

ORDINANCE NO. 2002-01

AN ORDINANCE OF THE GOVERNING BOARD OF THE CARPINTERIA-SUMMERLAND FIRE PROTECTION DISTRICT ADOPTING BY REFERENCE (WITH CERTAIN MODIFICATION), AND AMENDING THE 2001 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 THEREFORE AND DEFINING THEIR POWERS AND DUTIES WITHIN THE DISTRICT AND REPEALING ORDINANCE NO. 2000-01.

WHEREAS, the Carpinteria Summerland 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 Carpinteria Summerland 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.

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

Section 1. Repeal of Previous Ordinance.

Ordinance No. 2000-01 of the Carpinteria Summerland Fire Protection District is hereby repealed.

Section 2. Adoption of California Fire Code.

There is hereby adopted by the Board of Directors (“Board”) of Carpinteria Summerland 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 2001 California Fire Code (“Code”) (including Appendix Chapters I-A, I-C, II-A, II-B, II-C, II-D, II-E, II-F, II-H, II-I, II-K, III-A, III-AA, III-B, III BB, III-C, III-D, IV-A, IV-B, V-A, VI-A, VI-B, VI –C, VI-D, VI-E, VI-F, VI-G, VI-H, VI-I, VI-J, and VI-K) published by the Western Fire Chiefs Association 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) "Chief of the bureau of fire prevention" shall mean the fire Chief or his or her designee.
- (c) "Chief of police" shall mean the Sheriff of the County of Santa Barbara or his or her designee.
- (d) "Police officer" shall mean Sheriff's deputy.

Section 5. Establishment of Limits of District in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks are Prohibited.

The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code in which the storage of flammable or combustible liquids are to be restricted are hereby established as the limits of the Carpinteria Summerland Fire Protection District, except that such storage is allowed subject to compliance with applicable zoning and other ordinances and laws, in the hereinafter named zones, as follows:

- (a) In agricultural zones, where the minimum lot size is five acres or more and the particular zone encompasses a contiguous area of not less than 50 acres, and where the use will not unreasonably endanger adjoining property, as determined by the Fire Chief.
- (b) In all other zones where the written approval of the Fire Chief is obtained, subject to such reasonable conditions as the Fire Chief may impose to protect life and property.

Section 6. Establishment of Limits of District in Which Storage of Explosives and Blasting Agents are Restricted

The limits referred to in Section 7701.7.2 of the California Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the limits set forth in Section 5 of this Ordinance.

Section 7. Establishment of Limits in Which Storage of Liquefied Petroleum Gases is Restricted.

The limits referred to in Section 8204.2 of the Code, in which storage of liquefied petroleum gas is restricted, are hereby established as the limits set forth in Section 5 of this Ordinance.

Section 8. Establishment of Limits of Districts in Which the Storage of Compressed Natural Gas is to be Prohibited.

The limits referred to in Section 5204.5.2 of the Uniform Fire Code in which the storage of compressed natural gas is prohibited are hereby established as the limits set forth in Section 5 of this Ordinance.

Section 9. Amendment to the California Fire Code.

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

(a) Section 103.1.4, Appeals, is deleted.

(b) Section 103.4.4, Citations, is amended to read as follows:

“The Fire Chief or his or her designee is authorized to issue citations for misdemeanors as set forth in California Health and Safety Code Section 13871.”

(c) Section 103.4.5.1, Unsafe Buildings, is added to read as follows:

“Buildings or Property Damaged by Fire. The owner, occupant or other person having under his or her control any property or materials damaged by fire shall secure the property either by boarding up all openings, fencing, barricading or other appropriate measures as directed by the Fire Chief. Such damaged property shall be secured within 48 hours or as specified by the Fire Chief. Within thirty (30) days of written notice to do so has been served, all debris and/ or damaged materials shall be removed from the property or proof furnished that contract arrangements have been made assuring the removal of debris, demolition, replacement or repair of all fire damaged structures remaining on the property involved in fire within a period of time acceptable to the Chief.”

(d) Section 901.1, Scope, is amended to include the most current version of the Carpinteria-Summerland Fire Protection District Private Road Standards, including Driveway Design Standards Serving Single Family Dwellings.

(e) Section 901.4.4, Premises Identification, is amended by adding the following:

“Buildings set back from the street shall have their addresses posted at the street with an arrow indicating access as well as the address posted next to or on the building. The Fire Chief may prescribe the size, type and colors of building numbers and may designate their location. For complexes and large buildings a Premises Directory Map may be required at a location determined by the Fire Chief.”

(f) Section 902.4, Key Boxes, is amended to read as follows:

“When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the Fire Chief is authorized to require a key box or switch to be installed in an accessible location. The key box or switch shall be of an approved type. The key box shall contain keys to gain necessary access as required by the Fire Chief. Key switches installed for the purpose of overriding gate operators

shall be wired such that gates remain open upon activation by the Fire District. An approved standby power system shall be required for gate installations serving ten or more dwellings units.”

(g) Section 902.4.1 is added to read as follows:

“For any structure or area that is secured by a gate limiting access by vehicles, the opening for such gate shall be two feet wider than the approved access road. In addition, all such gates shall be located at least 30 feet from the public right-of-way and shall open inward allowing a vehicle to stop in front of the gate without obstructing traffic along the public right-of-way.”

(h) Section 1006.2.9.3.4, is added to read as follows:

“In Group R occupancies, the owner of each affected unit shall be responsible for installation, repair and maintenance and testing of all smoke detectors required by this section except that all long- term (20 consecutive days or more) renters, lessees or other non-owner occupants shall be responsible for testing of said smoke detector(s). In the event of test failure, the owner shall be responsible for the repair or replacement upon notification by the occupant, except that the occupant shall be responsible for battery replacement. Additionally, the owner of each affected rental dwelling shall be responsible for testing the smoke detector(s) within the unit upon a change of tenancy.”

(i) Section 6106.6, is added to read as follows:

“No person shall sell or offer for sale any unvented fuel burning heater for use in any residential occupancy. Unvented fuel burning heaters shall not be installed, used, maintained, or permitted to exist in any Group I or R occupancy.”

(j) Section 7802.3 is amended by adding the following:

“The discharge, firing, or use of all fireworks within the jurisdiction is prohibited; provided, however, that the Fire Chief or his or her designee may at any time order or permit the public displays of fireworks by properly qualified individuals under the direct supervision of experts in the handling of fireworks. Provided, also, that such display shall be of such a character and so located, discharged or fired as, in the opinion of the Fire Chief, shall not be hazardous to the surrounding property or dangerous to any person. The sale of fireworks in the jurisdiction is prohibited.”

(k) Section 8510 is added to read as follows:

“All permanent installations of electrical generators, wind generators, solar cells, or other power sources shall be approved by the Fire Chief. All provisions of the National Electrical Code, the Uniform Fuel Gas Code, and the California Building Code, and this Code shall be followed for any such installation. Permanent engraved and affixed signage, red in color, reading ‘Caution – Alternate Power Source’ in 1” tall letters shall be permanently installed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.”

Section 15. 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 16. New Materials, Processes or Occupancies Which May Require Permits.

The Fire Chief and his or her designees 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 Chief shall post such list in a conspicuous place at District headquarters and distribute copies thereof to interested persons.

Section 17. 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 or the City Building Official or other appropriate officials of the City of Carpinteria.

(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 18. 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 19. 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 "Sundowners" or "Santa Anas". 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 Plan, 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 Carpinteria Summerland 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.

The increase in population and traffic within the Carpinteria Summerland Fire Protection District has hampered and obstructed response routes and has increased response times for fire apparatus, especially during peak hours of mornings and evenings. On-site fire protection appliances will tend to reduce the amount of fire spread should a delay exist. Additionally, the continued residential growth and

spread into undeveloped remote wildland areas has increased the demands on fire fighting resources and response times.

The Governing Board expressly finds and declares that the findings contained herein are needed to properly protect the health, safety, and welfare of existing and future residents and provide the basis for the amendment, deletions, and additions to the Code contained in this Ordinance.

Section 20. 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 21. Effective Date and Publication.

(a) Effective Date. This Ordinance was introduced for first reading on December 17, 2002, and passed on January 21, 2003, 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 CARPINTERIA SUMMERLAND FIRE PROTECTION DISTRICT on this 21st day of January, 2003, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

John Conti, President
CARPINTERIA SUMMERLAND FIRE PROTECTION DISTRICT

ATTEST:

Tyson Willson, Secretary

STATE OF CALIFORNIA
SS.
(COUNTY OF SANTA BARBARA)

I, _____, Secretary of the Governing Board of the Carpinteria
Summerland Fire Protection District, DO HEREBY CERTIFY that the above and foregoing is a full, true

and correct copy of the California Fire Code hereby adopted No. 2002-1 of said District, adopted at a regular meeting of the Governing Board, held on the 21st day of January, 2003, at which meeting a quorum of the Governing Board was present and acting throughout, and that the same has not been amended or repealed.

DATED: This 21st day of January 2003.

Tyson Willson, Secretary
CARPINTERIA SUMMERLAND FIRE PROTECTION DISTRICT