

## **SCFPD#1 PLANNING AND ADMINISTRATION ORDINANCES**

OVERALL PERSPECTIVE: ADOPT PLANNING AND ADMINISTRATION ORDINANCES THAT WILL GUIDE THE DISTRICT'S RESPONSE TO DEVELOPMENT PROPOSALS WITHIN THE DISTRICT IN A MANNER THAT RECOGNIZES THE NEED TO MAINTAIN (OR ENHANCE) THE EXISTING LEVEL OF FIRE AND EMERGENCY MEDICAL SERVICE WHILE OFFERING A SIMILAR LEVEL OF SERVICE FOR NEW DEVELOPMENT.

PURSUANT TO THE CALIFORNIA HEALTH AND SAFETY CODE §13870 THE DISTRICT WILL ADOPT:

1. Section 1: CALIFORNIA FIRE CODE
2. Section 2: NATIONAL FIRE PROTECTION ASSOCIATION FIRE CODES AND STANDARDS
3. Section 3: CALIFORNIA PUBLIC RESOURCE CODE §4291
4. Section 4: PROJECT PROPONANT SPONSORED PROJECT RISK ANALYSIS AMMENDED FEE SCHEDULES FOR SERVICES
5. Section 5: WEED, TRASH, AND/ OR DILAPIDATED STRUCTURE HAZARD ABATEMENT
6. Section 6: FIRE APPARATUS ACCESS
7. Section 7: ENFORCEMENT OF CODE

### **Section 1 Adoption of Uniform Code**

There is hereby adopted by the Sierra County Fire Protection District #1 for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the current version of that certain code and standards known as the California Fire Code, including the Referenced Standards and Appendices thereto, published by the California Building Standards Commission, now in effect and adopted by the County of Sierra, and as hereafter further adopted and amended, which Code and Standards are filed in the office of the Fire Chief of Sierra County Fire Protection District #1 and the same are incorporated as though fully set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Sierra County Fire Protection District #1.

## **Section 2 Adoption of National Fire Codes**

The most recent National Fire Protection Association National Fire Codes and Standards are hereby adopted and incorporated as fully set out at length herein by this reference for the purpose of prescribing regulations governing conditions hazardous to life and property, and fire or explosion, as now in effect or as further adopted or amended.

## **Section 3 Adoption of Public Resource Code**

California Public Resources Code, §4290 et seq. as presently enacted and hereafter amended, is hereby adopted and incorporated as though fully set out at length herein by this reference for the purpose of prescribing regulations governing conditions hazardous to life and property, and fire or explosion for properties developed within the Sierra County Fire Protection District #1 that is within the State Responsibility Area.

## **Section 4. Adoption of Project Risk Assessment**

As the SCFPD#1 Board of Commissioners understands, there are no mandatory federal or state regulations directing the level of fire service response times and outcomes. In the United States, the provision of fire services is a local government issue. As such, communities have to balance the risks to be protected from fire and the resultant emergency incident outcomes desired against fire services costs and the available revenues.

The federal and state body of regulations on the fire service does require that if fire services are provided at all, they must be done so with the safety of the firefighters and citizens in mind. Thus, over the last two decades, as safety standards have increased, so have costs for firefighter tools, apparatus, and personal protective equipment. As a result, neither personnel nor operating costs for fire services have moved downward as revenues have decreased and/or been very volatile. The levels of fire service desired (i.e., the resultant emergency incident outcomes desired) are up to the SCFPD#1 Commission to determine. If development generates more risks to protect than revenues to the SCFPD#1 for fire protection or which tax District capability to respond, it is common for new development to be required provide or to pay for mitigations of project impacts to District service, response, staff, and equipment demands.

If and when the SCFPD#1 Commission decides that a proposed project may present a gap between the existing level of service and potential project risks, a qualified consultant shall be commissioned by SCFPD#1 to review the proposed project and compare the fire and emergency medical service (EMS) risks presented by the project. The consultant will compare the level of existing fire department assets or services to the project's risks, or demands. If a services gap was found, the consultant will recommend specific mitigations and order-of-magnitude costs for the SCFPD#1 Commission to consider requiring of the project applicant as part of the Commission's approval process with the SCFPD#1 and Sierra County. The cost of this independent consultation shall be borne by the Project Applicant. The project applicant shall enter into an enforceable

written agreement with the District with regard to specific requirements of the District in order to meet and mitigate the risk and demands placed on the District by the proposed project.

## **Section 5, Adoption of Weed, Trash, and/or dilapidated structure hazard abatement**

Section reserved.

## **Section 6, Fire Apparatus Access**

### **Section 6.1. Where Required**

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The Commission may increase the dimension of 150 feet where a fire apparatus access roads cannot be installed because of location on property, topography, waterways, non-negotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

Exception: Fire access road will not be required for agricultural buildings used for storage of livestock, livestock feed, or agricultural equipment.

#### **Section 6.1.1 Additional access**

The Commission may require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

[California Code of Regulations, Title 19, Division J, §3.05(a)} Fire Department Access and Egress. (Roads)

(a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet (6096 mm) in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

Exception: The enforcing agency may waive or modify this requirement if in his opinion such all-weather hard surfaced condition is not necessary in the interest of public safety and welfare.

### **Section 6.2 Dimensions**

For one and two family dwelling units, fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates in accordance with Section 6.8, and an unobstructed vertical clearance of not less than 15 feet.

For applications other than one and two family dwelling units, fire apparatus access roads shall have an unobstructed width of not less than 20 feet plus one foot shoulder on each side except for approved

security gates in accordance with Section 6.8, and an unobstructed vertical clearance of not less than 15 feet.

All Driveways as defined by Title 14 SRA Fire Safe Regulations, as adopted, shall be not less than 12 feet wide.

#### **Section 6.2.1 Reserved Authority**

The Commission may require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

#### **Section 6.3 Surface**

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. All weather surfaces shall be asphalt, concrete or other approved driving surface.

Exception: Neither asphalt or concrete will be required when the property is accessed by roads that are not maintained for all-weather access as exemplified by Forest Service Road 7 (aka Jackson Meadows Road).

#### **Section 6.4 Turning radius**

The required turning radius of a fire apparatus access road shall be in conformance to and comply with Calfire requirements and standards.

#### **Section 6.5 Dead ends**

For one and two family dwelling units, dead-end fire apparatus access roads shall comply with Title 14 SRA Fire Safe Regulations and shall have a turnaround constructed at its terminus.

For applications other than one and two family dwelling units, dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

#### **Section 6.6 Grade**

The grade of the fire apparatus access road shall not exceed 10% based on the Fire District's apparatus.

#### **Section 6.7 Markings for Fire Lane**

Where required by the Commission, approved signs or other approved notices or markings that include the words NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.

#### **Section 6.7.1 Obstruction of fire apparatus access roads**

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established shall be maintained at all times.

#### **Section 6.7.2. Roads from 20 to 29 feet in width**

Fire apparatus access roads, 20 to 29 feet wide, shall be posted on both sides as a fire lane, with no parking allowed on either side of the roadway.

**Section 6.7.3 Roads from 30 to 35 feet in width.**

Fire apparatus access roads, 30 to 35 feet wide, shall be posted on one side as No Parking, Fire Lane, with parking allowed only on the opposite side of the roadway.

**Section 6.7.4 Roads 36 feet and greater in width.**

Fire apparatus access roads, 36 feet and greater in width, may allow parking on both sides of the roadway.

**Section 6.8 Fire Apparatus Access Gates**

Fire Apparatus Access Road Gates shall be approved by the Commission prior to installation. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

**Section 7, Enforcement of Code**

**Section 7.1 General**

- A. The California Fire Code and all other applicable Codes and Standards, as adopted by the Sierra County Fire Protection District #1, shall be enforced by the District Chief (or duly authorized representative) of the Fire District.
- B. The District Chief may appoint, with the prior approval of the Commissioners of the District, a Fire Marshal on the basis of examination to determine his/her qualifications.
- C. The District Chief may detail such members of the Fire District as inspectors as shall from time to time be necessary.
- D. Pursuant to the provisions of Health and Safety Code §13870, the District Chief may issue written orders to correct or eliminate a fire hazard or life hazards. Any person who has been ordered to immediately correct or eliminate a fire or life hazard and who believes that compliance with the order would cause undue hardship may, within ten (10) days, present a written request to the Commission of the SCFPD #, requesting a hearing on and a review of the order.
- E. The District Chief is authorized to issue citations for the misdemeanors specified in Health and Safety Code §13871, as now adopted or hereafter amended.
- F. Pursuant to the provisions of California Health and Safety Code §13871, a violation of the Uniform Fire Code or this Fire Prevention Code may be processed pursuant to subdivision (d) of section 17 of the Penal Code. Every person who fails to correct or eliminate a fire or life hazard after written order of the Commission is guilty of a misdemeanor pursuant to the provisions of Health and Safety Code §13871(b).

### **Section 7.2 Service and Permit Fees**

The District Chief shall charge and receive such fees and charges based on the actual cost of providing services and permits.

### **Section 7.3 Abatement of Unlawful Conditions**

Any violation of the Fire Code shall be deemed a public nuisance. In the event that a public nuisance is not abated in accordance with the District Chief's order, or the order of the Commission, if any, the District Chief may, upon securing approval from the Commissioners of the Sierra County Fire Protection District #1, proceed to abate the nuisance by force account, contract, or any other method deemed most expedient by the Commission. Cost of said abatement may be charged to the property in a manner provided in the Sierra County Code or such other laws as may be applicable.

### **Section 7.4 Change in Use**

No change shall be made in the character of occupancies or use of any building which could place the building in a different division of the same group of occupancy or in a different group of occupancies unless such building is made to comply with the requirements of this Code.

### **Section 7.5 Appeals**

Whenever the District Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply, that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Commission of the Sierra County Fire Protection District #1 no later than thirty (30) days of the decision.

### **Section 7.6 Penalties**

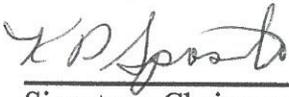
- A. Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Sierra County Fire Protection District #1 or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$250.00 nor more than \$500.00 or by imprisonment for not less than one (1) day nor more than three hundred sixty five (365) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Section 7.7 Validity**

The Sierra County Fire Protection District #1 hereby declares that should any section, paragraph, sentence or word of this Ordinance or of the Code of Standards hereby adopted be declared for any reason to be invalid, it is the intent of the Commission of the District that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Adopted Ordinance # 2015-1

Date of Adoption:     04/15/2015



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Signature: Chairperson



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Witness: Secretary