503.6.4 Security Gates.

503.6.4 Security gates for vehicles or pedestrians, or both, shall be provided with an electronic switch keyed to the Fire Department's security key system. This switch shall activate the gate and hold the gate in an open position until released by the Fire Department key. A manual override lock release system will be provided in the event of a power failure. Manual Gates shall have a Fire Department lock box installed with the gate key inside.

10.04.210 Section 508.5.7 amended - Hydrant requirements. Section 903.4.2 of the 2007 California Fire Code is amended to read as follows:

508.5.7 Hydrant Requirements.

508.5.7 Hydrants shall be installed every three hundred feet and shall have at least one four inch port, and two, two and one-half inch ports. Water main size shall be no less than eight inches. An area clear of landscape, must be maintained around the hydrant, within a three foot diameter.

10.04.220 Section 104.12 added - Response map updates.
Section 104.12 is added to the 2007 California Fire Code to read as follows:

104.12 Response Map Updates. Any new development, project, or request for change of address which necessitates updating of emergency response maps by virtue of new structures, fire hydrants, roadways or similar features, shall be charged a reasonable fee for the updating of all response maps.

10.04.230 Section 903.7 amended - General fire extinguishing system requirements. Section 903.7 of the 2007 California Fire Code is amended to read as follows:

903.7 Installation Requirement.

903.7.1 General. Except as otherwise required by more restrictive requirements in Section 903, an automatic fire extinguishing system shall be installed in all buildings or structures hereafter constructed or moved into the district, regardless of area separations or type of construction, when such facilities are:

903.7.1.1 Three or more stories in height, including basements, garages, cellars, levels and mezzanines; or

903.7.1.2 Thirty feet or greater above grade at any point. Additions which create a structure three or more stories in height shall require the entire structure to be retrofitted with a fire sprinkler system; or,

903.7.1.3 All new habitable structures shall be protected by a fire sprinkler system. Structures not intended for habitation shall be protected if three thousand six hundred square feet or more of gross floor area. Contiguous buildings or structures shall be considered as one building where internally linked by common walls or roof coverings. Buildings subsequently constructed contiguous to other buildings or structures using common walls shall be considered one building requiring compliance of both buildings when exceeding 3,599 square feet. Any building or structure separated by 10 feet or less shall be considered as one building or structure; or,

903.7.1.4 Parking garages three thousand six hundred square feet or more in floor area. Any building or structure that is located

above any portion of a parking garage that is required to be sprinklered, shall be sprinklered regardless of square footage; or,

903.7.1.5 Bowling Alleys; or,

903.7.1.6 Providing an occupant load of fifty or more persons above the first floor; or,

903.7.1.7 Any Group "A" Occupancy with a platform or stage; or,

903.7.1.8 Any multi-family residential structure unit.

10.04.240 Section 903.8 added - Additional requirements concerning automatic fire extinguishing systems. Section 903.8 is added to the 2007 California Fire Code to read as follows:

903.8 Additional Requirements Concerning Automatic Fire Extinguishing Systems.

903.8.1 Installation, Approval and Maintenance shall be in compliance with the National Fire Protection Association Standards #13, 13A, 13D and 13R.

903.8.2 Automatic fire extinguishing systems shall be installed and maintained at the owner's expense.

903.8.3 Where access for fire apparatus equipment is unduly difficult to any building or structure not otherwise required to be sprinkler protected, the installation of an automatic fire extinguishing system shall be required.

903.8.4 Where an existing building or structure would be required to be fire sprinkler protected if built as a new building, its use will be allowed to be continued until such time as a project for the remodeling of a building is proposed at an estimated cost of more than 50 percent of the building's value, as set forth in Section 30.76.070, B of the Zoning code, at which time it shall be made to conform to the provisions of this Section.

This section is not intended to require fire sprinkler retrofits for maintenance of structures. Maintenance should be defined for this section as the normal replacement of existing fixtures such as flooring, plumbing or windows. Improvements required by

legislation such as the Americans with Disabilities Act (ADA) do not require fire sprinkler protection under this section.

Exception: One time additions or improvements of an existing single family structure, of less than 50 percent of the building's value, as set forth in Section 30.76.070, B of the Zoning code, may be altered without the installation of a fire sprinkler system. This section is not intended to require fire sprinkler retrofits for maintenance of structures.

903.8.5 For commercial and industrial occupancies commonly referred to as "spec buildings" wherein no specific end use is identified at the time of plan check, the required sprinkler system shall provide a density of .33 GPM/square foot for a 3,000 square foot design area.

10.04.250 Not Used

10.04.260 Section 903.9 added - Additional requirements for fire protection in residential structures and developments. Section 903.9 is added to the 2007 California Fire Code to read as follows:

Section 903.9 - Additional requirements for fire protection in residential structures and developments.

903.9.1 The National Fire Protection Association Standard #13D & #13R (1999) is adopted and amended to include the following:

903.9.2 Garage areas will be included in the area to be protected by a residential sprinkler system. Protection will be required on any sprinkler heads installed in garage areas.

903.9.3 All bathrooms regardless of square footage shall be protected.

903.9.4 A backflow prevention device where required and an adequately sized water meter, acceptable to the water agency supplying the system, shall be installed and maintained at the owner's expense.

903.9.5 A fire alarm signal shall be provided by a water flow switch located on the sprinkler riser and the alarm bell shall be of sufficient intensity to be clearly audible in all bedrooms.

903.9.6 Domestic water supply shut off shall be installed so that the residential sprinkler system cannot be shut off, except at the meter.

10.04.270 Section 503.7 added - Additional requirements for fire protection in residential structures and developments. Section 503.7 is added to the 2007 California Fire Code to read as follows:

503.7 Private Road Easements.

503.7.1 Residential dwellings constructed along private road easements, not meeting public road standards, shall be provided with residential sprinkler systems.

503.8 Long Driveways and/or Flag Lots.

503.8.1 Residential dwellings constructed more than one hundred and fifty feet from a roadway meeting public street standards shall be provided with residential sprinkler systems.

503.8.2 Minimum driveway width shall not be less than 16 feet for a single family residential dwelling.

10.04.280 Section 1008 added - Requirements for Live/Work structures and developments. Section 1008 is added to the 2007 California Fire Code to read as follows:

1008 - Requirements for Live/Work structures and developments.

1008.1 General Fire Department Requirements. The following section shall pertain to all live/work units either constructed or converted:

1008.1.1 An approved automatic fire sprinkler system shall be installed.

1008.1.2 An approved fire alarm system shall be installed. The alarm system shall be interconnected to all live/work units within any one structure.

1008.1.3 A minimum of one (1) 2A10BC fire extinguisher shall be located in each unit.

1008.1.4 One hour separation shall be provided between each live/work unit within a structure.

1008.1.5 "H" Occupancies are prohibited in any live/work unit.

1008.1.6 The living area of each unit containing live/work occupancy shall be provided with at least one exit which does not require persons to exit through the work area. This additional exit may be a window.

1008.1.7 For purposes of determining the minimum number of persons for which the exiting system must be designed, the following occupant load factors shall be used:

Residential Use 1 person per 300 square feet

Business Use 1 person per 100 square feet

1008.1.8 Live/work units shall not be used for the storage of flammable or combustible liquids or hazardous materials, with the following exceptions:

1008.1.8.1 The allowable quantities of flammable or combustible liquids in a live/work unit shall be restricted as follows:

Class 1-A None

Class 1-B 1 gallon

Class 1-C 1 gallon

Class II 5 gallons

Class III 5 gallons

Combined total not to exceed 6 gallons

1008.1.8.2 All flammable and combustible liquids shall be stored in approved safety containers.

1008.1.9 The use of any open flame work or similar hazardous operations shall require approval by the Chief. Open flame may be used for art work provided no more than two one quart DOT cylinders of compressed gas or flammable liquid are used or stored within the live/work quarters.

1008.1.9.10 Welding operations are not permitted in any live/work unit.

10.04.290 Section 307.6 amended - Open burning. Section 307.6 of the 2007 California Fire Code is amended to read as follows:

307.6 Open Burning.

307.6.1 General. Open burning within the City limits of Del Mar is prohibited, with the exception of fires for the purpose of cooking food, using an approved device, for human consumption.

10.04.300 Section 112 added - Leaking vehicles. Section 112 is added to the 2007 California Fire Code to read as follows:

112 - Leaking Vehicles

112.1 Vehicles Leaking Flammable or Combustible Liquids. When any vehicle is leaking flammable or combustible liquids and it is impractical to stop such leaking, the Chief or his authorized representative may order the removal of the vehicle from public or private property if, in the Chief's or his representative's opinion, the vehicle creates a fire hazard as defined by this Code.

10.04.305 Section 4714 - Wildland/Urban Interface Fire Safety Guidelines. This Code adopts the following wildland/urban interface fire safety guidelines by reference for the City limits of Del Mar: [Ord. 812]

- a. Wildland/Urban Interface Development Standards, San Diego County Fire Chiefs' Association.
- b. Structural Fire Prevention Field Guide, April 2000, California Department of Forestry.
- c. Memorandum of Understanding, February 26, 1997, between the:
 - The Fish and Wildlife Service of the United States Department of the Interior,
 - The California Department of Fish and Game,
 - The California Department of Forestry,
 - The San Diego County Fire Chiefs' Association, and
 - The Fire District's Association of San Diego County.
- d. International Code Council (ICC) International Wildland Urban Interface Code, 2006 Edition.

10.04.310 Appendix H, Section H3.2 is amended - Hazardous Materials Report Forms. Appendix H, Section H3.2 of the California Fire Code is amended to read as follows:

Hazardous Materials reporting forms currently adopted by the San Diego County Health Department Hazardous Material Management Unit which cover the same topics as forms contained in this Appendix are adopted by reference and take precedence over this Appendix.

10.04.320 Appeals. Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this code do not apply, or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Marshal to the Del Mar City Council in writing within 10 days from the date of the decision appealed, in accordance with Chapter 1.12 of the Del Mar Municipal Code.

10.04.330 New materials, processes or occupancies which may require permits. The Chief and the Chief of the Fire Prevention Bureau shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code. The Chief of the Fire Prevention Bureau shall post such a list in a conspicuous place at the Fire Prevention Bureau and distribute copies thereof to interested persons.

10.04.340 Penalties.

A. Any person, corporation, association or entity who violates the provisions of Sections 104.1, 103.4.3.1, 103.4.3.2, 103.4.3.3, 103.4.3.4, or 1302.3 of the 2007 California Fire Code is guilty of a misdemeanor. Any person, corporation, association or entity who violates any other provisions of this chapter is guilty of a misdemeanor or infraction as determined under Chapter 1.08 Del Mar Municipal Code. The penalty for violations shall be determined under Chapter 1.08 Del Mar Municipal Code. Each day or portion thereof that a violation of this chapter exists shall constitute a separate violation. Each violation of this chapter, in addition to the offenses under this section, shall constitute a public nuisance.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.