

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 16.10 OF THE SAN LUIS OBISPO COUNTY CODE BY ADOPTING AND AMENDING 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 Board of Supervisors of San Luis Obispo County to provide citizens with the greatest degree of protection from fire; and

WHEREAS, 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

WHEREAS, the latest edition of the California Building Standards Code was published this year and has the force of law beginning January 1, 2014 and the Board of Supervisors desires to make local additions, amendments and deletions thereto as authorized by California Health and Safety Code Sections 18941.5 and 17958.5; and

WHEREAS, this Ordinance will amend the San Luis Obispo County Code so that it adopts and amends Part 9 of the California Building and Standards Code, which is known as the 2013 California Fire Code, including Appendix Chapter 4 and Appendices B, BB, C, CC, F, H and I, as modified and amended. All other Appendices to the 2013 Fire Code are expressly not adopted by this Ordinance. All annual supplements and state amendments and errata are adopted by this Ordinance; and

WHEREAS, the Board of Supervisors of San Luis Obispo County adopted findings on November 26, 2013 as required by California Health and Safety Code Section 17958.7, that because of climatic, geological, and topographical conditions that exist in the county that the amendments to the adopted codes are reasonably necessary to protect the citizens life, health and property.

NOW THEREFORE, The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1:

Chapter 16.10 of the San Luis Obispo County Code is hereby amended to read as follows:

Chapter 16.10

CALIFORNIA FIRE CODE

Sections:

- 16.10.010 Adoption of the California Fire Code.
- 16.10.020 Definitions.
- 16.10.030 Establishment of limits for the storage of flammable or combustible liquids.
- 16.10.040 Establishment of limits for the storage of liquefied petroleum gases.
- 16.10.050 Establishment of limits for the storage of explosives and blasting agents.
- 16.10.060 Amendments made to the California Fire Code.
- 16.10.070 Appeals.

16.10.010 Adoption of California Fire Code.

Except as amended in Section 16.10.60, Part 9 of the California Building and Standards Code, which is known as the 2013 California Fire Code, including Appendix Chapter 4 and Appendices B, BB C, CC, F, H, I and K, are adopted by reference into this Chapter. All other Appendices to the 2013 Fire Code are expressly not adopted. All annual supplements and state amendments and errata are adopted by reference into this Chapter.

16.10.020 Definitions.

- (a) Wherever the word "jurisdiction" is used in the California Fire Code, it shall mean the unincorporated territory of the County of San Luis Obispo protected by the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department.
- (b) Wherever the phrase "Building Department" is used in the California Fire Code, it shall mean the San Luis Obispo County Department of Planning and Building.
- (c) Wherever the phrase "Chief of Police" is used in the California Fire Code, it shall mean the Sheriff of San Luis Obispo County. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990).

16.10.030 Establishment of limits for the storage of flammable or combustible liquids.

The limits referred to in Sections 5704.2.9.6.1 of the California Fire Code, "Locations where above-ground tanks are prohibited" by which the storage of flammable or combustible liquids is restricted are established by the provisions of San Luis Obispo County Code, including but not limited to, Titles 22 and 23. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990), and the California Code of Regulations Title 23, Chapter 16, Sections 2632, 2635, 2636, 2637, 2638, 2641.

16.10.040 Establishment of limits for the storage of liquefied petroleum gases.

The limits referred to in Section 6104.2 "Maximum capacity within established limits" of the California Fire Code, by which storage of liquefied petroleum gas is restricted are established by the provisions of San Luis Obispo County Code, including but not limited to, Titles 22 and 23. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990).

16.10.050 Establishment of limits for the storage of explosives and blasting agents.

The limits referred to in Chapter 56 of the California Fire Code regarding the storage of explosive materials are established by the provisions of San Luis Obispo County Code, including but not limited to, Titles 22. and 23. (Ord. 2774 §1 (part), 1996: Ord. 2633 §1 (part), 1993: Ord. 2435 §1 (part), 1990).

16.10.060 The California Fire Code is hereby amended as follows:

Amendment No. 1

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

101.1 Title. These regulations shall be known as the *Fire Code* of the County of San Luis Obispo, hereinafter referred to as "this code."

Amendment No. 2

Section 103. "Department of Fire Prevention" is amended by addition thereto as follows:

103.5 Fire prevention Bureau Personnel and Police. "The chief of the fire department and certain other members of the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Department have the authority of peace officers or public officers pursuant to California Penal Code sections 830.2(g), 830.7(d) and 836.5(a) in performing their duties under the California Fire Code."

Amendment No. 3

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.

Amendment No. 4

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

108.1 Board of Appeals Established. Appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, shall be heard and decided by the Fire Code Board of Appeals established by the Board of Supervisors on 10-9-1990 (Consent Agenda Item A-15 which is on file in the Office of the County Clerk-Recorder).

Amendment No. 5

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. 6

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. 7

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. 8

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.

Amendment No. 9

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. 10

Section 403 Public Assemblages and Events is amended by addition thereto to read as follows:

403.2.2 Procedures

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.

All other provisions of section 403 remain unchanged without amendment.

Exception: A and E Occupancies

Amendment No. 11

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. 12

Section 503.1.2 “Additional Access” is amended by addition, thereto 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 5 acres or larger, turnarounds shall be provided at a maximum of 1320 feet or 1/4 mile intervals.

Amendment No. 13

Section 503.2 “Specifications” is amended by addition there to 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 public improvement Standards, specifications and 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 for high and very high fire severity zones:

| Length | Required Width |
|-------------------|----------------|
| 0-49' | 10' |
| 50'-199' | 12' |
| Greater than 200' | 16' |

503.2.9.2 Turnarounds. Turnarounds must be provided if driveway exceeds 300 feet, and shall be within 50 feet of the building. For driveways exceeding 300 feet, a turn-around shall be at the building site and must be within 50 feet of the dwelling. For driveways exceeding 800 feet, turnouts shall be provided no more than 400 feet apart. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway.

503.2.9.3 Turnouts. A turnout shall be provided near the midpoint and shall be a minimum of 10 feet wide and 30 feet long with a minimum 25 foot taper on each end.

Amendment No. 14

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. Minimum required widths and clearances established under Section 503.2.1 shall be

maintained at all times.

503.4.2 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. 15

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. 16

Section 505.1 "Address Identification" is amended 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 6 inches, Commercial 8 inches, and Industrial 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. 17

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. 18

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).

Amendment No. 19

Section 903.2 “Where Required” 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 | SPRINKLERS REQUIRED ⁵ | DESCRIPTION | SQUARE FOOTAGE ¹ | | REQUIREMENTS | EXCEPTIONS | 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 | SPRINKLERS 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 over 2 feet, and covered walkways 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. 20

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. 21

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. 22

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. 23

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. 24

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. 25

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. 26

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.

Amendment No. 27

Section 5609 is amended by addition thereto to read as follows:

5609.1 Fireworks Prohibited. The manufacturing, possession, storage, sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exceptions:

1. 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.

5609.2 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.

Amendment No. 28

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

B103.3 Areas without water supply systems. In areas without service water companies, National Fire Protection Association (NFPA) Standard 1142, or NFPA Standard 13, current edition, is used to establish on-site storage capacities, except that in all cases a minimum storage capacity of 2,500 gallons is required if so authorized by the fire code official.

16.10.070 Appeals

- (a) Any appeals to the requirements of this section shall be heard in accordance with Section 108 of the California Fire Code.

SECTION 2:

The Board of Supervisors has considered the changes that are proposed with respect to the matter described above. The Board of Supervisors 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, determined that this activity 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 Board of Supervisors finds that it can be seen with certainty that there is no possibility that the adoption and amendment of the 2013 California Fire Code may have a significant effect on the environment because there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment. The Board of Supervisors hereby approves this adoption and amendment of the 2013 California Fire Code in accordance with the California Environmental Quality Act and the County's regulations implementing said Act.

SECTION 3:

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4:

The fire chief is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

SECTION 5:

This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof, but not before January 1, 2014. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at the regular meeting of the Board of Supervisors held on the _____ day of _____, 20 ____, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20 _____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing ordinance is hereby adopted.

Chairman of the Board of Supervisors
of the County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
Of the Board of Supervisors of the County of San Luis Obispo, State of California

[seal]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: _____
Chief Deputy County Counsel

Date: _____