

**ORDINANCE NO. 2010-2**

**AN ORDINANCE OF THE GOVERNING BOARD OF THE MONTECITO FIRE PROTECTION DISTRICT ADOPTING THE FIRE PROTECTION PLAN FOR THE MONTECITO FIRE PROTECTION DISTRICT AND REPEALING DISTRICT RESOLUTION NO. 1995-1.**

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 13861 provides the District with certain powers, including the power to establish and enforce rules and regulations.

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

Section 1. Repeal of Previous Fire Protection Plan.

Resolution No. 1995-1 of the Montecito Fire Protection District is hereby repealed.

Section 2. Adoption of Fire Protection Plan.

There is hereby adopted by the Board of Directors ("Board") of Montecito Fire Protection District ("District") the Montecito Fire Protection Plan ("Plan") attached hereto as Exhibit A and incorporated in full herein by this reference. The Plan contains the following sections:

1. Section 1 – Roofing Assembly Requirements.
2. Section 2 – Vegetation Management.

3. Section 3 – Access Requirements for Roads and Driveways (Including Figures 3a-1, 3a-2, 3a-3 and 3a-4).
4. Section 4a – Water Supply for Fire Protection (Including Figure 4a-1 and 4a-2).
5. Section 4b – Water Storage for Fire Protection (Including Figure 4b-1).
6. Section 5a – Installation Requirements for Residential Sprinkler Systems.
7. Section 5b – Installation Requirements for Non-Residential Sprinkler Systems.

The purpose of the Plan is to establish regulations governing conditions dangerous to life and property from fire. Further, the Plan is intended to supplement the District's adoption of the current version of the California Fire Code, including amendments to the California Fire Code, Building Code and Residential Code (collectively "Code"). In the event of any conflict between the requirements of the Plan and the requirements of the Code, the more restrictive requirement shall govern.

### Section 3. 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 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 Plan 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 Plan 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 Plan 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 Plan and any amendment thereto may, in the discretion of the District Attorney for the County of Santa Barbara, be prosecuted as a misdemeanor.

#### Section 4. 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 Plan hereby adopted.

Section 5. Findings.

The Board, following due consideration, hereby finds and determines that the adoption of the Plan is 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 7. 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 8. Effective Date and Publication.

(a) Effective Date. This Ordinance was introduced for first reading on November 15, 2010, and passed on December 20, 2010, and shall take effect 30 days after final passage.

(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 20<sup>th</sup> day of December, 2010,  
by the following vote:

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

NAYS: None

ABSTAIN: None

ABSENT: None

SIGNED:

Roland J. Jensen, President  
MONTECITO FIRE PROTECTION DISTRICT

ATTEST:

John Venable, Secretary