

ORDINANCE NUMBER BFPD 2010-01

AN ORDINANCE OF THE BURNEY FIRE PROTECTION DISTRICT ADOPTING THE 2006 INTERNATIONAL FIRE CODE AND THE 2007 EDITION OF THE CALIFORNIA FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS, OR EXPLOSIONS AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; REPEALING ORDINANCE NO. FP02-01 OF THE BURNEY FIRE PROTECTION DISTRICT.

BE IT ORDAINED by the Board of Directors of the Burney Fire Protection District as follows:

SECTION 1. ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE AND THE 2007 EDITION OF THE CALIFORNIA FIRE CODE.

There is hereby adopted by the Board of Directors of the Burney Fire Protection District for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosions, that certain fire code known as the 2007 Edition of the California Fire Code including all appendices except "D", and the 2006 International Fire Code of the International Code Council (hereinafter collectively the "Codes"), save and except such portions thereof as are deleted, modified or amended by Section 8 of this Ordinance. Copies of each adopted Fire Code are attached to this Ordinance. The provisions of each of the Fire Codes hereby adopted and as such Codes have been modified or amended by Section 8 of this Ordinance, shall take effect as of the date of this Ordinance and the terms and conditions thereof shall be controlling within the jurisdictional boundaries of the Burney Fire Protection District.

Section 1.1 The passage of this Ordinance is not a "project" according to the definition in the California Environmental Quality Act, and therefore is not subject to the provisions requiring environmental review. This ordinance is categorically exempt from the provisions of the California Environmental Quality Act of 1970 (CEQA) pursuant to the provisions of the Public Resources Code, Section 21084, and Environmental Impact Report Guidelines, Section 15108.

Section 1.2. Required findings of fact and the need for changes or modifications to the State Building Code due to local conditions are hereby adopted as follows:

- A. Findings:** Pursuant to Sections 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Burney Fire Protection District has determined and finds that changes or modifications are needed and are reasonable and necessary because of local climatic, geological and topographical conditions.
- B. Local Conditions:** Local conditions have an adverse effect on the prevention of fire, earthquake damage, and the potential for life and property loss, making necessary changes or modifications to the California Fire Code and the State Building Standards Code in order to establish and maintain an environment which will provide to the community the desirable level of fire and life safety protections. Below are listed adverse local climatic, geological and topographical conditions:

1. Climatical:

The climate weather patterns within the Burney Fire Protection District are a factor making amendments reasonably necessary. Periods of drought and low humidity add to the fire danger.

During the summer months, dry winds and existing vegetation mix to create a hazardous fuel condition, which can result in a large loss of vegetation and structures. Summer temperatures can exceed 90 degrees and severe winds frequently occur which move quickly throughout the District. The District is surrounded by the Lassen National Forest, which increases the fire danger.

Winter snowfall increases driving response time to incidents, hampers accessibility to fire hydrants, and impairs firefighter effectiveness.

2. Topographical:

Natural slopes of 10 percent or greater exist in the District. The elevation changes caused by the mountains and low foothills create the geological foundation on which the community is built and will continue to build. Future growth will occur on steeper slopes and greater contrasts in terrain. These topographical conditions may create greater exposure to urban fires.

3. Geological:

Road circulation features located throughout the District make amendments reasonably necessary. Located through the District are two major highways (Highway 299 and Hwy 89), arterials, and adjoining surface streets with severely limited alternate routes, which often become congested during the peak recreational season and holiday periods. The District also has natural and man-made flood control channels that create potential barriers to response time. The District has multiple canyons with limited access due to slopes, street, and drainage design. The District can receive heavy rainfall, which can result in roadway flooding. Such conditions can result in extended response time to remote areas of the District.

The District is located in a seismically active zone. Existing structures and future planned development are at risk from active faults within this area.

- a. Summary: The above local geological and topographical conditions increase the magnitude, exposure and accessibility problems in fire hazard presented to the Burney Fire Protection District. As a result of this "findings of fact", which identifies the various climatic, geological and topographical elements, the requirements established by the Burney Fire Protection District within the adopted Fire Codes and the amendments are considered "reasonable and necessary" based on the following:

- (1) Limited staffing to control extraordinary fire conditions, i.e., conflagration potential associated with non-rated roofing materials and/or non-sprinklered structures where rapid catastrophic fire spread can occur because of climatic conditions.

- (2) Need to reduce "life loss" potential, notably that associated with fires in single/multiple residential and commercial properties through using the logic that "fires that either do not occur or are kept small through the use of automatic fire sprinkler systems, are fires where excessive use of staff, equipment and resources will not be required."

CONCLUSION

Local climatic, geological and topographical conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, the climate impacts potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be reasonable and necessary that the California Fire Code and the State Buildings Standards Code be changed or modified to mitigate the effects of the above conditions. Furthermore, California Health and Safety Code Section 17958.7 requires the modification or change be expressly marked and identified as to each finding to which it refers. Therefore, the Burney Fire Protection District finds that the table attached hereto as **Exhibit A** provides code sections that have been modified pursuant to this Ordinance which are building standards as defined in the Health and Safety Code Section 18909 and the associated referenced conditions or modifications due to local climatic, geological and topographical reasons.

SECTION 2. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

There is hereby established for the Burney Fire Protection District a "Bureau of Fire Prevention." The Fire Prevention Bureau shall consist of the then serving Fire Chief of the Burney Fire Protection District and a fire prevention officer appointed by the Chief from personnel of the Burney Fire Protection District. Appointment as the fire prevention officer shall be based upon the qualifications required for such office.

SECTION 3. DEFINITION.

Section 3.1 Wherever the word "jurisdiction" is used in the California Fire Code, it is to mean the "Burney Fire Protection District."

Section 3.2 Wherever the words "Chief of the Bureau of Fire Prevention" or "Fire Code Official," are used in the California Fire Code, they shall be held to mean the "Fire Chief of the Burney Fire Protection District" or that individual designated by the Board of Directors of the District to serve in those positions should the Fire Chief not be available.

SECTION 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED.

The limits referred to in Section 3404.2.9.5.1 and 3406.2.4.4 of the California Fire Code in which the storage of flammable or combustible liquids is restricted, are hereby established as the entire area of the jurisdiction of the Burney Fire Protection District, subject to the exceptions set forth in Section 8 below.

SECTION 5. ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUIFIED PETROLEUM GAS AND BULK STORAGE IS RESTRICTED.

The limits referred to in Section 3804.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as the entire area subject to the jurisdiction of the Burney Fire Protection District, subject to the exceptions set forth in Section 8 below.

SECTION 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

Storage of explosives and blasting agents are prohibited as hereby established as the area subject to the jurisdiction of the Burney Fire Protection District, subject to the exceptions set forth in Section 8 below.

SECTION 7. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED.

The limits referred to in Section 3204.3.1.1 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited, is hereby established as the area subject to the jurisdiction of the Burney Fire Protection District, subject to the exceptions set forth in Section 8 below.

SECTION 8. AMENDMENTS TO CALIFORNIA FIRE CODE.

The California Fire Code is amended and changed in the following respects:

Section 503 of the California Fire Code is amended to provide that when and as determined by the Fire Chief of the Burney Fire Protection District or his designee, that Section 6.1 through 6.23 of the Shasta County Fire Safety Standards may be utilized in lieu of Section 503 of the California Fire Code when it is determined by the Fire Chief that there are practical difficulties involved in carrying out the provisions of Section 5.03.

Section 508 of the California Fire Code is amended as follows:

508.1 Required Water Supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided on premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

Exceptions

- (a) In Group R-3 the Fire Chief may approve a residential automatic sprinkler system with an adequate water supply in areas of the jurisdiction in which the water district is unable to be improve to meet the fire flow requirements.

Note: It shall be the responsibility of the property owner to maintain the automatic sprinkler system for the life of the structure. To ensure all property owners are aware of their responsibility, a notice will be filed on the property title with the Shasta County Recorder.

- (b) Agricultural buildings as defined by Shasta County, with no portion of the building used for human habitation.

- (c) Any detached garage, carport, shed, and other ancillary building with a total floor area of less than 2,000 square feet, provided that the building official determines that no portion thereof is used for human habitation. Buildings with four-hour fire walls are allowed to be considered as separate fire flow areas.
- (d) No portion of a structure shall be placed on a lot where it exceeds 750 feet from a properly placed public hydrant. If the structure is in excess of 750 feet, the property owners will be required to comply with Section 508 and Appendix B of the California Fire Code.

Section 3204.3.1.1. Storage of flammable cryogenic fluids shall be limited to property zoned in "M", industrial districts.

Section 3301. Explosives storage shall be located as approved by the California Fire Code and the Shasta County Sheriff's Department.

Section 3404.2.9.5.1. A limit of two hundred-seventy five (275) gallons of flammable and combustible liquids may be stored aboveground in tanks located in residential districts as per Chapter 34 when approved in writing by the Fire Chief. The amount may be increased when approved by the Fire Chief.

Section 3404.2.9.5.1. A maximum of twenty-four thousand (24,000) gallons of flammable and combustible liquids may be stored aboveground in tanks constructed per Chapter 34 of the California Fire Code, within the boundaries of the Burney Fire Protection District so zoned as M-1 and M-2 light and heavy industrial. Individual tanks may not exceed six-thousand (6,000) gallons.

Section 3804.2. A maximum of up to one hundred-fifty thousand (150,000) gallons of liquid petroleum gas aggregate capacity may be allowed at any one location when approved by the Fire Chief, and installed and maintained as per the California Fire Code, Chapter 38, within the boundaries of the Burney Fire Protection District.

SECTION 9. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Chair of the Board of Directors of the Burney Fire Protection District, and the members of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Codes. The Fire Chief shall post such list in a conspicuous place at the Bureau of Fire Prevention, and distribute copies thereof to interested persons.

SECTION 10. APPEALS.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Fire Commissioners within thirty (30) days from the date of the decision appealed.

SECTION 11. PENALTIES.

Any person who shall violate any of the provisions of the Codes as adopted by this Ordinance or who shall fail to comply therewith, or who shall violate or fails to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Fire Commissioners or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and/or noncompliance, be guilty of an infraction or misdemeanor, punishable by fines or imprisonment pursuant to California Health and Safety Code Section 13871 et seq. and as set forth in the Bail Schedule, attached and incorporated herein as **Exhibit B**. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 12. ENFORCEMENT CITATION AUTHORITY.

- A. The Fire Chief or his designated officials are authorized to issue citations to any person whenever a designated official has reasonable cause to believe that the person has committed a violation of the Codes as adopted by this Ordinance, the provisions of this chapter, the provisions of California Building Code which concern issues of fire prevention or fire control or life safety, or any state statute addressing fire prevention or fire control in his or her presence, and are further authorized to exercise the authority provided by Penal Code §19.7 and §836.5.
- B. Nothing herein shall diminish or otherwise modify the authority of persons who are empowered to enforce the Shasta County Code or state law because of their status as peace officers or because of other authorizing statutes.

SECTION 13. VALIDITY. The Board of Directors of the Burney Fire Protection District hereby declares that, in the event any part, section, paragraph, sentence, word or provision of this Ordinance or of the code is held to be illegal or void, or declared for any reason to be invalid, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal, and it shall be presumed that this code would have been adopted without such illegal or invalid parts or provisions. It is the intent of the Board of Directors of the Burney Fire Protection District that it would have passed all other portions of this Ordinance independently of the elimination of any such portion as may be declared invalid.

SECTION 14. REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS, OR MOTIONS.

All former Ordinances, including but not limited to Ordinance No. FP 02-01 resolutions or motions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

SECTION 15. DATE OF EFFECT. This ordinance shall take effect and be in force from after its approval as required by law, and shall be published as required by law.

DULY ADOPTED THIS 17 DAY OF February, 2010, by the Board of Directors of the Burney Fire Protection District by the following vote:

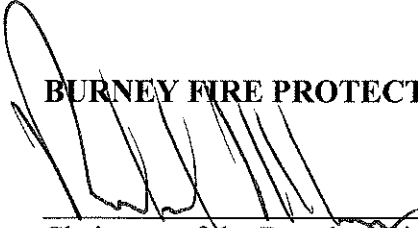
AYES: Moore, Taylor, Ulanoti, Caldwell, Armstrong

NOES: —

ABSENT: —

ABSTAIN: —

BURNEY FIRE PROTECTION DISTRICT



Chairman of the Board of Directors

ATTESTED BY:



Cindy Cooley, Board Secretary