ORDINANCE NO. 05-2013

BOARD OF DIRECTORS
CAMBRIA COMMUNITY SERVICES DISTRICT
DATE: NOVEMBER 21, 2013

ORDINANCE AMENDING CHAPTER 6.04 OF THE CAMBRIA COMMUNITY SERVICES DISTRICT MUNICIPAL CODE AND ADOPTING AND AMENDING THE 2013 EDITION OF THE CALIFORNIA FIRE CODE AND THE 2012 EDITION OF THE INTERNATIONAL WILDLAND URBAN INTERFACE CODE

The Board of Directors of the Cambria Community Services District (CCSD) ordains as follows:

Section 1. FINDINGS.

The Board of Directors of the Cambria Community Services District, (hereinafter referred to as "District"), hereby makes the following findings of fact:

A. Section 13869 of the Health and Safety Code of the State of California, and Article 2 (commencing with section 50022) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, and 61100(d) of the Government Code, authorize the Cambria Community Services District to adopt an Ordinance, which incorporates by reference fire prevention codes, and amendments.

B. The California Code of Regulations/CA Buildings and Standards Code, Title 24, Part 9 which includes the California Fire Code, is adopted by order of the California Legislature with supplements published in intervening years.

C. The latest edition of the California Buildings and Standards Code was published this year and has the force of law beginning January 1, 2014.

D. This Ordinance will repeal the current fire codes and all other previously adopted fire codes and amendments. This Ordinance will adopt and amend the 2013 California Fire Code, which is based on the 2012 International Fire Code, the 2012 International Wildland Urban Interface Code as published by the International Code Council, and the 2013 National Fire Protection Association Standard 1144 Standard for Reducing Structure Ignition Hazards from Wildland Fire, and will include annual supplements and State amendments and errata, and adopt the findings of fact.

E. Pursuant to California Health and Safety Code Sections 13869.7, 17958.7 and 18941.5 the Board has adopted Resolution 45-2013 making specific findings, that because of climatic, geological, and topographical conditions that exist in Cambria, that the amendments to the adopted codes are necessary to protect the citizens life, health, property and the environment.

Section 2. Amendment to Section 6.04.010 of the Cambria Community Service District Municipal Code.

Section 6.04.010 of the Cambria Community Services District Municipal Code is Hereby amended as follows:

"6.04.010 -- Adoption of the 2013 edition of the California Fire Code, the 2012 International Wildland Urban Interface Code and 2013 National Fire Protection Association Standard 1144.

Except as provided in Section 6.04.040, all articles and appendices of the 2013 California Fire Code, which is based on the 2012 edition of the International Fire Code as published by the International Code Council, the 2012 edition of the International Wildland Urban Interface Code as published by the International Code Council and the 2013 edition of Standard 1144 Standard For Reducing Structure Ignition Hazards From Wildland Fire as published by the National Fire Protection Association are adopted, including annual supplements, state amendments and errata."

Section 3. Amendment to Section 6.04.020 of the Cambria Community Services District Municipal Code.

Section 6.04.020 of the Cambria Community Services District Municipal Code is hereby amended to as follows:

"Section 6.04.020 -- Establishment and Duties of the Fire Prevention Bureau.

1. The California Fire Code and all adopted fire prevention and life safety codes shall be enforced by the Cambria Community Services District Fire Department, operated under the supervision of the Chief of the Fire Department.
2. The Bureau of Fire Prevention is established and shall be operated under the supervision of the Fire Chief. The General Manager shall appoint the Fire Chief based on qualifications to perform those duties.
3. The Fire Chief may designate such members of the Fire Department as inspectors from time-to-time as necessary."

Section 4. Amendment to Section 6.04.040 of the Cambria Community Services District Municipal Code.

Section 6.04.040 of the Cambria Community Services District Municipal Code is hereby amended as follows:

"Section 6.04.040 -- Amendments and Exceptions to the 2013 California Fire Code and 2012 International Wildland Urban Interface Code.

Pursuant to Resolution No.45-2013, the Board of Directors of the Cambria Community Services District found that because certain local Climatic, Geological and Topographical conditions exist within the district, more stringent building standards relating to fire and public safety than those standards adopted by the State Fire Marshal, and contained in the California Building Standards Code are necessary for fire protection within the District. Resolution No. 45-2013 and the findings contained therein are hereby incorporated by this reference. The following amendments and exceptions to the California Fire Code, 2013 edition, are therefore hereby made:

1. CFC Section 101.1 Title: Insert the Cambria Community Services District.

2. CFC Section 103.2 Appointment. This Section is deleted in its entirety.

3. CFC Section 108.1 Board of Appeals Established is amended as follows: To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a Board of Appeals consisting of the five members of the Cambria CSD Board of Directors. When a Cambria CSD Fire Code Appeal Board is convened, the Board of Directors shall become members of the Cambria CSD Fire Code Appeal Board. The existing rules and regulations of the Cambria CSD Board of Directors shall apply for appeal proceedings under this code. All decisions and findings will be placed into writing and a copy sent to the Fire Chief and the appellant.

4. CFC Section 113.2 Fees- is amended as follows: Fees are specified in the Cambria Community Services District Fee Schedules for District Services, as adopted by resolution by the Board of Directors..

5. CFC Section 202 Definitions – is amended to add the following definition:

   SKY LANTERN – An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

6. CFC Section 308 Open Flames – is amended to add the following section:
   308.1.6.3 Sky Lanterns – The ignition and launching of sky lanterns is prohibited.
   Exceptions:
   Upon the approval of the fire code official, sky lanterns may be used under the following conditions:
   1. When necessary for religious or cultural ceremonies and adequate safeguards have been taken in the discretion of the fire code official.
   2. Sky lanterns shall be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

7. CFC Section 307.1.1 Prohibited Open Burning- is amended as follows: All open burning, bonfires, warming fires, and debris fires are prohibited within the Cambria CSD jurisdictional boundaries, except as permitted and authorized by the Cambria Community Services District Fire Department and the San Luis Obispo County Air Pollution Control District. This amendment does not restrict barbecues or recreational fires in a permanent approved barbecue pit or a manufactured device designed for the purpose.

8. CFC Section 503.2.3 Fire Department Access Surface, is amended as follows: All fire apparatus access roads, must be able to support a *minimum* of 40,000 pounds as certified by a licensed civil engineer.

9. CFC Section 503.2.4 Fire Department Access Turning Radius, is amended as follows: The turning radius of a fire apparatus access road or driveway, shall be at least 28 feet inside radius and 48 feet outside radius.

10. CFC Section 503.4 Obstruction and Control of Fire Apparatus Access, is amended as follows: The Fire Chief and/or their authorized representatives, shall have the power and authority to remove or cause to remove, without notice, any vehicle or object parked or placed in violation of the California Fire Code. The owner of the vehicle or other object removed is responsible for all towing, storage and other charges incurred.

11. CFC Section 503.5 Required Gates or Barricades- is amended as follows: All motorized gates or barricades must have a system disconnect and a clearly understandable manual method of opening. All locks or other security devices must be either a Knox Company product or another similar system as approved by the Cambria CSD Fire Department.

12. CFC Section 603.4 Portable Un-vented Heaters is amended as follows: Portable un-vented fuel-fired heating equipment shall be prohibited in all occupancies and in all groups. All flammable and combustible fueled heaters that are not vented to the outside of the building are included in this section.

13. CFC Section 903.2 Automatic Fire Sprinkler Systems, Where Required- is amended as follows: An automatic fire sprinkler system that meets or exceeds the California Building Code Standards, National Fire Protection Association (NFPA) Standards and all other recognized standards as approved by the Cambria CSD Fire Department shall be installed as follows:

1. Throughout new buildings.
Exceptions:

a. A single-story building where floor area does not exceed 1,000 square feet and the occupancy is not a Group A, R, H or I occupancy.
b. A building that contains only a Group A, Division 5 occupancy.
c. 3,000 s.f. Agricultural accessory buildings as defined in Title 22, Section 22.06.040, 22.30.060 and Title 23, Section 23.08.041 of the San Luis Obispo County Code, that do not exceed one story with mezzanine (1/3 max floor area storage loft open to the floor below). Any spaces considered habitable, including habitable attics as defined in the CRC, shall cause the entire structure to be sprinklered.
d. Greenhouses meeting requirements and limitations of CBC Appendix C.
e. Barns open on two or more sides and covered arenas (no storage or stalls- riding only) do not require sprinklers unless closer than 50 feet from other structures. Any open barns/arenas used for public events shall be sprinklered.
f. Agricultural barns (Group U per CBC Appendix C) up to 5,000 sq ft. Any habitable or conditioned space shall cause the entire structure to be sprinklered.

2. Additions. Throughout existing and new sections of an existing building where floor area is increased by 1000 square feet or where additions exceed 50 percent of the floor area. For the purpose of determining 50% of the existing floor area, the existing habitable or conditioned floor area shall be used. Increase in floor area shall be cumulative from January 1, 2008, with each issuance of a building permit, regardless of any change of ownership. For the addition to be considered

detached in order to avoid sprinklers the detached structure must be separated by ten feet from the original structure. Any new structure that could be used as a guest bedroom or habitable space shall be sprinklered.

3. Alterations that exceed 50% of existing structure (any construction change or renovation to an existing structure other than a repair or addition). Alterations include, but are not limited to, the addition or elimination of walls within the existing building envelope. Alteration also includes modifications to the structure which involve complete removal and replacement of wall board within any room. Exception: Alterations limited to replacement of only exterior wall coverings, only windows, only roofing and/or electrical services, sewer laterals, retaining walls, and routine plumbing, electrical and mechanical repairs.

4. Throughout existing and new sections of an existing building where an additional story is added.

5. Throughout existing and new sections of an existing building where there is an occupancy classification change in which the new occupancy results in a higher hazard or as deemed necessary by the fire code official. See section 3408.1.1 in this chapter.

6. In additions to existing buildings equipped with an automatic fire sprinkler system.

7. In buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled.

8. At the top of rubbish and linen chutes and their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

9. An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire resistance-rated floor/ceiling assemblies.

14. <u>CFC Section 903.3.2 Quick Response and Residential Sprinkler locations-is amended as follows:</u> All Group-R residences must have an approved automatic fire sprinkler head(s) installed in all attic or other areas where a forced air unit (FAU) or other open flame or heat producing device is located. An inspector's test valve must also be installed on all Group-R buildings at the point furthest opposite from where the fire sprinkler riser enters the building. Sprinkler heads and inspectors test valve locations are subject to approval by the Cambria CSD Fire Department.

15. CFC Section 2306.2.3 Above Ground tanks located outside, above grade is amended as follows: Keep existing sub-sections 1 through 5 and add sub-section 6, as follows:
6. All above ground liquid motor fuel tanks regardless of class of liquid or size must be permitted and approved by the Fire Chief or their designate.

16. CFC Section 5601.1 Explosives and Fireworks, is amended as follows: The discharge, possession and or storage of both Safe and Sane (California State Fire Marshal Approved) Fireworks as well as all illegal fireworks is prohibited, *except* for professional displays that are permitted and approved by the Fire Chief or their designate, in accordance with Title 19, California Code of Regulations, Chapter 6.

17. Section CFC 5609 is added to Chapter 56, Explosives and Fireworks to read as follows: Seizure of Fireworks. The Fire Chief or their designate shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and the California Health and Safety Code, Chapter 9. This shall include Safe and Sane fireworks as well as specified in amended Section 5601.
18. IWUIC Chapter 5 Table 502.1 Fire Hazard Severity: This table is eliminated.

19. IWUIC Chapter 5 Special Building Construction Regulations, Section 505 Class-2 Ignition Resistant Construction (505.2 only) and Section 506 Class-3 Ignition Resistant Construction (506.2 only) are amended as follows: Roof Covering. Roofs shall have either a Class-A roof covering or a Class-A roof assembly. For roof coverings where the profile allows a space between the roof coverings and roof decking, the space at the eave ends shall be fire-stopped to preclude entry of flames or embers. Partial roof replacements are not allowed.

20. IWUIC Appendix-C (Fire Hazard Severity Form) is eliminated in its' entirety and is replaced as follows: In order to determine the applicable Fire Hazard Severity Class rating for construction within the CCSD the current Cambria CSD Fire Wildland Fire Risk map will be utilized to determine the requirements for the ignition resistant class rating. When there is a conflict between California State severity zones and CCSD severity zone maps the more stringent requirement shall be applied. "

Section 5. Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code or Standards that were previously adopted are hereby repealed.

Section 6. Severability.

If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared invalid or unconstitutional.

Section 7. Date of Effect.

This Ordinance shall take effect and be in force from and after its approval, as provided by law. Within thirty (30) days of passage, this Ordinance shall be published one time in a newspaper of general circulation published within the Cambria Community Services District's jurisdictional boundaries, together with the names of said Board Members voting for and against the Ordinance.

On the motion of Director _____, seconded by Director _____, and the following roll call vote, to wit:

AYES: 5
NOES: 0
ABSENT: 0

Ordinance No. 05-2013 is hereby adopted

Michael Thompson
President, Board of Directors

ATTEST:

Justine Harris
Interim District Clerk

APPROVED AS TO FORM:

Timothy J. Carmel
District Counsel