

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. **4.B.**

FROM: William Hollingsworth, Fire Chief

Meeting Date: November 14, 2019 Subject: CONSIDER ADOPTION OF RESOLUTION 39-2019 AND INTRODUCTION OF ORDINANCE 02-2019 AMENDING CHAPTER 6.04 OF THE CAMBRIA COMMUNITY SERVICES DISTRICT MUNICIPAL CODE AND ADOPTING AND AMENDING THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, THE 2018 EDITION OF THE INTERNATIONAL WILDLAND URBAN INTERFACE CODE AND NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 1144

RECOMMENDATIONS:

1. Adopt Resolution 39-2019.
2. Introduce Ordinance 02-2019 by title only and waive full reading.
3. Schedule a Public Hearing for the December 19, 2019 regular Board meeting to consider adoption of Ordinance 02-2019.
4. Direct CCSD staff to submit Resolution 39-2019, Ordinance 02-2019 and all appropriate and required documentation to the County of San Luis Obispo, as required by the California Health and Safety Code Section 13869.7.

FISCAL IMPACT:

No fiscal impact is anticipated related to the adoption of the updated California Fire Code, International Wildland Urban Interface Code, and National Fire Protection Association (NFPA) Standard 1144.

BACKGROUND:

Attached for the Board of Directors' consideration is an Ordinance, as well as a Resolution making certain required findings, to adopt and make amendments to the 2019 California Fire Code, the 2018 International Wildland Urban Interface Code, and NFPA Standard 1144. Every three years the California Fire Code is updated and adopted by the State, and local agencies throughout the State adopt the new Code and any needed local amendments. The new State of California Fire Code will go into effect on January 1, 2020.

Community service districts are authorized by Government Code Section 61100(d) to provide fire protection services pursuant to the provisions of Health and Safety Code Sections 13800, et seq. Health and Safety Code Section 13869.7 provides the procedure for adopting amendments to the State codes, which includes the requirement that the Ordinance be submitted to the County prior to noticing a proposed ordinance for public hearing, as well as submittal of the ordinance after adoption to the County Board of Supervisors for ratification. The adoption of codes by reference is also subject to the requirements of Government Code Sections 50022.1, et seq. The adoption procedure is somewhat different than the procedure that otherwise applies to the adoption of an ordinance. Pursuant to Government Code Section 50022.3, after the introduction of the ordinance, a noticed public hearing is to be scheduled and held. Accordingly, staff is recommending that Ordinance 02-2019 be introduced and a public hearing scheduled for December 19, 2019 to consider adoption of the Ordinance.

Ordinance 02-2019 amends provisions in Chapter 6.04 of the CCSD Municipal Code, readopts prior amendments to the previous version of the California Fire Code and makes a number of technical amendments. This includes technical amendments that have also been adopted by San Luis Obispo County as part of their adoption of the 2019 California Fire Code, so that the CCSD's Code is consistent with the County's requirements, including new provisions relating to driveway width requirements in very high fire severity zones and standards for turnarounds for driveways if they exceed specified lengths.

Local amendments from past Fire Code adoptions are also included in the Ordinance. These include provisions that were adopted in 2016 relating to: occupancy of buildings and use being prohibited before approval; a definition relating to "alteration" of a building; initiation of alarms, street, road and driveway grades; building address identification requirements; and requirements related to fire alarm and detection systems. Amendments were also made in 2013 and 2016, and are being continued, that revised fire sprinkler requirements to make them similar to and consistent with the majority of San Luis Obispo County in order to eliminate conflicting requirements, reduce confusion for local contractors and at the same time will not dilute the fire safety requirements of the current provisions enforced within the CCSD. Two tables relating to fire sprinkler requirements that have been adopted by the County are being adopted: Table 903.1 – Automatic Fire Sprinkler System Requirements for New Construction, and Table 903.2 – Automatic Fire Sprinkler System Requirements for Existing Construction. Copies of the Tables, which are incorporated into the Code by reference, are attached.

Also, in 2013 one of the amendments related to adding language prohibiting the use of "sky lanterns," which are small hot air balloon open flame devices. At that time, it was noted that efforts were made Countywide to regulate sky lanterns in the same manner as aerial fireworks, and that agencies throughout San Luis Obispo County had added such a prohibition. It was also noted that it was expected that a similar prohibition would be included in the new California Fire Code. The prohibition is included in the 2019 Fire Code; however, it does not contain exceptions for religious or cultural ceremonies that have previously been adopted by the County and made part of the CCSD local amendments in 2016. Accordingly, a definition and exception consistent with the one adopted by San Luis Obispo County has again been included.

In addition, staff is proposing that a new section be added that will provide that the Fire Chief and his or her designees have peace officer authority pursuant to Sections 830.37(a) and (b) of the California Penal Code when performing their duties under the Fire Code and other fire and life safety codes. The intent of this provision is to allow for the issuance of citations for violations of such codes, in particular as they relate to defensible space and the possession of fireworks. A similar provision was in the CCSD Code until 2010. While it's not clear why it was removed, inclusion in the 2019 amendments will add a valuable tool for enforcement purposes. It also should be noted that in accordance with the express provisions of Penal Code Section 830.37, peace officers authorized under that section cannot carry firearms without further authorization and only under the specific terms and conditions specified by their employing agencies, and such authorization is not being requested or contemplated at this time.

DISCUSSION:

After introduction, Ordinance 02-2019 will be submitted to the County for review and comment in accordance with the requirements of Health and Safety Code Section 13869.7. After holding the required public hearing and adoption at the December 19, 2019 CCSD regular Board meeting, the Ordinance will then be submitted to the County for ratification by the Board of Supervisors and then sent on to the California Building Standards Commission for official filing. Upon filing with the State, the new regulations and standards will be fully enforceable within the CCSD.

In addition, in order to adopt revisions to the California Fire Code, Health and Safety Code Sections 13869.7, 17958.7 and 18941.5 require that special findings be made that due to climatic, geographical and topographical conditions that exist within the local community, the amendments to the adopted codes are necessary to protect life, health, the community environment and property. Accordingly, Resolution 39-2019 has been prepared for consideration by the Board of Directors in support of the adoption of more restrictive fire and life safety standards and requirements than those contained in the State's Fire Code. The proposed amendments to the California Fire Code and International Wildland Urban Interface Code focus on the many unique environmental, topographical, geological, climatic and emergency response issues that face the Cambria Community Services District. The proposed amendments address numerous fire safety and related issues specific to Cambria.

- Attachments:
- Resolution 39-2019
 - Exhibit A to Resolution 39-2019
 - Ordinance 02-2019
 - Table 903.1
 - Table 903.2