

ORDINANCE NO. 2007-2

AN ORDINANCE OF THE GOVERNING BOARD OF THE MONTECITO FIRE PROTECTION DISTRICT ADOPTING BY REFERENCE AND AMENDING THE 2007 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 1505 OF THE 2007 CALIFORNIA BUILDING CODE; AND REPEALING ORDINANCE NO. 2002-1.

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 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Ordinance No. 2002-1 of the Montecito Fire Protection District is hereby repealed.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 2007 California Fire Code (“Code”) (including Appendix Chapters 1 and 4 and Appendices B, C, E, F, G and H, 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) Appendix Chapter 1, Section 108, Board of Appeals, is deleted.
- (b) Section 501.1, Scope, is amended to read:
"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) Section 903.2.18, 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. The provisions of this Section shall be applicable to all areas of the Montecito Fire Protection 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 supplies 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. Exceptions. The requirements of (2) above shall not apply to the following:

Structural alterations and/or additions to existing legal dwelling units for which aggregate structural alterations and/or additions are no greater than one thousand (1000) square feet in gross floor area. For

purposes of defining “aggregate alterations and/or additions”, all work that has been permitted by the Santa Barbara County Building Official and constructed subsequent to the effective date of repealed District Ordinance No. 1991-2 (October 16, 1991) shall be included in this determination. A dwelling unit is any building with provisions for sleeping, eating, cooking and sanitation, for not more than one (1) family, or a congregate residence for ten (10) persons or less.

4. 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.”

(d) Section 4706, Vegetation Management, is added to read:

“4706.1 Clearance of Brush and Vegetative Growth from Electrical Transmission Lines

4706.1.1 General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with this Section. EXCEPTION. This Section does not authorize persons not having legal right of entry to enter on or damage the property of others without the consent of the owner.

4706.1.2 Support Clearance. Person owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of clearing of not less than 10 feet (3048 mm) in each direction from the outer cir

4706.1.3 Electrical Distribution and Transmission Line Clearances.

4706.1.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section 4706.1.3.

4706.1.3.2 Trimming Clearance. At the time of trimming, clearances not less than those established by Table 4706.1 A should be provided. The radial clearances shown below are minimum clearances that should be established, at time of trimming, between vegetation and the energized conductors and associated live parts.

Exception: The Fire Chief is authorized to establish minimum clearances different than those specified in Table 4706.1 A when evidence substantiating such other clearances is submitted to the Fire Chief and approved.

4706.1.3.3 Minimum Clearance to be Maintained. Clearances not less than those established by Table 4706.1 B shall be maintained during such periods of time as designated by the Fire Chief. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree's location in proximity to the high voltage lines.

Exception: The Fire Chief is authorized to establish minimum clearances different than those specified by Table 4706.1 B when evidence substantiating such other clearances is submitted to the Fire Chief and approved.

TABLE 4706.1 A - Minimum Clearances Between Vegetation and Electrical Lines at Time of Trimming.

Line Voltage	Minimum Radial Clearance from Conductor (feet) x 304.8 mm	
2,400 - 72,000	4	
72,001 - 111,000	6	
1110,001 - 300,000	10	
300,001 or more	15	

TABLE 4706.1 B - Minimum Clearances Between Vegetation and Electrical Lines at Time of Trimming.

Line Voltage	Minimum Clearance (Inches) x 25.4 mm	
750 - 35,000	6	
35,001 - 60,000	12	
60,001 - 115,000	19	
115,001 - 230,000	30 ½	
230,001 - 500,000	115	

4706.1.3.4 Electrical Power Line Emergencies. During emergencies, the utility company shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 4706.1 B.

4706.1.4 Correction of Condition. The Fire Chief is authorized to give notice to the owner of the property on which conditions regulated by Section 4706.1 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such conditions exists.

4706.2 Clearance of Brush or Vegetative Growth from Structures.

4706.2.1 General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures;

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintaining additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located from 30 feet to 100 feet (9144 mm to 30,480 mm) from such buildings or structures.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet (3048 mm) of the outlet of a chimney;

4. Maintain trees adjacent to or overhanging a building free of deadwood; and

5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

4706.2.2 Corrective Actions. The Board is authorized to instruct the Fire Chief to give notice to the owner of the property upon which conditions regulated by Section 4706.2 exists to correct such conditions. If the owner fails to correct such conditions, the Board is authorized to cause the same to be done and make the expenses of such correction a lien upon the property where such condition exists.

4706.3 Clearance of Brush or Vegetative Growth from Roadways. The Fire Chief is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. Portions of trees that extend into roadways shall be cleared to a 13 ½ foot overhead clearance. The Fire Chief is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting.

4706.4 Unusual Circumstances. If the Fire Chief determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Section 4706 undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

4706.5 Dumping. Garbage, cans, bottles, papers, ashes, refuse, trash, rubbish or combustible waste material shall not be placed, deposited or dumped in or upon hazardous fire areas or in, upon or along trails, roadways or highways in hazardous fire areas.

Exception: Approved public and private dumping areas.

4706.6 Fire Hazard Determination. Cut or uncut weeds, grass, vines and other vegetation shall be removed when determined by the Fire Chief to be a fire hazard. Section 4706 and the most current version of District Standard 93-1 shall be utilized by the Fire Chief to effect abatement.” (e) Section 4707, Defensible Space, is added to read:

“(1) This section applies to property:

(a) Located within the Montecito Resource Management Zone, as designated by the County of Santa Barbara.

(b) With slopes exceeding 40%;

(c) Covered with old age class chaparral, dense vegetation or other conditions dangerous to firefighters; and

(d) Improved with a building or structure.

(2) For those properties upon which the above conditions are present, and the Fire Chief determines that a one hundred foot zone around the building or structure is not sufficient, then the Fire Chief may require a defensible space protection zone consisting of the reduction of combustible growth and flammable vegetation for a distance up to two hundred feet around the building or structure.”

Section 6. Amendments Made in the California Building Code.

The California Building Code is amended and changed as follows:

(a) 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 7. 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 8. 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 9. 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 thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, 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 10. 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 11. 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 provide 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 12. 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 13. Effective Date and Publication.

(a) Effective Date. This Ordinance was introduced for first reading on October 15, 2007, and passed on November 19, 2007, 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 19th day of November, 2007, 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

