

ORDINANCE NO. 2016-01

**AN ORDINANCE OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
AMENDING AND RESTATING THE DISTRICT'S FIRE CODE FOUND IN TITLE 15
OF THE AVILA BEACH COMMUNITY SERVICE DISTRICT CODES, INCLUDING
THE ADOPTION OF THE 2016 EDITION OF THE CALIFORNIA FIRE CODE,
INCLUDING ANNUAL SUPPLEMENTS AND STATE AMENDMENTS AND ERRATA.**

WHEREAS, it is the desire and intent of the Avila Beach Community Services District ("District") 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;

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

WHEREAS, the Avila Beach Community Services District proposes to make certain changes in the requirements of the 2016 California Fire Code which are more restrictive than State law and will affect all occupancies within the District; 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, the latest edition of the California Building Standards Code was published and adopted this year and has the force of law beginning January 1, 2017 and any local additions, amendments and deletions must then be incorporated; and

WHEREAS, this ordinance will adopt and amend the 2016 California Fire Code including annual supplements and State amendments and errata; and

NOW THEREFORE, the Board of Directors of the Avila Beach Community Services District ordains as follows:

SECTION 1

- A. **General:** Pursuant to Health and Safety Code §17958.5, the Avila Beach Community Services District hereby finds that due to local climatic, geologic and topographic conditions as stated in this section, that modifications and amendments, as identified in this Ordinance to the current California Building Standards Code (including the 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.

SECTION 2 Chapter 15.08 of the District's Fire Code is Amended and Restated as follows:

**Chapter 15.08
Fire Control Regulations**

Sections:

15.08.010	Scope
15.08.020	Nationally recognized standards
15.08.030	Adoption of the California Fire Code by reference
15.08.050	Definitions
15.08.060	Authority to Inspect
15.08.070	Amendments made in the California Fire Code
15.08.080	Fire Hazards/Weed and Waste Matter Abatement

Title 15 HEALTH AND SAFETY

Chapter 15.08 FIRE CONTROL REGULATIONS

15.08.010 Scope.

An Ordinance of the Avila Beach Community Services District amending and restating the District's Fire Code including adopting the 2016 edition of the California Fire Code with amendments, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Avila Beach Community Services District ("District") providing for the issuance of permits and collection of fees.

15.08.020 Nationally recognized standards.

Where no applicable standards or requirements are set out in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the District, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire-safety standards as approved by the fire chief shall be deemed *prima facie* evidence of compliance with the intent of this code.

15.08.030 Adoption of the 2016 California Fire Code by Reference.

Except as amended by Sections 15.08.050 through 15.08.080 (below) the Avila Beach Community Services District adopts by reference the 2016 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 2016 Fire Code are expressly not adopted. Title 15 of the Avila Beach Community Service District Regulations is hereby amended and restated accordingly. All annual supplements and State Amendments and Errata to the 2016 California Fire Code, that are not inconsistent with this Ordinance, are incorporated herein by reference.

15.08.050 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. Property Owner means the owner of property whose name and address appears on the latest equalized County assessment roll.
- D. Governing Body or Appointing Authority means the District Board of Directors.
- E. Jurisdiction means the boundary of the Avila Beach Community Services District.

15.08.060 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 Code are being violated, and to make any examinations, inspections and surveys as may be necessary in the performance of their enforcement duties. Examinations 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 Fire Code Official may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

15.08.070 Amendments made in the California Fire Code.

The California Fire Code, 2016 Edition, is amended, changed and incorporated into the District's Fire Code as follows:

Amendment No. 1

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

101.1 Title. These regulations, including Sections 15.08.010 through 15.08.070, shall be known as the *Fire Code* of the Avila Beach Community Services District, and may be cited at Avila Beach Community Services District Fire Code, ABCSD Fire Code, or the District Fire Code, hereinafter referred to as "this code" or the District's Fire Code.

Amendment No. 2

Section 103. "Department of Fire Prevention" is amended by addition thereto 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 Code.
 - 2 The Board of Directors' authorized representative to appoint Fire Code Official(s).
 - 3 The Board of Directors' authorized representative to appoint member of the California Department of Forestry and Fire Protection with 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.
- B. The Fire Chief is authorized to make necessary and reasonable policies and procedures that are consistent with the provisions of this Fire Code to aid in its implementation.

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. 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 Fire Code, 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. The District Manager shall provide staff services for the Board of Appeals. The Board of Appeals shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official. The fee for appeals shall be consistent with the fees established by the District Board of Directors.

Amendment No. 5

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 Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Fire Code. To violate any provision or to fail to comply with any of the requirements of this Fire Code.
2. To cause, aid, abet, or conceal the fact of a violation of this Fire 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 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 of 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 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 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 (as defined in Chapter 2) who shall violate a provision of this Fire 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 Code, shall be guilty of a misdemeanor except for those specifically declared by the Fire Code to be an infraction. Notwithstanding any other provision of the Fire 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 Code within one (1) year; and a fine not exceeding five hundred (\$500) dollars for a third violation of the Fire 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 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 Code, any condition caused or permitted to exist in violation of any of the provisions of the Fire 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 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 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 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 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 Code or by law for the purpose of enforcing the provisions hereof.

Amendment No. 6

Section 111 "Stop Work Order" is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the criminal sanctions set forth in Health and Safety Code Section 13871.s.

Amendment No. 7

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

Alteration. Any 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. 8

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

Floor Area Gross. 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. Alterations and/or remodel square footage will be considered a combined and cumulative sum of floor area.

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.

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

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. 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 503.1.2 "Additional Access" is amended by addition, thereto as follows:

503.1.2.1 Maximum Dead-end Road Lengths. The maximum length of dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed 500 feet.

Amendment No. 14

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 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 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 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.

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.

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. 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. 16

Section 504.3 Stairway access to roof is amended by addition thereto 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 Section 505 "Premises 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. Where required by the fire code official, address numbers shall be approved in additional approved locations to facilitate emergency response. These numbers shall contrast with their background. 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. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. 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 "Fuel-Fired Appliances" 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.

603.9 Gas meters. Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with Section 312 or otherwise protected in an approved manner. Gas meters shall be permanently marked and identified as to the building or system served.

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).

Amendment No. 20

Section 901.4 "Non required Fire Protection Systems" is amended to read as follows:

901.4.2 Non-required fire protection systems. Any fire protection system or portion thereof not required by this code or the California Building Code may be allowed, when approved by the fire code official, to be furnished for partial or complete protection provided such installed system meets the requirements of this code, NFPA standards, and the California Building Code.

Exception: An automatic fire sprinkler system shall not be permitted unless a complete system.

Amendment No 21

Section 903 "Automatic Sprinkler System" is amended by deletion of 903.2 through 903.2.11.3 Amend sections 903.2 by addition thereto to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be installed:

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	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. ▪

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.
6. Any residential structure shall have spare sprinkler heads and an exterior audible alarm

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
6. Any residential structure shall have spare sprinkler heads and an exterior audible alarm

Amendment No 22

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 23

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 in accordance with Section 903.3.8 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 24

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. 25

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.26

Section 907.1 “Fire alarm and detection systems General is amended to read as follows:

This section covers the application, installation, performance and maintenance fire alarm systems and their components in new and existing buildings and structures. All new commercial building shall be installed with fire alarm Systems. The requirements of Section 907.2 are applicable to new buildings and structures. The requirements of Section 907.9 are applicable to existing buildings and structures.

Amendment No. 27

Amend Section 907.7.5 “Fire Alarm and Detection System” 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 central station service listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The central station shall contact and notify the fire dispatch center 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. 28

2306.2 Method of storage. Approved methods of storage for Class I, II, and III liquid fuels at motor fuel-dispensing facilities shall be in accordance with Sections 2306.2.1 through 2306.2.5.

- A. Amend Section 2306.2.3 to read as follows:

2306.2.3 Above-ground tanks located outside, above grade. Above-ground tanks shall not be used for the storage and dispensing of Class I, II, or III liquid motor fuels except when approved by the fire code official and in accordance with this Section, Section 5704.2.7 and Sections 5704.2.9.6 through 5704.2.9.6.3 and the stored fuels will not offered for resale.

1. Aboveground tanks used for outside, above-grade storage of Class I liquids shall be listed and labeled as protected above-ground tanks in accordance with UL2085 and shall be in accordance with Chapter 57. Such tanks shall be located in accordance with Table 2306.2.3.
2. Above-ground tanks used for outside, above-grade storage of Class II or IIIA liquids shall be listed and labeled as protected above-ground tanks in accordance with UL2085 and shall be installed in accordance with Chapter 57. Tank locations shall be in accordance with Table 2306.2.3.
3. Tanks containing fuels shall not exceed 8,000 gallons (30 274 L) in individual capacity or 16,000 gallons (60 549 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be

separated from other such installations by not less than 100 feet (30 480 mm).

4. Tanks located at farms, construction projects, or rural areas shall comply with Section 5706.2.
5. Above-ground tanks used for outside storage of Class IIIB liquid motor fuel shall be listed and labeled in accordance with UL 142 or shall be listed and labeled as protected above-ground tanks in accordance with UL 2085 and shall be installed in accordance with Chapter 57. Tank locations shall be in accordance with Table 2306.2.3.

Amendment No. 29

Section 5804.3 “outdoor storage” is amended to read as follows:

5804.3 Outdoor storage. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited, except when approved by the fire code official. Where outdoor storage of cryogenic fluids is allowed, containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials and shall be in accordance with Sections 3204.3.1 through 3204.3.1.2.3.

Amendment No. 30

Section 5609 “Reserved” is amended 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. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6 and a District Board resolution approving the public display.

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. 31

Section 5704 “Location of Containers” is amended to read as follows:

5704.2.9.6 Above-ground tanks outside of buildings. Protected above-ground tanks outside of buildings shall comply with Sections 5704.2.9.6.1 through 5704.2.9.6.3 and Section 2306.2.3.

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I, Class II, and Class III liquids in unprotected above-ground tanks outside of buildings is prohibited. Tanks containing fuels shall not exceed 8,000 gallon (30 274 L) in individual capacity or 16,000 gallons (60 549 L) in aggregate capacity. Installations with the maximum allowable aggregate capacity shall be separated from other such installations by not less than 100 feet (30 480 mm).

Amendment No. 32

Section 5706 “Special Operations” is amended to read as follows:

5706.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I liquids in above ground tanks outside of buildings is prohibited. Class II and III liquids may be stored in approved above ground containers for the purpose of dispensing only at facilities where no sales to the public occur and comply with Section 3406.1. Above ground tanks containing Class II and Class III liquids shall not exceed 2,000 gallons. Plans for the installation of above ground tanks shall be submitted to the Fire Department for approval and in conformance with applicable codes and standards. When required, a Conditional Use Permit shall be secured.

Amendment No. 33

Section 6104 “Maximum Capacity within established limits” is amended by addition thereto as follows:

6104.2 Maximum capacity within established limits. The installation of any liquid petroleum gas tank over 500 gallons (1 892 L) water capacity is prohibited unless approved by the fire chief.

Amendment No. 34

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. 35

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. 36

Section 4902 Definitions is amended to read as follows:

Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Section 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. Areas within or in proximity to areas identified by the State as a "Fire Hazard Severity Zone" that pose a significant risk from wildfires will be considered by the Avila Beach Community Services District as a Wildland-Urban Interface Fire Area.

15.08.080 Fire Hazards/Weed and Waste Matter Abatement.

Section 15.08.80 is added to the Avila Beach Community Services District Fire Code as follows:

A. Introduction

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.

B. Weeds Constituting Fire Hazards.

1. All weeds which are described in paragraph B below, 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, and/or impedes access to fire protection systems or facilities are declared by the District Board of Directors to be a public nuisance.

2. The term "weeds" includes:

a. 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;

- b. Weeds that are otherwise noxious or dangerous;
- c. Poison oak and poison ivy, when the conditions or growth are such as to constitute a menace to the public health;
- d. Dry grasses, stubble, brush, dead shrubs, dead trees, litter or other flammable material which endanger the public safety by creating a fire hazard.

C. Waste Matter Constituting a Fire Hazard.

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, and/or endangers the public safety by creating a fire hazard, are declared by District Board of Directors to be a public nuisance

D. Authority of Fire Code Official.

The Fire Code Official is authorized to determine the existence of a public nuisance and to abate the public nuisance pursuant to paragraphs E and F, below.

E. Summary Abatement of Fire Hazards.

1. Pursuant to Government Code Section 61100(t) the provisions of Part 5 (commencing with Section 14875) Division 12 of the Health and Safety Code are incorporated herein by reference.
2. 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 be the "persons" designated in Section 14890 of the Health and Safety Code.

F. Violations.

The Fire Code Official is authorized to use provisions of Section 109.3 of this Fire Code, as amended to abate public nuisance.

SECTION 3. Incorporation of Recitals.

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

SECTION 4. 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 5. Effect 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 6. CEQA

The District Board of Directors has considered the Amendment and Restatement of the District's Fire 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 that the amendment and restatement of the District's 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 this amendment and restatement of the District Fire 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 this amendment and restatement of the District Fire 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 of the amendment and restatement of the District Fire Code, including the amendments to the California Fire Code may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

SECTION 7. 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 8.

Nothing within this Ordinance or the amendment and restatement of the District Fire 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 7 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 9. 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 10. 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 once 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 October 11, 2016, and passed and adopted by the District Board of Directors on the 8th day of November, 2016 by the following roll call vote to wit:

AYES: *Pete Kelley, Lynn Helenius, John Janowicz, Ken San Filippo, Eric Deweese*

NOES: *&*

ABSENT: *&*

ABSTAIN: *&*

Pete Kelley

Pete Kelley, President of the Board of Directors
Avila Beach Community Services District

ATTEST:

Brad Hagemann

Brad Hagemann
District General Manager and Secretary

APPROVED AS TO FORM:

Mel w G

District Legal Counsel