

ORDINANCE NO. 02-2019
AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE SAN MIGUEL COMMUNITY SERVICES DISTRICT
ADOPTING AND AMENDING THE 2019 EDITION OF
THE CALIFORNIA FIRE CODE INCLUDING ARTICALS, APPENDICES, ERRATA
CALIFORNIA BUILDING CODE SECTION 7A AND LOCAL ORDINANCES.

WHEREAS, the San Miguel Community Services District (“District”) Board of Directors (“Board”) finds that modifications need to be made to the District’s current Fire Code; and

WHEREAS, the District’s Fire Code has not been updated since 2013, and requires revisions as the law has changed over time; and

BE IT ORDAINED by the Board of Directors of the San Miguel Community Services District as follows:

Section 1. Purposes and Authority.

The Board of Directors of the San Miguel Community Services District (“District”) hereby adopts the 2019 Edition of the California Fire Code (“CFC”), which includes Articles, Appendices and Errata, with certain amendments and exceptions. The amendments and exceptions as outlined in Section 5 of this Code, are for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Each and all of the regulations, provisions, conditions, and terms of the “California Fire Code”, 2019 Edition, on file in the District Office, are hereby referred to and made a part hereof as if fully set out in this Ordinance, except as otherwise provided in this Ordinance.

Section 2. Repeal of Any Previously Adopted Ordinance

Ordinance No. 01-2013, and or any previously adopted Ordinance adopted by the Board of Directors of the San Miguel Community Services District is hereby repealed in their entirety.

Section 3. Establishment and Duties of Bureau of Fire Prevention.

The California Fire Code shall be enforced by the San Miguel Community Services District’s Fire Department (“Fire Department”). The Bureau of Fire Prevention is hereby established and shall operate under the supervision of the District’s Fire Chief. The Fire Chief may assign such members of the Department as inspectors as necessary.

Section 4. Amendments and Exceptions to the 2019 Edition of the California Fire Code.

Pursuant to Ordinance No.02-2019, the Board found that because of certain local climatic, geological and topographical conditions existing within the District, more stringent building standards relating to Fire, Life and Safety than those standards adopted by the State of California Fire Marshal and contained in the California Building Standards Code are necessary for fire

protection within the District. Ordinance 02-2019, and the findings contained therein, are hereby incorporated by reference. The following amendments and exceptions to the 2019 California Fire Code, are therefore hereby made:

1) ESTABLISHMENTS OF LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

Storage of explosives and blasting agents are prohibited in the District boundaries. Chapter 56 of the 2019 California Fire Code provides the specific limitations.

2) ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUIFIED PETROLEUM GASES IS PROHIBITED.

The installation of any liquid petroleum gas tank over five hundred (500) gallons (1893 liters) water capacity is prohibited within the District boundaries.

3) LOCATION WHERE ABOVEGROUND TANKS ARE PROHIBITED

Storage of Class I and Class II liquids in aboveground tanks outside and/or inside of buildings are prohibited within the District boundaries.

a) Exception: Tanks for emergency power generators, which are integrated into the generator assembly, may be above ground. These installations must be reviewed and approved by Fire Chief prior to installation.

4) FIRE PROTECTION SYSTEM AND EQUIPMENT

The District Fire Chief or designee shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises within the District's jurisdiction other than in private dwellings. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. All determinations shall be made based on the California Fire Code Section 9; however, the Fire Chief or his or her designee may determine that additional devices may be deemed necessary due to a specific condition on the property such as access issues or a specific hazard. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the District Fire Chief. Portable fire extinguishers shall be in accordance with 2019 California Fire Code Chapter 9. The minimum fire extinguisher requirement shall be one (1) 2A10BC fire extinguisher for every seventy-five feet (75') of floor travel. Location of the fire extinguisher is to be determined by the Fire Chief.

5) AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

In addition to the requirements of 2019 California Fire Code, Chapter 9 an automatic fire extinguishing system shall be installed in the occupancies and locations as set forth below:

a) New Construction. An automatic fire extinguishing system shall be installed and

maintained in all new buildings in “A,” “B,” “C,” “E,” “F,” “H,” “I,” “M,” “R,” “S” and “U” (when “U” structure is attached to an “R”) occupancies as defined by the California Uniform Building Code, regardless of type of construction or floor area, for which any Building Permit is issued after the effective date of this Ordinance.

Exception:

Detached Group B, C, M occupancies not exceeding five hundred (500) square feet and located at least ten (10) feet from adjacent buildings and five (5) feet from adjacent property lines;

Note: “U” occupancies converted to conditioned habitable space will be required to install an automatic fire extinguishing system.

- b) Existing Construction. Unless the 2019 California Fire Code is more restrictive, an automatic fire extinguishing system shall be installed in all existing buildings or structures where proposed or ongoing additions, seismic retrofit, alterations or repairs are commenced over a three-year period, which meet one or more of the following:
- i) Increases total floor area of structure by more than 25%,
 - ii) Have a total floor area exceeding two thousand five hundred (2,500) square feet,
 - iii) When a second story or higher is added,
 - iv) When occupancy change increases fire risk or hazard

EXCEPTIONS

- i) When a proposed addition is less than 25% of current total floor area of existing building in all occupancies
 - ii) In single family residences of less than 2,500 square feet the proposed addition can be 25% of current floor area.
- c) Regardless of additions, alterations or repairs in existing sprinklered buildings, sprinkler coverages shall remain as per the 2019 California Fire Code and the National Fire Protection Association 13, 13R, or 13D standards, which ever are applied by the Fire Chief.
- d) Plans for Automatic Fire Extinguishing Systems. Plans for all automatic fire extinguishing systems shall be required to be reviewed and certified by a third-party Fire Protection Engineer (at the individual’s cost) and submitted for approval by the District Fire Department prior to installation. Plans are subject to all plan check and inspection fees as per the current fee schedule. The automatic fire extinguishing system shall conform to the most current requirements of the California Fire Code, State Fire Marshal regulations and requirements of the National Fire Protection Association Codes and Standards (NFPA 13, 13R or 13D).
- e) All automatic fire extinguishing systems shall be supervised by a U.L. approved central, proprietary or remote station service or a local alarm that provides an audible signal at a constantly attended location.

Exceptions:

- i) Isolated specialty systems such as a paint spray booth or other small systems as

- approved by the Fire Chief, unless the entire occupancy is equipped with an automatic fire extinguishing system;
- ii) R-3 occupancies with less than fifty (50) heads

6) VENTILATING HOOD AND DUCT SYSTEMS

A type 1 ventilating hood and duct system shall be installed and maintained, in accordance with the California Fire Code Chapter 6, California Mechanical Code and National Fire Protection Association 96 for commercial-type food heating processing equipment that produces grease-laden vapors. Cooking facilities in existing occupancies shall be required to be in compliance of this section when building alterations, which require a building permit, occur.

a) PROTECTION OF EXISTING NON-U.L. 300 LISTED FIRE PROTECTION SYSTEMS.

A fire extinguisher listed and labeled for Class K fires shall be installed within thirty (30) feet of existing commercial deep fat frying equipment. An approved U.L. three hundred (300) listed fire-protection system shall be installed in an existing facility when one or more of the following is met:

- i) Change in cooking medium,
- ii) Change of ownership,
- iii) Any modification to system,
- iv) Any system that cannot be serviced due to unavailability of parts, or
- v) Any system that has lost its rating.

b) NEW HOOD EXTINGUISHING SYSTEMS

Prior to the installation of any new hood extinguishing system, the owner or contractor shall submit the plans of the proposed installation to the San Miguel Fire Department for approval. Plans are subject to a plan check and inspection fees as per the current fee schedule, which may be amended by the Board from time to time. Plans for all hood-extinguishing systems shall be required to be reviewed and certified by a Fire Protection Engineer prior to being submitted to the Fire Department. The information required to be included in the plans must include:

- i) Make and model of system;
- ii) Site location of system and type of chemical used;
- iii) Size of Hood;
- iv) Number, type, and location of appliances covered;
- v) Number, type, and location of nozzles;
- vi) Number and location of heat detectors;
- vii) Location and length of run piping and conduit;
- viii) Type, size, and location of gas shut-off valve;
- ix) Location of manual pull station including elevation of installation;
- x) Location of emergency exits;
- xi) Location of hood within the structure;
- xii) Manufacturers specifications information for all items and devices being installed;

- xiii) Manufactures specifications for all appliances (except electric ovens); and
- xiv) Location of class “K” extinguisher if applicable.

Plans are required prior to modification of an existing system. A description of the modified plans shall be submitted prior to the commencement of any modifications or alterations to the system to the Fire Department for approval. Plans are subject to a plan check and inspection fees as per the current fee schedule.

Upon completion of installation of a new hood extinguishing system, a system test is required. The test shall be what is commonly referred to as a “Balloon Test”, or what is recommended by the system manufacturer if a “Balloon Test” is not feasible. In any case, the test shall check the operation of the manual pull station, if installed, the mechanical pneumatic or electric energy shut-off valve, and the piping, distribution and nozzle system.

7) FIRE RETARDANT ROOFING MATERIALS REQUIRED

Because of local climatic conditions, it is necessary that roof coverings for all new buildings and for any re-roofing of existing buildings within the District be no less than Class C, regardless of building type or occupancy. Reference California Building Code Chapter 15 Section 1504 & Chapter 7A Section 705A.

8) FIRE APPARATUS ACCESS ROADS - GRADE.

The District shall conform with 2019 California Fire Code Chapter 5 Section 503.2.7 and Appendix “D”; however, portions of these sections shall be revised to read as follows: The standard grade for all roads, streets and driveways shall not exceed twelve percent (12%). The District Fire Chief or his/her designee may approve grades between twelve percent (12%) and twenty percent (20%) with a “non-skid” asphalt or concrete surface, which shall not exceed 500 feet in length.”

9) KEY BOXES.

When access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes, the District Fire Chief is authorized to require a key box (“Knox Box”) to be installed in an accessible location. This box is to contain the keys necessary to gain access for lifesaving or firefighting purposes.

10) FIRE HYDRANTS.

The requirements of 2019 California Fire Code chapters 1, 5, and 9 as well as Appendix C & CC shall apply to fire hydrants. The type of hydrant to be used shall be determined and installed pursuant to District water standards for installation of a fire hydrant. All fire hydrants are to be identified in the roadway by “blue” reflective markers with a minimum dimension of three (3) inches (“Botz Dot”). [UFC/CFC 901.4.3]

- a) Public Hydrants. All barrels are to be safety yellow in color. The tops and nozzle caps

shall be painted with the following capacity-indicating color scheme to provide simplicity and consistency with colors used in signal work for safety, danger, and intermediate condition.

Class AA-Light Blue - Rated capacity of 1500 gpm or greater

Class A-Green - Rated capacity of 1000-1499 gpm

Class B-Orange - Rated capacity of 500-999 gpm

Class C-Red - Rated capacity of less than 500 gpm

Colors to be "Safety" colors

- b) Classifications. The classification and marking of hydrants provided herein anticipate determination based on individual flow test. Where a group of hydrants may be used at time of fire, some special marking designating group flow capacity may be desirable.
- c) Private Hydrants/on-site fire supply systems. On-site private hydrants and fire supply systems shall meet standards set forth in the San Miguel Fire Department's and San Miguel Community Services District's Standards, Specifications and Drawings, unless otherwise approved by Fire Chief. All barrels are to be safety red in color. All underground piping supplying fire sprinkler systems shall be minimum class two hundred (200) piping.
- d) Clear space around hydrants and fire protection equipment. A minimum three (3) foot clear space shall be maintained around the circumference of any fire hydrant, fire department connection or fire protection control valve, or any other fire protection system component

11) PREMISE IDENTIFICATION.

Approved numbers or addresses shall be placed on all new and existing buildings or premises in such a manner and position as to be plainly visible and legible from the street or road fronting the property. Numbers shall be at least four (4) inches in height for residential applications and at least six (6) inches in height for commercial and multifamily applications. Each unit of a commercial or multifamily complex must be independently addressed. Numbers and letters shall contrast with their background and be reflective or illuminated. In some cases, addresses may be required to be placed at the street and on individual structures.

12) FIRE DEPARTMENT ACCESS ROADS

When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof. All signage shall include the California Vehicle Section and San Luis Obispo County Roads signage standards allowing for enforcement.

13) BUILDING OR PROPERTY DAMAGED BY FIRE

An owner, occupant or other person, having under his/her control any property or materials on property damaged by fire, when access by the public is possible, shall secure the property

by boarding up all openings, fencing, barricading or other appropriate measures as directed by the Fire Chief or the Fire Prevention Officer within forty- eight (48) hours after the incident.

Within thirty (30) days after written notice to do so has been served, all debris and/or materials shall be removed from the property or proof furnished that contractual arrangements have been made for demolition, replacement or repair of all fire damaged structures remaining on the property involved in the fire.

14) WILDLAND URBAN INTERFACE

When determined by the Fire Chief or designated Fire Prevention Officer, structures built in potentially high-risk fire areas shall comply to 2019 California Fire Code Chapter 49 and 2019 California Building Code Chapter 7A either in full or in part as deemed appropriate.

15) ITEMS REQUIRING PLAN SUBMITTAL AND OR INSPECTIONS

- a) Plot Plans for any proposed housing tracts, multifamily housing project, commercial or educational facility.
- b) Fire Sprinkler Plans for any single-family dwelling, multifamily housing projects, commercial or educational facility.
- c) Any modifications to an existing fire sprinkler system.
- d) Any new fire sprinkler system installation.
- e) Any new fire alarm systems being installed, or any existing fire alarm system being modified.
- f) Any new commercial ventilation hood system being installed or modified.
- g) New photovoltaic systems.

All items requiring submittal or inspections are subject to fees as set forth in the current Fee Schedule.

16) SALE AND USE OF “SAFE AND SANE” FIREWORKS

2019 California Fire Code chapter 56 are hereby modified in the following respect: the possession, storage for purposes of sale at retail and use only, sale at retail and use of “Safe and Sane” fireworks within the District is permitted in accordance with the rules and regulations set forth in the following:

- a) REGULATIONS AND RULES PERTAINING TO THE RETAIL SALE AND USE OF “SAFE AND SANE” FIREWORKS.

The possession, storage for purposes of sale at retail and use only, sale at retail and use of “Safe and Sane” fireworks within the District is allowed subject to the following rules and regulations:

- i) Definition of “Safe and Sane” Fireworks
“Safe and Sane” Fireworks shall mean those fireworks defined as “Safe and Sane” in

California health and Safety Code Section 12529 and classified by the State Fire Marshall as “Safe and Sane” in accordance with Section 12562 of the Health and Safety code.

ii) Application

No permits for sale of “Safe and Sane” fireworks will be issued to any person, firm, or corporation except those non-profit associations or corporations organized primarily for veteran, patriotic, welfare, civic betterment, or charitable purposes. Proof of nonprofit status shall be required by producing copies of documents of incorporation as registered with the Secretary of the State of California.

All permits for the sale of “Safe and Sane” fireworks for for-profit organizations’ or individuals’ applications will be rejected. Only non-profit organizations located within the District boundaries are eligible for these permits. Previous permittees shall have first right of refusal. Any organization whose charter or by-laws requires their funds to enhance the community they serve and desiring to sell at retail “Safe and Sane” fireworks within the District must first make written application for a permit to the Fire Chief.

Applications for permits shall be made in writing and submitted to the District up to 60 days once the annual fireworks resolution has been approved by the Board. If the 60-day period falls on a Saturday or Sunday, then the filing period will be extended to the next business day. A maximum of three (3) permits will be issued annually. The District retains the right to maintain a list of additional applicants should a permittee fail to perform. Applicants shall be advised of status no later than ten (10) business days after the application period.

iii) License as a Prerequisite

The Fire Chief shall not accept an application for a permit from any person who does not possess, and present at the time of application, evidence of a valid license to perform those acts specified on the application for a permit, as such license is defined in Health and Safety Code Section 12517. The applicant must be at least 21 years of age or older.

iv) Investigation and Report

The Fire Chief shall undertake an investigation and prepare a report of his/her findings and determination concerning the issuance of each permit, together with the reasons thereof.

v) Grant or Denial of Permit

The Fire Chief may grant or deny the permit, subject to such reasonable conditions, if any, as he/she shall prescribe. Such conditions shall include, but not be limited to:

- 1) The permittee shall deposit a clean-up fee in an amount set by resolution of the District Board of Directors which may be refunded in whole or in part, as determined by the District, if the sale location, San Miguel park and other areas as

determined by the Fire Chief at which “Safe and Sane” fireworks are used, are free of used and spent fireworks, and related materials by July 5, as determined by the District;

- 2) The permittee must provide each purchaser of “Safe and Sane” fireworks with a copy of the restrictions and safety guidelines for the use of “Safe and Sane” fireworks in the District and sign a receipt of acknowledgement agreeing to said provisions. Each purchaser also agrees that she/he is eighteen (18) years of age or older and such fireworks will not be used by anyone less than 18 years of age without adult supervision.
- 3) Notwithstanding any other provision of law, the permittee shall furnish to the Fire Chief a policy of public liability and property damage insurance, with no deductible, with limits and terms set by resolution of the Board. The District and its officers, directors, and employees shall be named as additional insured under such public liability policy. A certificate of insurance shall be presented consistent with the above prior to sale and shall provide that the insurer will not cancel the coverage without fifteen (15) days prior written notice to the Fire Chief.
- 4) There shall be a nonrefundable permit fee set by resolution of the Board to cover the District’s reasonable costs in administering and enforcing the provisions of this section of the ordinance.

vi) Designation of Location for Sale of “Safe and Sane” Fireworks.

Any permit issued under subparagraph (e) above shall designate the location at which the permittee may sell at retail “Safe and Sane” fireworks.

vii) Duration of Permit.

The term of the permit shall coincide with the valid period of the license. This provision shall not prohibit the revocation of the permit by the Fire Chief for just cause where a fire nuisance exists or where personal injury may occur.

viii) Salespersons

No person under the age of eighteen (18) shall sell or handle for sale, any “Safe and Sane” fireworks.

ix) Location of Use of “Safe and Sane” Fireworks.

“Safe and Sane” fireworks may be used within the District’s boundaries, and may only be discharged when the following conditions are met:

- 1) There is a fifty (50) foot radius clear of all combustible materials.
- 2) There is an adequate water supply provided, consisting of a least a 5/8” garden hose with an adjustable pressure nozzle charged.

x) Violations.

In addition to any other violations provided by law, the following shall constitute violations related to the possession, storage, sale and use of “Safe and Sane” fireworks within the District:

- 1) It is unlawful for any person to sell or offer for sale “Safe and Sane” fireworks at any time outside the period established by resolution of the District Board of

Directors.

- 2) It is unlawful for any person to discharge fireworks at any time outside the period established by the District Board of Directors.
- 3) It is unlawful for any person to store any "Safe and Sane" fireworks without having in his/her possession a valid permit as required by this Ordinance.
- 4) It is unlawful for any person to store or possess any "Safe and Sane" fireworks for which a license is required, and which has been revoked or surrendered or any license, which has not been renewed, and such storage or possession is held beyond the period provided for in Section 12604 of the Health and Safety Code.
- 5) It is unlawful for any person to store, sell, or discharge any "Safe and Sane" fireworks in or within one hundred (100) feet of a location where gasoline or any other class 1 flammable liquids are stored or dispensed.
- 6) It is unlawful for any person to place, throw, discharge or ignite, or fire "Safe and Sane" fireworks at any person or group of persons where there is a likelihood of injury to any such person.
- 7) It is unlawful for any person to sell or transfer any "Safe and Sane" fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit has been issued.
- 8) It is unlawful for any person to allow or permit a fire nuisance, as defined in Section 12510 of the Health and Safety Code, to exist on any premises where any "Safe and Sane" fireworks are sold or stored.
- 9) It is unlawful for any person to conduct a public display without possessing a valid permit for this purpose.
- 10) It is unlawful for any person to advertise to sell "Safe and Sane" fireworks without a valid license and permit.
- 11) It is unlawful for any person to sell, give or deliver any "Safe and Sane" fireworks to a person who is under 18 years of age.
- 12) It is unlawful for any person to perform any act, or transact or attempt to transact any business, with an expired license or an expired permit where a license or permit is required for the performance of such act or transaction.

xi) Penalties.

Except as provided in Section 12702 of the Health and Safety Code, any person who violates any provision of Section 4 of this Ordinance, or any regulations issued pursuant thereto, is guilty of misdemeanor, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) and no more than One Thousand Dollars (\$1,000.00), and/or by imprisonment in the San Luis Obispo County Jail not exceeding one year.

In addition to all other penalties, the Fire Chief may deny an application to sell "Safe and Sane" fireworks if the applicant violated any provision of Section 4 of this Ordinance, or any regulations issued pursuant thereto, in a prior year.

xii) Signage

Any approved retail location that sells "Safe and Sane" Fireworks will be required to post a banner which shall read, "This booth is sponsored by (name of organization)

located in (City or District organization is headquartered).” The banner shall be made of a minimum of 12” wide, white vinyl-type material with 6” solid black-block letters (lettering to have a professional appearance). The banner design shall be approved by the Fire Chief prior to granting permission to sell “Safe and Sane” Fireworks. The banner shall be posted above the retail area of the booth and shall be posted during the hours of retail operation.

Section 5. Inconsistency.

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinance, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

Section 6. Severability.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. Th Board declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase no declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 7. Posting.

The District General Manager shall post a copy of this Ordinance in three public places in the District within ten (10) days after its adoption. Within fifteen (15) days after its passage, this ordinance or summary thereof shall be published at least once in a newspaper of general circulation published and circulated within the San Miguel Community Services District.

Section 8. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption.

This Ordinance was Introduced at a regular meeting of the Board of Directors of the San Miguel Community Services District, held on the 28th day of March, 2019, and given its first reading at said meeting. Said Ordinance was given a second reading and adopted at a meeting of the Board of Directors held on the ____ day of _____, 20____, and after such reading, Board Director _____, who moved its adoption, seconded by Board Director _____, and said ordinance was thereupon adopted by the following vote:

Ayes:
Noes:
Abstain:

Absent:
San Miguel Community Services District

John Green, President
Board of Directors

ATTEST:

APPROVED AS TO FORM:

Rob Roberson, General Manager

Doug White, District General Counsel

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