

ORDINANCE NO. 2013-01

**AN ORDINANCE OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
AMENDING AND RESTATING THE DISTRICT'S FIRE PREVENTION CODE
FOUND IN TITLE 4 OF THE LOS OSOS COMMUNITY SERVICE DISTRICT
CODES INCLUDING THE ADOPTION OF THE 2013 EDITION OF THE
CALIFORNIA FIRE CODE INCLUDING ANNUAL SUPPLEMENTS AND STATE
AMENDMENTS AND ERRATA.**

WHEREAS, it is the desire and intent of the Los Osos Community Services District ("District") to provide citizens with the greatest degree of protection from fire; and

WHEREAS, Chapter 4.02 of Title 4 of the District Code incorporates the California Building Standards Code, Title 24, which incorporates the California Fire Code, is adopted every three years by order of the California Legislature with supplements published in intervening years and adopted into the District's Fire Code Prevention Code; and

WHEREAS, The District contracts with the California Department of Forestry and Fire Protection for fire protection and enforcement of the District's Fire Prevention Code; and

WHEREAS, The District proposes to make certain changes in the requirements of the 2013 California Fire Code which are more restrictive and will affect all occupancies and be more restrictive than State Law; and,

WHEREAS, California Health and Safety Code Section 17958.5 requires the District to make express findings that due to local climatic, geological, or topographical conditions that modifications and changes to the current California Building Code are reasonably necessary to provide sufficient and effective protection of life, health, and property before adopting such changes, and Section 17958.7 requires that such findings be filed with the California Building Standards Commission; and

WHEREAS, pursuant to Health and Safety Code Section 17958.5 and based on the staff report, staff presentation and public comment the District Board of Directors (or "District Board") makes the following findings:

- A. General.** After due consideration the Board of Directors of the Los Osos Community Services District hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and changes to the current 2013 California Fire Code are reasonably necessary to provide sufficient and effective protection of life, health and property.

- B. **Climatic:** The hot, dry weather in combination with Santa Lucia winds frequently results in wildland fires in areas of the County of San Luis Obispo. These conditions create an environment where the entirety of local fire department personnel is required to control, monitor, fight and protect against such fire situations in an effort to protect life and preserve property. The same climatic conditions may result in the concurrent occurrence of one or more fires in the more populated areas of the County without adequate fire department personnel to protect against and control such a situation. During such periods, limited fire-fighting resources support the imposition of greater fire-protection requirements than set forth in the 2013 California Fire Code..
- C. **Geological:** The County of San Luis Obispo is in an area of high seismic risk. Four active faults are within the county, each capable of generating large, damaging earthquakes. These faults are: the San Andreas Fault, which trends northwest-southeast near the eastern boundary of San Luis Obispo County; the San Simeon Fault, which is part of the larger Hosgri Fault Zone and parallels the coastline in the northern part of San Luis Obispo County; the Los Osos Fault, which parallels the Los Osos Valley a few miles southwest of the city of San Luis Obispo; and the Oceanic Fault, which runs from the city of San Luis Obispo northwest toward the community of Cambria, and was the fault responsible for the Magnitude 6.5 San Simeon earthquake that affected the region in December 2003. In addition, there are several potentially active faults within the county, including the Rinconada Fault, the Huasna Fault, and the Nacimiento Fault Zone. These faults could also produce large earthquakes.

Earthquakes from these faults could produce primary effects such as strong ground shaking or ground rupture, and secondary effects such as liquefaction and landslides. These primary and secondary effects pose a significant hazard to the county's building stock and infrastructure, and to public health and safety. These hazards include strong shaking causing collapse of vulnerable buildings and bridges, ground rupture affecting roads and highways, and liquefaction damaging buildings, pipelines (water, gas, sewage), marine facilities (docks, jetties), railroads, and airports. Fire from broken gas lines and the lack of water from broken water lines could result in major damage. Landslides caused by strong shaking, possibly in combination with wet weather conditions, could block highways and railroads, thereby isolating parts of the county and affecting emergency response. Earthquake-induced landslides could also produce rockfalls that could strike and damage buildings and vehicles. Tsunamis could inundate the coastline. The protection of human life and the preservation of property in the event of such an occurrence support the

imposition of fire protection requirements greater than set forth in the 2013 California Fire Code.

- D. **Topographical:** The County of San Luis Obispo has rural areas that are in very high fire hazard areas. Due to varied topography, access to structures in rural areas increases response time and delays fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attack fire suppression resources. Large structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire. The above described problems support the imposition of built-in fire protection requirements greater than those set forth in the 2013 California Fire Code.

WHEREAS, the latest edition of the California Building Standards Code was published and adopted this year and has the force of law beginning January 1, 2014, and any local additions, amendments and deletions must then be incorporated; and

WHEREAS, this ordinance amends and restates Title 4 of the District Code including the adoption and amendments to the 2013 California Fire Code including annual supplements and State amendments and errata.

NOW THEREFORE, the Board of Directors of the Los Osos Community Services District ordains as follows:

SECTION 1 Chapter 4.01 of the District Fire Prevention Code is Amended and Restated as follows:

Chapter 4.01.100 GENERAL

4.01.10 Title and Manner of Citation

Amendment No. 1

Section 101.1 "Title", is amended to read as follows:

Section 101.1 Title. Title 4 of the Los Osos Community Services District ("District") Code may be cited as the Los Osos Community Services District Fire Prevention Code, The LOCSO Fire Prevention Code, and/or the District Fire Prevention Code.

4.01.20 Enforcement

Amendment No. 2

Section 103. "Department of Fire Prevention" is amended to read as follows:

- A. The California Department of Forestry and Fire Protection/San Luis Obispo County Fire Chief is:
 - 1 The Chief Fire Official and is charged with the enforcement and administration of the District Fire Prevention Code.
 - 2 The Board of Directors' authorized representative to appoint the District's Code Enforcement Officer(s), Fire Code Official(s) and Hearing Officer(s).
- B. The Fire Chief is authorized to make necessary and reasonable policies and procedures that are consistent with the provisions of this Fire Prevention Code to aid in its implementation.

4.01.30 Definitions

- A. District Fire Chief, Fire Chief or Chief Fire Official means the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Chief.
- B. The District Fire Department means the California Department of Forestry and Fire Protection and employees, apparatus, materials and equipment assigned to it by the District and the California Department of Forestry and Fire Protection pursuant to contract.
- C. Employees of the District Fire Department or Fire Department employee means the employees assigned to it by the District and employees assigned by the California Department of Forestry and Fire Protection pursuant to contract.
- D. Code Enforcement Officer or Fire Code Official means the District Fire Chief and/or his/her designee. Code Enforcement Officer has the same meaning as Fire Code Official.
- E. Property Owner means the owner of property whose name and address appears on the latest equalized County assessment roll.
- F. Governing Body means the District Board of Directors.

4.01.40 Peace Officer Powers

Employees of the District Fire Department shall have the powers of peace officers while engaged in the prevention and suppression of fires and the protection and preservation of life and property, including, but not limited to, actions associated with rescue services, emergency medical services and hazardous material emergency response services.

4.01.50 Citations

The Fire Chief or his or her duly authorized representative is authorized to issue citations for misdemeanors specified in Health and Safety Code Section 13871. The provisions of Chapter 5(c) of the Penal Code, as amended from time to time, shall apply.

4.01.60 Authority to Inspect

Employees of the District Fire Department are authorized to enter upon any property or premises to ascertain whether the provisions of the Fire Prevention Code are being obeyed, and to make any examinations and surveys as may be necessary in the performance of their enforcement duties. These may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the Code Enforcement Officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

4.01.70 Applicability of General Provisions of the District Code

Unless specifically referred to in the various Sections of this Fire Prevention Code, Section 1.02.03 (Board of Director Review) and Section 1.02.04 (Appeals of the District Code) are not applicable to the Fire Prevention Code.

4.01.80 Violations

Amendment No. 3

Section 109 "Violations" is amended to read as follows:

109.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to

1. Erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this Fire Prevention Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Fire Prevention Code.
2. To violate any provision or to fail to comply with any of the requirements of this Fire Prevention Code.
3. To cause, aid, abet, or conceal the fact of a violation of this Fire Prevention Code.

109.3 Notice of Violation. When the Fire Code Official finds a violation referenced in Paragraphs A (1), (2), or (3), above, the Fire Code Official is authorized to prepare a written notice of violation describing the violation and, when compliance is not immediate, specifying a time for re-inspection.

109.3.1 Service. A notice of violation issued pursuant to this Fire Prevention Code shall be served upon the Property Owner, operator, occupant or the person responsible for the condition or violation, either by personal service, mail or delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy the such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the Property Owner, occupant or both.

109.3.2 Compliance with orders and notices. A notice of violation issued or served as provided by this Fire Prevention Code shall be complied with by the Property Owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.3.3 Prosecution of violation. If the notice of violation is not complied with promptly, the Fire Code Official is authorized to request District Legal Counsel to institute the appropriate legal proceedings at law or in equity to restrain, correct, or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Fire Prevention Code or of the order or direction made pursuant hereto.

109.3.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the Fire Code Official shall not be mutilated, destroyed or

tampered with or removed without authorization from the Fire Code Official.

109.4 Violation penalties. Persons (including firms or corporations) who shall violate a provision of this Fire Prevention Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Fire Prevention Code, shall be guilty of a misdemeanor except for those specifically declared by the Fire Prevention Code to be an infraction. Notwithstanding any other provision of the Fire Prevention Code, any misdemeanor violation or failure to comply may, in the discretion of the District Legal Counsel or the Fire Code Official, be initially charged or subsequently prosecuted as an infraction. Each and every infraction violation is punishable by a fine not exceeding one hundred (\$100) dollars for a first violation; a fine not exceeding two hundred (\$200) dollars for a second violation of the Fire Prevention Code within one (1) year; and a fine not exceeding five hundred (\$500) dollars for a third violation of the Fire Prevention Code within one (1) year. Each and every misdemeanor violation is punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

109.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

109.4.1.2 Continuing violations. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue.

109.4.1.3 Separate offense. For each and every day, unless stated elsewhere, during any portion of which any violation of any provisions of this Fire Prevention Code is committed, continued, or permitted by such person (including firms or corporations) shall be a separate offense and punishable accordingly.

109.5 Public Nuisance. Enforcement by Civil Action. In addition to the penalties provided in the Fire Prevention Code, any condition caused or permitted to exist in violation of any of the provisions of the Fire Prevention Code shall be deemed a public nuisance and may be abated as such, and every day such condition continues shall be regarded as a new and separate offense.

109.5.1 Injunctive Relief. The Fire Prevention Code may also be enforced by injunction issued by the Superior Court upon the suit of the District. This method of enforcement shall be cumulative and in no way affect the penal provisions hereof.

109.5.2 Fees, Charges, Fines and Penalties. The amount of any fee, service charge, fine or penalty of any nature whatsoever imposed by any provision of this Fire Prevention Code shall be deemed a civil debt owing to the District, County or Court. An action may be commenced in the name of the District in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, fine or penalty together with any penalties applicable thereto as prescribed by this Fire Prevention Code.

109.5.3 Collection of Fees, Charges, Fines and Penalties with Taxes. The Board of Directors hereby adopts the procedures for the collection of delinquent rates, charges, fines, penalties and fees established in Government Code Sections 61115(c) and (d) or any successor statutes. The General Manager or his/her designee is authorized to record a certificate specifying the amount of any such charges, fines, and fees and the name and address of the persons liable therefore, sixty (60) days after the payment becomes delinquent, pursuant to Government Code Section 61115(c).

109.5.4 Remedies Cumulative. Enforcement of the provisions of this Fire Prevention Code and remedies for collection of various fees, charges, fines and penalties are cumulative and may be pursued alternatively or consecutively by the District. The District's use of any one of the remedies, legal actions or enforcement actions prescribed herein shall not bar the use of any other remedy, legal action or enforcement procedures provided by the Fire Prevention Code or by law for the purpose of enforcing the provisions hereof.

109.5.5 Attorney Fees. In any legal action or administrative action commenced by the District to abate a public nuisance, to enjoin a violation of any provision of the Fire Prevention Code, or to enforce the provisions of the Fire Prevention Code, or the collection of a civil debt owing to the District, the prevailing party shall be entitled to recover, in any such action, its reasonable attorneys' fees and costs to suit, provided that the District elects at the initiation of individual actions or proceedings, to seek recovery of its own attorney fees.

SECTION 2 Chapter 4.02.100 of the District Fire Prevention Code is Amended and Restated as follows:

Chapter 4.02.100 CALIFORNIA FIRE CODE

4.02.110 Adoption by Reference of "California Fire Code" in its entirety as Chapter 4.02

The Los Osos Community Services District adopts by reference the 2013 California Fire Code, with the exception of Appendix A, D, E, G and J in its entirety to Title 4 of the Los Osos Community Services District Fire Prevention Code. This will include all annual supplements and State Amendments and Errata, for the protection of public health and safety.

Amendment No. 4

Section 105.3.3 "Occupancy Prohibited Before Approval" is amended to read as follows:

105.3.3 Occupancy and use prohibited before approval. The building or structure shall not be occupied prior to the fire code official issuing a permit that indicates that applicable provisions of this code have been met. No appliance, device, equipment, or system shall be operated or used until the installation has been approved and permitted by the fire code official and all applicable provisions of this code have been met. It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes.

4.02.120 Establishment of Board of Appeals

Amendment No. 5

Section 108.1 "Board of Appeals Established" is amended to read as follows:

In order to hear and decide appeals of orders, decisions or determination made by the Fire Code Official relative to the application and interpretation of this Chapter, there shall be and is hereby created a Board of Appeals. Until such time as the District Board of Directors appoints members to the Board of Appeals, the Board of Appeals shall be the Board of Appeals appointed by the County of San Luis Obispo. The rules of procedure for conducting the business of the Board of Appeals shall be those procedures established by the County of San Luis Obispo.

4.02.130 Definitions

Whenever the word "jurisdiction" is used in the California Fire Code, it shall mean the Los Osos Community Services District boundary.

Amendment No. 6

Section 202, "General Definitions" the definition of "Alteration" is amended to read as follows:

Alteration. 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.

Amendment No. 7

Section 202, "General Definitions" the definition of "Floor Area, Gross", is amended by addition thereto as follows:

Floor Area. For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers, overhangs, covered walkways, and alterations, additions and remodel square footage will be considered a combined and cumulative sum of floor area.

Amendment No. 8

Section 202, "General Definitions" is amended by addition thereto to include the following definition of "Greenhouse":

Greenhouse. An agricultural building used for the growing of plants. It shall include other structures also known as hothouses, cold frames and other similar specialty categories. It shall include without limitations, construction materials of glass, rigid plastic, flexible plastic, masonry, wood, metal and concrete.

Amendment No. 9

Section 302.1, "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 the 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.

4.02.140

The California Fire Code adopted by this Chapter and the following amendments only modify and change the identified sections. All other provisions are adopted without change.

Amendment No. 10

Section 308.1.6.3 is added to read as follows:

308.1.6.3 Sky lanterns. The ignition and launching of sky lanterns is prohibited.

Exceptions:

Upon approval of the fire code official, sky lanterns may be used under the following conditions:

- (a) When necessary for religious or cultural ceremonies and adequate safeguards have been taken in the discretion of the fire code official.
- (b) Sky Lanterns shall be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

Amendment No. 11

403 Public Assemblages and Events is added to read as follows:

403.2.2 Procedure. Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250.

A written plan must be submitted to the fire code official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. A field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event. If modifications or additions to the event areas are made, an updated permit & inspection must be completed.

Amendment No. 12

Section 405.7 “Initiation” is amended to read as follows:

405.7 Initiation. Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system. Prior to initiating an alarm, the person initiating the alarm shall contact the fire alarm monitoring company and advise the company’s dispatcher of the fire drill. In cases where the fire alarm system is not monitored by a central station, notification shall be provided to the fire department dispatch center.

Amendment No. 13

Section 503 “Additional Access” is amended to read as follows:

503.1.2.1 Maximum Dead-end Road Lengths. The maximum length of dead-end roads, including all dead-end roads accessed from a dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcel size	Length
less than one (1) acre	800 feet
1 acre to 4.99 acres	1320 feet
5 acres to 19.99 acres	2640 feet
20 acres or larger	5280 feet

All

lengths shall be measured from the edge of the roadway surface at the intersection that begins from the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1320 feet or 1/4 mile intervals.

Amendment No. 14

Section 503.2 “Specifications” is amended to read as follows:

503.2.7 Grade. The grade for all roads, streets, private lands and driveways shall not exceed 16 percent unless approved by fire code official. Design criteria shall be in accordance with San Luis Obispo County Public Works public improvement standards. Roads 12%-16% shall be a nonskid asphalt or concrete surface as specified in San Luis Obispo County Standard Specifications and Improvement Drawings.

503.2.9 Driveway. Driveway specifications shall be provided and maintained when serving no more than one legal parcel or lot with no more than 3 dwelling units, and any number of accessory buildings.

503.2.9.1 Driveway Width. Width for high and very high fire severity zones:

Driveway Length	Required width
0-49 feet	10 feet is required
50-199 feet	12 feet is required
Greater than 200 feet	16 feet is required

503.2.9.2 Turnarounds. Turnarounds must be provided if driveway exceeds three hundred (300) feet, and shall be within fifty (50) feet of the building.

503.9.4 Fuel Breaks. The Chief or his/her designee is authorized to cause an area within 10 feet on each side of the driveway to be cleared of flammable vegetation and other combustible growth. The Chief or his/her designee is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery, or cumulative groundcover such as green grass, ivy, succulents or similar plants used as

groundcover provided they do not form a means of readily transmitting fire.

503.9.5 Adjustments. An adjustment to the standards of this Section may be granted where proposed by the Applicant and mitigated practices are approved by the Fire Chief or his/her designee, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics and fire fighter safety as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires.

Requests for adjustment shall be filed with the Fire Chief by the Applicant or the Applicant's representative in the form of an attachment to the project application. The request shall state the specific requirement for which an adjustment is being requested, material facts supporting the contention of the applicant, the details of the adjustment or mitigation proposed and a site plan showing the proposed location and setting or the adjustment or mitigation measure, where applicable. A request for adjustment shall be approved by the Fire Chief or his/her designee when it has been determined that the criteria for adjustment are satisfied as described in this subsection (a).

Amendment No. 15

Section 503.4 "Obstruction of Fire Apparatus Access Roads" is amended to read as follows:

503.4 Obstruction of Fire Apparatus Access Roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The required width of a fire apparatus access road shall not be obstructed in any manner including parking of vehicles. Minimum required widths and clearances established under Section 503.2.1 shall be maintained at all times.

503.4.21 Authority to Remove Obstruction. The Fire Code Official and his authorized representatives shall have the power and authority to remove or cause to be removed, without notice, any vehicle or object parked or placed in violation of the California Fire Code and California Vehicle Code 22651. The owner of any item so removed shall be responsible for all towing, storage and other charges incurred.

Amendment No. 16

Section 503.4 "Stairway access to roof" is amended to read as follows:

504.3 Stairway Access to Roof. New buildings two or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof or other access to the roof for emergency personnel approved by the fire code official. Stairway access to the roof shall be in accordance with Section 1009. Such stairway or other approved access shall be marked at street and floor levels with a sign indicating that the stairway or access continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

Amendment No. 17

Section 505.1 "Address Identification" is amended by addition thereto to read as follows:

505.1 Address Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be approved in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of: Residential six (6) inches, Commercial eight (8) inches, and Industrial ten (10) inches high with a minimum stroke width of 0.5 inch (12.7mm).

505.1.1 Directories. When required by the fire code official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

Amendment No. 18

Section 603.1.4 "Fuel Oil" is amended to read as follows:

603.1.4 Fuel Oil. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the burner manufacturer. Oil containing gasoline shall not be used.

Amendment No. 19

Section 606.8 "Refrigerant Detector" is amended to read as follows:

606.8 Refrigerant Detector. Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the California Mechanical Code for the refrigerant classification. Detectors and alarms shall be placed in approved locations. In addition, emergency shutoff shall also be automatically activated when the concentration of refrigerant vapor exceeds 25 percent of LFL (Lethal Flammable Limits).

C. SECTION 903 – Automatic Sprinkler Systems

Amendment No. 20

Section 903 Automatic Sprinkler Systems is amended by deletion of Sections 903.2 through 903.2.11.3. Amend Sections 903.2 by addition thereto to read as follows:

Table 903.1 – Automatic Fire Sprinkler System Requirements for NEW CONSTRUCTION

STRUCTURE TYPE	SPRINKLE RS REQUIRED 5	DESCRIPTION	SQUARE FOOTAGE ¹		REQUIREMENTS	EXCEPTIO NS	EXAMPLES	MIN. DISTANCE BETWEEN STRUCTURES AND PROPERTY LINES(PL)
			MIN	MAX				
New Construction	Yes	New buildings including mobile homes and commercial coaches ¹	0		Throughout new buildings	See Footnote ^{3,4}	All new construction and dwellings	Per CBC, CRC
Residential Accessory Structure	Yes	Accessory structures as defined in CRC	1,000	3,000	No heating or cooling No living or sleeping spaces	See Footnote ²	One story garage, workshop, studio, residential storage bldg	50 feet from PL, 30 feet from other structures
Agricultural Accessory Structure	Yes	Accessory to agricultural operation, livestock, crops. Agricultural operations in accordance with AG LUO & CBC definition	3,000	5,000	Primary usage must be 75% livestock or crops (affidavit required)	See Footnote ²	One story barn or stables	100 feet from PL, 50 feet from other structures
Pole barn, Covered arena, Greenhouse	No	One story hay storage, covered riding arena, greenhouses	Unlimited if 60 feet on all sides per CBC		No employees, no public attendance and open on two or more sides	None	See description	100 feet from PL, 50 feet from other structures
Agricultural Exempt (no permit required)	No	LUO Ag Exempt & signed affidavit	0	3,000	Per Ag Exempt agreement (affidavit required)	See Title 19	Ag-Barn on Ag zoned land over 20 acres	100 feet from PL, 50 feet from other structures

References:

CRC: California Residential Code | **CFC:** California Fire Code | **CBC:** California Building Code | **LUO:** Land Use Ordinance (San Luis Obispo County)

Footnotes:

- ¹ For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers, overhangs over 2 feet, covered walkways and decks.
- ² Structures over the minimum square footage must meet **all of the above** table requirements **and all of the following requirements:**
 - no conditioned or habitable space, ▪ no second stories (lofts 1/3 the floor area and open to below are allowed), ▪ minimum two exits including one pedestrian door (side hinge swinging door), ▪ workshops or offices limited to 10% of floor area, ▪ dedicated fire water storage minimum of 5,000 gallons steel tank in full compliance with NFPA 1142 (see fire safety plan) if there is no community provided fire hydrant within 500 ft., ▪ structure complies with the California Wildland Urban-Interface Ignition Resistant Construction Requirements, ▪ heat detectors installed in accordance with CBC linked to an audible bell mounted in the exterior of the structure. ▪ Cannot be used as a place of employment or for public assemblage/events. ▪ Cannot be used as a commercial building.
- ³ A single-story building or commercial coach where floor area does not exceed 1000 square feet and the occupancy is not a Group A, E Daycare, F1 Woodworking, R, Group H, Group I occupancy or any occupancy where cellulose nitrate film, pyroxylin plastics or any hazardous materials manufactured, stored or handled in quantities in excess of Tables in CBC, CFC or within Los Osos CSD and the fire flow from a hydrant is less than 750gpm at 20psi.
- ⁴ Mobile/manufactured or factory built homes or commercial coaches constructed or altered on or before March 12, 2011 which were not manufactured with automatic fire sprinklers.
- ⁵ Automatic Fire Sprinklers installed at exterior locations shall be approved corrosion resistant devices when environmental or operational conditions warrant.

Table 903.2 – Automatic Fire Sprinkler System Requirements for EXISTING CONSTRUCTION

OCCUPANCY OR STRUCTURAL MODIFICATION TYPE	SPRINKLES REQUIRED ³	DESCRIPTION	SQUARE FOOTAGE ¹	REQUIREMENTS	EXCEPTIONS	EXAMPLES
Alterations ¹	Yes, if...	Alteration includes modifications to the structure which involve complete removal and replacement of wall board within any room	50% of existing floor area ¹	Alterations, additions and remodel square footage will be considered a combined and cumulative sum of floor area	Repairs ⁵ and Footnote ²	Interior remodels, Rehabilitation
Additions ¹	Yes, if...	Additions cumulative from January 01, 2008 regardless of any change of ownership	1,000 sf or 50% of floor area ¹	Alterations, additions and remodel square footage will be considered a combined and cumulative sum of floor area	None	Any addition
Additional Stories	Yes	Adding an additional story	Any	Attic/basement conversions over 1,000 sq.ft.	See Footnote ⁴	Adding/converting any habitable space above or below an existing structure
Sprinklered Buildings	Yes	Any occupancy	Any	Partially sprinklered structures not allowed	None	Any sprinklered building
Occupancy Classification Change	Yes	Change results in higher hazard or as deemed necessary by fire code official	Any	Hazard classification rating per Title 19 Table 3408.1.2	None	Detached garage, workshop or barn converted to conditioned space, guest house or commercial use
Hazardous Materials Inside Buildings	Yes	Cellulose nitrate film or pyroxylin plastics or any hazardous materials manufactured, stored or handled in quantities in excess of Tables in CBC, CFC	Any	Building and any portion of a building must also include requirements as listed in CFC Chapter 5005.4	None	Any occupancy

References:

CRC: California Residential Code | **CFC:** California Fire Code | **CBC:** California Building Code |

Footnotes:

¹ For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers, overhangs, and covered walkways over 2 feet and decks.

² Alterations limited to only one of the following: replacement of exterior coverings and windows, roofing, electrical services, sewer laterals, retaining walls, or routine plumbing, electrical and mechanical repairs.

³ Automatic Fire Sprinklers installed at exterior locations shall be approved corrosion resistant devices when environmental conditions warrant.

⁴ A loft open to the floor below and no more than one third of the floor area of the room below is allowed to be added without triggering sprinklers.

⁵ REPAIR is the reconstruction or renewal for the purpose of maintenance. See 105.2.2 in Title 19.20.020 and the definition of alteration in the CBC.

Mobile/manufactured or factory built homes or commercial coaches constructed or altered on or before March 12, 2011 which were not manufactured with automatic fire sprinklers are not subject to fire sprinkler requirements

Amendment No. 21

Section 903.3.6 “Hose Threads” is amended to read as follows:

903.3.6 Hose Threads. Fire hose threads used in connection with fire-extinguishing systems shall be national standard hose thread or as approved by the fire department.

Amendment No. 22

Section 903.4 “Sprinkler System Supervision and Alarms” is amended to read as follows:

903.4 Sprinkler System Supervision and Alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position, by a central station listed by Underwriters Laboratories for receiving fire alarms.

Exceptions:

1. Automatic sprinkler systems protecting one and two-family dwellings.
2. Limited area sprinklers serving fewer than 20 sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to a fire pump engine that are sealed or locked in the open position.

7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

Amendment No. 23

Section 904.11 “Manual System Operation” is amended by addition thereto as follows:

904.11.1. Manual System Operation Training. It shall be the responsibility of the business owner to ensure that all employees are knowledgeable in the use of manually operated or activated fire-extinguishing systems within the occupancy.

Amendment No. 24

Section 905.3 “required installations Standpipe Systems” is amended to read as follows:

905.3.1 Building height and area. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure.

A building that is greater than 20,000 square feet (1.858 m²) of floor area and greater than 18 feet (5.49 m) in height shall have a dry or wet standpipe system with a 2 ½ inch (64 mm) outlet at the roof near the roof access. Location of the outlet and the fire department connection to the standpipe shall be labeled and approved by the fire code official.

Amendment No. 25

Section 907.7.5 “Monitoring” is amended to read as follows:

907.7.5 Monitoring. Fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved supervising station listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The supervising station shall contact and notify the Fire Chief or their call receiving location immediately on notification of an alarm and prior to making contact with the protected premises.

Exception: Supervisory service is not required for:

1. Single- and multi-station smoke alarms required by Section 907.2.11.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.4.
3. Automatic sprinkler systems in one- and two-family dwellings.

Amendment No. 26

Chapter 50, "Hazardous Materials-General Provisions", is amended by addition thereto as follows:

If any provision of Chapter 50 as it pertains to Explosive Material is in conflict with San Luis Obispo County Code Chapter 6.32, the provisions of Chapter 6.32 shall control.

Amendment No. 27

Chapter 56 "Explosives and Fireworks", is amended by addition thereto as follows:

If any provision of Chapter 56 conflicts with San Luis Obispo County Code Chapter 6.32, the provisions of Chapter 6.32 shall control.

D. Section 3309-Reserved:

Amendment No. 28

Section 3309 Reserved is amended and reads as follows:

3309.1 Fireworks Prohibited. The manufacturing, possession, storage, sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

1. Exceptions: Storage of fireworks in accordance with the requirements for low order explosives in Title 19, California Code of Regulations, Chapter 10.
2. Storage of fireworks, 1.4G in accordance with the Building Code.
3. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6.

3309.2 Seizure of Fireworks. The Fire Code Official 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 California Health and Safety Code, Chapter 9.

E. Appendix B 105 – Automatic Sprinkler Systems

Amendment No. 29

Section B103.3 “Areas Without Water Supply Systems” of Appendix B Fire-Flow Requirements for Buildings, is amended to read as follows:

Exception:

Buildings on parcels where there is no water purveyor, or the water purveyor's current system cannot meet fire flow duration requirements without excessive system modifications, or when the property is greater than three hundred (300) feet from an approved hydrant, an on-site storage tank may provide the fire protection water supply when the building has an approved automatic sprinkler system. The chief shall approve the location, capacity, connections and other appurtenances shall; be accordance with National Fire Protection Association (NFPA) Standard 1142, or NFPA Standard 13, current edition to establish on-site storage capacities, except that in all cases a minimum storage capacity of 2,500 gallons is required.

SECTION 3 Chapter 4.04.00 of the District’s Fire Prevention Code is Amended and Restated as follows:

Chapter 4.04.00 FIRE HAZARDS/WEED AND WASTE MATTER ABATEMENT

4.04.01 Introduction

- A. The following enforcement provisions are in addition to other enforcement provisions referenced in the various Sections of this Fire Prevention Code.
- B. Property Owners and affected properties are exempt where enforcement of this Chapter would result in the taking of endangered, rare, or threatened plant or animal species or will result in significant erosion and sedimentation of surface waters.

4.04.10 Weeds Constituting Fire Hazards

- A. The District Board of Directors declares that all weeds which are described in this section growing upon any property or in any public street, sidewalk, or alley which when exposed to the elements, endanger the public safety by creating a fire hazard, impedes access to fire protection systems or facilities and are further declared to be a public nuisance such as those that block the vision of drivers or pedestrians.
- B. The term "weeds" includes
 - 1. Weeds which bear seeds of a downy or wingy nature; Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property;
 - 2. Weeds which are otherwise noxious or dangerous;
 - 3. Poison oak and poison ivy, when the conditions or growth are such as to constitute a menace to the public health;
 - 4. Dry grasses, stubble, brush, dead shrubs, dead trees, litter or other flammable material which endanger the public safety by creating a fire hazard.

4.04.20 Waste Matter Constituting a Fire Hazard

The District Board of Directors declares that rubbish, litter and other flammable materials (collectively waste matter) which when exposed to the elements, or which by reason of its location would hamper or interfere with the suppression or prevention of fire upon the premises, endangers the public safety by creating a fire hazard, and are further declared to be a public nuisance.

4.04.30 Maintenance Unlawful

- A.. Except as provided in sub-section C below, it is unlawful for any person to maintain weeds and waste matter on public or private property in such a manner as constitutes a public nuisance as defined in Sections 4.04.010 and 4.04.020 of this Chapter.
- B. Each day during which any violation continues shall constitute a separate offense.
- C. The District and/or the District's Fire Department shall not enforce the Weed Abatement provisions of this Chapter where

enforcement would result in the taking of endangered, rare, or threatened plant or animal species or would result in significant erosion and sedimentation of surface waters. Written documentation from the United States Fish and Wildlife Service or other agency with jurisdiction, stating that enforcement will result in the taking of endangered, rare, or threatened plant or animal species, is required to qualify the property for this exemption. The Code Enforcement Officer shall determine whether or not enforcement would cause significant erosion and sedimentation of surface waters.

4.04.40 Duty of Property Owner to Abate

- A. It shall be the duty of every Property Owner to abate all public nuisances defined in 4.04.10 and 4.04.20 (above) existing upon that property, which shall be deemed to include for purposes of this chapter the abutting half of the street and/or alley, and between the property lines thereof as extended.
- B. The word "street" as used in this section shall be deemed to include the sidewalk space thereof.
- C. Any Property Owner who fails to abate a public nuisance within the time prescribed in any notice or order provided for herein, shall be assessed the cost of inspection and/or issued a citation.
- D. A violation of any notice or order to abate a public nuisance shall constitute a misdemeanor.
- E. In any action to abate a nuisance, whether by administrative proceedings, judicial proceedings, citation or summary abatement, the owner of the parcel upon which the nuisance is found to exist shall, in addition to any other fine or penalty, be liable for all costs of abatement incurred by the District, including, but not limited to, administrative costs, and any and all costs incurred in the physical abatement of the nuisance. Recovery of costs pursuant to this section shall be in addition to and shall not limit any prevailing party's right to recover costs pursuant to Sections 1032 and 1033.5 of the code of Civil Procedure or any other provision of law.
- F. The costs identified in subsection C and E above constitute a lien on the parcel of real property that is the subject of the abatement proceedings and said costs shall run with the land. If a citation is issued the fine shall be paid to the court by the Property Owner.

4.04.50 Means of Enforcement - Discretion of Code Enforcement Officer

In addition to the provisions of this Chapter, the Code Enforcement Officer has the discretion to enforce the provisions of this Chapter as follows:

- A. The use of the enforcement provisions found in Chapters 1 & 2 of the District Fire Prevention Code and/or:
- B. The enforcement provisions identified in the Chapter 1.03 of Title 1 of the District Code or any of the provisions found in the Fire Protection District Law.

4.04.60 Notice(s) of Violation and Correction Orders. Informal Administrative Remedy

- A. Where a Code Enforcement Officer determines that informal resolution of a violation or purported violation of this Chapter is appropriate, the Code Enforcement Officer shall notify the Property Owner, in writing, that a public nuisance is alleged to exist upon the owner's property.
- B. Such notices shall be served pursuant to Section 4.04.70B and shall:
 - 1. Require the Property Owner to respond to the allegation within fourteen (14) days of the date of this notice.
 - 2. Provide notice of the exemption provision of Section 4.04.30C.
 - 3. Provide notice that should the Property Owner fail to timely respond to such notice, the cost of future inspections verifying the alleged code violation shall be charged to the Property Owner and made a lien on the property in addition to any other costs identified in Section 4.04.040E.
 - 4. Provide the name and contact of the Code Enforcement Official.

4.04.70 Service of Notice of Violations

The Code Enforcement Officer shall provide notice of violations of this Chapter as follows:

- A. A notice of violation issued by a Code Enforcement Officer pursuant to this Chapter shall be served upon the Property Owner, operator, occupant or the person responsible for the condition or violation, either by personal service, mail or delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy the such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the Property Owner, occupant or both

- B. The failure of any Property Owner or other party entitled to notice under this Chapter to receive such notice shall not deprive the District of jurisdiction to proceed or affect in any manner the validity of the proceedings taken or to be taken or any assessment.

4.04.80 Order to Correct, Eliminate Fire Hazard or Citation

- A. Notwithstanding any other provision of law, or enforcement procedures enumerated in this Chapter, the Code Enforcement Officer may issue a written order or citation to correct or eliminate a fire hazard or life hazard. The form of the written order to correct shall contain the following information.
 - 1. The Section of this Fire Prevention Code violated and a description of the violation;
 - 2. The address or a definite description of the location of the violation;
 - 3. The date that the fire hazard or life hazard must be abated;
 - 4. That every person who fails or refuses to correct or eliminate a fire hazard or life hazard after a written order is guilty of a misdemeanor;
 - 5. A description of the administrative review process, including the time in which the administrative order may be contested and a copy of the form to request a hearing;
 - 6. The name and signature of the citing Enforcement Officer.

- B. Any person who has been ordered to immediately correct or eliminate a fire hazard or life hazard pursuant to subdivision A and who believes that strict compliance with the order would cause undue hardship may, within ten (10) days of service of the written Order, present a written request to the District, in care of the District General Manager, requesting a hearing on and a review of the order. The request shall state the reasons for making the request. If a citation is issued the hearing will take place in court.
- C. Form: Request for Hearing on and Review of Order Correcting or Eliminating Fire or Life Hazard to the Los Osos Community Services District of State of California.
 - 1. On _____ [date], petitioner was ordered to _____ [correct or eliminate] _____ [specify fire or life hazard] by written notice signed by _____, of the District Fire Department. A copy of the order is attached, marked Exhibit _____ and by reference made part hereof.
 - 2. Strict compliance with such order would cause petitioner undue hardship for the following reasons:
 - 3. Petitioner therefore requests that the order be modified in the following respects: _____ [specify] and that the District set a time and place for a hearing as prescribed by law to determine whether the aforementioned circumstances justify the proposed modification of the order.

Dated _____

Signature: _____
Agent/Owner/Lessee

- D. Within thirty (30) days of the receipt of a written request pursuant to subdivision B, the District shall hold a hearing. The District Hearing Officer may modify, vacate, or affirm the order.
- E. The Fire Chief or his/her designee is the Hearing Officer. In no event shall the Hearing Officer be the citing Code Enforcement Officer or a subordinate of the Code Enforcement Officer. In the absence of an appointed Hearing Officer the District General Manager or his/her designee shall be the Hearing Officer.
- F. Hearing Procedures:

1. The failure of the petitioner to appear at the administrative citation hearing shall constitute a forfeiture of the request for modification and a failure to exhaust their administrative remedies.
2. The order to correct and any additional report submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.
3. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to affirm, modify or vacate the written order to correct or eliminate a fire hazard or life hazard and shall list in the decision the reasons for that decision. The decision of the Hearing Officer shall be final.
4. Within fifteen (15) days following conclusion of the hearing the Hearing Officer shall serve his/her order as provided in Section 4.04.070 or as otherwise requested at hearing.

G. Issuance of Citation; Noncompliance as Misdemeanor

1. Any citation issued by the District for violation of a Fire Prevention Code or a District Ordinance may be processed pursuant to Subdivision (d) of Section 17 of the Penal Code.
2. Every person who fails to correct or eliminate a fire, life or safety hazard after written order of the Hearing Officer or Code Enforcement Officer is guilty of a misdemeanor.
3. Every person who falsely impersonates a member of the District Fire Department or an officer or employee of the District is guilty of a misdemeanor.
4. Every misdemeanor is punishable pursuant to Section 19 of the Penal Code.

4.04.100 Summary Abatement of Fire Hazards

- A. Pursuant to Government Code Section 61623.5 the provisions of Part 5 (commencing with Section 14875) Division 12 of the Health and Safety Code are incorporated herein by reference.
- B. In the application of the provisions of Part 5 (commencing with Section 14875) Division 12 of the Health and Safety Code, to proceedings under this Section, the terms "Board of Directors" shall be deemed to be a "Board of Supervisors" and the District

Fire Code Official or his/her designees shall be deemed to the "persons" designated in Section 14890 of the Health and Safety Code.

SECTION 4. Incorporation of Recitals

The Recitals to this Ordinance are true and correct and are incorporated herein by this reference.

SECTION 5. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance and/or the Code Sections adopted by this Ordinance are for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and the Code Sections adopted by this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 6. Effects of Headings in Ordinance

Title, division, part, chapter, article and section headings contained herein or in the various Codes adopted hereby do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance or the related Code Sections.

SECTION 7. CEQA

The District Board of Directors has considered the Amendment and Restatement of the District's Fire Prevention Code. The Board of Directors has, as a result of its consideration, the evidence presented at the hearings on said matter, and all comments that were received during the public hearing process, finds;

- (1) That the adoption Chapters 4.01 and 4.02 of this Amendment and Restatement of the District Fire Prevention Code, including amendments to the California Fire Code does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) or its implementing Guidelines (14 California Code of Regulations Section 15000 et seq.) ("CEQA Guidelines"). The Board of Directors finds that the adoption of Chapters 4.01 and 4.02 of the District Fire Prevention Code, including amendments to the California Fire Code constitutes "general policy and procedure making" described in Section 15378(b)(2) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of Chapters 4.01 and 4.02 of the District

Fire Prevention Code, including the amendments to the California Fire Code is a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption Chapters 4.01 and 4.02 of the District Fire Prevention Code, including the amendments to the California Fire Code may have a significant effect on the environment.

- (2) That the adoption of Chapter 4.04 of this Amendment and Restatement of the District Fire Prevention Code related to weed abatement is exempt from review pursuant to Section 15304 of the CEQA Guidelines which exempts from CEQA review minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The Board of Directors further finds that Chapter 4.04 of the Districts Fire Prevention Code exempts Property Owners from weed abatement where such activities would result in the taking of endangered, rare, or threatened plant or animal species or would cause significant erosion and sedimentation of surface waters.

The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

SECTION 8. Inconsistency

To the extent that the terms of provision of this Ordinance or the Code amendments adopted hereby, are inconsistent or conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

SECTION 9.

Nothing within this Ordinance or the amendment and restatement of the District Fire Prevention Code shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 10. Publication

The summary publication procedures authorized by Section 25124(b)(1) of the Government Code are hereby approved. The summary shall be prepared by the District Fire Chief or his/her designee.

SECTION 11. Effective Date

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15th) day after passage it shall be published as provided in Section 10, above, with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

Introduced at a regular meeting of the Board of Directors held on November 07, 2013 and passed and adopted by the District Board of Directors on the ____ day of November, 2013, by the following roll call vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

MARSHALL OCHYLSKI, PRESIDENT

ATTEST:

KATHY KIVLEY, DISTRICT GENERAL MANAGER
AND SECRETARY
APPROVED AS TO FORM:

MIKE SEITZ, DISTRICT COUNSEL