

Register-Pajaronian

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Aptos board airs complaints on enforcement of fire code

A controversy which erupted last month in the Aptos fire district over the enforcement of its fire code will come to a head tonight when directors meet at the main fire station.

They, and Fire Chief Richard Chinn—a central figure in the dispute—will hear the complaints of Aptos businessmen and residents who think the code is too strict or that Chinn has been something less than diplomatic in his enforcement of it. They have been invited to air their views as have those who support the code and Chinn's enforcement of it.

The meeting will begin at 7:30 p.m. in the squad room of the main fire station at 6934 Soquel Drive. Although it is a regular board meeting, the major topic of conversation will be the fire code.

Fire code regulations limit the occupancy of the room to 43 people, but the controversy has stirred so much attention, provisions have been made to move the meeting to the Mar Vista School behind the station should tonight's audience exceed that number.

Chinn said last week that personal invitations have been sent to those who have voiced their objections publicly. These include the Rev. Francis Markey, who expressed his anger at Chinn and the department in a newspaper column; and Al Schwartz, a business consultant who aired his views at a meeting of the Aptos chamber of commerce.

Although there had been some grumbling over the code since it was adopted last year, it was in November and December when the critics became vocal. Two incidents brought them out—the citation of a restaurant operator for violation of the code by the improper use of candles in the restaurant, and the inspection of the Poor Clares convent in Seacliff. The convent was given a long list of code violations that had to be corrected. The one which stirred the most complaints was a ban on the use of open flame—candles—in religious processions or in places where the public had access.

After that the complaints began to come in and on Dec. 16 board chairman Richard Duchscher called a secret—and illegal—meeting of the board which resulted in Chinn being told to halt the fire safety in-

spections until the fire code could be reviewed and the complaints sorted out.

That is the purpose of tonight's meeting. The code which was adopted in 1974 was an updated version of the state Uniform Fire Code under which the district had been operating. Before its adoption, the provisions were widely publicized and also studied by a group from the four Aptos area improvement associations. This resulted in a statement by Harry Bright, now president of the council of improvement associations, telling directors last year that the organizations were satisfied with the code.

The board did adopt a major recommendation from the group, however, setting itself up as a board of appeals. Anyone dissatisfied with the code's enforcement or application to himself would have the right to appeal to the board.

So far, two appeals have been made. Architect Richard Huyck appealed Chinn's ruling that he must install a fire detector system in a building he was remodeling, connecting the detector to the fire alarm system. Huyck asked for a year's delay, which the board granted, but Huyck installed the detector a few weeks later.

A second case is still pending. It involves a homeowner in a "water short" area who has been told he either has to provide a water supply or install a detector and connect it to the alarm system.

The code gives the department the power to issue citations, requiring the person cited to appear in the district attorney's office for a conference on the violation. The district attorney can either arrive at a solution or take the person to court.

In one case—a local drugstore—the department issued a notice to appear after repeatedly finding a rear exit blocked and the door locked from the inside. The issue was settled in the district attorney's office, Chinn said.

The second case has gone to court. The owners of Old Country Pizza, Chuck and Gary Jilka, were scheduled to appear this morning in Santa Cruz municipal court to answer charges of violating the code which prohibits the use of open flame—candles—without a permit from the department.

Chinn contends that the candles used by the Jilkas do not meet the requirements of the fire code and refuses to issue a permit.

At the time the Jilkas were cited, Schwartz said he represented them as a business consultant. They have not filed an appeal with the fire directors over Chinn's no-permit ruling.

Other restaurants in the district have either ceased using candles or replaced or modified them to comply with the code, according to Chinn.

Since the quarrel erupted, there have been reports that the board would seek to oust Chinn from the post he has held for the last 4½ years.

Publicly, the directors deny they intend to do this tonight. Chinn says he will not voluntarily resign and promised that he will

not consent to a closed-door meeting to discuss his dismissal or any allegations anyone might bring against him.

Schwartz recently said he was mounting a recall move against the board, but of those he named as supporters of the move, three said they had never been contacted.

REFERENCE

APTOS BRANCH

LIBRARY

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