

**ORDINANCE NO. 2010-1**

**AN ORDINANCE OF THE GOVERNING BOARD OF THE MONTECITO FIRE PROTECTION DISTRICT ADOPTING BY REFERENCE AND AMENDING THE 2010 CALIFORNIA FIRE CODE AND APPENDIX CHAPTERS AND APPENDIX STANDARDS PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES WITHIN THE DISTRICT; AMENDING SECTION R313 OF THE CALIFORNIA RESIDENTIAL CODE; AMENDING SECTION 1505 OF THE 2010 CALIFORNIA BUILDING CODE; AND REPEALING ORDINANCE NO. 2007-2.**

WHEREAS, the Montecito Fire Protection District operates under the provisions of California's Fire Protection District Law of 1987, wherein the State Legislature declared that the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services and other services relating to the protection of lives and property is critical to the public peace, health and safety of the State of California and that local control over the types, levels and availability of these services is a long-standing tradition in California; and

WHEREAS, the State Legislature has also declared that its intent is to provide broad statutory authority for local fire protection districts, encouraging local officials to adopt powers and procedures set forth in the Fire Protection District Law of 1987 to meet their own circumstances and responsibilities; and

WHEREAS, Health and Safety Code Section 13869.7 expressly authorizes the Montecito Fire Protection District to adopt building standards relating to fire and panic safety that are more stringent than those building standards contained in the California Fire Code and other California Building Standards Code.

NOW THEREFORE, the Governing Board of the MONTECITO FIRE PROTECTION DISTRICT ordains as follows:

Section 1. Repeal of Previous Ordinance.

Ordinance No. 2007-2 of the Montecito Fire Protection District is hereby repealed.

Section 2. Adoption of California Fire Code.

There is hereby adopted by the Board of Directors (“Board”) of Montecito Fire Protection District (“District”), by reference and incorporation, for the purpose of prescribing regulations of governing conditions dangerous to life and property from fire, hazardous materials or explosion, the 2010 California Fire Code (“Code”), including Appendix Chapter 4 and Appendices B, C, E, F, G, H and I, published by the International Code Council, Inc. including necessary California amendments, save and except such portions as are hereinafter amended, deleted, or added by this Ordinance. A copy of said Code, certified to be a true copy by the Clerk of the Board has been and is now filed in the office of the Clerk of the Board and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Ordinance shall take effect, the provision thereof shall be controlling within the limits of the territory of the District.

Section 3. Establishment and Duties of Bureau of Fire Prevention.

(a) The Code shall be enforced by a Bureau of Fire Prevention (“Bureau”) in the District which is hereby established and which shall be operated under the supervision of the District's Fire Chief.

(b) A Fire Marshal to be in charge of the Bureau shall be appointed by the Fire Chief on the basis of an examination to determine qualifications.

(c) The Fire Chief may recommend to the Board the employment of technical inspectors, who shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the District at the discretion of the Fire Chief.

Section 4. Definitions.

The following terms in the California Fire Code shall be construed as indicated:

(a) "Jurisdiction" shall mean the territory of the District.

(b) "Fire Code Official" shall mean "Fire Marshal."

(c) "International Wildland Urban Interface Code" shall mean the most current Fire Protection District Standard 93-1.

Section 5. Amendments Made in the California Fire Code.

The California Fire Code is amended and changed in the following respects:

- (a) Chapter 1, Section 108, Board of Appeals, is deleted.
- (b) Chapter 5, Section 501.1, Scope, is amended to read:

“Fire service features for buildings, structures, and premises shall comply with this Chapter. In addition, Fire district access roads and water supply shall be provided and maintained in accordance with Chapter 5 as amended by the most current revision of Montecito Fire Protection District Standards 88-1, 88-2 and 88-3.”

- (c) Chapter 9, Section 903.2.19, Additional District Requirements - Automatic Fire Sprinkler System is added to read:

“Automatic Fire Sprinkler Systems

1. Definition and Standard. An automatic fire sprinkler system is an integrated system of underground and overhead piping designed and installed in accordance with fire protection engineering standards (reference standards) as may from time to time be adopted by the District. The system shall include one or more automatic water supplies. These reference standards may include:

- (a) Standard Nos. 13, 13-D, 13-R, and 24 as developed and published by the National Fire Protection Association; and
- (b) California Fire Code as developed and published by the International Code Council, Inc. and the California Buildings Standards Commission; and
- (c) The current revision of Standard Nos. 88-4 and 89-1 as developed and issued by the Montecito Fire Protection District, and maintained as a public record at the District headquarters.

Terminology used within this Section shall be as defined in these aforementioned reference standards. The most current edition of these standards shall be utilized at the time of building permit issuance in the design and installation of any automatic fire sprinkler system required by this Section. Where,

in any specific case, this Section and the reference standards identified herein specify different requirements, the most restrictive shall prevail.

2. Application. This Section shall apply to all occupancies within the District's jurisdiction except for townhouses and one- and two-family dwellings, which occupancies are governed by the California Residential Code as amended by the District. If any part of this Section is in conflict with any other part, the more restrictive provisions shall be controlling. Notwithstanding any other requirement of the Code of the County of Santa Barbara, and except as otherwise provided in this Section, automatic fire sprinkler systems shall be installed and maintained in all occupancies and locations set forth as follows:

(a) Any new building for which application for building permits are filed or are required to be filed with the County of Santa Barbara, which have a total floor area of thirty five hundred (3500) square feet or more.

(b) Existing buildings for which applications for building permits for additions and/or structural alterations are filed or are required to be filed with the County of Santa Barbara, which are modified to increase or replace portions of the gross floor area to thirty-five hundred (3500) square feet or more.

(c) All new buildings and existing buildings for which applications for building permits for additions and/or structural alterations are filed or are required to be filed with the County of Santa Barbara, which are not served by water supplies meeting District standards as adopted from time to time. The term water supply is more specifically defined in the District standards as adopted from time to time.

(d) All buildings with gross floor area of thirty-five hundred (3500) square feet or more for which applications for conditional use permits are filed or are required to be filed with the County of Santa Barbara.

(e) All new buildings and existing buildings for which applications for building permits for additions and/or structural alterations are filed or are required to be filed with the County of Santa Barbara, which are not located within three (3)

miles travel distance or a five (5) minute response time by fire apparatus from a staffed District fire station.

3. Working Plans and Approvals. Working plans shall be submitted to, and approved by, the Montecito Fire Protection District before any automatic fire sprinkler system is installed, replaced or remodeled. All submitted plans and inspections shall conform to the requirements provided in the aforementioned reference standards.”

Section 6. Amendments Made in the California Residential Code.

The California Residential Code is amended and changed as follows:

(a) Chapter 3, Section R313, Automatic Fire Sprinkler Systems is amended as follows:

1. Section R313.1, Exception, is deleted in its entirety and replaced with the following:

a. “Any existing townhouse for which an application for building permits are filed or are required to be filed with the County of Santa Barbara for any addition or alteration that meets the following two requirements shall be required to install automatic fire sprinkler systems throughout the entire townhouse:

i. Consists of a total floor area of thirty five hundred (3500) square feet or more; and

ii. The aggregate structural alteration and/or addition are greater than one thousand square feet in gross floor area. For purposes of defining “aggregate structural alteration and/or addition” all work that has been permitted by the County of Santa Barbara Building Official and constructed on or after October 16, 1991, shall be included in this determination.

b. Application. The provisions of this Section shall be applicable within the District’s jurisdiction. If any part of this Section is in conflict with any other part, the more restrictive provision shall be controlling.”

2. Section R313.2, Exception, is deleted in its entirety and replaced with the following:
  - a. “Any existing one- and two-family dwellings for which an application for building permits are filed or are required to be filed with the County of Santa Barbara for any addition or alteration that meets the following two requirements shall be required to install automatic fire sprinkler systems throughout the one- and two-family dwelling:
    - i. Consists of a total floor area of thirty five hundred (3500) square feet or more; and
    - ii. The aggregate structural alteration and/or addition are greater than one thousand square feet in gross floor area. For purposes of defining “aggregate structural alteration and/or addition” all work that has been permitted by the County of Santa Barbara Building Official and constructed on or after October 16, 1991, shall be included in this determination.
  - b. Application. The provisions of this Section shall be applicable within the District’s jurisdiction. If any part of this Section is in conflict with any other part, the more restrictive provision shall be controlling.”

Section 7. Amendments Made in the California Building Code.

The California Building Code is amended and changed as follows:

- (a) Chapter 15, Section 1505, Fire Classification is amended to read:
  - “1. Notwithstanding any other requirement of the Code of the County of Santa Barbara, and except as otherwise provided in this Section, the roof assembly of any new building or the re-roofing of any existing building, regardless of the type or occupancy, shall be one of the following types of roofing:
    - (a) Exposed concrete slab roof.
    - (b) Sheet ferrous or copper roof covering only when applied over and fastened to non-combustible materials.

(c) Slate shingles.

(d) Clay or concrete roof tile.

(e) Any other roofing assembly which will, as determined by a certified testing laboratory, meet or exceed the then current test standards required by the Underwriters Laboratories for a "Class A" roof assembly. A "Class A" roof assembly meeting such standards is a roof assembly that is effective against severe fire exposures. Under such severe exposures, roof assemblies of this class are not readily flammable, afford a fairly high degree of fire protection to the roof deck, do not slip from position and pose no flying-brand hazard.

2. Exceptions. Exceptions from the requirements of Section (a) above are the following:

(a) Structures that are detached from and are not a part of any other structure and which detached structure has less than 500 square feet of gross floor area; and

(b) If, as of the effective date of this Section, less than 10% of the roof area of a then existing structure consists in the aggregate of the roofing materials required in (a) above, and if in addition less than 25% of the roof of said existing structure, is to be repaired, re-roofed or replaced, the replacement material need not be the requirements of (a) above. However, said replacement materials must meet the same fire retardant standards as the portion of the roof being replaced. If the replacement materials consist of wood shakes or shingles, the replacement materials must comply with "Class A" fire retardant treated wood shake or shingle assemblies as determined by a certified testing laboratory."

## Section 8. Appeals.

Whenever the Fire Chief disapproves an application or refuses to issue a permit applied for, or when it is claimed that the provisions of this Ordinance do not apply or that the true intent and meaning of this Ordinance have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Board of the District within 30 days from the date of the decision of the Fire Chief. All decisions of the Board shall be final. The Board shall cause

to be kept accurate written minutes and shall deliver or cause to be delivered written findings and decisions on all appeals considered by the Board to the appellant upon request.

Section 9. New Materials, Processes or Occupancies That May Require Permits.

The Fire Chief and Fire Marshal 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 this Ordinance. The Fire Marshal shall post such list in a conspicuous place at District headquarters and distribute copies thereof to interested persons.

Section 10. Enforcement and Penalties.

(a) Any person who violates any of the provisions of this Ordinance or fails to comply therewith, or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the District Board of Directors or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and non-compliance, respectively, be guilty of an infraction punishable by a fine of not more than \$250. The imposition of one 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; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions. If a violation is determined to exist or to be impending, the Fire Chief is authorized to take such measures as are deemed necessary or expedient to secure compliance. In carrying out such measures, the Fire Chief and his agents may request, and shall receive, the assistance and cooperation of the County Building Official or other appropriate officials of the County of Santa Barbara.

(c) When the Fire Chief determines that any person has engaged in, is engaged in, or is about to engage in any act(s) or practice(s) which constitute or will constitute a violation of any provision of this Ordinance or the Code hereby adopted, the District Attorney or District Counsel may make application to the Superior Court of Santa Barbara County for an order restraining or enjoining such act(s) or practice(s), a permanent or temporary injunction, restraining order or other corrective order may be granted.

(d) In the event that any person, firm or corporation, whether as a principal, agent, employee or other type of representative shall fail to abate or correct a violation of any provision of this Ordinance or the Code hereby adopted after notice and opportunity to correct or end same, the District Attorney or District Counsel may apply to the Superior Court of the County for an order authorizing the District to undertake actions necessary to abate the violation and to require the violator to pay for the cost of such undertaking.

(e) Any person, whether as principal, agent, employee or other type of representative who maintains any premises in violation of any provision of this Ordinance or the Code hereby adopted shall be liable for and obligated to reimburse the District for all costs incurred by the District in obtaining compliance, or which are attributable to or associated with any enforcement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the District, its agents, officers and employees as a result of such violation or efforts to enforce compliance.

(f) Any violation of any provision of this Ordinance or the Code and any amendment thereto may, in the discretion of the District Attorney for the County of Santa Barbara, be prosecuted as a misdemeanor.

#### Section 11. Liability.

It is the intent of the Board to establish minimum standards for the protection of the public health, safety and welfare. This Ordinance shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Ordinance nor any services rendered in connection with or pursuant to its terms by Fire District officers, agents or employees, are intended as nor shall be construed to be the basis for any express or implied

warranties or guarantees to any person concerning any structure or portion thereof or appurtenance thereto constructed, repaired, replaced or removed pursuant to this Ordinance or the Code hereby adopted.

Section 12. Findings.

The Board, following due consideration, hereby finds and determines that all the amendments, deletions, and additions to the foregoing Codes are reasonably necessary due to local climatic, geological, and topographical conditions existing in the District. The District hereby finds and declares that:

The area within which the District is located regularly experiences strong, hot, dusty, and down canyon winds referred to locally as "Santa Anas" or "Sundowners."

Such wind conditions increase fire danger by significantly contributing to the spread and intensity of fires, and significantly increase the difficulty of effective fire suppression within the District.

If a fire involving a single structure cannot be immediately extinguished, such wind conditions can rapidly spread flames to adjacent structures, significantly endangering lives and/or millions of dollars in property value.

Such winds can spread existing flames from a structure or natural fuel to structures and natural fuel significant distances away, even jumping over fire breaks and freeways, resulting in significant property damage and/or loss of life.

Much of the jurisdiction of the District is within heavy brush and chaparral.

It is generally known to take about 25 years to build up extremely dangerous combustible brush conditions, and the District contains areas where combustible flora has built up for 50 to 100 years.

The District is in an area prone to extensive drought conditions, significantly increasing the already natural combustibility of the chaparral, brush and ornamental shrubbery in the District.

Such fuels can rapidly transform a small manageable fire into an uncontrollable conflagration, compromising the lives and safety of District personnel and residents.

The reduction of such fuels provides a direct correlation to the safety of the lives and property within the District, and will substantially reduce the risk of injury or death to District personnel.

The District is geographically situated such that extreme solar exposure (south, southwest, and west facing slopes) continually results in critically low live fuel moisture levels, further rendering most brush, chaparral and ornamental shrubbery highly combustible.

Due to these conditions even non-structural fires can pose a massive threat to the lives and structures located in the District.

The District is located in close proximity to several active earthquake faults.

During and after an earthquake, there is a high potential for fires and other emergencies threatening the lives of District residents, generally requiring the commitment of all available resources.

Geographic and topographic conditions delay response times for fire apparatus (these conditions include remote structures; narrow, winding roads which hamper the access of modern fire suppression apparatus; and extremely sloping roads which tend to slow fire apparatus response).

Water can be in short supply in the District, and fires in areas with structures with noncombustible roofing typically consume far lesser quantities of water than those not complying with the Ordinance, allowing greater fire suppression coverage, and preventing unnecessary loss of life and/or property within the District.

U.S. Highway 101 traverses the District, and is a transportation route for hazardous materials and some traffic accidents on Highway 101 require the presence of all available fire apparatus, leaving the District with fewer resources to combat structural fires elsewhere in the District.

The Union Pacific Railroad line also traverses the District, and a train accident or derailment could immediately deplete the District's resources, limiting the District's ability to furnish fire protection for the balance of the District.

The Montecito Fire Protection District is in the mutual aid plan and is committed to supply personnel and equipment for serious fires outside the District and which can reduce the personnel and equipment available for response to possible emergencies within the District.

Further, in many instances because of the extra hazardous conditions, a defensible space protection zone around buildings and structures of only one hundred feet is not sufficient to provide for tenable wildland firefighting operations around such buildings and structures. These conditions are common upon lands within the District that are located within the Montecito Resource Management Zone as designated by the County of Santa Barbara. Such areas are generally rural areas with slopes exceeding 40% and are covered with old age class chaparral and dense vegetation, creating conditions that are dangerous to fire fighters.

The Governing Board expressly finds and declares that the findings contained herein provide the basis for the amendment, deletions, and additions to the Code contained in this Ordinance.

Section 13. Severability.

If any article, section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each article, section, subsection, sentence, clause, phrase or word thereof irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses, phrases or words may be unconstitutional or invalid.

Section 14. Effective Date and Publication.

(a) Effective Date. This Ordinance was introduced for first reading on September 20, 2010, and passed on November 15, 2010, and shall take effect on January 1, 2011.

(b) Publication. In accordance with Section 25124 of the Government Code, this Ordinance shall be published once, with the names of the members of the Board voting for and against it in a newspaper of general circulation in the District within fifteen (15) days after its adoption.

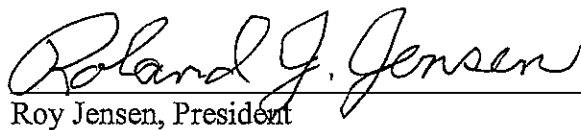
PASSED, APPROVED AND ADOPTED by the Governing Board of the MONTECITO FIRE PROTECTION DISTRICT on this 15<sup>th</sup> day of November, 2010, by the following vote:

AYES: R.J. Jensen, J. Venable, D. Newquist

NAYS: None

ABSTAIN: None

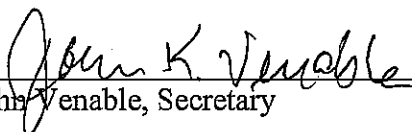
ABSENT: None



Roy Jensen, President

MONTECITO FIRE PROTECTION DISTRICT

ATTEST:

  
John Venable, Secretary