

**ORDINANCE NO. 2018-01**

**AN ORDINANCE OF THE GOVERNING BOARD OF THE MONTECITO FIRE PROTECTION DISTRICT AMENDING SECTION 6 OF MONTECITO FIRE PROTECTION DISTRICT ORDINANCE NO. 2016-01.**

WHEREAS, the Montecito Fire Protection District operates under the provisions of California’s Fire Protection District Law of 1987, wherein the State Legislature declared that the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services and other services relating to the protection of lives and property is critical to the public peace, health and safety of the State of California and that local control over the types, levels and availability of these services is a long-standing tradition in California; and

WHEREAS, the State Legislature has also declared that its intent is to provide broad statutory authority for local fire protection districts, encouraging local officials to adopt powers and procedures set forth in the Fire Protection District Law of 1987 to meet their own circumstances and responsibilities; and

WHEREAS, on November 28th, 2016, pursuant to Health and Safety Code section 13869.7, the Governing Board of the Montecito Fire Protection District adopted Ordinance No. 2016-01, which made certain amendments to the building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshall and contained in the California Building Standards Code, including amendments to Section R313 and Appendix J of the California Residential Code; and

WHEREAS, WHEREAS, on January 10th, 2017, the Board of Supervisors of the County of Santa Barbara voted to ratify Montecito Fire Protection District Ordinance No. 2016-01, including the amendments to Section R313 and Appendix J of the California Residential Code; and

WHEREAS, the County of Santa Barbara has expressed concerns regarding the thresholds for triggering fire sprinkler installation in existing residential dwellings, and has requested that the District amend Ordinance No. 2016-01; and

WHEREAS, in order to address the County’s concerns, the Governing Board of the Montecito Fire Protection District hereby desires to amend Section 6 of Ordinance No. 2016-01; and

WHEREAS, Health and Safety Code Section 13869.7 provides that any such amendment must be ratified by the city or county where such ordinance will apply.

NOW, THEREFORE, the Governing Board of the Montecito Fire Protection District ordains as follows:

Section 1. Section 6 of Ordinance No. 2016-01 is hereby amended to read as follows:

“Section 6. Amendments Made in the California Residential Code. The California Residential Code is amended and changed as follows:

- (a) Chapter 3, Section R313, Automatic Fire Sprinkler Systems is amended as follows:
  - 1. Section R313.1, Exception, is deleted in its entirety and replaced with the following:
    - a. “Any existing townhouse for which an application for building permits is filed or required to be filed with the County of Santa Barbara for any addition or alteration that meets the following two requirements shall be

required to install automatic fire sprinkler systems throughout the entire structure:

- i. Consists of a total floor area of 5,000 square feet or more; and
    - ii. The aggregate alteration and/or addition for which an application for building permits is required to be filed with the County of Santa Barbara is greater than 1,000 square feet in gross floor area.
  - b. Any existing townhouse which consists of a total floor area of less than 5,000 square feet for which an application for building permits is filed or is required to be filed with the County of Santa Barbara for any addition or alteration that exceeds 50% of the existing square footage of the building floor area shall be required to install automatic fire sprinklers throughout the entire structure.
  - c. Application. The provisions of this Section shall be applicable within the District’s jurisdiction, but shall not apply to alterations or additions to existing townhouses related to post-disaster repairs, earthquake retrofitting, or addition of fire resistant materials. If any part of this Section is in conflict with any other part, the more restrictive provision shall be controlling.”
2. Section R313.2, Exception, is deleted in its entirety and replaced with the following:
  - a. “Any existing one- and two-family dwellings for which an application for building permits is filed or required to be filed with the County of Santa Barbara for any addition or alteration that meets the following two requirements shall be required to install automatic fire sprinkler systems throughout the entire structure:
    - i. Consists of a total floor area of 5,000 square feet or more; and
    - ii. The aggregate alteration and/or addition for which an application for building permits is required to be filed with the County of Santa Barbara is greater than 1,000 square feet in gross floor area.
  - b. Any existing one- and two-family dwelling which consists of a total floor area of less than 5,000 square feet for which an application for building permits is filed or is required to be filed with the County of Santa Barbara for any addition or alteration that exceeds 50% of the existing square footage of the building floor area shall be required to install automatic fire sprinklers throughout the entire structure.
  - c. Application. The provisions of this Section shall be applicable within the District’s jurisdiction, but shall not apply to alterations or additions to existing dwellings related to post-disaster repairs, earthquake retrofitting, or addition of fire resistant materials. If any part of this Section is in conflict with any other part, the more restrictive provision shall be controlling.”
3. Section R313.3.1.2, Exceptions (1) and (4) are deleted.

Section 2. Findings.

The Board of Directors (“Board”) of the Montecito Fire Protection District (“District”), following due consideration, hereby finds and determines that all the amendments, deletions, and additions to the foregoing Codes are reasonably necessary due to local climatic, geological, and topographical conditions existing in the District. The District hereby finds and declares that:

The area within which the District is located regularly experiences strong, hot, dusty, and down canyon winds referred to locally as “Santa Anas” or “Sundowners.”

Such wind conditions increase fire danger by significantly contributing to the spread and intensity of fires, and significantly increase the difficulty of effective fire suppression within the District.

If a fire involving a single structure cannot be immediately extinguished, such wind conditions can rapidly spread flames to adjacent structures, significantly endangering lives and/or millions of dollars in property value.

Such winds can spread existing flames from a structure or natural fuel to structures and natural fuel significant distances away, even jumping over fire breaks and freeways, resulting in significant property damage and/or loss of life.

Much of the jurisdiction of the District is within heavy brush and chaparral.

It is generally known to take about 25 years to build up extremely dangerous combustible brush conditions, and the District contains areas where combustible flora has built up for 50 to 100 years.

The District is in an area prone to extensive drought conditions, significantly increasing the already natural combustibility of the chaparral, brush and ornamental shrubbery in the District.

Such fuels can rapidly transform a small manageable fire into an uncontrollable conflagration, compromising the lives and safety of District personnel and residents.

The reduction of such fuels provides a direct correlation to the safety of the lives and property within the District, and will substantially reduce the risk of injury or death to District personnel.

The District is geographically situated such that extreme solar exposure (south, southwest, and west facing slopes) continually results in critically low live fuel moisture levels, further rendering most brush, chaparral and ornamental shrubbery highly combustible.

Due to these conditions even non-structural fires can pose a massive threat to the lives and structures located in the District.

The District is located in close proximity to several active earthquake faults.

During and after an earthquake, there is a high potential for fires and other emergencies threatening the lives of District residents, generally requiring the commitment of all available resources.

Geographic and topographic conditions delay response times for fire apparatus (these conditions include remote structures; narrow, winding roads which hamper the access of modern fire suppression apparatus; and extremely sloping roads which tend to slow fire apparatus response).

Water can be in short supply in the District, and fires in areas with structures with noncombustible roofing typically consume far lesser quantities of water than those not complying with the Ordinance, allowing greater fire suppression coverage, and preventing unnecessary loss of life and/or property within the District.

U.S. Highway 101 traverses the District, and is a transportation route for hazardous materials and some traffic accidents on Highway 101 require the presence of all available fire apparatus, leaving the District with fewer resources to combat structural fires elsewhere in the District.

The Union Pacific Railroad line also traverses the District, and a train accident or derailment could immediately deplete the District's resources, limiting the District's ability to furnish fire protection for the balance of the District.

The Montecito Fire Protection District is in the mutual aid plan and is committed to supply personnel and equipment for serious fires outside the District and which can reduce the personnel and equipment available for response to possible emergencies within the District.

Further, in many instances because of the extra hazardous conditions, a defensible space protection zone around buildings and structures of only one hundred feet is not sufficient to provide for tenable wildland firefighting operations around such buildings and structures. These conditions are common upon lands within the District that are located within the Montecito Resource Management Zone as designated by the County of Santa Barbara. Such areas are generally rural areas with slopes exceeding 40% and are covered with old age class chaparral and dense vegetation, creating conditions that are dangerous to fire fighters.

The Governing Board expressly finds and declares that the findings contained herein provide the basis for the amendment, deletions, and additions to the Code contained in this Ordinance.

Section 3. Severability.

If any article, section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each article, section, subsection, sentence, clause, phrase or word thereof irrespective of the fact that any one or more articles, sections, subsections, sentences, clauses, phrases or words may be unconstitutional or invalid.

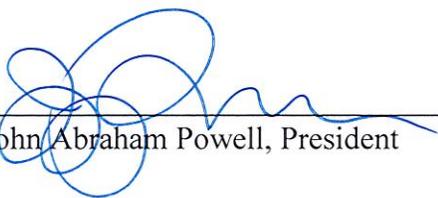
Section 4. Effective Date and Publication.

(a) Effective Date. This Ordinance was introduced for first reading on September 24, 2018, and passed on October 29, 2018, and shall take effect 30 days after final passage.

(b) Publication. In accordance with Government Code section 25124, this Ordinance shall be published once, with the names of the members of the Board voting for and against it in a newspaper of general circulation in the District within 15 days after its adoption.

PASSED, APPROVED AND ADOPTED by the Governing Board of the MONTECITO FIRE PROTECTION DISTRICT on this 29<sup>th</sup> day of October, 2018, by the following vote:

- AYES: John Venable, Michael Lee, John Abraham Powell, Sylvia Easton
- NAYS: None
- ABSTAIN: None
- ABSENT: Peter van Duinwyk



\_\_\_\_\_  
John Abraham Powell, President

ATTEST:



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Michael Lee, Secretary

STATE OF CALIFORNIA            )  
  )  
COUNTY OF SANTA BARBARA    )

ss.

I, Michael Lee, Secretary of the Governing Board of the Montecito Fire Protection District, DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of Ordinance No. 2018-01 of said District, adopted at a regular meeting of the Governing Board, held on the 29th, day of October, 2018, at which meeting a quorum of the Governing Board was present and acting throughout, and that the same has not been amended or repealed.

DATED: This 29<sup>th</sup> day of October, 2018.

  
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Michael Lee, Secretary