

## **VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 31**

AN ORDINANCE OF THE VENTURA COUNTY FIRE PROTECTION DISTRICT REPEALING ORDINANCE NO. 30, ADOPTING BY REFERENCE THE 2019 CALIFORNIA FIRE CODE, PORTIONS OF THE 2018 INTERNATIONAL FIRE CODE, AND PORTIONS OF TITLE 19 OF THE CALIFORNIA CODE OF REGULATIONS, WITH ADDITIONS, DELETIONS AND AMENDMENTS THERETO, AND INCORPORATING BY REFERENCE FIRE DISTRICT ORDINANCE NO. 29

The Board of Directors of the Ventura County Fire Protection District (Fire District) ordains as follows:

### **ARTICLE 1 - ADOPTION OF THE VENTURA COUNTY FIRE CODE**

**1.1 Adoption.** This ordinance shall be known as the “Ventura County Fire Code”, may be cited as such, and will be referred herein as “this Code”.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or hazardous materials, those certain portions of the referenced codes and ordinances specified in the subsections below except such portions as are hereinafter added, deleted, modified or amended by Article 3 of this Code are hereby adopted by reference as the Ventura County Fire Code pursuant to Section 13869 et seq. of the California Health and Safety Code, and are incorporated as fully as if set out at length herein.

**1.1.1** The specified portions adopted by the California State Fire Marshal and designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 9 known as the 2019 California Fire Code published by the International Code Council.

**1.1.2** The specified portions of the California Code of Regulations Title 19, Division 1 known as the “Regulations of the State Fire Marshal” designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 9 known as the 2019 California Fire Code published by the International Code Council.

**1.1.3** The specified portions of the 2018 International Fire Code not adopted as part of the California Fire Code by the California State Fire Marshal as published in the 2019 California Fire Code by the International Code Council with the exception of those deleted portions that are designated in Table 1.1.3 of this Code.

**1.1.4** Ventura County Fire Protection District Ordinance No. 29 known as the Ventura County Fire Apparatus Access Code.

**TABLE 1.1.3 – Portions of the International Fire Code deleted**

Section	Deleted
103.4.1	x
105.6.17	x
105.6.18	x
105.6.19	x
105.6.30	x
105.6.39	x
306.1 – 306.2	x
310.1	x
310.3 – 310.8	x
Section 318	x
Section 319	x
403.1	x
403.6	x
403.9	x
403.10.1.3	x
403.10.2.2.2	x
403.11.1.3 – 403.11.1.4	x
503.1.1 – 503.6	x
Appendix A	x
Appendix D	x
Appendix E	x
Appendix F	x
Appendix G	x
Appendix I	x
Appendix J	x
Appendix K	x
Appendix L	x
Appendix M	x

**1.2 Filing with the Clerk of the Board.** Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors of the County of Ventura (County), and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

**1.3 Copies of Code for sale to the public.** Copies of this Code and other Fire District ordinances adopted by reference shall be made available in the offices of the Fire Code Official for examination. The public may purchase copies of this Code and other Fire District ordinances adopted by reference at a price not to exceed the actual cost thereof to the Fire District or the County, plus a reasonable handling charge as established by

the Fire Code Official or Clerk of the Board. Each of the codes adopted by reference are available for purchase from the publishers of those codes.

## **ARTICLE 2 - REPEAL OF CONFLICTING ORDINANCES**

**2.1 Repeal.** Fire District Ordinance No. 30 is hereby repealed in its entirety on the effective date of this Ordinance.

**2.2 References to prior code.** Unless superseded and expressly repealed, references in Ventura County Fire Protection District forms, documents and regulations to the chapters and sections of the former Ventura County Fire Code, 2016, shall be construed to apply to the corresponding provisions contained within the Ventura County Fire Code, 2019. To the extent there is or may be any conflict with or ambiguity by any provisions found in prior ordinances of the Ventura County Fire Protection District, the provisions of this Ordinance shall control.

## **ARTICLE 3 - AMENDMENTS TO THE 2019 CALIFORNIA FIRE CODE AND THE 2018 INTERNATIONAL FIRE CODE**

**3.1 Amendments.** All chapters, sections, and other headings shall be those of the California Fire Code and the International Fire Code as delineated in the 2019 California Fire Code; California Code of Regulations, Title 24, Part 9 published by the International Code Council. Generally, each numbered portion of these codes, such as Section 109.3, is deemed to be a separate section. An amendment as specified below to such a numbered portion amends only that section and does not, by omission or reference, delete any other section such as Section 109.3.1.

**3.1.1** The 2019 California Fire Code (CFC) and the 2018 International Fire Code (IFC) are amended and changed in the following respects:

### **CHAPTER 1**

#### **DIVISION II – SCOPE AND ADMINISTRATION**

Section 101.1 is amended to read as follows:

**101.1 Title.** This ordinance shall be known as the "Ventura County Fire Code," may be cited as such, and will be referred to herein as "this Code."

Section 102.7 is amended to read as follows:

**102.7 Referenced codes and standards.** The codes and standards referenced in

this Code shall be those that are listed in Chapter 80, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2. Where references are made to the California, International or Uniform version of a particular code, those references shall mean the California version of the code adopted under the California Buildings Standards Code unless otherwise specified.

Section 103.4 is amended to read as follows:

**103.4 Liability.** The Fire Code Official or any authorized representative and each member of the board of appeals, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to Persons or property as a result of any act or omission in the discharge of such duties. The Fire District shall defend and indemnify the Fire Code Official or any authorized representative or member of the board of appeals against any suit brought against such Person because of such act or omission performed by such Person in the enforcement of any provision of this Code or other pertinent laws or ordinances implemented through the enforcement of this Code.

It is the intent of the Board of Directors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any service rendered in connection with or pursuant to its terms by Fire District or County officers, inspectors, agents or employees is intended to be nor shall be construed against the Fire District or any of its officers, inspectors, agents, or employees as the basis for any express or implied warranty or guarantee to any Person relative to or concerning any Structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits because any Structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any Person owning, operating, or controlling any Building or Structure for any damages to Persons or property caused by defects, nor shall the Fire District or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this Code.

Section 104.5 is amended to read as follows:

**104.5 Notices and orders.** The Fire Code Official is authorized to issue such notices or orders as are required to affect compliance with this Code in accordance with Section 110 and California Health & Safety Code Sections 13870 and 13872.5.

Section 104.5.1 is added to read as follows:

**104.5.1 Citations.** The Fire Code Official and his or her authorized representatives shall have the authority to issue citations for violations of this Code in accordance with Section 110, Appendix U and California Health & Safety Code Section 13872.

Section 105.1.7 is added to read as follows:

**105.1.7 Sale or delivery without permit.** No Person shall sell, deliver or cause to be delivered, any hazardous commodity to any Person not in possession of a valid permit when such permit is required by the provisions of this Code.

Section 105.3.3 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 both the permit applicant and his or her contractor to cause the work to remain accessible and exposed for inspection purposes.

Section 105.4.1 is amended to read as follows:

**105.4.1 Submittals.** Construction documents and supporting data shall be submitted in one or more sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the laws of the jurisdiction in which the project is to be constructed. Except as otherwise determined by the Fire Code Official, plans for the construction, alteration, repair, or conversion of Buildings or portions thereof which are classified as high-rise Buildings, Use Groups A, E, H, I, L and R occupancies, except Group R-3 occupancies, shall be submitted for review prior to obtaining a building permit. The Fire Code Official shall check for compliance with state and local laws and regulations that relate to fire and life safety.

**Exception:** The Fire Code Official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

Section 105.6.32 is amended to read as follows:

**105.6.32 Open Burning.** An operational permit is required for kindling or maintaining Open Burning. Instructions and stipulations of the permit shall be adhered to.

**Exception:** Recreational Fires (See Appendix V for permit requirements in Hazardous Fire Areas)

Section 105.6.52 is added to read as follows:

**105.6.52 Miscellaneous combustible compost, composting, green waste, mulch, organic processing and yard waste.** An operational permit is required to store in any Building or upon any premises, in excess of 200 cubic yards gross volume of combustible composting, green waste, mulch, organic processing, yard waste, or similar Combustible Material. See Section 2808.

**Exception:** On-site storage for normal agricultural operation in conformance with Section 2808.1.2.

Section 105.7.26 is added to read as follows:

**105.7.26 Fuel Modification plans.** A construction permit is required for installation of or modification to a Fuel Modification zone located within a High Fire Hazard (HFA) area, Wildland Urban Interface (WUI) Zone or Fire Hazard Severity Zone (FHSZ).

Section 106.2 is amended to read as follows:

**106.2 Schedule of fees.** Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the latest Fire District Fee Schedule as established by the Board of Directors.

Section 106.3 is amended to read as follows

**106.3 Work commencing before permit issuance.** Any Person who commences any work, activity or operation regulated by this Code before obtaining the necessary permits and or approvals shall be subject to an investigation fee in accordance with Section 106.3.1.

Section 106.3.1 is added to read as follows:

**106.3.1 Investigation fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code, and shall in no case be less than the minimum fees required by the latest Fire District Fee Schedule. The payment of such investigation fee shall not exempt any Person from

compliance with all applicable provisions of this Code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Sections 106.6 through 106.6.3 are added to read as follows:

**106.6 Delinquent fees.** The following shall apply to any delinquent fee due, including fees assessed under Appendix W:

**106.6.1 Penalties.** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month more than 15 Days after the due date. The penalty shall not exceed fifty percent (50%) of the original fee due.

**106.6.2 Interest.** In addition to penalties provided by this Section, delinquent fees will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from the due date.

**106.6.3 Legal means.** The Fire District may use all legal means to collect any past due fees should a permittee or property owner fail to pay the fine in a timely manner.

Sections 109.1 and 109.2 are amended to read as follows:

**109.1 Board of Appeals established.** In order to hear and decide appeals of orders or decisions made by the Fire Code Official relative to the application and interpretation of this Code, there shall be and is hereby created a board of appeals. The County Executive Officer shall provide staff services for the board. The board of appeals shall be appointed by the Fire District's Board of Directors and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official.

**109.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent method of protection or safety is proposed with the exception of the provisions dealing with the abatement of combustible and flammable materials in Appendix W. The board shall have no authority to waive the requirements of this Code or state law. The board also shall have no authority to hear appeals regarding opinions provided to other governmental agencies by Fire District personnel (e.g. on projects currently under review by a planning commission, city council, board of supervisors, etc.).

Section 109.2.1 is added to read as follows:

**109.2.1 Finality.** The Board of Appeals' decisions shall be final, except in the case of appeals from the Fire District and other governmental agencies. Such agencies may seek review of any adverse Board of Appeals' decision by the Board of Directors.

Section 109.3 is amended to read as follows:

**109.3 Members and qualifications.** The board of appeals shall consist of five members who are residents of the County of Ventura: a Fire Department member (not employed by the Fire District), a Licensed Architect, a Licensed Engineer, a Licensed General Contractor, and a member of the public at large. Each member must be qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the Fire District.

Section 110.4 is amended to read as follows:

**110.4 Violation penalties.** Persons who violate a provision of this Code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or any directive of the Fire Code Official, or a permit or certificate used under provisions of this Code, and from which violation no appeal has been taken, or who fail to comply with any order affirmed or modified by the Board of Appeals within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be subject to the criminal sanctions set forth in Health and Safety Code Section 13871. Each numbered portion of this Code, such as Section 109.3, is deemed to be a separate section. In addition, the Fire Code Official may use the provisions of Appendix U, Administrative Citations. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All violators shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each Day 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.

Sections 110.5 through 110.5.5 are added to read as follows:

**110.5 Notice of intent to record notice of noncompliance and recordation of notice of noncompliance.** Whenever the Fire Code Official determines that any work or use has been done without the required permit, or has not been completed in accordance with the requirements of this Code, the Fire Code Official may post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall describe the property, shall set forth the non-complying conditions, and shall inform the owner(s) that the Fire Code Official may record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeals.

**110.5.1** If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeals, the Fire Code Official may record a Notice of Noncompliance

unless the Fire Code Official determines that the non-complying conditions have been corrected in accordance with the Board of Appeals' decision.

**110.5.2** If a timely appeal is filed with the Board of Appeals and the Board finds that the non-complying conditions have not been corrected and need to be corrected, the Fire Code Official shall record a Notice of Noncompliance.

**110.5.3** Under either 110.5.1 or 110.5.2 above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall describe the property, shall set forth the non-complying conditions, and shall state that the property owner(s) have been notified.

**110.5.4 Release.** If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected or removed, the Fire Code Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release of Notice of Noncompliance shall describe the property, cross-referenced to the Notice of Noncompliance, and state that the non-complying conditions have been corrected or removed.

**110.5.5 Fee.** A fee as set forth in the latest Fire District Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

## **CHAPTER 2 DEFINITIONS**

Section 202 is amended to include the following definitions in addition to the definitions found therein not inconsistent herewith:

### **SECTION 202 – DEFINITIONS**

**AGRICULTURAL LAND.** Property with a zoning designation of Agricultural Exclusive (AE) or Coastal Agricultural (CA). This term is further defined within the Ventura County Ordinance Code Division 4, Chapter 7, Article 1, Section 4701.

**APPLICATION (LAND APPLICATION).** The spreading of compostable material, compost, or mulch on land at the end user location.

**BONFIRE.** Open Burning utilized for ceremonial purposes and not classified as a Recreational Fire.

**BREEZEWAY.** A roofed open passage connecting two Buildings.

**BUILDING, EXISTING.** A Building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

**BUILDING, NEW.** A Building erected after the adoption of this Code and for which a legal building permit has been issued.

**CARPORT.** An automobile shelter entirely open on at least two sides.

**CHIPPING AND GRINDING OPERATION.** Any activity where compostable material is mechanically reduced (chipped or ground) and where such activity is subject to regulatory compliance by any regulation or standard, whether or not a solid waste permit is required.

**CITEE.** Means the Person(s) to whom a Fire Code Official issued an administrative citation pursuant to Appendix U.

**COMBUSTIBLE MATERIAL.** Includes seasonal and recurrent weeds, stubble, brush, dry grass, dry leaves, mulch, manure, tumbleweeds, rubbish, recyclable material, litter or flammable materials of any kind, including petroleum-based products.

**COMPOST AND COMPOSTABLE MATERIAL.** Any organic material that when accumulated is capable of rapid decomposition and generating temperatures of at least 122-degrees Fahrenheit.

**CONTAMINANTS.** Pieces of non-compostable solid waste that includes, but not limited to, paper, plastics, metals, glass, clothing, painted or treated wood, plywood and other similar materials.

**CRITICAL FIRE WEATHER.** As determined by the Fire Code Official, a set of weather conditions (usually a combination of low relative humidity, warmer temperatures and/or high winds) favorable to the ignition and the effect of which on fire behavior makes control of a fire difficult and threatens fire fighter and public safety. This includes "Red Flag Warnings" and "Fire Weather Watches" as issued by the National Weather Service.

**DAY.** Means calendar, not business, Day.

**DEFENSIBLE SPACE.** An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

**DISPOSAL.** The final deposition of solid waste onto property. Disposal includes, but is not limited to, the following activities:

- a) Application of mulch exceeding an average of twelve (12) inches in total depth, except as provided for in Section 4704 (d)(2) of the Ventura County Ordinance Code.
- b) Application of mulch in which the mulch contains contaminants that exceed 0.1% of the total volume of mulch at the time of application.
- c) Storing or stockpiling of compostable material onto land for a combined period of time greater than six (6) months, or agricultural and green material for twelve (12) months on prime agricultural land as defined in Government Code Section 51201, unless the Regional Water Quality Control Board, in consultation with the Resource Management Agency Environmental Health Division, makes a written finding that the material may remain within the operations area for a period of time greater than specified.

**FIRE AND LIFE HAZARD.** "Fire and Life Hazard" means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire or a hazardous material release (spill, leak, etc.) to a greater degree than customarily recognized as normal by Persons in the public service of preventing, suppressing or extinguishing fire and responding to hazardous material releases; or which may obstruct, delay, or hinder egress from a facility or Building, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of a fire or hazardous material release.

**FIRE APPARATUS ACCESS ROAD.** A roadway that provides fire apparatus access from a fire station or other staging area to a facility, Building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, access roadway and driveway. This road may provide ingress and egress for both the fire department and the general public during emergency events and normal use.

**FIRE-FLOW.** The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure (PSIR), that is available for firefighting. Fire-flow also includes the required storage duration as required by this appendix or the adopted Water Works Manual.

**FIRE-FLOW CALCULATION AREA.** The floor area, in square feet (m<sup>2</sup>), shall be used to determine the required fire flow.

**FIRE PROTECTION PLAN.** Is a plan that shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history.

**FUEL BREAK.** An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into

it can be more easily controlled. Fuel Breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for firefighting.

**FUEL MODIFICATION.** A method of modifying fuel load by reducing the amount of non fire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

**FUEL MOSAIC.** A Fuel Modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of Fuel Modification.

**GREENBELTS.** A facility or land-use, designed for a use other than fire protection, which will slow or resist the spread of a wildfire. Includes parking lots, irrigated or landscaped areas, golf courses, parks, playgrounds, maintained vineyards, orchards or annual crops that do not cure in the field.

**GREENHOUSE.** A Group U agricultural Building used for the growing of plants. It shall include other Structures also known as hothouses, cold frames and other similar specialty categories. It shall include construction materials of glass, rigid plastic, flexible plastic, masonry, wood, metal and concrete.

**GROSS SQUARE FEET.** The sum of all areas on all floors of a Building included within the outside faces of its exterior walls. Gross Square Feet is used in determining automatic fire sprinkler retro-fit requirements for Group R-3 Occupancies, inclusive of attached garages.

**HAZARDOUS FIRE AREA (HFA).** Is land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion and includes any location within 500 feet of a forest or brush, grass, or grain covered land, exclusive of small individual lots or Parcels of land located outside of a brush, forest, or grain covered area. Such areas are designated by the Fire Code Official. The Fire Code Official is authorized to utilize, as references, the definition of Wildland-Urban Interface Fire Area, State SRA maps, Local Agency Fire Hazard Severity Zone Maps designated pursuant to California Government Code, Sections 51175 through 51189 and the International Wildland-Urban Interface Code.

**HEARING OFFICER.** The Fire District's Fire Marshal, or designee, will select the Hearing Officer for the administrative citation hearing.

**HELISPOT.** A site used for helicopter landings and take-offs during emergency operations.

**HORIZONTAL PROJECTION.** Any roofed projection intended for shelter or occupancy and constructed as a roof assembly or floor/ceiling assembly above. Horizontal Projection may include awnings, canopies, marquees, patio covers,

covered porches, balconies, eaves, eave overhangs, roofed overhangs, Breezeways, covered decks, etc.

**ISOLATED COMMERCIAL.** A single, commercial zoned Parcel, not exceeding 2 acres in size, and surrounded by residential Group R, Division 3 dwelling zoned Parcels.

**ISOLATED RESIDENTIAL.** A single Group R, Division 3 dwelling on a Parcel of land of 5 acres or more in size where no Building is closer than 100 feet to the nearest Building on any adjacent Parcel.

**MULCH.** Compostable material limited to landscape waste and crop production byproducts consisting of leaves, grass clippings, woods, yard trimmings, wood waste, branches and stumps, and whole plants/trees, that have been mechanically reduced in size, whether composted or not.

**OPEN BURNING.** The burning of solid-fuel materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open Burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, barbeques used for cooking or the use of portable outdoor fireplaces. For the purpose of this definition a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

**ORNAMENTAL LANDSCAPE.** All grasses, plants, trees and other vegetation installed by a property owner. This is usually for aesthetic or privacy screening.

**PARCEL.** A portion of land of any size, the area of which is depicted on or described by a tentative map, final map, parcel map, instrument of conveyance or determined by the assessor's maps and records and which may be identified by an assessor's parcel number whether or not any Buildings are present.

**PERSON.** An individual, a natural Person, heirs, executors, administrators or assigns, and also includes a firm, partnership whether general or limited, company, corporation, unincorporated association, union or organization, cooperative and trust, its or their successors or assigns, or the agent of any of the aforesaid. It shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

**PUBLIC NUISANCE.** A declaration by the Fire Code Official that the presence of Combustible Material on a Parcel creates a fire hazard.

**RECREATIONAL FIRE.** Open Burning where the fuel being burned is not contained in a portable outdoor fireplace, or barbeque used for cooking and has a total fuel area

of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

**RECYCLABLE MATERIAL.** Any type of material that would otherwise become solid waste but, instead, is or may be recycled, as defined in the Public Resources Code Section 40180 as “recycle”, and shall include material that is commingled or source separated, including compostable materials.

**REVIEWING OFFICER.** The Fire Code Official’s representative assigned to conduct initial requests for review of an administrative citation.

**RUBBISH (TRASH).** Combustible and noncombustible waste materials, including residue from the burning of coal, wood, coke or other Combustible Material, paper, rags, cartons, cans, metals, mineral matter, glass crockery, dust, garbage, construction debris and discarded household appliances.

**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**TEMPORAY USE.** Unless otherwise specified within this Code, Temporary Use, when allowed, shall not exceed a period of 180 Days in a 12-month period.

**WILDFIRE.** An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming Structures.

**WILDFIRE RISK AREA.** See “Hazardous Fire Area (HFA)”.

## CHAPTER 3

### GENERAL REQUIREMENTS

Section 304.1.2 is amended to read as follows:

**304.1.2 Vegetation.** Weeds, grass, vines or other growth that is capable of being ignited and endangering life and property, shall be cut down and removed by the owner or occupant of the parcel. The Fire Code Official may use the provisions for notice, abatement and collection of costs as provided by Appendix W. Vegetation clearance requirements in Wildland-Urban Interface Fire Areas, Hazardous Fire Areas and any other Parcels declared a Public Nuisance by the Fire Code Official shall be in accordance with Appendix W.

Section 307.1 is amended to read as follows:

**307.1 General.** A Person shall not kindle or maintain or authorize to be kindled or maintained any Open Burning unless conducted and approved in accordance with

Sections 307.1.1 through 307.5. For Open Burning in Hazardous Fire Areas see Appendix V.

Section 307.1.1 is amended to read as follows:

**307.1.1 Prohibited Open Burning.** The Fire Code Official may prohibit Open Burning and the use of portable outdoor fireplaces when atmospheric conditions or local circumstances make such fires hazardous.

Section 307.1.2 is added to read as follows:

**307.1.2 Prohibited burning of rubbish.** The Open Burning of rubbish is prohibited.

**Exceptions:**

1. Materials authorized by Ventura County Air Pollution Control District Rule 56
2. Rubbish from food preparation in a campfire at approved designated campsites

Section 307.1.3 is added to read as follows:

**307.1.3 Prohibited open fires.** Open Burning and other outdoor fires are not allowed on any public street, sidewalk, or against or adjacent to any public bulkhead or other public Structure.

Section 307.1.4 is added to read as follows:

**307.1.4 Responsibility.** The Fire District is not responsible for damages to property or to the general public resulting from Open Burning authorized by this Code. Responsibility rests with the Person responsible for setting and maintaining the fire as specified in the California Health and Safety Code Sections 13007 through 13009.

Section 307.2 is amended to read as follows:

**307.2 Permit required.** A permit shall be obtained from the Fire Code Official in accordance with Section 105.6 for Open Burning prior to kindling a fire for recognized silvicultural or range or wildfire management practices, prevention or control of disease or pests, or a Bonfire. Application for such permits shall only be accepted by and permits issued to the owner or authorized agent of the owner of the land upon which the fire is to be kindled.

Section 307.3 is amended to read as follows:

**307.3 Extinguishment authority.** When Open Burning or the use of a portable outdoor fireplace creates or adds to a hazardous situation, or a required permit for Open Burning has not been obtained, the Fire Code Official is authorized to extinguish or order the extinguishment of the fire.

Section 307.4 is amended to read as follows:

**307.4 Location from Structures.** For other than Recreational Fires, the location for

Open Burning shall be not less than 50 feet (15 240 mm) from any Structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any Structure.

**Exceptions:**

1. Fires in approved containers that are not less than 15 feet ( 4572 mm) from a Structure
2. The minimum required distance from a Structure shall be 25 feet (7620 mm) where the plie size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height

Section 307.4.1 is amended to read as follows:

**307.4.1 Bonfires.** A Bonfire shall not be conducted within 50 feet (15 240 mm) of a Structure or Combustible Material. Conditions that could cause a fire to spread to within 50 feet (15 240 mm) of a Structure or Combustible Material shall be eliminated prior to ignition. Provisions shall be maintained to prevent injury to people.

Section 307.4.2 is amended to read as follows:

**307.4.2 Recreational Fires.** Recreational Fires shall not be located within 25 feet (7620 mm) of a Structure or Combustible Material. Conditions that could cause a fire to spread to within 25 feet (7620 mm) of a Structure or Combustible Material shall be eliminated prior to ignition.

**Exceptions:**

1. For Recreational Fires in approved containers the minimum required distance shall be 15 feet (4572 mm)
2. For Recreational Fires in approved containers at one and two-family dwellings, the separation requirements shall be in accordance with requirements for portable outdoor fireplaces.

Section 307.4.3 is amended to read as follows:

**307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufactures instructions and shall not be operated within 15 feet (3048 mm) of a Structure or Combustible Material. The burning of rubbish shall be prohibited in outdoor fireplaces.

**Exception:** Portable outdoor fireplaces used at one and two-family dwellings

Section 308.1.6.3 is amended to read as follows:

**308.1.6.3 Sky lanterns.** The ignition and launching of sky lanterns is prohibited.

**Exception:** When approved by the Fire Code Official, sky lanterns may be used when necessary for religious or cultural ceremonies and adequate safeguards have been taken. Sky lanterns shall be tethered in a safe manner to prevent them from leaving

the area and must be constantly attended until extinguished.

Section 315.7 is amended to read as follows:

**315.7 Outdoor pallet storage.** Pallets stored outdoors shall comply with Sections 315.7 through 315.7.7. Pallets stored within a building shall be protected in accordance with Chapter 32. Storage of pallets associated with pallet manufacturing and recycling facilities shall be in accordance with Section 2810.

Section 315.7.8 is added to read as follows:

**315.7.8 Fire Apparatus Access Roads.** Fire Apparatus Access Roads shall be provided around all outdoor pallet storage areas in accordance with Fire District Ordinance No. 29.

Section 321 is added to read as follows:

## **SECTION 321 – COMBUSTIBLE MATERIALS SUBJECT TO SPONTANEOUS IGNITION**

**321.1 General.** Combustible Materials, as defined in Section 202, subject to spontaneous ignition, including mulch, manure, recyclable materials, are governed by Sections 320 and 2808, and Appendix W.

**321.2 Prevention of ignition.** Materials shall be stored, handled, treated or monitored as necessary and in such a manner as to prevent ignition.

**321.3 Provisions for extinguishment.** The owner or Person responsible for such materials shall provide the necessary means to extinguish a fire should ignition occur. Piles of such materials shall be arranged in such a manner as not to exceed the capability of resources available to the owner or Person responsible for such materials to extinguish a fire in any single pile before it can spread to another pile or any other combustible fuels. Access for firefighting apparatus shall be provided when required by the Fire Code Official.

**321.4 Location.** When materials are located in, upon or adjoining any Hazardous Fire Area, clearance between such materials and any other from combustible vegetation shall be maintained in accordance with Section 2808 and Appendix W for Buildings.

Section 322 is added to read as follows:

**322 Fire hazard.** No Person operating any occupancy subject to these regulations shall permit any fire hazard to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the Fire Code Official.

Section 323 is added to read as follows:

## **SECTION 323 – SPECIAL HAZARDS, NOT OTHERWISE SPECIFIED**

**323.1 General.** Any process that utilizes materials not normally considered to be hazardous, but that in combination, or when electricity, pressure, heat or any other external source is applied to them, creates a product (or by-product) that may itself cause serious harm or damage to life, health, the environment or property, must be reported to the Fire Code Official and any and all appropriate agencies for review and approval prior to receiving and engaging in any use of the process.

**323.2 Written report.** The manufacture, storage, transfer and disposal of such material(s), which shall be designated as a “Special Hazard”, shall be fully explained in writing to the satisfaction of the Fire Code Official and any agency with authority over the process or use of such materials.

**323.3 Safety.** The Fire Code Official may utilize provisions of this Code and other recognized standards for the classification of any hazard that the process most resembles. Any recommendations and/or requirements to render the operation safe(r) shall be complied with prior to receiving a Certificate of Occupancy and permission to operate the process.

**323.4 Modifications.** Any future additions, expansions or alterations to the process and any information submitted with respect to such modifications, must be reviewed and approved by the Fire Code Official prior to such process, as modified, being initiated.

**323.5 Non-hazardous materials.** Those precursor materials not considered to be hazardous that are used in the process are not subject to this section.

**323.6 Reporting.** Any business that uses such processes shall complete the “Business Plan” form as prescribed by Section 25500 et seq. of the California Health and Safety Code and shall submit a copy to the Fire Code Official before initiating use of any such process.

## **CHAPTER 5**

### **FIRE SERVICE FEATURES**

Section 503.1 is amended to read as follows:

**503.1 Where required.** Fire Apparatus Access Roads shall be provided and maintained in accordance with Fire District Ordinance Number 29 as amended from time to time.

Section 507.3 is amended to read as follows:

**507.3 Fire-flow.** Fire-flow requirements for Buildings or portions of Buildings and facilities shall be determined by Appendix B as amended by this Code.

Section 507.5 is amended to read as follows:

**507.5 Fire hydrant systems.** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.7 and Appendix C or by an approved method.

Section 507.5.7 is added to read as follows:

**507.5.7 Minimum fire hydrant flows.** The minimum fire hydrant flow rates when 2 or more fire hydrants are required shall be as follows:

Only one (1) hydrant flowing: 1,500 gpm

Two (2) or more fire hydrants flowing: 1,000 gpm at all fire hydrants flowing.

Section 507.6 and 507.6.1 are added to read as follows:

**507.6 Emergency power.** Emergency power supply shall be provided for any water system components (pumps, valves, etc) necessary for maintaining the required fire protection water supply and fire flow. Emergency power supplies shall be installed in accordance with Section 1203 of this Code and the California Building and Electrical Codes and shall provide emergency power for a minimum, two (2) hour duration.

**Exception:** Water systems serving up to four (4) single family dwellings are exempt from this section.

**507.6.1 Retroactive installation for existing water systems.** All existing water system components shall comply with Section 507.6.

## CHAPTER 9

### FIRE PROTECTION SYSTEMS

Section 903.1.2 is added to read as follows:

**903.1.2 Concurrent permits.** Additions or modifications where the application for a building permit is submitted prior to the final inspection of any previously issued building permit(s) shall require the installation of an automatic fire sprinkler system throughout the entire Structure when the area of the addition or modification of all open permits combined with the new application exceed the exceptions listed under Section 903.2.

Section 903.1.3 is added to read as follows:

**903.1.3 Fire walls.** For the purposes of application of the automatic fire protection system provisions contained within this Chapter, fire walls shall not be considered as creating separate Buildings.

Section 903.1.4 is added to read as follows:

**903.1.4 Modifications prohibited:** When an automatic fire sprinkler system is installed in accordance with NFPA 13R in Group R Occupancies, allowable increases, reductions in or exceptions to code requirements shall not be permitted.

Section 903.1.5 is added to read as follows:

**903.1.5 Maintenance of area separation walls.** Area separation walls used to create fire areas less than 5,000 square feet of floor area (5,000 Gross Square Feet for Group R-3 Occupancies) in Buildings constructed under the original accepted building permit application dated prior to November 1, 2002 shall be maintained with no openings as approved. If the approved walls are not maintained, the Building shall be retro-fitted with an approved automatic fire sprinkler system. Additions to any Building shall not exceed 25% of the legally existing floor area and shall not cause any fire area to equal or exceed 5,000 square feet, unless an approved automatic fire sprinkler system is provided in the entire Building.

Section 903.1.6 is added to read as follows:

**903.1.6 Previously exempted.** Any Existing Building with less than 701 square feet or floor area (701 Gross Square Feet for Group R-3 Occupancies) previously exempt from fire sprinklers that would have been required to mitigate fire-flow, access requirements, or distance to a fire station at the time the building permit was issued, shall provide fire sprinklers within the entire Building when any addition to the Building brings the total square footage over the previous exempt amount of 700 square feet, regardless of the percent of the addition. Allowances in Section 903.2 item number 2 shall not apply.

Section 903.1.7 is added to read as follows:

**903.1.7 Change of use.** Any change of use of a Group U Occupancy, that reclassifies to a new occupancy classification that would not have been exempt from fire sprinklers due to existing size, use, fire-flow, access requirements, or distance to a fire station under a previous Fire District Ordinance in effect at the time the building permit was issued, shall provide fire sprinklers within the Existing Building. Allowance in Section 903.2 item number 2 shall not apply. This section does not limit the requirements for fire sprinklers for the new occupancy classification under the current California Building and Fire Codes.

Section 903.2 is amended to read as follows:

**903.2 Where required.** Notwithstanding the provisions of 903.1.2 through 903.1.7 and 903.2.1 through 903.2.12 an approved automatic fire sprinkler system shall be installed in Buildings and Structures as follows:

1. An automatic fire sprinkler system shall be installed in all New Buildings.

Exceptions:

- A. Group U Occupancies when approved by the Fire Code Official.
- B. Small agricultural produce stands as defined and constructed in accordance with the current edition of the Ventura County Building Code (VCBC) which comply with all of the following:
  1. Floor area of the Structure does not exceed 400 square feet
  2. Separated from other Buildings a minimum of 30 feet
- C. Picnic and lunch shelter Structures which comply with all of the following:
  1. Use is defined as a Group A-2 or A-3 Occupancy by the Building Department
  2. Shall not exceed 1,500 square feet of floor area for an A-2 Occupancy or 4,500 square feet for an A-3 Occupancy
  3. Separated from other Buildings a minimum of 30 feet
  4. Only picnic tables and chairs are located underneath the shelter
  5. Shall not have any enclosed space underneath the shelter covering
  6. Shall be located at grade level around the entire shelter
  7. Open on all sides from finished grade to a height of 10 feet above finished grade
  8. Structural columns and other architectural features may not obstruct more than 10% of the opening length around the Structure
  9. Shall have no obstructions that will hinder egress within 10 feet of the exterior perimeter of the shelter for a distance of 75% of the opening length around the shelter
  10. A food preparation surface area may be located along one

opening, but shall not obstruct more than 20 feet or 10% of the opening length, whichever is less

11. May be constructed of any materials allowed by the California Building Code (CBC)
12. Any roof covering shall be non-combustible if not an open trellis style shelter

D. S-2 Carport Structures which comply with all of the following:

1. Buildings or Structures shall be freestanding and legally separated from all other Buildings or uses
  2. Building shall be constructed of non-Combustible Materials
  3. Fire apparatus access shall extend to within 25 feet of all portions of the interior of the Carport as measured by an approved route around the exterior of the Building or Structure
2. An approved automatic fire sprinkler system shall be installed in Buildings or Structures with additions as determined by the following:
    - A. Additions to legally existing Group R-3 Occupancies, inclusive of attached Group U Occupancies where the addition is both greater than 1,000 square feet and greater than 50% of the existing legal Gross Square Feet of the Structure
    - B. All occupancies other than Group R-3, where an addition is greater than 25% of the legally existing floor area of the Structure  
  
Exception: Group U Occupancies when approved by the Fire Code Official
    - C. Where additions to Existing Buildings or Structures increase the allowable area beyond that permissible in Section 903.2.1 through 903.2.12 for non-sprinklered Buildings
  3. Change of use shall require fire sprinklers in accordance with Sections 903.2.1 through 903.2.12.

Section 903.2.8.1.1 is added to read as follows:

**903.2.8.1.1 Coverage.** Automatic fire sprinkler systems installed in accordance with NFPA 13D in Group R-3 Occupancies shall provide sprinkler protection of attached Group U Occupancies.

## CHAPTER 12

### ENERGY SYSTEMS

Section 1204.4 is amended to read as follows:

**1204.4 Ground-mounted photovoltaic panel systems.** Ground-mounted photovoltaic panel systems shall comply with Section 1204.1 and this section. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays. Brush clearance around the arrays shall comply with Appendix W, Section W105.1.4.

## CHAPTER 23

### MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

Section 2306.2.3 is amended to read as follows:

**2306.2.3 Above-ground tanks located outdoors, above grade.** Above-ground tanks shall not be used for automotive fuel dispensing stations open to the public for retail sales. Above-ground tanks shall not be used for the storage of Class I, II or III liquid motor fuels except as provided by this section.

1. Above-ground tanks used for outdoor, above-grade storage of Class I liquids shall be listed and labeled as protected above-ground tanks in accordance with UL 2085 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 outdoor, above-grade storage of Class II or IIIA liquids 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.

**Exception:** Other above-ground tanks that comply with Chapter 57 where approved by the Fire Code Official.

3. Tanks containing fuels shall not exceed 12,000 gallons (45 420 L) in individual capacity or 48,000 gallons (181 680 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 outdoor above-grade storage of Class IIIB liquid motor fuel shall be listed and labeled in accordance with UL 142 or 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.

## **CHAPTER 28**

### **LUMBER YARDS AND AGRO-INDUSTRIAL, SOLID BIOMASS AND WOODWORKING FACILITIES**

Section 2802.1 is amended to read as follows:

**2802.1 Definitions.** The following terms are defined in Chapter 2:

**AGRO-INDUSTRIAL.**

**AGRICULTURAL LAND.**

**APPLICATION.**

**BIOMASS.**

**CHIPPING AND GRINDING OPERATION.**

**COLD DECK.**

**COMPOST AND COMPOSTABLE MATERIAL.**

**CONTAMINANTS.**

**DISPOSAL.**

**FINES.**

**HOGGED MATERIALS.**

**MULCH.**

**PLYWOOD AND VENEER MILLS.**

**RAW PRODUCT.**

**RECYCABLE MATERIAL.**

**SOLID BIOFUEL.**

**SOLID BIOMASS FEEDSTOCK.**

**STATIC PILES.**

**TIMBER AND LUMBER PRODUCTION FACILITIES.**

Section 2808 is amended to read as follows:

**SECTION 2808 – STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIAL, FINES, COMPOST, COMPOSTABLE MATERIAL, MULCH, SOLID BIOMASS FEEDSTOCK, RAW PRODUCT AND COMBUSTIBLE YARD WASTE AND RECYCLE MATERIAL**

Section 2808.1 is amended to read as follows:

2808.1 General. The storage and processing of wood chips, hogged materials, fines, compost, compostable material, mulch, solid biomass feedstock, raw product and combustible yard waste produced from yard waste, debris and recycling facilities shall comply with Section 2808, the Ventura County Ordinance Code and State and Federal Regulations. Where any conflict occurs with the requirements of this chapter and other Laws, Regulations, Rules and Codes, the most restrictive application shall apply, unless prohibited by Law.

Section 2808.1.2 is added to read as follows:

**2808.1.2 Compost, compostable material, mulch, combustible yard waste, and recyclable material.** Storage, processing and application of compost, compostable material, mulch, combustible yard waste, and recyclable material shall be as approved and required by the Fire Code Official.

Section 2808.1.3 is added to read as follows:

**2808.1.3 Other materials.** Materials other than compost, compostable material, mulch, combustible yard waste, and recyclable material shall comply with Sections 2808.2 to 2808.10.

Section 2808.3 is amended to read as follows:

**2808.3 Size of piles.** Piles shall not exceed 15 feet (4,572 mm) in height, 50 feet (15,240 mm) in width and 100 feet (30,480 mm) in length.

**Exception:** The Fire Code Official is authorized to allow the pile size to be increased where a Fire Protection Plan in accordance with Section 2808.10 is provided for approval that includes, but is not limited to the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factors that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.
3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire Apparatus Access Roads around the piles and access roads to the top of the piles shall be established, identified and maintained.

5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this Code. The increase of the pile size shall be based upon the capabilities of the installed fire protection systems and features.

Section 2808.6 is amended to read as follows:

**2808.6 Static pile protection.** Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. Records shall be kept on file at the facility and made available for inspection. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the Fire Code Official for review and approval.

Section 2808.10 is amended to read as follows:

**2808.10 Fire Protection Plan.** The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the Fire Code Official for review and approval. The plan shall include the following:

- A. Scaled and dimensioned site plan indicating: property lines, Buildings, access roads, fire hydrants, location of piles, push out area. A 20 or 40 scale shall be used.
- B. Available fire flow (if from purveyor) or location and size of water tanks (no purveyor).
- C. Monitoring procedures for pile temperature and moisture content.
- D. Fire suppression methods.
- E. Other procedure and methods to reduce fire within piles.
- F. Methods to control contaminants and contaminant storage / disposal procedures.
- G. Employee training.
- H. Equipment and resources available on-site for fire prevention / suppression.
- I. Thresholds for calling 911.

Section 2810 is amended to read as follows:

## **SECTION 2810 – OUTDOOR STORAGE, MANUFACTURING AND PROCESSING OF PALLETS AT PALLET MANUFACTURING AND RECYCLING FACILITIES**

Section 2810.1 is amended to read as follows:

**2810.1 General.** The outdoor storage, manufacturing and processing of wood, wood composite, and other nonmetallic pallets at pallet manufacturing or recycling facilities shall comply with Sections 2810.2 through 2810.12.

Section 2810.7 is amended to read as follows:

**2810.7 Clearance to important buildings.** Stacks of pallets shall be stored in accordance with Table 315.7.6(1) and Table 315.7.6(2) or shall comply with Section 2810.11.

Section 2810.7.1 is added to read as follows:

**2810.7.1 Distance to other combustibles.** Stacks of pallets shall be stored in accordance with Section 315.7.6.2.

Section 2810.8.1 is added to read as follows:

**2810.8.1 Pallet pile stability and size.** Pallet stacks shall be arranged to form stable piles. Individual pallet piles shall not exceed 8,000 cubic feet (71 m<sup>3</sup>) in volume.

Section 2810.9 is amended to read as follows:

**2810.9 Fire Protection.** An approved fire hydrant system shall be provided in accordance with Sections 2810.9.1 through 2810.9.2.

**2810.9.1 Fire-flow.** A minimum Fire-flow of 1,500 gallons per minute (gpm) for a duration of 2-hours shall be provided.

**2810.9.2 Fire hydrants.** Fire hydrants shall be located within 300 feet (91440 mm) of all portions of the pile.

Section 2810.12 is added to read as follows:

**2810.12 Fire Apparatus Access Roads.** Fire Apparatus Access Roads shall be provided in accordance with Fire District Ordinance Number 29.

Section 2810.13 is added to read as follows:

**2810.13 Heat treatment chambers.** Heat treatment chambers used to treat finished

products for pest eradication shall be installed per the manufacturer's specifications and shall comply with Sections 2810.13.1 through 2810.13.3.

**2810.13.1 Distance to other combustibles.** Heat treatment chambers shall be separated from other Combustible Materials a minimum of 30 feet (9144 mm).

**2810.13.2 Fuel supply.** Fuel supply systems shall comply with Section 603.

**2810.13.3 Above-ground fuel tanks.** Above-ground fuel tanks shall comply with Chapters 57 and 61.

## CHAPTER 50

### HAZARDOUS MATERIALS – GENERAL PROVISIONS

Section 5003.13 is added to read as follows:

**5003.13 Enclosures.** Two means of access shall be provided when an enclosure is provided on three or more sides of a hazardous material container, tank or storage area. The two points of access shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the enclosure. Each access shall be a minimum of three feet in width. When provided, the method of locking or securing the enclosure shall be approved by the Fire Code Official.

## CHAPTER 56

### EXPLOSIVES AND FIREWORKS

Section 5601.1.3 is amended to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks, including those labeled as "Safe and Sane" as defined by California Code of Regulations Title 19, are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 *and Health and Safety Code Division 11.*
3. The use of fireworks for fireworks displays *pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical*

*or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.*

4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks *and Health and Safety Code Division 11.*

Section 5601.7 is amended to read as follows:

**5601.7 Seizure.** The Fire Code Official or any law enforcement officer is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter or Title 19.

## **APPENDIX B**

### **VCFPD FIRE-FLOW REQUIREMENTS**

Section B101 is amended to read as follows:

#### **SECTION B101– GENERAL**

**B101.1 Scope.** The procedure for determining Fire-flow requirements for Buildings or portions of Buildings hereafter constructed shall be in accordance with this appendix and the requirements of the adopted Water Works Manual for the County or City in which the Building is located, whichever is more restrictive. This appendix does not apply to Structures other than Buildings, except that Parcels, Buildings and uses located in the SRA shall also comply with California Code of Regulations (CCR) Title 14, Division 1.5, Chapter 7, Subchapter 2: SRA Regulations. Fire flow for uses other than Buildings shall be as determined by the Fire Code Official.

Section B102.1 is amended to read as follows:

**B102.1 Definitions.** For the purpose of this appendix, the following terms are defined in Chapter 2:

**FIRE-FLOW.**

**FIRE-FLOW CALCULATION AREA.**

**GREENHOUSE.**

**ISOLATED COMMERCIAL.**

**ISOLATED RESIDENTIAL.**

Section B103.3 is amended to read as follows:

**B103.3 Areas without water supply systems.** For information regarding water supplies for fire-fighting purposes in rural ~~and suburban~~ areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142.

Section B103.4 is added to read as follows:

**B103.4 Inadequate water purveyors.** New Buildings and uses requiring a water demand, domestic and or fire flow, shall not be permitted if the New Building or use will impact or decrease the fire flow water available for the Existing Buildings and uses within the water purveyor's service area or service zone.

Section B105.1 is amended to read as follows:

**B105.1 One- and two-family dwellings, Group R-3 and R-4 Buildings, and Group U private garages.** The minimum Fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 Buildings, and Group U private garages accessory to a one- or two-family dwelling, shall be 1,000 gallons per minute for two-hours. When approved by the fire code official the following exceptions may be applied.

**Exceptions:**

1. A reduction in required Fire-flow of 50 percent, as approved, is allowed when the building is equipped with an approved automatic fire sprinkler system.
2. Isolated residential parcels and existing residential parcels in existence prior to October 7, 1980; Fire-flow for buildings may be reduced to 500 gallons per minute.
3. Buildings on rural residential parcels where there is no water purveyor or the water purveyor's current system cannot meet the Fire-flow or duration requirements without excessive system modifications, an on-site water storage tank may provide the fire protection water supply when the building has an approved automatic fire sprinkler system. Use of this exception shall be approved by the water purveyor for projects located within their service area. The location, capacity, connections and other appurtenances of the tank also shall be approved by the fire code official. Buildings utilizing this exception and are also using an automatic fire sprinkler system to mitigate required access, building construction, or fuel modification reduction shall provide fire sprinklers throughout the structure, inclusive of attics, and shall also provide a water storage tank that is double the capacity normally required, but not less than 10,000 gallons. Note: this exception is not intended for use in urbanized developed areas with water purveyors.

4. Buildings located in a water purveyor's service area and requiring a fire hydrant at a location more than 1,000 feet from the purveyor's service main capable of providing the required Fire-flow may utilize exception #3.

Section B105.2 is amended to read as follows:

**B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 Buildings, and Group U private garages.** The minimum Fire-flow and flow duration for Buildings other than one and two-family dwellings, Group R-3 and R-4 Buildings, and Group U private garages accessory to a one- or two-family dwelling, shall be as specified in Tables B105.2 and B105.1(2). When approved by the Fire Code Official, the following exceptions may be applied.

**Exceptions:**

1. Buildings classified as Group U with a total gross floor area of 1,500 square feet or less are not required to provide Fire-flow.
2. Buildings classified as Group U, agricultural Buildings used as Greenhouses, horticultural Structures, nurseries and similar uses with a total gross floor area of 3,000 square feet or less are not required to provide Fire-flow.
3. For Buildings classified as Group U, not exempt from Fire-flow requirements by exceptions 1 or 2, shall provide a minimum Fire-flow of 500 gallons per minute for a minimum two (2) hour duration. Where there is no water purveyor or the water purveyor certifies the system cannot provide the required Fire-flow or duration, an on-site water storage tank shall be provided. The location, capacity, connections and other appurtenances of tanks shall be approved by the Fire Code Official. Note: This exception is not intended for use in urbanized developed areas with water purveyors.
4. Isolated Commercial Parcels may have Fire-flow determined as required for a Group R-3 Parcel under Section B105.1 when all of the following apply:
  - A. The Isolated Commercial Parcel is separated a minimum of ½ mile from any other Isolated Commercial or other non-Group R-3 zoned Parcels.
  - B. No Building exceeds 10,000 square feet of gross floor area.
5. Small Agricultural Produce Stands (as defined in the current edition of the Ventura County Building Code (VCBC)) which comply with all of the following:
  - A. Shall not exceed 400 square feet of gross floor area.

- B. Shall be constructed in accordance with the VCBC.
- C. Shall be separated from other Buildings a minimum of 30 feet.

## **APPENDIX C**

### **FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

Section C103.1 is amended to read as follows:

**C103.1 Hydrant spacing.** Fire Apparatus Access Roads and public streets providing required access to Buildings in accordance with Fire District Ordinance Number 29 shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3. When required by the Fire Code Official, additional fire hydrants above those required by Section C102.1 shall be provided along a complex, development or subdivision perimeter streets to provide a water supply for wildland fires.

## **APPENDIX U**

### **ADMINISTRATIVE CITATIONS**

Appendix U is added to read as follows:

#### **SECTION U101 – GENERAL PROVISIONS**

**U101.1 Purpose.** This chapter is adopted for the purpose of making any violation of this Code subject to an administrative fine and to set forth the procedures for the imposition and collection of such fines.

**U101.2 Applicability.** This chapter provides for administrative citations that are in addition to all other legal remedies, criminal or civil, which may be pursued by the Fire Code Official to address any violation of this Code. The use of this chapter shall be at the sole discretion of the Fire Code Official enforcing this Code.

#### **SECTION U102 – DEFINITIONS**

**U102.1 Definitions.** For the purpose of this appendix, the following terms are defined in Chapter 2:

**CITEE.  
DAY.**

**FIRE CODE OFFICIAL.  
HEARING OFFICER.  
REVIEWING OFFICER.**

## **SECTION U103 – NOTICES**

**U103.1 Service.** Unless otherwise provided, all notices and citations required by this chapter shall be served on Citee via personal service or first class mail, postage prepaid, to Citee's last known address. Service shall be deemed effective when personally served or when deposited into the United States mail. The individual serving Citee with any notice shall complete a declaration of service. Failure to receive any notice shall not affect the validity of the proceedings conducted under this chapter.

## **SECTION U104 – ADMINISTRATIVE CITATIONS**

**U104.1 Administrative citations.** Issuing an administrative citation pursuant to this chapter is in lieu of any criminal citation that could have been issued for the same violation. The issuance of the administrative citation does not, however, prevent issuance of a criminal citation for subsequent violations of the same nature.

**U104.2 Contents.** Each administrative citation shall contain the following information:

1. The date of the violation.
2. The address or a definite description of the geographic location where the violation occurred or is occurring.
3. The section of this Code that was violated.
4. A description of the conditions causing the code violation.
5. The amount of the administrative fine for the code violation.
6. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.
7. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.
8. Notification that payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.
9. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the manner in which a request for review of the citation may be requested; and

10. The name of the citing Fire Code Official.

**U104.3 Service; storage.** The Fire Code Official shall serve the original citation on the Citee in the manner set forth in this chapter. The Fire Code Official will be the custodian for the citation and, except as specified by this chapter, all documents related thereto.

**U104.4 Records duration.** All citations and related documents shall be retained for a period of three (3) years after final disposition of the citation case.

## **SECTION U105 – ADMINISTRATIVE FINES**

**U105.1 Amount of fine.** The amounts of the administrative fines imposed under this chapter for violations of this Code shall be established by Board of Directors and are subject to change by resolution of the Board of Directors. That resolution shall also set forth any increased fines for repeat violations of the same code provision(s) by the same Person within twelve (12) months from the date of a previous administrative citation.

**U105.1.1 Administrative fine established.** The following administrative fines are established and shall be applicable to each violation of any provision of this Code unless the Board of Directors provides otherwise by subsequent resolution or ordinance amendment:

1. A fine not exceeding one hundred dollars (\$100) for the first violation.
2. A fine not exceeding two hundred dollars (\$200) for the second violation of the same provision within one (1) year of the first violation.
3. A fine not exceeding five hundred dollars (\$500) for the third violation of the same provision within one (1) year of the first violation.

**U105.1.1.1 Factors to be considered in determining the amount of any fines.** The amount of any administrative fine imposed for separate violations of this Code may be up to, but not exceed, \$1,000 per Day. In determining the amount of the fine, the fire code enforcement officer shall consider the known relevant circumstances in light of various factors which include, but are not limited to, the following:

1. The actual or potential extent of the harm caused;
2. The likelihood to cause harm;
3. The seriousness or gravity of the violation (i.e. the level of threat to property, health, or safety of people and animals or the environment);

4. Whether the violation is subject to correction by obtaining a permit or cannot be corrected by permit;
5. The culpability of the violator in causing the violation;
6. The length of time over which the violation occurs;
7. The history of past violations, either of a similar or different nature, on the same or different property under the same ownership;
8. The cooperation of the violator in resolving the existing and past violations;
9. The financial burden to the violator;
10. The factors and policies set forth in any guidelines hereafter adopted by the Board of Directors; and
11. All other relevant circumstances.

**U105.2 Payment Of administration fines** An administrative fine shall be paid to the Fire District within thirty (30) Days from the date of the administrative citation or, if a request for an initial administrative review is submitted, within fifteen (15) Days of the date of issuance of the Reviewing Officer's report of the conclusions of the initial administrative review, whichever is later (the "due date").

**U105.3 Delinquent administrative fines penalties & interest.** The following shall apply to any delinquent administrative fine due:

**U105.3.1 Penalties** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month after the due date. The total amount of any penalty shall not exceed fifty percent (50%) of the fine.

**U105.3.2 Interest** In addition to any penalties provided by this Section, delinquent fines will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from and after the due date until paid in full.

**U105.3.3 Legal means.** The Fire District may use all legal means to collect any past due fines or penalties should a Citee fail to pay the fine or penalties by the applicable due date.

**U105.4 Issuance of permits.** Should a Fire Code Official issue a citation because the Citee lacks a required permit and the fine subsequently become delinquent, the required permit shall not be issued until the delinquent fine, and any applicable penalties and interest, is paid in full. Any permit issued may be revoked for the Citee's failure to timely pay any delinquent fine or penalties.

## **SECTION U106 – ADMINISTRATIVE REVIEW AND HEARINGS**

**U106.1 Initial Administrative review request.** A Citee may request an initial administrative review of the citation within twenty (20) Days of its issuance. This request must be made in writing to the Ventura County Fire Protection District, attention: Reviewing Officer. A Citee's request must set forth, with particularity, the reasons the Citee believes a violation did not occur or that the Citee should not be found responsible for the violation(s), and must also include a copy of the citation, and the address to which the Reviewing Officer's report of the conclusions of the initial administrative review should be mailed. A request for an initial administrative review is a mandatory prerequisite to any subsequent request for an administrative hearing.

**U106.2 Initial administrative review decision.** Upon receiving a Citee's request for review, the Reviewing Officer shall review the request, citation, and other pertinent information, and provide the Citee with written report that includes either of the following with respect to each alleged violation:

1. The citation is vacated because there was no violation, or the Citee was not responsible for the violation; or
2. The citation is not vacated because no justification for setting aside the violation was found.

The report shall briefly set forth the reasons for the Reviewing Officer's conclusion(s).

**U106.2.1 Notification.** The Reviewing Officer shall mail a copy of the report to the Citee at the address included in the request for initial administrative review along with, if applicable, notice of the fine due date and the procedure for requesting an administrative hearing.

**U106.2.2 Time period.** Absent unusual circumstances, a Reviewing Officer should complete his or her review within ten (10) business days of receiving a Citee's request. A notice of the administrative review decision shall be mailed within 3 business days of the Reviewing Officer's conclusion of his or her review.

## **SECTION U107 – ADMINISTRATIVE HEARING PROCEDURES**

**U107.1 Request for administrative hearing.** Any Citee dissatisfied with the conclusions of an initial administrative review may further contest the citation by requesting an administrative hearing. Any request for an administrative hearing must be submitted in writing within fifteen (15) Days of the date of the Reviewing Officer's report, which shall otherwise be final. Requests for administrative hearings must be submitted to the Fire District's Prevention Bureau and must be accompanied by an advance deposit in the total amount of the fine or a request for a hardship waiver.

**U107.2 Advance deposit – hardship waiver.** Citees who claim they are financially unable to make an advance deposit in the amount of the administrative fine may file

for a hardship waiver. The request for a hardship waiver must be filed with the Fire District's administrative office on a form containing the information requested by the Fire District, including the address to which the Fire District's determination should be mailed. The Fire District will review the request and determine whether a waiver is justified. A waiver may only be approved if the request for waiver is accompanied by a sworn affidavit, together with any supporting documents or materials, demonstrating that the Citee's actual financial inability to deposit the full amount of the fine pending further review.

**U107.2.1 Notification.** The Fire District will inform the Citee in writing regarding whether the Fire District has approved or denied the waiver. This determination shall be served upon the Citee by mail at the address provided in the waiver application. The Fire District's determination is final.

**U107.2.2 Deposit due.** Should the Fire District determine that waiver is unjustified, the Citee must deposit the amount of the fine with the Fire District at the location set forth in the citation not later than ten (10) Days after the date of the Fire District's notice of rejection of the waiver. Citee's failure to make such a deposit within ten (10) Days after denial of any waiver shall be deemed a waiver of the Citee's right to an administrative hearing and the administrative fine shall be deemed final and delinquent.

**U107.3 Hearing date.** After receiving a timely filed hearing request and deposit, or waiver, of the fine amount, the Fire Marshal will set an administrative hearing on a date not less than fifteen (15), or more than sixty (60) Days, from the date the hearing is requested or the waiver is granted or denied. Written notice of the date, time and location of the administrative hearing will be provided to the Citee at least fifteen (15) Days prior to the hearing date.

**U107.4 Conduct of hearings.** The following procedures shall apply to the administrative hearing:

**U107.4.1 Evidentiary rules.** The administrative citation shall constitute *prima facie* evidence of the respective facts contained in the citation. Both the Citee and the Fire Code Official shall have the opportunity to testify and present additional evidence concerning the administrative citation. Evidence may include, without limitation, witness testimony, documents, or other similar evidence. Evidence sought to be introduced shall not be limited by any legal rules of evidence except that it must be relevant and material to the issue of whether the violation alleged in the citation occurred and whether the Citee was responsible for the alleged violation.

**U107.4.2 Waiver of personal appearance at hearing.** In lieu of personally appearing at an administrative hearing, the Citee may request that the Hearing Officer decide the matter based on the citation's face and any documentary evidence submitted by the Citee or the Fire Code Official prior to the hearing date.

**U107.4.3 Failure to appear at hearing.** Failure of a Citee to appear at the hearing shall be deemed a waiver of the right to be personally present at the hearing. The Hearing Officer shall then decide the matter based upon the citation itself, any documentation evidence previously submitted, and any additional evidence that may be presented at the hearing by the fire code enforcement officer who issued the citation.

**U107.4.4 Attendance of the Fire Code Official.** The fire code enforcement officer who issued the administrative citation may, but is not required, to attend the administrative hearing. Whether or not the fire code enforcement officer attends the hearing, the fire code enforcement officer may, prior to the hearing date, submit reports, photographs, or other documentation regarding the alleged violation to the Hearing Officer for consideration at the administrative hearing.

**U107.4.5 Continuation of hearings.** The Hearing Officer may continue any hearing and request additional information from the fire code enforcement officer or the Citee prior to issuing a written decision.

**U107.5 Hearing Officer's decision.** The Hearing Officer must issue a written decision to uphold or set aside the administrative citation and must present the reasons for the decision in the decision.

**U107.5.1 Notification.** The Fire Marshal will serve a copy of the Hearing Officer's decision to the Citee by first class mail with notice of the Citee's right to challenge the decision in a limited civil action in Ventura County's Superior Court.

**U107.5.2 Decision.** The Hearing Officer's decision is the Fire District's final action on the matter. The decision is final as of the date of the decision.

**U107.6 Disposition of administrative fines.** The following actions regarding deposited fines shall occur after the hearing:

**U107.6.1 Citation upheld.** Should the Hearing Officer uphold the administrative citation, then the Fire District will retain the deposited fine amount and may expend such revenues as authorized by the Board of Directors.

**U107.6.2 Citation vacated.** Should the Hearing Officer vacate the administrative citation, the Fire District will promptly refund the amount of the deposited fine amount, if any, to the Citee.

**U107.6.3 Hardship payment due.** Should the Hearing Officer uphold the administrative citation in cases where a hardship waiver was granted, the due date for paying the administrative fine shall be thirty (30) Days from the date of the notice of the Hearing Officer's decision. After such time, the fine shall be delinquent.

**U107.7 Right to judicial review.** A Citee may appeal the Hearing Officer's decision by filing an appeal with the Superior Court in accordance with the terms of California Government Code section 53069.4 within twenty (20) Days from service of the Hearing Officer's decision.

**U107.7.1 Suspension of fine.** Should the Citee file a timely appeal with the Superior Court, any outstanding obligation to pay the fine (or any penalties) will be suspended and the payment of the fine and penalties, if any, will be in accordance with the Superior Court's final decision.

## **SECTION U108 – COLLECTION AND LIEN PROCEDURES**

**U108.1 Recovery of administrative citation fines and costs.** In addition to any other legal remedy for collection of delinquent fines and penalties, the Fire Code Official may record a lien on property owned by the Citee in an amount equal to the sum of any fines delinquent for more than ninety (90) Days, plus penalties and interest. Imposition of a lien pursuant to this Section must be based on a citation related to the condition or use of real property, or its improvements, owned by the Citee.

**U108.2 Satisfaction of lien.** Once the Fire District receives full payment for outstanding principal, penalties, and costs, the Fire District shall either record a notice of satisfaction or provide the Citee with a notice of satisfaction for recordation at the Ventura County Recorder's Office. This notice of satisfaction shall cancel the lien.

## **APPENDIX V**

### **FIRE SAFETY PROVISIONS FOR HAZARDOUS FIRE AREAS**

Appendix V is added to read as follows:

#### **V101 – GENERAL**

**V101.1 Scope.** The provisions of this appendix establish general requirements applicable to new and existing properties located within Hazardous Fire Areas (HFA).

**V101.2 Objective.** The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a HFA and improve the capability of controlling such fires.

#### **V102 – VEGETATION MANAGEMENT**

**V102.1 General.** Vegetation management shall comply with Appendix W.

## **V103 – ACCESS RESTRICTIONS**

**V103.1 Restricted entry to public lands.** The Fire Code Official is authorized to determine and publicly announce when a HFA shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of a HFA, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the HFA is closed to entry, is prohibited.

### **Exceptions:**

1. Residents and owners of private property within a HFA and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

### **V103.2 Trespassing on posted private property.**

**V103.2.1 General.** When the Fire Code Official determines that a specific area within a HFA presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to Structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section V103.2.2.

**V103.2.2 Signs.** Approved signs prohibiting entry by un-authorized Persons and referring to this Code shall be placed on every closed area.

**V103.2.3 Trespassing.** Entering and remaining within areas closed and posted is prohibited.

**Exception:** Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized Persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

**V103.3 Use of fire roads and Defensible Space.** Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or Defensible Space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or Defensible Space. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or Defensible Spaces, unless located 16 feet (4,877 mm) or more above such fire road or Defensible Space.

**Exception:** This section does not apply to public officers acting within their scope of duty.

#### **V103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles.**

Motorcycles, motor scooters, ultra-light aircraft and motor vehicles shall not be operated within a HFA WUI or FHSZ areas, without a permit by the Fire Code Official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

#### **V103.5 Use of equipment.**

**V103.5.1 General.** Except as otherwise provided in this section, no Person shall use, operate or cause to be operated, in upon or adjoining any HFA, any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with an approved spark arrestor maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

**V103.5.2 Location.** Spark arresters affixed to the exhaust system of engines or vehicles subject to this Section V103.5 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

**V103.5.3 Construction.** A spark arrester is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58mm) in size from the exhaust flow of an internal combustion engine the uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service (USFS) and bears said USFS approval stamp.

**V103.5.4. Other vehicles.** Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to Section V103.5 if the exhaust system is equipped with a muffler as defined in the California Vehicle Code and the muffler is maintained in proper working condition.

**V103.5.5 Turbocharged engines.** Turbocharged engines are not subject to Section V103.5 if all exhaust gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere and the turbocharger is in effective mechanical condition.

**V103.5.6 Private closed courses.** Section V103.5 shall not apply to an organized closed course facility if measures to prevent, control and extinguish any fire resulting from use of internal combustion engines are approved by the Fire Code Official. A Fire Protection Plan may be required. Also see Appendix W.

**V103.6 Tampering with locks, barricades, signs and address markers.** Locks, barricades, seals, cables, signs and address markers installed within a HFA, by or under the control of the Fire Code Official, shall not be tampered with, mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or under the control of the Fire Code Official shall not be unlocked.

## **V104 – IGNITION SOURCE CONTROL**

**V104.1 General.** Ignition sources shall be in accordance with Section V104 and Appendix W.

**V104.2 Objective.** Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

**V104.3 Smoking.** When required by the Fire Code Official, signs shall be posted stating NO SMOKING. No Person shall smoke within 15 feet (4,572 mm) of Combustible Materials or non fire-resistive vegetation.

**Exception:** Places of habitation or in the boundaries of established smoking areas or campsites as designated by the Fire Code Official.

**V104.4 Equipment and devices generating heat, sparks or open flames.** Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in Wildland-Urban Interface Areas without a permit from the Fire Code Official.

**Exception:** Use of approved equipment within places of habitation or designated campsites that are a minimum of 30 feet (9,144 mm) from grass-, grain-, brush- or forest-covered areas.

### **V104.5 Outdoor fires.**

**V104.5.1 Permits.** No Person shall ignite, kindle or maintain Open Burning or a portable outdoor fireplace in a wildland fire area except by the authority of a written permit from the Fire Code Official or when by an approved California Campfire Permit issued by the California Wildland Fire Coordinating Group. For the purpose of this section a wildland fire area is land which is covered by grass, grain, brush or forest whether privately or publicly owned.

#### **Exceptions:**

1. Recreational Fires and portable outdoor fireplaces on properties of one and two-family dwellings when the fire is within 75 feet of the dwelling and there is a minimum of 100 feet of Defensible Space for the Structure.
2. Designated campsites where such fires are in a permanent barbeque,

portable barbeque, outdoor fireplace, incinerator or grill.

**V104.5.2 Additional requirements.** In addition to the requirements of this Code for Open Burning and portable outdoor fireplaces, the following requirements shall apply:

1. Fire shall be extinguished when winds of 15 miles per hour or higher are present
2. The Fire Code Official may incorporate such terms and conditions that will reasonably safeguard public safety and property.
3. A responsible Person of at least 17 years old is present to attend to the fire

**V104.6 Incinerators, outdoor fireplaces, permanent barbecues and grills.**

Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in a HFA without approval of the Fire Code Official.

Incinerators, outdoor fireplaces, permanent barbecue and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

**Exception:** When approved by the Fire Code Official, unprotected openings in barbecues and grills necessary for proper functioning.

**V104.7 Reckless behavior.** The Fire Code Official is authorized to stop any actions of a Person or Persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

**V104.8 Tracer bullets, tracer charges, rockets and model aircraft.** Tracer bullets and tracer charges shall not be processed, fired or caused to be fired into or across any HFA. Rockets, model aircraft, balloons, or similar devices, powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across any HFA.

**V104.9 Outdoor gun ranges and target shooting.** Outdoor gun ranges and target shooting shall be situated to prevent fires spreading into a HFA. Any gun range located within a HFA shall be provided with a 30-foot (9 144 mm) wide area clear of combustible vegetation around the entire range and a 10-foot (3 048 mm) wide area clear of combustible vegetation around individual targets.

## **SECTION – V105 CONTROL OF STORAGE**

**V105.1 General.** In addition to the requirements of other sections of this Code, storage and use of the materials shall be in accordance with Section V105.

**V105.2 Hazardous materials.** Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m<sup>3</sup>) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

**V105.3 Explosives.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within a HFA, except by permit from the Fire Code Official.

#### **V105.4 Combustible Materials.**

**V105.4.1 General.** Outside storage of Combustible Materials such as, but not limited to, wood, rubber tires, building materials or paper products when located within a HFA shall comply with the other applicable sections of this Code and this section.

**V105.4.2 Individual piles.** Individual piles shall not exceed 5,000 square feet (465 m<sup>2</sup>) of contiguous area. Piles shall not exceed 50,000 cubic feet (1 416 m<sup>3</sup>) in volume or 10 feet (3 048 mm) in height.

**V105.4.3 Separation.** A clear space of at least 40 feet (12 192 mm) shall be provided between piles and any Building. A minimum 10-foot (3 048 mm) clear space shall be provided for piles less than 1,000 cubic feet. The clear space shall not contain Combustible Material or non fire-resistive vegetation. See Section W105.1.6 for firewood piles under 1,000 cubic feet when located in a Hazardous Fire Area.

### **SECTION V106 – DUMPING**

**V106.1 Waste material.** Waste material shall not be placed, deposited or dumped within a HFA, or in, on or along trails, roadways or highways or against Structures in Wildland-Urban Interface Areas.

**Exception:** Approved public and approved private dumping areas.

**V106.2 Ashes and coals.** Ashes and coals shall not be placed, deposited or dumped in or on a HFA.

#### **Exceptions:**

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a non-combustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet (3 048 mm) from non fire-resistive vegetation or Structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of

mineral earth not less than 25 feet (7 620 mm) from non fire-resistive vegetation or Structures.

## **SECTION V107 – LAND USE LIMITATIONS**

**V107.1 General.** Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions and similar uses located within a HFA must comply with all other provisions of this Code and this section.

**V107.2 Objective.** The increased public use of land or Structures within a HFA also increases the potential threat to life safety. The provisions of this section, including enhanced access for ingress and egress, are intended to reduce that threat.

**V107.3 Permits.** Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions or similar uses shall not be allowed within a designated HFA, except by permit from the Fire Code Official. Permits shall incorporate such terms and conditions that will reasonably safeguard public and emergency responder safety and property protection. Items to consider included, but are not limited to: type of event, attendance, time of year, site location, terrain, surrounding fuels (brush), access roadways, water supplies and distance to fire stations.

**V107.4 Access roadways.** In addition to the requirements in Fire District Ordinance Number 29, increased access roadway widths and additional access may be required by the Fire Code Official. When required by the Fire Code Official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

## **V108 BUILDING SETBACKS**

**V108.1 Restricted development setbacks.** New Structures and additions to existing Structures shall not be constructed less than 100 feet (30 480 mm) from any protected habitat, whether on the same or adjacent Parcels, where the 100 foot (30 480 mm) Defensible Space required under Appendix W cannot be provided, unless an alternate method of construction and protection is provided that can ensure the safety of the Structure and emergency responders as approved by the Fire Code Official. Protected habitat includes lands restricted from brush clearance or modification due to Federal or State listed endangered species.

**V108.2 Setback for Structure Defensible Space in the State Responsibility Areas (SRA).** New Structures in the SRA shall be setback in accordance with California Code of Regulations, Title 14, Division 1, §1276.01 as amended from time to time.

## APPENDIX W

### FIRE HAZARD REDUCTION AND VEGETATION MANAGEMENT

Appendix W is added to read as follows:

#### SECTION W101 – GENERAL

**W101.1 Scope.** This appendix provides provisions intended to identify hazard areas and mitigate the risk to life and Structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent Structures and to mitigate fires from spreading to wildland fuels that may threaten to destroy life, overwhelm fire suppression capabilities, or result in large property loss. Requirements are based upon the California Health & Safety Code (H&S), California Public Resource Code (PRC), California Code of Regulations (CCR), California Government Code (GC) and Fire District requirements.

**W101.2 Purpose.** The purpose of this appendix is to establish minimum requirements in Wildland-Urban Interface Areas that will increase the ability of a Building to resist the intrusion of flame or burning embers being projected by a vegetation fire including: the identification of Hazardous Fire Areas that require applicable Defensible Space provisions included in this Code and enforced by the Fire Code Official and applicable state and local fire-resistive building standards that are required and enforced by the local building official.

#### SECTION W102 – DEFINITIONS

**W102.1 Definitions.** For the purpose of this appendix, the following terms are defined in Chapter 2:

**DEFENSIBLE SPACE.**

**FUEL BREAK.**

**FUEL MODIFICATION.**

**FUEL MOSAIC.**

**GREENBELTS.**

**ORNAMENTAL LANDSCAPE.**

**PARCEL.**

**PUBLIC NUISANCE.**

**W103 Unlawful disposal.** Every Person who places, deposits or dumps Combustible Material on a Parcel whether or not the Person owns such Parcel, or whether or not the Person so places, deposits or dumps on such Parcel with the consent of the owner thereof, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

**W104 Clearance of brush, vegetative growth and Combustible Material from Parcels.** All Parcels declared a Public Nuisance shall be cleared entirely of Combustible Material. If the Fire Code Official determines this impractical, the provisions of Section W105 may be used.

## **SECTION W105 – CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES**

**W105.1 Structures.** Any Person owning, leasing, controlling, operating or maintaining any Building in, upon, or adjoining any Hazardous Fire Area, and any Person owning, leasing or controlling any land adjacent to such Buildings, shall at all times maintain around and adjacent to such Building an effective firebreak made by removing and clearing away, all Combustible Material on their property for a distance not less than 100 feet from all portions of the Building. Distances may be increased by the Fire Code Official because of a site-specific analysis based on local conditions and when required, based on a Fire Protection Plan.

This section shall not apply to single specimens or stands of protected species of trees, Ornamental Landscape or similar plants used in landscaping and ground covers, provided that they do not form a means of rapidly transmitting a fire from the native growth to any Building and are in accordance with the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**W105.1.1 Timing for New Buildings.** The provisions of W105.1 shall be completed prior to vertical construction of any new building.

**W105.1.2 Detached accessory Buildings.** Detached accessory Buildings are not subject to the clearance requirements of W105.1 when all of the following apply:

1. The Building Area does not exceed 120 square feet when a building permit is not required by the local Building Department or 250 square feet when open on all sides.
2. The Building is set back a minimum of 30 feet from any other Building subject to the clearance requirements of W105.1.
3. The Building does not contain any hazardous items or material/process requiring a fire code permit.

**W105.1.3 Photovoltaic systems.** The clearance requirements around free standing photovoltaic systems and equipment shall comply with the following:

1. A minimum 10-foot clearance for clusters of panels not exceeding 1,500 sqft of combined panel area.

2. A minimum 30-foot clearance for clusters of panels greater than 1,500 sqft of combined panel area.
3. Clusters shall be separated a minimum of 20 feet.
4. Panels and clusters shall not be located within 30 feet of any Building subject to clearance requirements of W105.1 unless the clearance requirements of W105.1 are provided as measured from the perimeter of the panel or cluster.

**W105.1.4 Prefabricated sea cargo/metal storage containers used for storage.**

The clearance requirements of W105.1 may be reduced to a minimum of 30 feet when all of the following apply:

1. The container does not exceed 320 square feet.
2. There are no alterations/modifications to the container, including, but not limited to doors, windows, ventilation openings, etc.
3. There are no utilities connected to or serving the container.
4. The container is set back a minimum of 30 feet from any Building or 6 feet from other containers.
5. The container does not contain any hazardous items or any material/process requiring a fire code permit.

**W105.1.5 Mulch and wood chips within the required Defensible Space.** Mulch and wood chips are prohibited within 5 feet of a Building subject to Section W105.1. Use of mulch and wood chips within any required Defensible Space beyond 5 feet from a Building shall be in accordance with the requirements of Application of Mulch and Chips in Defensible Space Standards as issued and approved by the Fire Code Official.

**W105.1.6 Firewood piles.** Exposed firewood piles not exceeding 1,000 cubic feet within a Hazardous Fire Area shall be located a minimum of 30 feet from any Building and/or combustible vegetation. See Section V105.4 for firewood piles exceeding 1,000 cubic feet.

**Exception:** Firewood piles completely covered in a fire-resistant material and located a minimum of 5 feet from any Building.

**W105.1.7 Clearance from chimney, stovepipe.** In Hazardous Fire Areas, any portion of a tree or shrub that extends within 10 feet horizontally or vertically of a chimney or stovepipe shall be removed.

**W105.1.8 Roofs.** In Hazardous Fire Areas, a minimum 3-foot clearance above

any roof shall be provided and maintain all roofs and gutters free of leaves, needles or other combustible vegetation.

**W105.2 Fire protection equipment and utilities.** The clearance requirements of Section W105.1 shall apply to communication site towers and their support Buildings; required fire protection water supplies including water tanks, water supply pumps and pump houses; and any other utility Structure as required by the Fire Code Official. The Fire Code Official may consider a reduced distance, not less than 30 feet, for communication site towers, water tanks and Structures with no interior space, based upon a site risk assessment.

**W105.3 Clearance of brush or vegetative growth from roadways.** The Fire Code Official is authorized to require areas within 10 feet (3 048 mm) on each side of portions of Fire Apparatus Access Roads and driveways to be cleared of non fire-resistive vegetation growth.

**Exception:** Single specimens of trees, Ornamental Landscape or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire or restrict firefighter operations along the road or driveway.

**W105.4 Clearance of brush and vegetative growth from electrical transmission and distribution lines.**

**W105.4.1 General.** Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with the Section W105.4, California Public Resources Code (PRC) and California Code of Regulations (CCR) Title 14.

**Exception:** Section W105.4 does not authorize Persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

**W105.4.1.1 Planting vegetation under or adjacent to energized electrical lines.** No vegetation shall be planted under or adjacent to energized power lines that, at maturity, will grow within 10 feet (3 048 mm) of the energized conductors.

**W105.4.2 Support clearance.** Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a general history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3 048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the Fire Code Official.

**Exception:** Lines used exclusively as telephone, telegraph, messenger call, alarm

transmission or other lines classed as communication circuits by a public utility.

### **W105.4.3 Electrical distribution and transmission line clearances.**

**W105.4.3.1 General.** Clearances between vegetation and electrical lines shall be in accordance with Section W105.4.3.

**W105.4.3.2 Trimming clearance.** At the time of trimming, clearances not less than those established by Table W105.4.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated “live parts” of electrical equipment.

**Exception:** The Fire Code Official is authorized to establish minimum clearances different than those specified by Table W105.4.3.2 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

**TABLE W105.4.3.2  
MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES AT TIME  
OF TRIMMING**

<b>LINE VOLTAGE</b>	<b>MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)</b>
2,400 - 72,000	4
72,001 - 110,000	6
110,001 - 300,000	10
300,001 or more	15

For International System of Units (SI): 1 foot = 304.8 mm.

**W105.4.3.3 Minimum clearance to be maintained.** Clearances not less than those established by Table W105.4.3.3 shall be maintained during such periods of time as designated by the Fire Code Official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and any vegetation’s location in proximity to the high voltage lines.

**Exception:** The Fire Code Official is authorized to establish minimum clearances different than those specified by Table W105.4.3.3 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

**TABLE W105.4.3.3  
MINIMUM CLEARANCES BETWEEN VEGETATION AND ELECTRICAL LINES TO BE  
MAINTAINED**

LINE VOLTAGE	MINIMUM CLEARANCE (feet)
750 - 35,000	6
35,001 - 60,000	12
60,001 - 115,000	19
115,001 - 230,000	30.5
230,001 - 500,000	115

For International System of Units (SI): 1 inch = 25.4 mm.

**W105.4.3.4 Electrical power line emergencies.** During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table W105.4.3.3.

**W105.5 Ignition sources.**

**W105.5.1 General.** In addition to the requirements of other sections of this Code, ignition sources shall be in accordance with Section W105.5 and includes, but not limited to, electrical panels, flare stacks, generators, fixed equipment and machinery capable of producing sparks.

**W105.5.2 Objective.** Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires from ignition sources.

**W105.5.3 Clearance from ignition sources.** Clearance between ignition sources and grass, brush or other Combustible Materials shall be maintained a minimum of 30 feet. A reduced distance may be approved, but shall not be less than 15 feet, when a non-combustible barrier is provided between the ignition source and the grass, brush and Combustible Materials.

**W105.6 Flammable and hazardous material processes, storage and use.**

**W105.6.1 General.** In addition to the requirements of other sections of this Code, flammable and hazardous material processes, storage and use shall be in accordance with Section W105.6.

**W105.6.2 Clearance from Combustible Materials.** Clearance between flammable and hazardous material processes, storage and use areas and any grass, brush or other Combustible Materials shall be maintained a minimum of 30 feet. A reduced distance may be approved, but shall not be less than 15 feet, when a non-combustible barrier is provided between the flammable and hazardous material processes, storage and use areas and the grass, brush and Combustible Materials.

**W105.6.3 Oil drilling operations.** A minimum 100-foot clearance from grass, brush or other Combustible Materials shall be maintained from any oil well drilling operations.

**W105.7 Correction of condition.** The Fire Code Official is authorized to give notice to the owner of the property on which conditions regulated by Section W105.4, W105.5, and W105.6 exist to correct such conditions. The Fire Code Official may use the provisions for notice, abatement and collection of costs as provided by this Appendix.

## **SECTION W106 – FIRE PROTECTION, FUEL MODIFICATION AND VEGETATION MANAGEMENT PLANS**

**W106.1 Plans.** Fire protection, Fuel Modification and vegetation management plans shall be prepared by the applicant when required by the Fire Code Official.

**W106.2. Submittal.** Fire protection, Fuel Modification and vegetation management plans shall be submitted to the Fire Code Official for review and approval as part of the plans required for a permit. Plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the Building(s) to be protected.

**W106.2.1 Content.** The plan shall describe ways to minimize and mitigate the fire problems created by any project or development, with the purpose of reducing impact on the community's fire protection delivery system. Plan items shall include, but shall not be limited to:

1. A copy of the site plan showing property lines, all buildings and the 100-foot defensible space zone around each Building.
2. Water supply, fire apparatus access, Building ignition and fire-resistance factors, fire protection systems and equipment, Defensible Space and vegetation management.
3. Methods and timetables for controlling, changing or modifying areas on the property.
4. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
5. A plan for maintaining the proposed fuel-reduction measures.

**W106.3 Cost.** The cost of any fire protection, Fuel Modification and vegetation management plan preparation and review shall be the responsibility of the applicant.

**W106.4 Maintenance.** To be considered acceptable Fuel Modification for purposes of this Code, continuous maintenance of the approved Fuel Modification zone is required at all times.

**W106.5 Greenbelts.** Subdivisions and other developments, which propose Greenbelts as a part of the development plan, shall locate said Greenbelts strategically, as a separation between wildland fuels and Structures. The locations shall be approved by the inspection authority.

**W107 Notice and prosecution.** The Fire Code Official shall serve a written order upon the owner or possessor of a Parcel, when, in the opinion of the Fire Code Official, a Public Nuisance exists thereon. The order shall direct such owner or possessor to remove or abate the Public Nuisance within ten Days after such order is given. Every owner or possessor who fails or refuses to abate said Public Nuisance from such Parcel within ten Days after being served with such order is guilty of a misdemeanor. Evidence that the current assessment roll of the County shows real property assessed to a Person shall constitute *prima facie* evidence that such Person is the owner of such property.

**W107.1 Additional notices.** The 10-Day abatement period shall not apply for any additional notices the Fire Code Official may issue to a property owner for abatement of the hazard identified in the original notice. A reduced abatement period may apply as indicated by the Fire Code Official on the additional notice. Additional notices may be posted upon the property in lieu of mailing.

## **SECTION W108 – CLEARANCE UPON DEFAULT OF OWNER OR LESSEE**

**W108.1 Notice.** The Fire Code Official may, instead of or in addition to following the procedure set forth in Section W107, cause a notice to be mailed.

**W108.2 Mailed notice.** If a notice is mailed, the Fire Code Official shall provide information specified in Section W107 and shall include a description of the property according to that set forth on the County assessment roll, to the last assessee of the property at the address given on said roll. The Fire Code Official shall also provide such notice, including the description, to the Clerk of the Board of Directors three Days prior to the Board hearing. The notice shall be mailed at least ten Days before the Board of Directors meets to hear the report of the Fire Code Official regarding the alleged Public Nuisance. It shall be the responsibility of the owner of record in the current assessment roll to notify any new owner or possessor of the property of the notice that was received and forward the notice to the new owner or possessor of the property. It shall also be the responsibility of the current owner of record to notify the Fire District and the County Assessor of this change in ownership in the manner specified by the County Assessor.

**W108.3 Hearing.** At the time and place stated in the notices, the Board of Directors shall meet to hear the report of the Fire Code Official and any objections thereto. The

Fire Code Official shall attend, inform the Board as to the alleged Public Nuisance, and supply the description of the Parcel upon which it exists, the name and address of the last known assessee thereof, and state what has been done in order to give notice of the hearing according to the provisions of this Code. The Board may continue the hearing from time to time as it sees fit.

**W108.3.1 Seasonal and reoccurring.** If the Board of Directors makes a finding of seasonal and reoccurring Combustible Material upon the Parcel, no further public hearings are required before the Fire Code Official can issue a notice to abate the hazard and Section W108.5 shall apply. Ref: H&S 14900.5

**W108.4 Clean-up order.** If, after a hearing, the Board of Directors finds that a Public Nuisance exists upon a Parcel, the Board may direct the Fire Code Official to abate the Public Nuisance. The Board shall maintain a record of its proceedings at such hearing and retain therewith the report of the Fire Code Official and a description of such Parcel and, where available, the name and address of its last known assessee.

**W108.5 Abatement.** If the Board of Directors directs the Fire Code Official to abate a Public Nuisance, the Fire Code Official shall proceed to abate such nuisance unless it has been completely abated before his or her agents arrive to begin such abatement. The Fire Code Official may expend Fire District funds for such abatement and may contract with a Person or Persons for such abatement.

## **SECTION W109 – COLLECTION OF THE COST OF ABATEMENT**

**W109.1 Account of expenses.** The Fire Code Official shall keep an account of his or her expenses when abating a Public Nuisance pursuant to an order by the Board of Directors and file the account thereof with the Board which shall include a description, according to the County assessment roll, of the Parcel upon which such Public Nuisance existed and, when available, the name and address of the last known assessee.

**W109.2 Confirmation of expense account.** The account of expenses shall be maintained on file, open to public inspection, in the office of the Clerk of the Board of Directors for at least ten Days before a hearing of the Board to confirm such account. Before the expiration of such ten Days, any Person may file a written request to be notified of such hearing. Upon confirmation, the Board shall mail notice to the address supplied for any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the account of expenses filed by the Fire Code Official. At such hearing the Board may make any modification in the amount it deems just, after which the account shall be confirmed.

**W109.3 Special assessment and lien.** The amount of expenses incurred by the Fire Code Official for abating a Public Nuisance when confirmed by the Board of Directors shall constitute a special assessment against the Parcel from which the said Public Nuisance was removed and a lien thereon for the amount of such assessment.

**W109.4 Transmittal of account.** The Board of Directors shall deliver a copy of the account, as confirmed, to the Auditor of the County on or before the 10th day of August following such confirmation.

**W109.5 Inclusion of assessment.** The County Auditor shall enter the amount stated in the account as a special assessment against the Parcel described in the account. The Tax Collector of the County shall include the amount of the assessment on the bill for taxes levied against the Parcel. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such real property shall be transferred to the unsecured roll for collection. All special assessments collected shall be paid into the county treasury to be used on behalf of the Fire District.

**W109.6 Recorded notices.** The Fire Code Official may record notices upon real property as follows:

1. To serve notice that the real property is subject to annual fire hazard abatement.
2. To serve notice of abatement fees due when the abatement occurs after the current year tax bill cycle.

**W109.7 Release of recorded notice.** The Fire Code Official shall record a Release of Notice within 30 Days whenever the conditions listed under Section W109.6 no longer exist.

**ARTICLE 4 - EFFECTIVE DATE**

This ordinance shall be effective 30 days from the date of its final passage or January 1, 2020, whichever is later.

In addition, upon ratification by the legislative body of the County of Ventura or of any city where Chapter 9 is adopted to apply, pursuant to subdivision (c) of Health and Safety Code Section 13869.7, Chapter 9 shall apply upon the effective date of this Ordinance or upon the date of said ratification or adoption by the County or any city, whichever is later.

PASSED AND ADOPTED this 15<sup>th</sup> day of October, 2019, by the following vote:

AYES: Directors Parks, Long, Huber, and Zaragoza

NOES: Directors None.

ABSENT: Directors Bennett

Kelley Long  
VICE CHAIR, BOARD OF DIRECTORS  
COUNTY OF VENTURA

ATTEST:

MICHAEL POWERS  
Clerk of the Board of Directors  
County of Ventura, State of California



By: Jon Barnes  
Deputy Clerk of the Board