

ATTACHMENT "C"

Montecito Fire Protection Ordinance 2019-02

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE GOVERNING BOARD OF THE MONTECITO FIRE PROTECTION DISTRICT ADOPTING BY REFERENCE AND AMENDING THE 2019 CALIFORNIA FIRE CODE AND APPENDIX CHAPTERS AND APPENDIX STANDARDS PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION; ADOPTING BY REFERENCE THE MONTECITO FIRE PROTECTION DISTRICT DEVELOPMENT STANDARDS; 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; AMENDING SECTION R313 OF THE 2019 CALIFORNIA RESIDENTIAL CODE; AMENDING SECTION 1505 OF THE 2019 CALIFORNIA BUILDING CODE; AND REPEALING ORDINANCE NOS. 2016-01, 2017-01, 2018-01 & 2019-01.

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:

Article 1. Repeal of Previous Ordinances.

Ordinance Nos. 2016-01, 2017-01, 2018-01 & 2019-01 of the Montecito Fire Protection District are hereby repealed.

Article 2. Adoption of California Fire Code.

The Board of Directors ("Board") of the Montecito Fire Protection District ("District"), for the purpose of prescribing regulations of governing conditions dangerous to life and property from fire, hazardous materials or explosion, adopts by reference and incorporation, the 2018

International Fire Code and Part 9 of Title 24 of the California Code of Regulations, known as the California Fire Code 2019 Edition (“CFC”), and the Montecito Fire Protection District Development Standards (the “Development Standards”), hereinafter collectively known as the Fire Code of the Montecito Fire Protection District (“Code”). Adoption of the CFC includes Chapters 1-80, Appendix Chapter 4, and Appendices B, BB, C, CC, E, F, G, H and I, as 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. In the event of an inconsistency or conflict between the provisions and standards set forth in the Code, the more restrictive provision shall apply. The Development Standards, which consist of Development Standard Nos. 1 – 6, are intended to establish regulations governing conditions dangerous to life and property from fire, and to supplement the District’s adoption of and amendments to the CFC, the California Residential Code, and the California Building Code herein. Copies of the CFC and the Development Standards, certified to be true copies by the Clerk of the Board, have been and are 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.

Article 3. 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 Montecito Fire Protection District Development Standards as may be amended from time to time.
- (d) “Building Department” shall mean the Santa Barbara County Department of Planning & Development.
- (e) “County” shall mean the County of Santa Barbara.
- (f) “Chief of Police” shall mean the Sheriff of the County of Santa Barbara or his/her designee.
- (g) “Police officer” shall mean Sheriff’s deputy.
- (h) “Mixed-use building” shall mean any building or structure that includes both residential dwelling unit(s) and non-residential unit(s).

Article 4. Amendments Made in the California Fire Code.

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

CHAPTER 1 – SCOPE AND ADMINISTRATION

SECTION 101 - SCOPE AND GENERAL REQUIREMENTS

Section 101.1 “Title” is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the Montecito Fire Protection District, hereinafter referred to as “the Code”.

SECTION 103 – DEPARTMENT OF FIRE PREVENTION

Section 103.1 “General” is amended to read as follows:

103.1 General. The Fire Prevention Bureau (“Bureau”) is established in the jurisdiction of the District under the Fire Code Official. The function of the Bureau shall be the implementation, administration and enforcement of the provisions of the Code.

Section 103.2 “Appointment” is amended to read as follows:

103.2 Appointment. A Fire Code Official to be in charge of the Bureau shall be appointed by the Fire Chief on the basis of an examination to determine qualifications.

Section 103.3 “Deputies” is amended to read as follows:

103.3 Deputies. The Fire Chief may recommend to the Board the employment of an assistant fire code official, other related technical officers, inspectors and other employees, who shall be selected in accordance with the prescribed procedures of the District 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 Code Official.

SECTION 105 – PERMITS

Section 105.6.32 “Open Burning” is amended to read as follows:

105.6.32 Open Burning. An operational permit is required for the kindling or maintaining of an open fire, open burning, recreational fire, portable outdoor fireplace, or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires and portable outdoor fireplaces on private property.

Subsection (4) is added to Section 105.6.51 “Additional Permits” as follows:

4. **General use permit.** A general use permit for any activity or operation not specifically addressed in this article, which in the judgment of the Fire Chief or his/her designee could reasonably be expected to produce conditions hazardous to life or property.

SECTION 109 – BOARD OF APPEALS

Section 109 “Board of Appeals” is deleted.

SECTION 110 – VIOLATIONS

Section 110.4.2 is added to read as follows:

110.4.2.1 False alarms. The Fire Code Official is authorized to seek cost recovery for a fire department response to an alarm system activation which is determined to be a false alarm caused by system malfunction, system misuse, or other non-emergency causes.

110.4.2.2 False alarm frequency. The cost recovery penalty fee may be charged for all responses after the third false alarm in a calendar year

110.4.2.3 False alarm fee. The amount of the cost recovery penalty fee will be in accordance with Article 9 of this Code. Additional fees may be charged for extraordinary circumstances.

CHAPTER 2 – DEFINITIONS

SECTION 202 – GENERAL DEFINITIONS

Section 202 “General Definitions” is amended to include the following definitions:

ADDITION. Any construction change to an existing structure that includes, but is not limited to, the addition of walls outside of the existing building envelope which increases the existing square footage of the building.

BREEZEWAY. A roofed open passage connecting two buildings.

COMBUSTIBLE MATERIAL. Includes seasonal and recurrent weeds, stubble, brush, dry leaves, mulch, tumbleweeds, rubbish, recyclable material, litter or flammable materials of any kind that are readily ignitable and endanger the public safety.

CRITICAL FIRE WEATHER. As determined by the Fire Code Official, a set of weather conditions (usually a combination of low relative humidity, warmer temperatures and/or high winds) favorable to the ignition and the effect of which on

fire behavior makes control of a fire difficult and threatens fire fighter and public safety. This includes, but is not limited to “Red Flag Warnings” and “Fire Weather Watches” as issued by the National Weather Service.

FIRE AND LIFE HAZARD. Any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire or a hazardous material release (spill, leak, etc.) to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire and responding to hazardous material releases; or which may obstruct, delay, hinder or interfere with the operations of the fire department or the egress from a facility or building, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of a fire or hazardous material release.

FIRE HAZARD SEVERITY ZONES (FHSZ). Geographical areas designated pursuant to California Resources Code Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas (SRA) or designated pursuant to California Government Code Sections 51175 through 51189 and classified as Very High, High, or Moderate in Local Responsibility Areas (LRA).

FIRE PROTECTION CERTIFICATE (FPC). The application for review by the Bureau of any construction of new buildings or structures, or additions or alterations to existing buildings or structures for which applications for building permits are filed or are required to be filed with the County of Santa Barbara.

HORIZONTAL PROJECTION. Any roofed projection intended for shelter or occupancy and constructed as a roof assembly or floor/ceiling assembly above. Horizontal Projection may include awnings, canopies, marquees, patio covers, covered porches, balconies, eaves, eave overhangs, roofed overhangs, breezeways, covered decks, etc.

PUBLIC NUISANCE. A declaration by the Fire Code Official that the presence of Combustible Material or other conditions on a parcel creates a fire hazard.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TEMPORARY USE. Unless otherwise specified within this Code, Temporary Use, when allowed, shall not exceed a period of 180 days in a 12-month period.

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency

to be at a significant risk from wildfires.

Section 202 “General Definitions” is amended to include the following amended definitions:

AUTOMATIC SPRINKLER SYSTEM. An automatic fire sprinkler system, for fire protection purposes, 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. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area. The reference standards may include:

- (a) Standard Nos. 13, 13D, 13R, 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 Montecito Fire Protection District Development Standards as may be amended from time to time.

FIRE APPARATUS ACCESS ROAD. A roadway that provides fire apparatus access from a fire station or other staging area to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway and driveway. This road may provide ingress and egress for both the fire department and the general public during emergency events and normal use.

FIRE CODE OFFICIAL. The Fire Prevention Bureau Chief (Fire Marshal), as appointed by the Fire Chief of Montecito Fire Protection District, charged with the implementation, administration and enforcement of the Code, or a duly authorized representative.

WILDFIRE RISK AREA (WRA) Land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion or such areas designated by the Fire Code Official. The Fire Code Official is authorized to utilize, as references, the definition of Wildland-Urban Interface Area, State SRA maps, Local Agency Fire Hazard Severity Zone Maps designated pursuant to California Government Code,

Sections 51175 through 51189 and the Montecito Fire Protection District Development Standards.

CHAPTER 3 – GENERAL REQUIREMENTS

SECTION 307 – OPEN BURNING, RECREATIONAL FIRES & PORTABLE OUTDOOR FIREPLACES

Section 307.1.1 “Prohibited open burning” is amended to read as follows:

307.1.1 Prohibited open burning. The Fire Code Official is authorized to prohibit open burning, recreational fires, and the use of portable outdoor fireplaces when atmospheric conditions or other circumstances make such fires hazardous. The burning of rubbish (trash) is prohibited.

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the Fire Code Official.

Section 307.3 “Extinguishment authority” is amended to read as follows:

307.3 Extinguishment authority. When open burning, recreational fires, or the use of portable outdoor fireplaces creates or adds to a hazardous situation, is not in compliance with the Code, or a required permit has not been obtained, the Fire Code Official is authorized to prohibit the fire, extinguish or order the extinguishment of the fire.

SECTION 311 – VACANT PREMISES

Section 311.1.3 “Buildings or property damaged by fire or disaster” is added to read as follows:

311.1.3 Buildings or property damaged by fire or disaster. The owner, occupant, or other person having under their control any property or materials on property damaged by fire or other disaster, when access by the public is possible, shall secure the property either by boarding up all openings, fencing, barricading, or other appropriate measures as approved by the Fire Code Official. All debris, and/or damaged materials shall be removed from the property in the manner and within the time frame established by the Fire Code Official.

Section 311.1.4 “Authority to secure property damaged by fire or other disaster” is added to read as follows:

311.1.4 Authority to secure property damaged by fire or other disaster. The Fire Code Official shall be empowered to initiate necessary actions to secure property damaged by fire or other disaster and/or remove and dispose of debris, and other damaged materials when, after giving notice to the owner of record of the

property, the owner fails to secure the property and/or remove debris as ordered by the Fire Code Official.

CHAPTER 5 – FIRE SERVICE FEATURES

SECTION 503 – FIRE SERVICE ACCESS ROADS

Section 503.1.1 “Buildings and facilities”, exception 1.3 is deleted.

Section 503.1.4 “Access road design” is added to read as follows:

503.1.4 Access road design. The Fire Code Official may evaluate access road design in terms of total response efficiency. The Fire Code Official is authorized to make modifications to access road network design, access road routes and inter-connectivity with new or existing roads so that response efficiency is maintained.

SECTION 505 – PREMISES IDENTIFICATION

Section 505.1.1 “Mixed-use building” is added to read as follows:

505.1.1 Mixed-use building. A notification system, which indicates the presence of residential dwelling units in a mixed-use building, shall be installed in a manner and location approved by the Fire Code Official.

Section 505.1.2 “Directory” is added to read as follows:

505.1.2 Directory. For complexes and large buildings, an approved directory, premise map, and directional signs may be required by the Fire Code Official. The scale, design, and location shall be approved by the Fire Code Official.

CHAPTER 6 – BUILDING SERVICES AND SYSTEMS

SECTION 604 – ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

Section 604.12 “Signage for electrical generators or other power sources” is added to read as follows:

604.12 Signage for electrical generators or other power sources. Permanent installations of electrical generators or other power sources may require approval from the Fire Code Official. Permanent engraved and affixed signage reading “Caution-Alternate Power Source” 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. All provisions of the *National Electric Code*, the *Uniform Fuel Gas Code*, the *California Building Code*, and this Code shall be followed for any such installation.

CHAPTER 9 – FIRE PROTECTION AND LIFE SAFETY SYSTEMS

SECTION 901 – GENERAL

Section 901.6 “Inspection, testing and maintenance” is amended to read as follows:

901.6 Inspection, testing and maintenance. Fire detection and alarm systems, emergency alarm systems, gas detection systems, fire-extinguishing systems, mechanical smoke exhaust systems and smoke and heat vents shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained or removed only after obtaining written permission from the Fire Code Official.

Section 901.11 “Working space and clearance” is added to read as follows:

901.11 Working space and clearance. A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of the fire protection equipment including, but not limited to: fire sprinkler control valves, fire department connections, hose connections, risers, hood system manual pull stations, fire alarm control panels, fire pumps, and specialized fire protection storage tanks (dry chemical, foam, CO₂, clean agent). Where the fire protection equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space. Direct access to the working space shall be provided from aisles or access roadways. Modifications to working space dimensions shall be approved by the Fire Code Official.

SECTION 903 – AUTOMATIC SPRINKLER SYSTEMS

Section 903.1.2 “Concurrent Permits” is added to read as follows:

903.1.2 Concurrent Permits. Additions or modifications where the application for a building permit is submitted prior to the final inspection of any previously issued building permit(s) shall require the installation of an automatic fire sprinkler system throughout the entire structure when the area of the addition or modification of all open permits combined with the new application exceed the exceptions listed under Section 903.2.

Section 903.2 “Where required” is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.20 and Section 903.7. Approved automatic sprinkler systems in existing buildings and structures shall be provided in the locations described by Section 903.7 and Section 1103.5 as amended.

Section 903.2.18 “Exception” is amended to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic residential fire sprinkler system installed in accordance with this section. NOTE: This exception shall not apply if the alteration or addition includes modification such that a habitable space is created.

Section 903.7 “Montecito Fire Protection District Automatic Fire Sprinkler Systems” is added to read as follows:

903.7 Montecito Fire Protection District Automatic Fire Sprinkler Systems.

Terminology used within this Section shall be as defined in the reference standards identified in Section 202 as amended. 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.

903.7.1 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.

903.7.2 Locations required. 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:

1. Any new building for which applications for building permits are filed or are required to be filed with the County of Santa Barbara regardless of square footage shall require the installation of an automatic fire sprinkler system throughout the entire building.
2. Existing buildings and structures as set forth below.
 - (a) Aggregate alterations and/or additions of 500 square feet or more to existing non-residential buildings or structures for which applications for building permits are filed or required to be filed with the County of Santa Barbara shall require the installation of an automatic fire sprinkler system throughout the entire non-residential building or structure.
 - (b) Any existing residential buildings or structures for which an application for building permits is filed or required to be filed with the County of Santa Barbara that meets either of the following two

requirements shall be required to install automatic fire sprinkler systems throughout the entire building or structure:

- i. An aggregate alteration and/or addition that is greater than 50% of the existing square footage of the building or structure floor area; or
 - ii. An aggregate alteration and/or addition that is greater than 1,500 square feet in gross floor area.
- (c) All existing buildings and structures for which applications for building permits for alterations and/or additions 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 shall require the installation of an automatic fire sprinkler system throughout the entire building or structure. The term water supply is more specifically defined in the District standards as adopted from time to time.
- (d) All existing buildings for which applications for building permits for alterations and/or additions are filed or 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 shall require the installation of an automatic fire sprinkler system throughout the entire building or structure.
- (e) Any change of occupancy in an existing building where the occupancy changes to a higher hazard classification or as deemed necessary by the Fire Code Official shall require the installation of an automatic fire sprinkler system throughout the entire building.

SECTION 907 – FIRE ALARM AND DETECTION SYSTEMS

Section 907.2.30 “Mixed-use occupancies” is added to read as follows:

907.2.30 Mixed-use occupancies. In mixed-use occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include a multiple-station smoke alarm and automatic smoke detection throughout the commercial and common areas.

CHAPTER 11 – CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 1103 – FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

Section 1103.5 “Sprinkler systems” is amended to read as follows:

1103.5 Sprinkler systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.4 and Section 903.2.

CHAPTER 12 – ENERGY SYSTEMS

SECTION 1203 – EMERGENCY AND STANDBY POWER SYSTEMS

Section 1206.2.8.8 “Residential garage installations” is added to read as follows:

1206.2.8.8 Residential garage installations. When an Energy Storage System (ESS) battery equipment is installed at any residential garage location, provide at least one UL listed, standalone, battery-operated heat detector with a minimum 135 degree fixed temperature. Unit shall be mounted directly above the battery equipment not exceeding six (6) feet. Indoor installation options shall be within the garage location mounted on a side wall only and shall be protected from physical damage.

Exception: If the ESS battery system has a listed, built-in overheat detection/alarm system, the external heat detector shall not be required.

CHAPTER 56 – EXPLOSIVES AND FIREWORKS

SECTION 5601 - GENERAL

Section 5608.2 “Prohibition of Fireworks” is added to read as follows:

5608.2 Prohibition of Fireworks. The possession, manufacture, storage, sale, handling and use of any and all fireworks are prohibited within the jurisdiction of the District.

Article 5. Amendments Made in the California Residential Code.

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

CHAPTER 3 – BUILDING PLANNING

SECTION R313 – AUTOMATIC FIRE SPRINKLER SYSTEMS

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

1. Any existing townhouse for which an application for building permits is filed or required to be filed with the County of Santa Barbara for any alteration and/or

addition that meets either of the following two requirements shall be required to install automatic fire sprinkler systems throughout the entire building:

- i. An aggregate alteration and/or addition that is greater than 50% of the existing square footage of the building floor area; or
 - ii. An aggregate alteration and/or addition that is greater than 1,500 square feet in gross floor area.
2. Any existing townhouse for which an application for building permits for alterations and/or additions is filed or is required to be filed with the County of Santa Barbara, which is not served by water supplies meeting District standards as adopted from time to time shall require the installation of an automatic fire sprinkler system throughout the entire building. The term water supply is more specifically defined in the District standards as adopted from time to time.
 3. Any change of occupancy in an existing townhouse where the occupancy changes to a higher hazard classification or as deemed necessary by the Fire Code Official shall require the installation of an automatic fire sprinkler system throughout the entire building.

Section R313.1.2 “Application” is added to read as follows:

R313.1.2 Application. The provisions of this Section shall be applicable within the District’s jurisdiction.

Section R313.2 (1) is deleted in its entirety and replaced with the following:

1. Any existing one- and two-family dwellings for which an application for building permits is filed or required to be filed with the County of Santa Barbara for any alteration and/or addition that meets either of the following two requirements shall be required to install automatic fire sprinkler systems throughout the entire building:
 - i. An aggregate alteration and/or addition that is greater than 50% of the existing square footage of the building floor area; or
 - ii. An aggregate alteration and/or addition that is greater than 1,500 square feet in gross floor area.
2. Any existing one- and two-family dwellings for which an application for building permits for alterations and/or additions is filed or is required to be filed with the County of Santa Barbara, which is not served by water supplies meeting District standards as adopted from time to time shall require the installation of an automatic fire sprinkler system throughout the entire building. The term water

supply is more specifically defined in the District standards as adopted from time to time.

3. Any change of occupancy in an existing one- or two-family dwelling where the occupancy changes to a higher hazard classification or as deemed necessary by the Fire Code Official shall require the installation of an automatic fire sprinkler system throughout the entire building.

Section R313.2.2 “Application” is added to read as follows:

R313.2.2 Application. The provisions of this Section shall be applicable within the District’s jurisdiction.

Section R313.3.1.2, Exceptions (1) through (4) are deleted.

Article 6. Amendments Made in the California Building Code.

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

CHAPTER 15 – ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

SECTION 1505 – FIRE CLASSIFICATION

Section 1505 “Fire Classification” is amended to read as follows:

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 (1) 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 (1) 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 (1) 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."

Article 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.

Article 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.

Article 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 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 Board 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.

Article 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.

Article 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 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.

Portions of the District, however, that are designated on the Montecito Fire Protection District's Fire Hazard Severity Zone Map as High Fire Hazard Severity Zone rather than Very High Fire Hazard Severity Zone as previously designated by the California Director of Forestry and Fire Protection are in residential areas located south of East Valley Road (Highway 192). This area is comprised of more gentle terrain, with less dense brush, and ornamental landscape vegetation around the residences and estates. Road access in this area is moderate. Due to these conditions as compared to the conditions in the Very High Fire Hazard Severity Zone, the District designated this area as Very High Fire Hazard Severity Zone.

The 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.

Article 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.

Article 13. Effective Date and Publication.

- (a) Effective Date. This Ordinance was introduced for first reading on November 25, 2019, and passed on December 23, 2019, and shall take effect thirty (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.

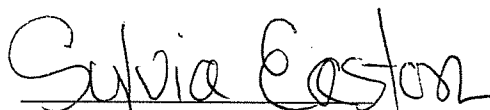
PASSED, APPROVED AND ADOPTED by the Governing Board of the MONTECITO FIRE PROTECTION DISTRICT on this 23rd day of December, 2019, by the following vote:

AYES: J. Iskanian, P. van Duinwyk, S. Easton, M. Lee

NAYS: None

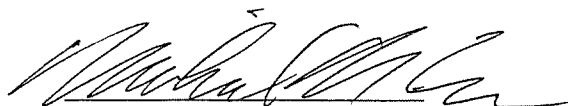
ABSTAIN: None

ABSENT: J. A. Powell



Sylvia Easton, President
MONTECITO FIRE PROTECTION DISTRICT

ATTEST:



Michael Lee, Secretary

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.

I, Michael Lee, Secretary of the Governing Board of the Montecito 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 Ordinance No. 2019-02 of said District, adopted at a regular meeting of the Governing Board, held on the 23rd day of December, 2019, 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 23rd day of December, 2019.



Michael Lee, Secretary
MONTECITO FIRE PROTECTION DISTRICT