

## ANALYSIS OF AMENDMENTS

### VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 32

#### BASED ON THE 2022 CALIFORNIA FIRE CODE AND 2021 INTERNATIONAL FIRE CODE

VCFPD Draft Ordinance No. 32 with deleted (strikeout) and added/amended (highlighted) language.

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ITEM	ARTICLE	CHAPTER	SECTION	DESCRIPTION
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ITEM	ARTICLE	CHAPTER	SECTION	DESCRIPTION
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## VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 32

AN ORDINANCE OF THE VENTURA COUNTY FIRE PROTECTION DISTRICT REPEALING ORDINANCE NO. 31, ADOPTING BY REFERENCE THE 2022 CALIFORNIA FIRE CODE TOGETHER WITH APPENDIX O, PORTIONS OF THE 2021 INTERNATIONAL FIRE CODE, 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 Findings.** The Board of Directors finds the following:

1. Every three years the State of California adopts a new fire code, as part of the California Building Standards Code, which becomes effective within the jurisdiction of the Ventura County Fire Protection District 180 days after publication by the California Building Standards Commission.

2. The International Fire Code has been published and adopted, as amended, by the California Building Standards Commission into the California Code of Regulations as Title 24, Part 9, titled the California Fire Code.
3. The Fire District may establish more restrictive standards reasonably necessary to provide fire protection for life and property because of local climatic, geological, or topographical conditions pursuant to California Health and Safety Code Section 13869.7.
4. The Fire District has established more restrictive standards that are contained within Section 507 and 903 of this ordinance.
5. Findings supporting the more restrictive building standards made by the Fire District shall be filed with the California Department of Housing and Community Development pursuant to California Health and Safety Code Section 13869.7. In addition, the findings shall be on file with the Ventura County Clerk of the Board.

**1.2 Purpose.** The purpose of this ordinance is to adopt the items outlined in Section 1.4 of this ordinance to govern the safeguarding of life and property from fire, explosion hazards, and hazardous conditions and to regulate the issuance of permits and collection of fees.

**1.3 Authority.** This ordinance is adopted pursuant to California Health and Safety Code Sections 13869, 13869.7, and 18941.5 which allow a fire protection district to adopt modifications or changes to the California Fire Code that are reasonably necessary because of local climatic, geological, and topographical conditions.

**1.4 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.

**1.4.1** 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 2022 California Fire Code published by the International Code Council, together with Appendix O.

**1.4.2** 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 2022 California Fire Code published by the International Code Council.

**1.4.3** The specified portions of the 2021 International Fire Code not adopted as part of the California Fire Code by the California State Fire Marshal as published in the 2022 California Fire Code by the International Code Council with the exception of those deleted portions that are designated in Table 1.4.3 of this Code.

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

**TABLE 1.4.3 – Portions of the International Fire Code deleted**

Section	Deleted
104.7.1	x
105.5.32	x
202 – Mobile Food Preparation Vehicles Definition	x
Section 319	x
503.1.1 – 503.6	x
805.1	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

**1.5 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.

**1.6 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. 31 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, 2019, shall be construed to apply to the corresponding provisions contained within the Ventura County Fire Code, 2022. 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 2022 CALIFORNIA FIRE CODE AND THE 2021 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 2022 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 2022 California Fire Code (CFC) and the 2021 International Fire Code (IFC) are amended and changed in the following respects:

# CHAPTER 1

## DIVISION II – SCOPE AND ADMINISTRATION

### Item 1

Section 101.1 is amended to read as follows:

**101.1 Title.** ~~These regulations~~ This ordinance shall be known as the Fire Code of ~~[NAME OF JURISDICTION]~~, hereinafter referred to "Ventura County Fire Code," may be cited as such, and will be referred to herein as "this Code."

**Purpose/Rationale:** This amendment is currently in effect under Ordinance No. 31 and is necessary to identify the District as the authority having jurisdiction.

### Item 2

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.

**Purpose/Rationale:** This amendment is a general statement of reference to the codes adopted under the California Code of Regulations, Title 24 which do not adopt several of the International model codes referenced in the fire code.

### Item 3

Section 103.1 is amended to read as follows:

**103.1 ~~Creation of agency~~ General.** The ~~[INSERT NAME OF DEPARTMENT]~~ Fire Prevention Bureau is hereby created and the official in charge thereof shall be known as the fire code official established within the jurisdiction under the direction of the fire chief. The function of the agency Bureau shall be the implementation, administration and enforcement of the provisions of this code.

**Purpose/Rationale:** This amendment being made to carry over language that was adopted under Ordinance No. 31. The language presented in the 2021 IFC/2022 CFC is misleading in suggesting this section of the code is creating the agency, in this case



the Ventura County Fire Protection District. The fire code does not grant the authority necessary to create the Fire District. The section is amended to make a general statement that the Fire Prevention Bureau is established at the discretion of the Fire District's Fire Chief. The model code language outlining the function of the Bureau was left as written in the model code.

#### **Item 4**

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 ~~Sections 112.1 and 112.2~~ Section 112 and California Health & Safety Code Sections 13870 and 13872.5.

**Purpose/Rationale:** This amendment is carried over from Ordinance 31. It adds additional references to other amendments under Ordinance 32 and also cites appropriate reference to authority and provisions of the California Health & Safety Code governing Fire Protection Districts.

#### **Item 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 112, Appendix U and California Health & Safety Code Section 13872.

**Purpose/Rationale:** This amendment is carried over from Ordinance 31. It adds references to other amendments in Ordinance 32 and also cites appropriate reference to authority and provisions of the California Health & Safety Code governing Fire Protection Districts.

#### **Item 6**

Section 104.7 is amended to read as follows:

~~**104.7 Liability.** The fire code official, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.~~

**104.7 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 and follows the format already in use by the County with adoption of other regulations. Section 104.7.1 is deleted as the model code language is replaced with the amendment to Section 104.7.

## **Item 7**

Section 104.7.1 is deleted.

~~**104.7.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or be reason of any act or omission in the performance of official duties in connection therewith.~~

**Purpose/Rationale:** The model code language is replaced with the amendment to Section 104.7. This deletion was also completed in the adoption of Ordinance No. 31.

## **Item 8**

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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31. The purpose of this amendment is to allow for a manageable enforcement program by requiring distributors to verify that customers have a valid permit prior to the delivery of a hazardous commodity. The amendment also allows the District to enforce a local requirement on a business that may not be within jurisdiction and regulated under the provisions of this code but may be contributing to a hazardous condition within our communities.

## **Item 9**

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 and conducting associated inspections indicating the 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31. The purpose of this amendment is to ensure that all hazardous processes, uses and associated requirements are met and permitted by the fire code official prior to operation or use. This is in addition to the model code language that prohibits occupancy of a building prior to the fire code official issuing a permit.

#### **Item 10**

Section 105.5.34 is amended to read as follows:

**105.5.34 Open Burning.** An operational permit is required for kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground Open Burning. Instructions and stipulations of the permit shall be adhered to.

**Exception:** Recreational Fires (See Section 4911.9.5 for permit requirements in Hazardous Fire Areas)

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 105.6.32 and changes the term “open fire” to “open burning” to use the defined term. Because the County has an ordinance that prohibits fires on public streets, the provision is removed for allowing us to issue a permit at those locations. A reference to Chapter 49 is provided to draw attention of permit requirements in for recreational fires in hazardous fire areas.

#### **Item 11**

Section 105.5.52 is added to read as follows:

**105.5.52 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 2808.1.1.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 Section 105.6.52. It supports the requirements of the amendment to Section 2808 included in this ordinance.

#### **Item 12**

Section 105.6.25 is added to read as follows:

**105.6.25 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).

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 105.7.26. It supports the requirements of Chapter 49 included in this ordinance.

### **Item 13**

Section 106.1 is amended to read as follows:

**106.1 Submittals.** Construction documents and supporting data shall be submitted in ~~two~~ **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 statutes 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 105.4.1. This amendment authorizes the fire code official to require plans be submitted and approved by the Fire District prior to obtaining a building permit. The California Health & Safety Code Sections 13145 and 13146 gives authority and responsibility to the Fire District to enforce fire and life safety regulations adopted by the State Fire Marshal. This amendment is necessary in order to effectively enforce local and state regulations and reduce corrections on final inspection. This amendment is not intended to exempt Group R-3.1 occupancies licensed by the State of California.

## **Item 14**

Section 107.2 is amended to read as follows:

**107.2 Schedule of permit fees.** ~~Where a permit is required, a fee for each permit shall be paid as required, Fees for permits and services rendered pursuant to this Code , and in accordance with the schedule latest Fire District Fee Schedule as established by the applicable governing authority~~ Board of Directors.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 106.2. The purpose of the amendment is to clarify that fees are due for permits and services rendered pursuant to this code and where those fees are published.

## **Item 15**

Section 107.4 is amended to read as follows

**107.4 Work commencing before permit issuance.** A person who commences any work, activity or operation regulated by this Code before obtaining the necessary permits ~~shall be subject to a fee established by the applicable governing authority, which shall be in addition to the required permit fees and or approvals shall be subject to an investigation fee in accordance with Section 107.4.1.~~

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 106.3. The purpose is to clarify that a permit is required prior to commencing any work on a project or operation and the ramifications if such procedures are not followed.

## **Item 16**

Section 107.4.1 is added to read as follows:

**107.4.1 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 106.3.1. The purpose is to clarify that an investigation fee is required even if a permit is not ultimately issued, and that payment of the investigation fee does not exempt any person from compliance with all applicable provisions contained in the codes.

## **Item 17**

Sections 107.7 through 107.7.3 are added to read as follows:

**107.7 Delinquent fees.** The following shall apply to any delinquent fee due, including fees assessed under Chapter 49:

**107.7.1 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.

**107.7.2 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.

**107.7.3 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.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 31 Sections 106.6 through 106.6.3. The purpose is to clarify the fee schedule used, additional fees for failure to obtain permits first and to provide a method for charging late fees.

## **Item 18**

Section 111.1 is amended to read as follows:

**111.1 Board of Appeals established.** In order to hear and decide appeals of orders, or decisions or determinations 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 applicable governing body 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 109.1. The purpose is to provide clarification that the County Executive Officer is responsible for providing staff services to support the Fire District's Board of Appeals and the members of the board are appointed by the Fire District's Board of Directors.

## **Item 19**

Section 111.2 is amended to read as follows:

**111.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent or better form method of construction protection or safety is proposed with the exception of the provisions dealing with the abatement of combustibile and flammable materials in Chapter 49. The board shall not have authority to waive requirements of this Code or state law or interpret the administration of this Code. 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.).

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 109.2. The purpose is to provide clarification on the limits of authority granted to the Board of Appeals with regards to provisions contained in Chapter 49 that deal with the Fire District's vegetation management program and appeals from other governmental agencies.

## **Item 20**

Section 111.3 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 jurisdiction Fire District.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 109.3. The purpose is to provide direction that the Fire District's Board of Appeals shall consist of 5 members and to outline the members must be residents of Ventura County and what their field of expertise shall be.



## **Item 21**

Section 111.4 is amended to read as follows:

**111.4 Administration Finality.** The fire code official shall take immediate action in accordance with the decision of the board. The Board of Appeal's decision shall be final, except in the case of appeals from other governmental entities. Such entities may appeal any adverse Board of Appeal's decision to the Fire District's Board of Directors.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 109.2.1. The purpose is to provide clarification that the Board's decision shall be considered final with exception to appeals filed by other governmental entities. In such cases, any adverse ruling by the Board of Appeals may be appealed to the Board of Directors for further consideration. The section title was amended to provide greater clarity on the purpose of the section.

## **Item 22**

Section 112.4 is amended to read as follows:

**112.4 Violation penalties.** Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or any directive of the fire code official, or of a permit or certificate used under provisions of this Code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 110.4. This amendment references the California Health & Safety Code that specifies the District's authority to enforce a fire prevention code. The Health & Safety Code Section 13871 provides that a violator may be prosecuted for an infraction,

without prior written order, or for a misdemeanor, if he “fails or refuses to correct or eliminate” a violation after a written order.

### **Item 23**

Sections 112.5 through 112.5.5 are added to read as follows:

**112.5 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.

**112.5.1** 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.

**112.5.2** 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.

**112.5.3** Under either 112.5.1 or 112.5.2 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.

**112.5.4 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, crossed-referenced to the Notice of Noncompliance, and state that the non-complying conditions have been corrected or removed.

**112.5.5 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.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 31 Sections 110.5 through 110.5.5. The purpose is to allow for additional measures to gain compliance with regulations of the VCFPD. The format is currently in use by the County within the Resource Management Agency (RMA).

## CHAPTER 2

### DEFINITIONS

#### **Item 24**

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.** An outdoor fire 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 FENCING.** See Chapter 49.

**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.

**DECK.** See Chapter 49.

**DEFENSIBLE SPACE.** See Chapter 49.

**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.

**EXISTING PARCEL.** Parcels, including those located in a State Responsibility Area (SRA), that were legally created and recorded prior to October 1, 1980.

**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 road 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 and, 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, 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 HAZARD SEVERITY ZONE.** See Chapter 49.

**FIRE PROTECTION PLAN.** See Chapter 49.

**FUEL.** See Chapter 49.

**FUEL BREAK.** See Chapter 49.

**FUEL MODIFICATION.** See Chapter 49.

**FUEL MOSAIC.** See Chapter 49.

**GREENBELTS.** See Chapter 49.

**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).** See Chapter 49.

**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.

**LADDER FUELS.** See Chapter 49.

**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, recreational fires, barbecues 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.** See Chapter 49.

**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.** ~~An outdoor fire burning materials other than rubbish~~ Open burning where the fuel being burned is not contained in ~~a an incinerator, outdoor fireplace~~ portable outdoor fireplace, ~~barbeque grill or barbeque pit or barbeque used for cooking~~ and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) 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, tin cans, metals, mineral matter, glass crockery, dust, ~~garbage, construction debris and discarded refrigerators, and heating, cooking or incinerator type 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.

**VEGETATION.** See Chapter 49.

**WILDFIRE.** See Chapter 49.

**WILDFIRE RISK AREA.** ~~Land that 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 it would present an abnormally difficult job of suppression or would result in great or unusual damage through fire or such areas designated by the fire code official.~~ See “Hazardous Fire Area (HFA)” in Chapter 49.

**WILDLAND-URBAN INTERFACE (WUI).** See Chapter 49.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 31 Section 202 with the addition/modification to the definitions. The purpose is to include definitions currently in effect within applicable codes and new definitions to support other amendments within this ordinance.

## CHAPTER 3

### GENERAL REQUIREMENTS

#### **Item 25**

Section 301.1.3 is added to read as follows:

**301.1.3 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 322. The language is derived from CCR Title 19 which was limited to State owned, occupied, or regulated facilities. By including it in this code, it can be used at all facilities and further supports other provisions of this ordinance.

#### **Item 26**

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 premises parcel. The Fire Code Official may declare such condition a Public Nuisance and use the provisions for notice, abatement and collection of costs as provided by Appendix W. Vegetation clearance requirements in wildland-urban interface areas, Hazardous Fire Areas, and any other Parcels declared a Public Nuisance by the Fire Code Official shall be in accordance with the International Wildland-Urban Interface Code Chapter 49.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 304.1.2. The purpose is to provide an appropriate reference to the Fire District's requirements for fire hazard abatement as outlined in Chapter 49 of this ordinance.

#### **Item 27**

Section 304.1.4 is added to read as follows:

**304.1.4 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31



Appendix W and is being carried forward into Chapter 3 as part of the migration of Appendix W into Chapter 49 due to expansion of the WUI regulations in Chapter 49 by the State Fire Marshal. This migration is intended to improve the readability of the ordinance by combining related provisions. The intent of the amendment is to clarify the ramifications of unlawfully disposing of combustible materials.

### **Item 28**

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 WUI areas see Chapter 49.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 Section 307.1 and is made because there are additional requirements for open burning in WUI areas in Chapter 49.

### **Item 29**

Section 307.1.1 is amended to read as follows:

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

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and gives discretionary authority to prohibit open burning when local conditions or circumstances make such fires hazardous. The scope of this provision includes all outdoor fires except cooking fires in barbeques. There is no need for the exception, because the main provision provides discretionary authority.

### **Item 30**

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

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and addresses the issue of burning rubbish directly. The model code does not address this issue directly, it states that a permit is required for open burning. If a person is burning rubbish the only violation is an open fire without a permit. This amendment provides clarification that burning of rubbish is prohibited with certain exceptions.

### **Item 31**

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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and specifically prohibits open fires on public streets and sidewalks which is a provision of County Ordinance 2501. The authority to enforce Ordinance 2501 is questionable because it is not a Fire District Ordinance. This amendment gives clear authority to enforce that requirement by the Fire District.

### **Item 32**

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.

**Purpose/Rationale:** This provision is currently in effect in Ordinance 31 and specifies the responsibility for damages resulting from open burning authorized by this code rests with the individual responsible for setting and maintaining the fire; not the Fire District for authorizing the fire.

### **Item 33**

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 105.5 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 approval permits shall only be presented 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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and

specifies the permit type referenced in Section 105.5. It clarifies the provision that permits can only be issued to a property owner or an authorized agent of the property owner. The change in the second sentence states that the Fire District can only accept the permit application from the owner or an authorized agent of the owner.

#### **Item 34**

Section 307.3 is amended to read as follows:

**307.3 Extinguishment authority.** ~~Where~~ **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 ~~open burning fire~~.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and gives the Fire District the authority to extinguish or order the extinguishment of all outdoor fires except barbeque fires for cooking of food. This amendment is necessary because conditions may make such fires unsafe or a fire hazard to the community.

#### **Item 35**

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

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and clarifies separation requirements from structures for open burning other than recreational fires.

#### **Item 36**

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 ~~unless the fire is contained in a barbecue pit.~~ 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.

**Purpose/Rationale:** This provision is currently in effect in Ordinance 31. The provisions to exclude bonfires from the 50-foot requirement if they are in a pit makes no sense. The amendment to this provision requires consideration to protect people at the bonfire ceremony, for example, separations and pile size and stability of the burn pile may be taken into consideration.

### **Item 37**

Section 307.4.2 is amended to read as follows:

**307.4.2 Recreational Fires.** Recreational Fires shall not be conducted 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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and moves all separation requirements and exceptions for recreational fires to this section for clarification. The new exception number 2 is necessary to provide a provision for permanent outdoor fireplaces at one and two-family dwellings for consistency with the requirements for portable outdoor fireplaces (which is no requirements).

### **Item 38**

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

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and is intended to prohibit burning of rubbish because the use of portable outdoor fireplaces is not considered open burning. The general prohibition of burning rubbish only applies to open burning so it is necessary to repeat the requirement for portable outdoor

fireplaces. A portable outdoor fireplace is a classification of its own. It is not open burning or a recreational fire.

### **Item 39**

Section 308.1.6.3 is amended to read as follows:

**308.1.6.3 Sky lanterns.** ~~A person shall not release or cause to be released an untethered sky lantern.~~ 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 308.1.6.3. The purpose is to address the serious fire and safety hazard associated with sky lanterns, which include the potential to start an unintended fire on or off the property from which they are released or used.

#### **Item 40**

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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 and is intended to provide clarity that pallet storage associated with pallet manufacturing and recycling facilities shall comply with Section 2810. The District has adopted provisions for the outdoor storage of pallets associated with pallet manufacturing and recycling facilities under Section 2810 of Ordinance 31. There are a couple of these facilities operating within the District's jurisdiction. The 2015 IFC did not contain provision sufficient to address the safety hazards associated with these facilities, therefore, the District adopted provisions under Ordinance 30 and were carried over into Ordinance 31. The 2021 IFC contains some provisions relating to these facilities, however, the District believes that are inadequate to fully address the hazards, so the existing provisions are being brought forward and incorporated into Section 315.7 and 2810 as needed.

#### **Item 41**

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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 and is intended to provide a greater level of fire protection and safety to facilities storage pallets outdoors by ensuring fire apparatus access is provided. The provisions in IFC Section 315.7 do not require any access.

#### **Item 42**

Section 317.1 is amended to read as follows:

**317.1 General.** Landscaped roofs shall be installed and maintained in accordance with Sections 317.2 through 317.5, 1505 and 1507.16 of the International California Building Code, and Chapter 49.

**Purpose/Rationale:** This is a new amendment is intended to provide clarity that the California Building Code applies and not the International Building Code. In addition, it

highlights all sections of this code that apply to landscape roofs as well.

#### **Item 43**

Section 322 is added to read as follows:

### **SECTION 322 – COMBUSTIBLE MATERIALS SUBJECT TO SPONTANEOUS IGNITION**

**322.1 General.** Combustible Materials, as defined in Section 202, subject to spontaneous ignition, including mulch, manure, recyclable materials, are governed by Sections 322 and 2808, and Chapter 49.

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

**322.3 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.

**322.4 Location.** When materials are located in, upon or adjoining any WUI Area, clearance between such materials and any other from combustible vegetation shall be maintained in accordance with Section 2808 and Chapter 49 for Buildings.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Sections 321.1 through 321.4. This is added language to the model code. With a continuing increase of recycling green wastes and composting operations, the Fire District has experienced an increase in the number of fires caused by spontaneous ignition. Severe fire weather conditions and improper management contribute to the ignition of materials in these facilities. Fires have spread to the wildland areas, created public nuisances as well as required the use of emergency resources to assist in mitigation of burning material. The model code has no specific code requirements for these fire hazards. These provisions are performance-based regulations and requires the owner or person responsible to develop strategies to prevent ignition and provide necessary resources on-site to extinguish a fire if one occurs. This would include providing the necessary heavy equipment, water supplies and areas to spread materials to accomplish extinguishment.

#### **Item 44**

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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 Section 323. It addresses materials and processes that may not be hazardous but become hazardous when combined or subject to outside influences. Technology grows faster than the codes and this allows the fire code official to insure reasonable measures for protection of life and property.



## CHAPTER 5

### FIRE SERVICE FEATURES

#### **Item 45**

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 ~~Sections 503.1.1 through 503.1.3~~ Fire District Ordinance Number 29 as amended from time to time.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 503.1. The purpose is to provide the Fire District's requirements for fire apparatus access roads. All provisions have been moved into VCFPD Ordinance 29, which is now referenced in this section. All other provisions contained in Section 503 have been deleted (See Table 1.4.3 in this ordinance).

#### **Item 46**

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.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 31 Sections 507.6 and 507.6.1. They provide for reliability of water systems that would not otherwise be available to emergency responders during a power failure. It correlates requirements of various water work manuals in the District's jurisdiction.

## CHAPTER 9

### FIRE PROTECTION SYSTEMS

#### **Item 47**

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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 for administrative purposes. The provision has existed in several code cycles and was previously contained within the appendix chapter for fire protection systems. It was moved into Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance. The amendment provides clarity for determining the square footages of a project for the applicability of the provisions of this chapter.

#### **Item 48**

Section 903.1.3 is added to read as follows:

**903.1.3 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 area separation walls are not maintained, the affected fire areas, as determined by the Fire Code Official, shall be retrofitted with an approved automatic fire sprinkler system.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 for administrative purposes. The provision has existed since Ordinance 24 and was previously contained within the appendix chapter for fire protection systems. It was moved to Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance. The amendment is intended to provide notification and clarity that area separation walls shall be maintained and the possible results if it is not maintained as approved.

#### **Item 49**

Section 903.1.4 is added to read as follows:

**903.1.4 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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 Section 903.1.7 for administrative purposes. The provision has existed in several code cycles and was previously contained within the appendix chapter for fire protection systems. It was moved into Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance. The amendment is intended to provide clarity on the applicability of the provisions contained in this chapter in relation to changing occupancy classifications from a Group U, which have previously been exempted from the fire sprinkler provisions.

## **Item 50**

Section 903.2 is amended to read as follows:

**903.2 Where required.** Notwithstanding the provisions of 903.1.1 through 903.1.6 and 903.2.1 through 903.2.21 an approved automatic fire sprinkler system shall be installed in buildings and structures as follows: ~~Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12.~~

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, Division 2 or 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

### 903.2.21 for non-sprinklered buildings

3. Change of use shall require fire sprinklers in accordance with Sections 903.2.1 through 903.2.21.
4. Mobile homes, manufactured homes, and multi-family manufactured homes with up to two dwelling units that are manufactured in accordance with Title 25 of the California Code of Regulations.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. Similar provisions have been in effect since June 3, 1982. The current provisions have existed since May 1, 2007, with a few minor editorial changes. The provisions were previously contained within the appendix chapter for fire protection systems. They were moved into Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance.

### **Item 51**

Section 903.3.1.2.3 is amended to read as follows:

**~~903.3.1.2.3 Attics.~~** ~~Attic protection shall be provided as follows:~~

- ~~1. Attics that are used or intended for living purposes or storage shall be protected by an automatic fire sprinkler system.~~
- ~~2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.~~
- ~~3. Where located in a building of Type III, Type IV or Type V construction designed in accordance with Section 510.2 or 510.4 of the International Building Code, attics are not required by Item 1 to have sprinklers shall comply with one of the following if the roof assembly is located more than 55 feet (16 764 mm) above the lowest level of required fire department vehicle access:~~
  - ~~3.1. Provide automatic sprinkler system protection.~~
  - ~~3.2. Construct the attic using noncombustible materials.~~
  - ~~3.3. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.~~
  - ~~3.4. Fill the attic with noncombustible insulation.~~

~~The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the~~

~~building to the eave of the highest pitched roof, the intersection of the highest pitched roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance. For the purpose of this measurement, required fire vehicle access road shall include only those roads that are necessary for compliance with Section 503.~~

~~4. Group R-4, Condition 2 occupancy attics not required by Item 1 to have sprinklers shall comply with one of the following:~~

~~4.1. Provide automatic sprinkler system protection.~~

~~4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.~~

~~4.3. Construct the attic using noncombustible materials.~~

~~4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.~~

~~4.5. Fill the attic with noncombustible insulation.~~

Section 903.3.1.2.3 is amended to read as follows:

**903.3.1.2.3 Attics.** Attic protection shall be provided as follows:

1. Attics shall be protected by an automatic fire sprinkler system.

**Exceptions:**

1.1. Attics constructed with only noncombustible materials.

1.2. Attics constructed with only fire-retardant-treated wood complying with Section 2303.2 of the California Building Code.

1.3. Attics filled with noncombustible insulation.

2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.

3. Attics that are used for storage or intended for living purposes shall be protected by an automatic fire sprinkler system.

**Purpose/Rationale:** This is a new amendment being made to be consistent with existing Fire District direction with provisions concerning automatic fire sprinklers in buildings. These systems augment the District's overall fire safety plans for the communities served. These types of systems have an excellent record of controlling and/or extinguishing fires, reducing the number of firefighting resources needed to fight a fire, thus making more resources available to respond to other emergencies within the community.

The provisions of this amendment are currently in effect under Ordinance 31 Section 903.1.4, which is being deleted under this proposed ordinance. The existing language was determined to be confusing as to its application and overreaching in some areas. The existing language resulted in some allowances under the model code for automatic fire sprinkler systems installed in accordance with NFPA 13R to be restricted. This was not the original intent of the amendments made under 903.1.4. After further analysis and discussion, the intent was not to allow the omission of fire sprinkler coverage in attics. To better clarify the intent, Section 903.1.4 was removed, and Section 903.3.1.2.3 was amended as proposed.

## **CHAPTER 12**

### **ENERGY SYSTEMS**

#### **Item 52**

Section 1205.5.1 is amended to read as follows:

**1205.5.1 Vegetation control.** A clear, brush-free area of 10 feet (3048 mm) shall be required around the perimeter of the ground-mounted photovoltaic arrays in accordance with Chapter 49. A non-combustible base of gravel or a maintained vegetative surface or a non-combustible base, approved by the fire code official, shall be installed and maintained under the photovoltaic arrays and associated electrical equipment installations.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 1204.4 and is intended to provide clarity on the brush clearance requirements for ground-mounted photovoltaic systems and to advise the reader that provisions existed within Chapter 49 of this ordinance.

## **CHAPTER 28**

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

#### **Item 53**

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.**

**RECYCLABLE MATERIAL.**

**SOLID BIOFUEL.**

**SOLID BIOMASS FEEDSTOCK.**

**STATIC PILES.**

**TIMBER AND LUMBER PRODUCTION FACILITIES.**

**Purpose/Rationale:** All definitions contained in Section 2802.1 are currently in effect in Ordinance 31. This amendment was made as part of consolidating definitions contained within this ordinance into Chapter 2, Section 202 and is considered editorial only.



#### **Item 54**

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, AND RAW PRODUCT AND COMBUSTIBLE YARD WASTE AND RECYCLE MATERIAL ASSOCIATED WITH YARD WASTE, AGRO-INDUSTRIAL AND RECYCLING FACILITIES**

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The intent is to clarify that the provisions in this chapter apply to compostable material, mulch, and combustible yard waste and recycle materials as well.

#### **Item 55**

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, and raw product and combustible yard waste produced from yard waste, debris and agro-industrial and recycling facilities shall comply with Section 2808 Sections 2808.2 through 2808.10, 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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. With a continuing increase of recycling green wastes and composting operations, the Fire District has experienced an increase in the number of fires caused by spontaneous ignition, increase number of resources committed, and wildfire spread into composting and mulch which further exposes the public and emergency respond to increase hazard from fires. A high amount of contaminants also exposes emergency responders to an increased amount of toxic smoke and vapors. Severe fire weather conditions and improper management contribute to the ignition of materials in these facilities. Fires have spread fire to the wildland areas, created public nuisances as well as required the use of emergency resources to assist in mitigation of burning material. The model code has no specific code requirements for these fire hazards. The District has a published standard for these types of facilities. These provisions are performance-based regulations and requires the owner or person responsible to develop strategies to prevent ignition and provide necessary resources on-site to extinguish a fire if one occurs. This would include providing the necessary heavy equipment, water supplies and areas to spread materials to accomplish extinguishment.

#### **Item 56**

Section 2808.1.1 is added to read as follows:

**2808.1.1 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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The intent is to provide for greater fire safety for green wastes and composting facilities.

#### **Item 57**

Section 2808.1.2 is added to read as follows:

**2808.1.2 Other materials.** Materials other than compost, compostable material, mulch, combustible yard waste, and recyclable material shall comply with Sections 2808.2 to 2808.10.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The intent is to provide greater fire safety by requiring materials present at the facilities to comply with the same requirements as the green wastes and compost.

#### **Item 58**

Section 2808.3 is amended to read as follows:

**2808.3 Size of piles.** Piles shall not exceed ~~25 feet (7620 mm)~~ 15 feet (4 572 mm) in height, ~~150 feet (45 720 mm)~~ 50 feet (15 240 mm) in width and ~~250 feet (76 200 mm)~~ 100 feet (30 480 mm) in length. Stackable products shall not be stacked in excess of ~~25 feet (7620 mm)~~ 15 feet (4 572 mm) in height, ~~80 feet (24 384 mm)~~ 25 feet (7620 mm) in width and ~~250 feet (76 200 mm)~~ 100 feet (30 480 mm) in length.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The intent is to provide greater fire safety at these facilities.

#### **Item 59**

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. ~~Such records~~ Records shall be ~~maintained~~ 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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The intent is to provide greater fire safety at these facilities by giving the fire code official the ability to ensure the required pile inspections are being conducted by the facility operator.

#### **Item 60**

Section 2808.10 is amended to read as follows:

**2808.10 Emergency 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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The intent is to provide greater fire safety at these facilities by ensuring the required fire protection measures are in place and the employees are adequately trained to respond to an emergency event at the facility. The amendment also provides direction to the facility operator/owner as to what the Fire District expects to be included in the plan.

#### **Item 61**

Section 2810 is amended to read as follows:

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

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The provisions were not contained in previous editions of the IFC and were added by VCFD under Ordinance 30. In the 2018 IFC, provisions were added by ICC, but did not address the manufacturing and processing aspect that VCFD previously included in the section to address fire safety concerns at existing facilities within its jurisdiction. These additional provisions were brought forward into this section under Ordinance 31 and now are proposed to be carried forward in this ordinance. This amendment was made to update the section title to clarify the section contains provisions for manufacturing and processing in addition to storage.

### **Item 62**

Section 2810.1 is amended to read as follows:

**2810.1 General.** The ~~outside~~ outdoor storage, manufacturing, and processing of wood and, wood composite, and other nonmetallic pallets ~~on the same site as a~~ at pallet manufacturing or recycling ~~facility~~ facilities shall comply with Sections 2810.2 through ~~2810.11~~ 2810.12.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The provisions were not contained in previous editions of the IFC and were added by VCFD under Ordinance 30. In the 2018 IFC, provisions were added by ICC, but did not address the manufacturing and processing aspect that VCFD previously included in the section to address fire safety concerns at existing facilities within its jurisdiction. These additional provisions were brought forward into this section under Ordinance 31 and now are proposed to be carried forward in this ordinance. This amendment was made to update to provide clarity to the application of the section.

### **Item 63**

Section 2810.7 is amended to read as follows:

**2810.7 Clearance to important buildings.** Stacks of pallets shall ~~not~~ be stored ~~within 0.75 times the stack height of any important building on site,~~ in accordance with Table 315.7.6(1) and Table 315.7.6(2) or shall comply with Section 2810.11.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. The amendment is being made to keep clearance distances consistent with the provisions currently in effect in Ordinance 31. The provisions of this section in the model code conflict with the provisions in Section 315 of the model code. The Fire District feels the

provisions under Section 315 provide a greater level of safety and has chosen to apply those provisions at these pallet facilities through this amendment.

#### **Item 64**

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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and is being carried over into this ordinance using the distances contained within Section 315.7.6.2 as they are consistent with distances under the VCFD provisions contained in Ordinance 31.

#### **Item 65**

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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and is being carried over into this ordinance. The provisions included in the 2021 IFC Section 2810 do address a maximum pile size. Limiting pile sizes provides for greater ability to control and extinguish fires should they occur.

#### **Item 66**

Section 2810.9 is amended to read as follows:

**2810.9 Fire Protection.** Fire-flow requirements for the site shall be determined by the fire-code official as specified in Table 2810.9.

Table 2810.9  
**REQUIRED FIRE-FLOW FOR OUTDOOR PALLET STORAGE**

Pallet Pile Size (cubic feet)	Minimum Fire-flow (gallons per minute)	Flow Duration (hours)
0 – 2,500	Not required	Not required
2,501 – 124,000	2,000	2
124,001 and greater	3,000	3

**Purpose/Rationale:** These provisions are currently in effect in Ordinance 31 and are being brought over to this ordinance with adjustments to the required fire-flow volumes. Under Ordinance 31 a flat fire-flow rate was required. The Fire District believes that the previously prescribe requirement was excessive in some cases and inadequate in other cases. Requirements were set based on total cubic volume of pallets being storage on-site at a facility and is consistent with provisions set forth from the ICC and the pallet industry.

#### **Item 67**

Section 2810.12 is added to read as follows:

**2810.12 Fire hydrants.** Fire hydrants shall be located within 300 feet (91 440 mm) of all portions of the pile.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Section 2810.9.2. It is being carried over into this ordinance under a new section added due to modifications by in the layout of the ordinance. The intent of the amendment is to set spacing distance for fire hydrants around the pallet piles to provide appropriate fire protection at the facility. The IFC is silent with regards to required fire hydrants at these facilities.

#### **Item 68**

Section 2810.13 is added to read as follows:

**2810.13 Fire Apparatus Access Roads.** Fire Apparatus Access Roads shall be provided in accordance with Fire District Ordinance Number 29.

**Purpose/Rationale:** This provision is currently in effect in Ordinance 31 Section 2810.12 and is being brought over into this ordinance. The provisions included in the 2021 IFC do not address fire apparatus access. Access is vital for providing fire protection and safety within these facilities.

#### **Item 69**

Section 2810.14 is added to read as follows:

**2810.14 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 2810.14.1 through 2810.14.3.

**2810.14.1 Distance to other combustibles.** Heat treatment chambers shall be

separated from other Combustible Materials a minimum of 30 feet (9144 mm).

**2810.14.2 Fuel supply.** Fuel supply systems shall comply with Section 603.

**2810.14.3 Above-ground fuel tanks.** Above-ground fuel tanks shall comply with Chapters 57 and 61.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 Section 2810.13 and is being brought over to this ordinance. The amendment is intended to address the fire hazards created by the finishing and treatment processes used at these types of facilities. The 2021 IFC only addressed the storage of pallets at these facilities.

## **Item 70**

### **CHAPTER 49**

#### **REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS**

The User Note is amended to read as follows:

##### **User note:**

Chapter 49 is adopted by the California State Fire Marshal. All state adopted language is in *italicized* font. Regular font is local adopted language.

##### **About this chapter:**

*In addition to the building construction requirements in the California Building Code and California Residential Code, this chapter contains requirements for development and construction in Local Responsibility Areas (LRA) designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as State Responsibility Areas (SRA). While many of these provisions are found in Title 14 and Title 19 of the California Code of Regulations, they are replicated here for the code user. The local jurisdiction has the authority to apply the same regulations to LRA when the regulations are adopted by local ordinance. This chapter includes Ventura County Fire Protection District (VCFPD) amendments and local provisions applicable in WUI areas identified by the VCFPD.*

*The requirements in this chapter reference the process for adoption of Very High Fire Hazard Severity Zones in the LRA; criteria for evaluating existing subdivisions that are at significant fire risk and are without an adequate secondary egress; and criteria for fire safety provisions required in the Safety Element of a city or county General Plan.*

*The chapter includes mitigation strategies to reduce the hazards of fire*

originating within a structure spreading to wildland and fire originating in wildland spreading to structures. These strategies are included in the following requirements:

1. Development of fire protection plans.
2. Development of landscape plans and long-term vegetation management.
3. Creation and maintenance of defensible space to protect structures and subdivisions.

## **SECTION 4901 GENERAL**

**Purpose/Rationale:** This is a new amendment and is necessary to identify the Fire District's requirements for local provisions applicable in WUI areas.

### **Item 71**

Section 4901 is amended to read as follows:

~~**4901.1 Scope.** This chapter contains minimum requirements to mitigate conditions that might cause a fire originating in a structure to ignite vegetation in the Wildland Urban Interface Fire Area, and conversely, a wildfire burning in vegetative fuels to transit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities or result in large property losses.~~

**4901.1 Scope.** This chapter provides provisions intended to identify fire hazard areas and contains minimum requirements to mitigate the risk to life and Structures from intrusion of fire from wildland fire exposures, fire exposures from adjacent Structures, and to mitigate fires from spreading to wildland fuels, all of which 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 VCFPD requirements.

**4901.2 Purpose.** The purpose of this chapter is to provide minimum standards to reduce the likelihood of life and property loss due to a wildfire through the use of performance and prescriptive requirements for construction and development in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Moderate, High or Very High Fire Hazard Severity Zone. This chapter also provides requirements for defensible space within the boundaries of the VCFPD.

**Purpose/Rationale:** This is a new amendment and is necessary to identify the Fire District's requirements for local provisions applicable in WUI areas.



## **Item 72**

Section 4901.3 is added to read as follows:

**4901.3 Cost.** The cost of any fire protection plan, Fuel Modification plan and vegetation management / landscape plan preparation and review required by this chapter shall be the responsibility of the applicant.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Appendix W and is being relocated into Chapter 49.

## **SECTION 4902 DEFINITIONS**

## **Item 73**

Section 4902 is amended to read as follows:

**COMBUSTIBLE FENCING.** Any fencing product or installation, including gates within the fencing, that is not Ignition-Resistant Material.

**DECK.** A flat surface capable of supporting weight, similar to a floor, constructed outdoors and attached to or located within five (5) feet of a Structure, including porches, balconies, and stairs. A Patio on grade constructed of concrete, stone or similar materials is not a deck.

**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.

**FIRE HAZARD SEVERITY ZONES.** *Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High or Moderate in State Responsibility Areas or as Local Agency Responsibility Area Very High, High or Moderate Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189.*

*The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."*

**FUEL.** Means any combustible material, including petroleum-based products, cultivated landscape plants, Ornamental Landscape, grasses, weeds, and wildland vegetation.

**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.

**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, State SRA FHSZ maps, LRA FHSZ Maps designated pursuant to California Government Code, Sections 51175 through 51189, and the International Wildland-Urban Interface Code. Areas classified as a Hazardous Fire Area are designated as a WUI area for purposes of this chapter.

**LADDER FUELS.** Vegetative fuels which provide vertical continuity, thereby allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease.

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

**VEGETATION.** Means all plants, including trees, shrubs, grass, and perennial or annual plants.

**WILDLAND-URBAN INTERFACE (WUI).** *A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires including Hazardous Fire Areas.*

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 31

Section 202 with the addition/modification to the definitions. They are being relocated to Chapter 49 to be consistent with State definitions listed in Section 4902 as they apply to Chapter 49. The purpose is to include definitions currently in effect within applicable codes and new definitions to support other amendments within this ordinance.

## **SECTION 4903 FIRE PROTECTION PLANS**

### **Item 74**

Section 4903 is amended to read as follows:

**4903.1 General.** ~~The fire code official is authorized to require the owner or owner's authorized agent to provide a fire protection plan.~~ *A fire protection plan shall be submitted to the Fire Code Official for any proposed subdivision of land, or building project, when located in a WUI area.*

**Exception:** A single-family dwelling (Group R-3 Occupancy) when located on an existing legal parcel.

*The Fire Protection Plan shall be prepared to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards presented for the property under consideration and reducing the impact on the community's fire protection delivery system.*

*The fire protection plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes.*

~~The fire code official is authorized to require a~~ *A preliminary fire protection plan shall be submitted for review and approval prior to approval of any proposed project subject to a discretionary review by the Planning Department where the project is located.*

**4903.2 Contents.** *The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history.*

*The plan shall identify conformance with all applicable state wildfire protection regulations, statutes and applicable local ordinances, whichever are more restrictive.*

*The plan shall address fire department access, egress, road and address signage, water supply, in addition to fuel reduction, in accordance with Public Resources Code (PRC) 4290, this Code, and VCFPD Ordinance 29, as periodically amended;*

*the defensible space requirements in accordance with PRC 4291, Government Code 51182, and Sections 4906 and 4907 of this chapter; and the applicable building codes and standards for wildfire safety. The plan shall identify mitigation measures to address the project's specific wildfire risk and shall include the information required in Section 4903.2.1.*

**4903.2.1 Project information.** *The final fire protection plan shall be reviewed and approved prior to start of construction.*

**4903.2.1.1 Preliminary fire protection plan.** *When a preliminary fire protection plan is submitted, it shall include, at a minimum, the following:*

- 1. Total size of the project.*
- 2. Information on the adjoining properties on all sides, including current land uses, and if known, existing structures and densities, planned construction, natural vegetation, environmental restoration plans, roads and parks.*
- 3. A map with all project boundary lines, property lines, slope contour lines, proposed structure foundation footprints, and proposed roads and driveways. The map shall identify project fuel modification zones and method of identifying the fuel modification zone boundaries.*

**4903.2.1.2 Final fire protection plan.** *Final fire protection plan shall include items listed in Section 4903.2.1.1 and the following:*

- 1. A map identifying all proposed plants in the fuel modification zones with a legend that includes a symbol for each proposed plant species. The plan shall include specific information on each species proposed, including but not limited to:*
  - a. The plant life-form;*
  - b. The scientific and common name; and*
  - c. The expected height and width for mature growth.*
  - d. Identification of existing vegetation proposed to remain.**
  - e. 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.**
  - f. Methods and timetables for controlling, changing, or modifying areas on the property.**

- 2. Identification of irrigated and non-irrigated zones.*
- 3. Requirements for vegetation reduction around emergency access and evacuation routes.*
- 4. Identification of points of access for equipment and personnel to maintain vegetation in common areas.*
- 5. Legally binding statements regarding community responsibility for maintenance of fuel modification zones.*
- 6. Legally binding statements to be included in covenants, conditions and restrictions regarding property owner responsibilities for vegetation maintenance.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance No. 31 Appendix W and is being relocated into Chapter 49 with further revisions to the State language to identify local requirements for fire protection plans.

**SECTION 4905  
WILDFIRE PROTECTION  
BUILDING CONSTRUCTION**

**Item 75**

Section 4905.4 is added to read as follows:

**4905.4 Fencing.**

**4905.4.1 Scope.** This section only applies to fences, including gates within the fencing, within 5 feet of building(s) that are in the WUI area.

**4905.4.2 New fencing.** New fencing and gates installed on or after January 1, 2023, shall be of Ignition-Resistance Material.

**4905.4.3 Existing fencing.** Fencing installed prior to January 1, 2023, may remain.

**Exception:** The entire fencing not parallel and within 5 feet of the building, including gates within the fencing, shall be Ignition-Resistance-Material when any portion of existing fencing within 5 feet is being replaced. Fencing beyond 5 feet from the building is not required to be replaced with Ignition-Resistance-Material.

**Purpose/Rationale:** This is a new amendment. The purpose is to address items causing spread of fire to and exposing buildings to increased ignition in the WUI area. This requirement is backed by case studies of wildland fires over the past 5 years, and recent research and testing conduct by The National Institute of Standards and Technology (NIST), a physical sciences laboratory and non-regulatory agency of the United States Department of Commerce. The use of ignition-resistance fencing is also identified as an approved mitigation measure in California Code of Regulations, Title 14, Division 1, State Minimum Fire Safe Regulations, Section 1276.01, when the required 30-foot building setback to property line cannot be provided in FHSZs. This amendment also is in line with and supported by findings in sections 1.1 and 4912 by improving and hardening the developed communities in the WUI area and reducing the impact of fires to life and property in the developed communities.

**Item 76**

Section 4905.5 is added to read as follows:

**4905.5 Building setbacks.**

**4905.5.1 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 Parcels, where the 100 foot (30 480 mm) Defensible Space required under Section 4907.6 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.

**4905.5.2 Setback for Structures in FHSZs.** New Structures in any FHSZ within the SRA, or Very High FHSZ in the LRA, shall be setback in accordance with California Code of Regulations, Title 14, Division 1, §1276.01 as amended from time-to-time. When the required setback cannot be provided, alternate methods shall be provided to reduce Structure-to-Structure ignition by incorporating a combination of features such as, but not limited to:

1. Ignition-Resistance fencing and gates.
2. Noncombustible material extending five (5) feet horizontally from the furthest extent of the Building.
3. Hardscape landscaping.
4. Reduction of exposed windows on the side of the Building with less than the required setback.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Appendix V and is being relocated into Chapter 49 with further revisions by adding State approved mitigation measures for reduced building setbacks as required by CCR, Title 14, Section 1276.01.

## **Item 77**

### **SECTION 4906**

#### **VEGETATION MANAGEMENT REQUIREMENTS FOR NEW LANDSCAPING**

Section 4906 is amended to read as follows:

**4906.1 General.** *Planting of vegetation for new landscaping shall be selected to reduce non-fire-resistant vegetation in proximity to a structure and to maintain vegetation as it matures.*

**4906.2 Application.** *All new plantings of vegetation in State Responsibility Areas (SRA), provided when required by the enforcing agency Local Responsibility Areas (LRA) designated as a Very High Fire Hazard Severity Zone, and WUI areas identified by the fire code official, shall comply with Sections 4906.3 through 4906.5.3.*

**4906.3 Landscape and Fuel Modification plans.** *Landscape and Fuel Modification plans shall be provided when required by the enforcing agency submitted for any building project located in a WUI area. The landscape and Fuel Modification plan shall*

include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.

**4906.3.1 Contents.** Landscape plans shall contain the following:

1. Delineation of the 5-foot (Zone 0), 30-foot (9144 mm) (Zone 1) and 100-foot (30.5 m) (Zone 2) fuel management zones from all structures.
2. Identification of existing vegetation to remain and proposed new vegetation.
3. Identification of irrigated areas.
4. A plant legend with both botanical and common names, and identification of all plant material symbols.
5. Identification of ground coverings within the 30-foot (9144 mm) zone.

**4906.4 Vegetation.** All new vegetation shall be fire-resistant vegetation in accordance with this section and the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**Exception:** ~~Trees classified as non-fire-resistant vegetation complying with Section 4906.4.2.1.~~

To be considered fire-resistant vegetation, it must meet at least one of the following as approved by the Fire Code Official:

1. Be identified as fire-resistant vegetation in an approved book, journal or listing from an approved organization.
2. Be identified as fire-resistant vegetation by a licensed landscape architect with supporting justification.
3. Plants considered fire-resistant vegetation and approved by the local enforcing agency.

**~~4906.4.1 Shrubs.~~** ~~All new plantings of shrubs shall comply with the following:~~

- ~~1. Shrubs shall not exceed 6-foot (1829 mm) in height.~~
- ~~2. Groupings of shrubs are limited to a maximum aggregate diameter of 10-foot (3048 mm).~~
- ~~3. Shrub groupings shall be separated from other groupings a minimum of 15-foot (4572 mm).~~



- ~~4. Shrub groupings shall be separated from structures a minimum of 30-feet (9144 mm).~~
- ~~5. Where shrubs are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 10-feet (3048 mm), whichever is greater.~~

~~**4906.4.2 Trees.** Trees shall be managed as follows within the 30-foot zone (9144 mm) of a structure:~~

- ~~1. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10-feet (3048 mm) from any combustible structure.~~
- ~~2. The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10-feet (3048 mm).~~
- ~~3. Existing trees shall be trimmed to provide a minimum separation of 10-feet (3048 mm) away from chimney and stovepipe outlets per Title 14, Section 1299.03.~~

~~**4906.4.2.1 non-fire-resistant vegetation.** New trees not classified as fire-resistant vegetation, such as conifers, palms, pepper trees and eucalyptus species, shall be permitted provided the tree is planted and maintained so that the tree's drip line at maturity is a minimum 30-feet from any combustible structure.~~

**Purpose/Rationale:** Portions of this amendment is currently in effect under Ordinance 31 Appendix W and is being relocated into Chapter 49 with further revisions to the State language to identify local requirements for new landscaping. The deletions in Section 4906.4 were made to address more restrictive requirements for vegetation (shrubs, trees, etc.) that currently exist in Ordinance 31 and the Districts Standards for defensible space. Vegetation requirements are also relocated to Section 4907.

## **Item 78**

Section 4906.5 is added to read as follows:

**4906.5 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.

**4906.5.1 Access to greenbelts.** A minimum of one (1) access point shall be provided to new greenbelts at an approved location to allow for on-going maintenance and firefighter access. Additional access points shall be provided

when required by the fire code official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance No. 31 Appendix W and is being relocated into Chapter 49 with the additional requirements for approved access points to greenbelts.

## **SECTION 4907 DEFENSIBLE SPACE**

### **Item 79**

Sections 4907.1 to 4907.3 are amended to read as follows:

**4907.1 General.** ~~Hazardous~~ *Vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.*

~~Defensible space will be managed around all buildings and structures in State Responsibility Areas (SRA) as required in Public Resources Code 4291.~~

**4907.2 Application.** *Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management defensible space:*

- 1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as a State Responsibility Area (SRA).*
- 2. Land designated as a Very High Fire Hazard Severity Zone by the Director.*
- 3. Land designated in ordinance by local agencies as a Very High Fire Hazard Severity Zone pursuant to Government Code Section 51179.*
- 4. Land designated as a WUI area by the fire code official.**

**4907.3 Requirements.** ~~Hazardous~~ *Vegetation and fuels around all buildings and structures shall be maintained and spaced at all times in accordance with the following laws and regulations. Should a conflict of any requirements occur, the most restrictive requirement shall prevail:*

- 1. Public Resources Code, Section 4291.*
- 2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.*
- 3. California Government Code, Section 51182.*
- 4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1,*

*Section 3.07.*

5. The requirements of Chapter 49, and the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**Purpose/Rationale:** Portions of this amendment is currently in effect under Ordinance 31 Appendix W and is being relocated into Chapter 49 with further revisions to the State language to identify local requirements for defensible space.

**Item 80**

Section 4907.3.1 is added to read as follows:

**4907.3.1 Retroactivity.** There is no “grandfathering” or exemptions for existing Defensible Space zones, unless specifically identified within the State Law or this Code. When required by the Fire Code Official, or State Law, existing Defensible Space/Fuel modification zones (FMZs) shall require retrofitting, including thinning and or removal of plants, trees, and vegetation, to meet this Code, the Defensible Space and Fuel Modification Standards as issued by the fire code official, or State Law. Upon notification by the Fire code official, and when approved, work to bring an existing Defensible Space and FMZ into compliance with this Code, and the Defensible Space and Fuel Modification Standards, may be done over a two-four (2-4) year period as determined by the fire code official. A compliance plan prepared by the property owner may be requested for review and approval by the fire code official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31 Appendix W and the Districts Standards for Defensible Space and is being relocated into Chapter 49.

**Item 81**

Section 4907.4 is added to read as follows:

**4907.4 Responsibility and costs.** The responsibility to provide and maintain any required defensible space, including any associated costs, shall be that of the actual owner of the of land, or portion of land, within the required 100-foot clearance zone except as indicated in section 4907.4.1 or 4907.4.2.

**4907.4.1 County of Ventura road right-of-way.** The responsibility and any associated costs for the clearing and providing the required Defensible Space or roadside clearance upon any County of Ventura Road right-a-way (ROW), in the area between the back of curb, or back edge of any improved shoulder (graded or paved), shall be that of the actual owner of the of land, or portion of land, abutting the ROW within the required 100-foot clearance zone from any building., or roadside clearance area. In cases where no road has been installed, the abutting

property owners shall be responsible to the centerline of the ROW. Reference: Ventura County Ordinance Code Division 12, Chapter 7, 12701-12703 (VC Ordinance 4355)

**4907.4.2 Private road parcels.** The responsibility and any associated costs for the clearing and providing the required defensible space upon any private road parcel, where no ownership can be established, shall be that of the actual owner of the of land, or portion of land, abutting the private road parcel and to the centerline of the private road parcel.

**Purpose/Rationale:** This is a new amendment that clarifies current Ordinance 31 requirements regarding who is responsible for what portion of the 100-foot zone when it crosses property lines and any cost associated with the clearance. Recent changes to PRC 4291 and GC 51182 now support what has been in effect in Ventura County since 1931. These provisions also address County ROW and Private Road parcels based on legal opinions and case law, as indicated by County PWA and Real Estates Services when these situations have arisen in the past.

## **Item 82**

Sections 4907.5 through 4907.18 are added to read as follows:

**4907.5 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 4907.6 may be used.

### **4907.6 Clearance of fuels or vegetative growth from structures.**

**4907.6.1 Structures.** Any Person owning, leasing, controlling, operating or maintaining any Building in, upon, or adjoining any WUI 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, that are well-pruned, maintained, and spaced, and do not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure, and are in accordance with the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**4907.6.2 Timing for new Buildings and additions to existing Buildings.** The provisions of Section 4907.6 shall be completed prior to vertical construction of any new building or addition to an existing building.

**4907.6.3 Detached accessory Buildings.** Detached accessory Buildings are not subject to the clearance requirements of Section 4907.6 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 50 feet from any other Building subject to the clearance requirements of 4907.6.1.
3. The Building does not contain any hazardous items or material/process requiring a fire code permit.
4. The area within 10 feet of the building has been cleared to bare mineral earth and there is no combustible vegetation within 20 feet of the building.

**4907.6.4 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 sq ft of combined panel area.
2. A minimum 30-foot clearance for clusters of panels greater than 1,500 sq ft 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 Section 4906 unless the clearance requirements of Section 4906 are provided as measured from the perimeter of the panel or cluster.

**4907.6.5 Prefabricated sea cargo/metal storage containers used for storage.** The clearance requirements of 4907.6.1 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.

**4907.7 Defensible Space clearance zones and requirements.** The required 100-foot Defensible Space clearance is identified in three (3) distinct zones: Zone 0, 1 and 2. Additional clearance beyond the required 100-foot Defensible Space is identified as Zone 3.

**4907.7.1 Requirements.** Defensible space shall be in accordance with the requirements of the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official and the specific requirements for each zone listed in Section 4907.7.2 through 4907.7.5.

**4907.7.2 Zone 0 purpose and location.** Zone 0 reduces the likelihood of structure ignition by reducing the potential for direct ignition of the structure from flame contact, by embers that accumulate at the base of a wall, and/or indirect ignitions when embers ignite vegetation, vegetative debris or other combustible materials located close to the structure that result in either a radiant heat and/or a direct flame contact exposure to the structure.

Zone 0 is the horizontal area within the first five feet around the structure, any outbuildings, and attached decks, and stairs. Zone 0 is measured from the edge of a structure, attached decks, patio covers, balconies, and floor projections above grade. Zone 0 also includes the area on the roof of a building, and underneath and on top of: attached decks, patio covers, balconies, and stair landings.

**Advisory Notice:** VCFPD has local Zone 0 requirements currently in effect for new buildings and additions to existing buildings. As required by State Law, Assembly Bill 3074 (Chaptered September 2020), new State regulations for Zone 0, currently under development by the State Board of Forestry and Fire Protection, are scheduled to take effect in early 2023 for all new buildings, and one (1) year thereafter, for all existing buildings. Any State regulation more restrictive than this ordinance or the requirements of Defensible Space and Fuel Modification Standards, as issued and approved by the Fire Code Official, will apply.

**4907.7.2.1 Decks.** Vegetation is prohibited underneath any deck. Other fuels underneath decks may be limited and shall not cause an ignition due to embers.

**4907.7.2.2 Mulch and wood chips.** Combustible mulch and wood chips are prohibited in Zone 0.

**4907.7.2.3 Firewood.** Firewood shall be removed from Zone 0.

**4907.7.2.4 Roofs.** Trees shall be trimmed to provide a minimum 3-foot clearance above any roof, patio cover, or other projection from the building. All roofs and gutters shall be kept free of leaves, needles, or other combustible vegetation.

**4907.7.2.5 Landscaped roofs.** Landscape roofs shall comply with Section 317, 4907.7.1, and 4907.7.2.

**4907.7.2.6 New trees.** New trees are not allowed in Zone 0.

**4907.7.2.7** Artificial or synthetic grass is prohibited within Zone 0.

**4907.7.3 Zone 1 purpose and location.** Zone 1 reduces the likelihood of fire burning directly to the structure. This is accomplished by modifying fuels and creating a discontinuity between planting groups that limits the pathways for fire to burn to the structure and reduces the potential for near-to-building ember generation and radiant heat exposures. An additional purpose of this zone is to provide a defensible area for fire personnel to stage and take direct action.

Zone 1 is the area within 5-30 feet of structures and decks, with slopes not greater than 20 percent; 5-50 feet from buildings and decks, when slopes are greater than 20 percent.

**4907.7.4 Zone 2 purpose and location.** Zone 2 is designed to reduce the potential behavior of an oncoming fire in such a way as to drop an approaching fire from the crown of trees to the ground, reducing the flame heights, and the potential for ember generation and radiant heat exposure to structures. Additional benefits of the Zone 2 include facilitating direct defense actions and improving the function of Zones 0 and 1.

Zone 2 is the area from the outer edge of Zone 1 to 100-feet from structures and decks.

**4907.7.4.1 Spacing.** Spacing of vegetation and trees at the outer edge of Zone 2 shall be based upon the height of the vegetation within Zone 2 or the adjacent area beyond the 100-foot zone, whichever provides for the greater spacing. This may require clearance outside the 100-foot zone or setting back vegetation and trees within Zone 2 away from the 100-foot line.

**4907.7.5 Zone 3 purpose and location.** Zone 3 is considered a thinning zone and is any FMZ greater than 100-feet from structures and decks. When provided, either by conditions of development, voluntary by the property owner, or required by the Fire Department, this zone is more of a progressive thinning zone to lessen spread of fire as it approaches the primary FMZ adjacent to structures. The amount of fuel reduction and removal should take into consideration the type and density of fuels, aspect, topography, weather patterns, and fire history.

## **4907.7.6 General requirements for Zones 0,1 and 2.**

**4907.7.6.1** All dead or dying grass; plants; shrubs; trees; branches; leaves; weeds; and tree needles, shall, be removed.

**4907.7.6.2 Mulch and wood chips within Zone 1 and Zone 2.** Use of combustible mulch and wood chips 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.

**4907.7.6.3 Firewood piles.** Exposed firewood piles not exceeding 1,000 cubic feet within a WUI Area shall be located a minimum of 30 feet from any Building and/or combustible vegetation. See Section 4911.10.4 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.

**4907.7.6.4 Clearance from chimney, stovepipe.** Any portion of a tree or shrub that extends within 10-feet horizontally or vertically of a chimney outlet or stovepipe outlet shall be removed.

**4907.7.6.5 Trees.** New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10-feet (3048 mm) from any combustible structure.

**4907.7.6.5.1. Tree spacing.** The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 20-feet in Zone 1 and not less than 10-feet (3048 mm) in Zone 2. Separation distance may be increased for slopes exceeding 20%. Required spacing is measure between tree canopies at maturity.

**4907.7.6.5.2. Ground clearance of trees.** Trees exceeding 6-feet in height shall be limbed up from the ground 6-feet or 1/3 the height of the tree, whichever is less. Exception: Fruit trees when approved.

**4907.7.6.5.3 Ground cover under tree canopy.** When approved ground cover and shrubs are located underneath trees, the vertical clearance to the lowest branch of the tree canopy shall not be less than three times the height of ground cover or shrub under or adjacent to the tree. The horizontal clearance shall be 3-feet from the trunk of the tree.

## **4907.7.6.6 Continuous tree canopies.**

**4907.7.6.6.1 New Structures.** Continuous tree canopies are not allowed. Tree spacing shall be in accordance with the requirements of Defensible



Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**4907.7.6.6.2 Existing Structures prior to April 19, 2019.** Continuous tree canopies may be allowed as determined by the Fire Code Official but will require the complete removal of any understory and smaller trees to meet requirements for a shaded fuel zone. Any remaining trees shall be limbed up a minimum 12-feet from the ground or 1/3 the tree height, whichever is less. The intent is to not allow a crown (canopy) fire to spread unchecked to a structure and to bring any crown fire down to the ground level prior to Zone 1.

**4907.7.6.7 Grasses.** Natural or annual grasses shall be mowed to a maximum height of 3-inch stubble with clippings removed.

**4907.8 Fire protection equipment and utilities.** The clearance requirements of Sections 4907.6 and 4907.7 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.

**4907.9 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.

**4907.10 Clearance of brush and vegetative growth from electrical transmission and distribution lines.**

**4907.10.1 General.** Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with the Section 4907.10.1 through 4907.10.4.4, California Public Resources Code (PRC) and California Code of Regulations (CCR) Title 14.

**Exception:** Section 4907.10 does not authorize Persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

**4907.10.2 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.

**4907.10.3 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.

**4907.10.4 Electrical distribution and transmission line clearances.**

**4907.10.4.1 General.** Clearances between vegetation and electrical lines shall be in accordance with Section 4907.10.4.

**4907.10.4.2 Trimming clearance.** At the time of trimming, clearances not less than those established by Table 4907.10.4.2 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 4907.10.4.3 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

**TABLE 4907.10.4.2  
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.

**4907.10.4.3 Minimum clearance to be maintained.** Clearances not less than those established by Table 4907.10.4.3 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 4907.10.4.3 when evidence substantiating such other clearances is submitted to and approved by the Fire Code Official.

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**TABLE 4907.10.4.3**  
**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.

**4907.10.4.4 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 4907.10.4.3.

#### **4907.11 Ignition sources.**

**4907.11.1 General.** In addition to the requirements of other sections of this Code, ignition sources shall be in accordance with Section 4907.11.3 and includes, but not limited to, electrical panels, flare stacks, generators, fixed equipment, and machinery capable of producing sparks.

**4907.11.2 Objective.** Regulations in this section are intended to provide minimum requirements to prevent the occurrence of wildfires from ignition sources.

**4907.11.3 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.

#### **4907.12 Flammable and hazardous material processes, storage, and use.**

**4907.12.1 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 4907.12.2 and 4907.12.3.

**4907.12.2 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.

**4907.12.3 Oil drilling operations.** A minimum 100-foot clearance from grass, brush or other Combustible Materials shall be maintained from any oil well drilling operations.

**4907.13 Disposal.** All Fuels and Vegetation cut and or removed to provide the required Defensible Space, including clearing of land for a new building, shall be disposed of in accordance with all applicable Federal, State, and Local Laws and Regulations. Cut and or removed Fuels and Vegetation shall not be relocated outside the required Defensible Space zone. Burning of Fuels and Vegetation for disposal is prohibited.

**4907.14 Correction of conditions.** The Fire Code Official is authorized to give notice to the owner of the property on which conditions regulated by Section 4907.10, 4907.11, and 4907.12 exist to correct such conditions. The Fire Code Official may use the provisions for notice, abatement and collection of costs as provided by this Sections 4907.15, 4907.16, and 4907.17.

**4907.15 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.

**4907.15.1 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.

**4907.16 Clearance upon default of owner or lessee.**

**4907.16.1 Notice.** The Fire Code Official may, instead of or in addition to following the procedure set forth in Section 4907.15, cause a notice to be mailed.

**4907.16.2 Mailed notice.** If a notice is mailed, the Fire Code Official shall provide information specified in Section 4907.15 and shall include a description of the property according to that set forth on the County assessment roll (Assessor Parcel Number – APN), 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.

**4907.16.3 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, APN, 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.

**4907.16.4 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 4907.16.6 shall apply. Ref: H&S 14900.5

**4907.16.5 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. (APN).

**4907.16.6 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 enter the property to abate the fire hazard in accordance with Health and Safety Code Section 14901. The Fire Code Official may expend Fire District funds for such abatement and may contract with a Person or Persons for such abatement.

#### **4907.17 Collection of the cost of abatement.**

**4907.17.1 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, (APN) of the Parcel upon which such Public Nuisance.

**4907.17.2 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.

**4907.17.3 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. In the case of common homeowner or property owner association land, the amount of expense may be prorated and attached to each real parcel of ownership within the association.

**4907.17.4 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.

**4907.17.5 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.

**4907.18 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.

**4907.18.1 Release of recorded notice.** The Fire Code Official shall record a Release of Notice within 30 Days whenever the conditions listed under Section 4907.18 no longer exist.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance No. 31

Appendix W and the Districts Standards for defensible space and is being relocated to Chapter 49.

### **Item 83**

Section 4911 is added to read as follows:

#### **SECTION 4911 FIRE SAFETY PROVISIONS FOR WILDLAND URBAN INTERFACE AREAS**

**4911.1 Scope.** The provisions of this appendix establish general requirements applicable to new and existing properties located within WUI areas.

**4911.2 Objective.** The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a WUI area and improve the capability of controlling such fires.

**4911.3 Vegetation management.** Vegetation management shall comply with Section 4906 and 4907.

#### **4911.4 Access restrictions.**

**4911.4.1 Restricted entry to public lands.** The Fire Code Official is authorized to determine and publicly announce when a WUI area shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of a WUI AREA, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the WUI area is closed to entry, is prohibited.

#### **Exceptions:**

1. Residents and owners of private property within a WUI area 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.

#### **4911.4.2 Trespassing on posted private property.**

**4911.4.2.1 General.** When the Fire Code Official determines that a specific area within a WUI area 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 4911.4.2.2.



**4911.4.2.2 Signs.** Approved signs prohibiting entry by un-authorized Persons and referring to this Code shall be placed on every closed area.

**4911.4.2.3 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.

**4911.5 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.

**4911.6 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 WUI area 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.

**4911.7 Use of equipment.**

**4911.7.1 General.** Except as otherwise provided in this section, no Person shall use, operate or cause to be operated, in upon or adjoining any WUI area, 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.

**4911.7.2 Location.** Spark arresters affixed to the exhaust system of engines or vehicles subject to this Section 4911.7 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.

**4911.7.3 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.

**4911.7.4. Other vehicles.** Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to Section 4911.7 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.

**4911.7.5 Turbocharged engines.** Turbocharged engines are not subject to Section 4911.7 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.

**4911.7.6 Private closed courses.** Section 4911.7 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.

**4911.8 Tampering with locks, barricades, signs, and address markers.** Locks, barricades, seals, cables, signs, and address markers installed within a WUI area, 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.

#### **4911.9 Ignition source control.**

**4911.9.1 General.** Ignition sources shall be in accordance with Section 4911.9 and this Code.

**4911.9.2 Objective.** Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

**4911.9.3 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.

**4911.9.4 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 WUI 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.

#### **4911.9.5 Outdoor fires.**

**4911.9.5.1 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.

**4911.9.5.2 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.

**4911.9.6 Incinerators, outdoor fireplaces, permanent, and grills.** Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained in a WUI area 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.

**4911.9.7 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.

**4911.9.8 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 WUI area. 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 WUI area.

**4911.9.9 Outdoor gun ranges and target shooting.** Outdoor gun ranges and target shooting shall be situated to prevent fires spreading into a WUI area. Any gun range located within a WUI area 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.

#### **4911.10 Control of storage.**

**4911.10.1 General.** In addition to the requirements of other sections of this Code, storage and use of the materials shall be in accordance with Section 4911.10.

**4911.10.2 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.

**4911.10.3 Explosives.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported, or disposed of within a WUI area, except by permit from the Fire Code Official.

#### **4911.10.4 Combustible Materials.**

**4911.10.4.1 General.** Outside storage of Combustible Materials such as, but not limited to, wood, rubber tires, building materials or paper products when located within a WUI area shall comply with the other applicable sections of this Code and Section 4911.10.4.

**4911.10.4.2 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.

**4911.10.4.3 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 4907.7.5.3 for firewood piles under 1,000 cubic feet when located in a WUI Area.

#### **4911.11 Dumping.**

**4911.11.1 Waste material.** Waste material shall not be placed, deposited, or dumped within a WUI area, or in, on or along trails, roadways or highways or against Structures in WUI areas.

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

**4911.11.2 Ashes and coals.** Ashes and coals shall not be placed, deposited, or dumped in or on a WUI area.

**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.

**4911.12 Land use limitations.**

**4911.12.1 General.** Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions and similar uses located within a WUI area must comply with all other provisions of this Code and this section.

**4911.12.2 Objective.** The increased public use of land or Structures within a WUI area 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.

**4911.12.3 Permits.** Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions, or similar uses, shall not be allowed within a designated WUI area, 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.

**4911.12.4 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance No. 31 Appendix V is being relocated to Chapter 49.

## **Item 84**

Section 4912 is added to read as follows:

### **SECTION 4912 FINDINGS**

**4912.1 Findings.** The Board of Directors find that the findings made by the California State Legislature during the approval of State Statutes, and reprinted herein, support and authorize the local amendments to the 2022 California Fire Code Chapter 49 as adopted by the California State Fire Marshal.

**4912.1.1** Government Code Section 51175 The Legislature hereby finds and declares as follows:

(a) Wildfires are extremely costly, not only to property owners and residents, but also to local agencies. Wildfires pose a serious threat to the preservation of the public peace, health, or safety. The wildfire front is not the only source of risk since embers, or firebrands, travel far beyond the area impacted by the front and pose a risk of ignition to a structure or fuel on a site for a longer time. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and federal agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public peace, health, or safety.

(b) The prevention of wildland fires is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

(c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

**4912.1.2** Assembly Bill 38 Chaptered October 2, 2019. The Legislature finds and declares all of the following:

(a) Climate change has resulted in higher year-long temperatures and increasing dry weather conditions in California, resulting in extended,

sometimes multiyear, droughts; extended wildfire seasons throughout the year, with higher temperatures during dry season conditions; and impacts on vegetation wildfire fuel loads and increasing decay and loss of vegetation due to insect infestations and plant diseases.

(b) Wildfires have grown larger and have increased in intensity over the last several decades. As compared with 1986, wildfires in the western United States have occurred nearly four times more often, burning more than six times the land area and lasting almost five times as long. Through the end of the 2017 calendar year, 11 of the 20 most destructive wildfires in California have occurred in the last 10 years. The 2018 calendar year witnessed the most destructive wildfires in California history in terms of the loss of life and structures.

(c) In terms of the size of wildfires, in the last decade, enormous wildfires have consumed vast areas, including the 2013 Rim Fire impacting national park and national forest lands, the 2017 Napa Valley, Sonoma Valley, and Santa Rosa wildfires, the 2017 Thomas Fire impacting 200,000 acres, and the 2018 Camp Fire.

(d) Wildfires, which have impacted occupied areas, have resulted in enormous human and financial costs, including the following:

(1) The 1991 Berkeley-Oakland Tunnel Fire, which resulted in 25 deaths, the loss of more than 3,000 homes, and a total financial loss of \$1.5 billion in 1991 United States dollars.

(2) The 2003 San Diego Cedar Fire, which resulted in 15 deaths and the loss of 2,000 structures.

(3) The 2017 Tubbs Fire, which resulted in 22 deaths, the loss of 5,643 structures, and a total financial loss of approximately \$1.3 billion in 2017 United States dollars.

(4) The 2017 Thomas Fire, which resulted in two deaths, the loss of more than 1,000 homes, and a total financial loss of approximately \$2.2 billion in 2018 United States dollars.

(5) The 2018 Camp Fire, which resulted in 89 deaths, the loss of 18,804 structures, and at least \$12.4 billion in 2018 United States dollars in insured losses.

(e) More than 2,000,000 California households, approximately one in four residential structures in California, are located within or in wildfire movement proximity of “high” or “very high” fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection. Additionally, areas subject to seismic risks confront the likelihood that wildfires could result from

downed power lines and ruptures of natural gas lines caused by earthquakes.

(f) There is a pressing need for wildfire prevention and minimization strategies, on an area-specific basis, that combine increased wildfire resistance within developed areas to minimize wildfire impacts with comprehensive vegetation management measures in wildlands to prevent or severely limit large-scale wildfires from developing and spreading as follows:

(1) Wildfire minimization programs. Developed areas need to carry out comprehensive urban vegetation management programs to reduce vegetation wildfire fuel loads within developed areas. Further, there is a need to provide funding for the hardening of homes and other structures to increase their resistance to wildfires.

(2) Wildfire prevention programs. Comprehensive wildlands vegetation management, responsive to the widely varying vegetation conditions throughout California, is required to reduce vegetation wildfire fuel loads, in relation to the flammability of different vegetation types, to the maximum extent feasible to prevent or severely limit the spread of wildfires.

(3) Wildfire response planning. Area-specific plans should include measures needed to include planning for safe wildlands access for firefighters to the maximum extent feasible.

(g) The diversity of vegetation and development patterns through the state necessitate a geographic approach to planning and implementing wildfire prevention and minimization strategies with fire prevention management agencies covering the geographic areas in which wildfires have or may occur.

(h) Local public agencies have made efforts to prevent wildfires, but, in many instances, lack the expertise, authority, or the financial resources to undertake or complete the tasks at hand.

(i) Wildfires do not respect jurisdictional boundaries or property lines.

**4912.1.3 Assembly Bill 3074 Chaptered September 29, 2020.**

(a) The Legislature finds and declares all of the following:

(1) Catastrophic wildfires pose an urgent threat to lives, properties, and resources in California. The state experienced the deadliest and most destructive wildfires in its history in 2017 and 2018. Fueled by five years of drought, unprecedented buildup of dry vegetation, and extreme winds, the size and intensity of recent wildfires caused the loss of more than 100 lives, the destruction of tens of thousands of homes and businesses, and the exposure of millions of urban and rural Californians to unhealthy air.



Compared with fire activities in 1986, recent wildfires in the western United States have occurred nearly four times more often, burned more than six times the land area, and lasted almost five times as long.

(2) Climate change, an epidemic of dead and dying trees, a century of fire exclusion, and the proliferation of new homes in the wildland-urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25,000,000 acres of California wildlands are classified as under very high or extreme fire threat, extending that risk over one-half of the state. More than 2,000,000 California households and approximately one in four residential structures in California are located within or near “high” or “very high” fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection.

(3) Certain populations in the state are particularly vulnerable to wildfire. These Californians live in communities that face near-term public safety threats given their location and geography. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates that vulnerability.

(4) While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, the intensity of the wildfire threat in California warrants higher levels of action and fortitude. California must develop scalable statewide options to encourage cost-effective structure hardening to create fire-resistant homes, businesses, and public buildings within wildfire hazard areas, with a focus on vulnerable communities.

(5) California must also increase the pace and scale of defensible space assessments, inspections, and community education across the state. Creating and maintaining defensible space is essential for increasing a home’s chance of surviving a wildfire. California should encourage and use all available resources, including community organizations and local governments, to help homeowners and businesses understand how to create and maintain defensible space around their properties.

(6) Ember ignitions are responsible for the majority of wildland fire home ignitions. Establishing a five-foot ember-resistant zone around a structure to eliminate specified materials near structures that will likely be ignited by embers provides important new protections that enhance a home’s chance of surviving a wildfire.

**Purpose/Rationale:** While State Law does not require findings for local amendments to the State Fire Code that are not modifications to building standards as defined in California Health and Safety Code Section 18909, incorporating these findings into

Chapter 49 both memorializes the rationale for and supports the proposed amendments and local requirements that have been in effect in Ventura County since 1929. Ventura County is recognized by the State of California, the National Fire Academy, and other countries for its fire hazard abatement program that has saved lives, structures, and reduced the impact from fire within the County over the years.

## CHAPTER 50

### HAZARDOUS MATERIALS – GENERAL PROVISIONS

#### **Item 85**

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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31. This requirement will only apply when the quantity of hazardous materials is in excess of the exempt amounts specified in this code. It is necessary, for the safety of the firefighters, to provide to means of access to hazardous material areas that are surrounded by physical barriers. This allows a means of escape from an enclosure if one access point becomes blocked during the mitigation effort of a hazardous materials incident.

## CHAPTER 56

### EXPLOSIVES AND FIREWORKS

#### **Item 86**

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 the 2006 edition of 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*.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. It is intended to provide notice those fireworks labeled as Safe and Sane by the State are also prohibited within VCFD's jurisdiction.

#### **Item 87**

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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31. It is intended to authorize law enforcement officers, in addition to fire code officials, to seize fireworks in violation of this section or Title 19.

## **APPENDIX B**

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

#### **Item 88**

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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31. The intent of the provision is to require properties located within a water purveyor's service area to utilize that system to provide the required fire-flow. This has been the long-standing position of the District. The use of NFPA 1142 systems present many challenges and the reliability of those systems is questionable. Situations do exist where there is no water purveyor service or where a water purveyor's system was installed prior to the adoption of the County's Waterworks Manual and the system was not required to be designed to provide fire-flow. For these situations, the District authorizes the use of NFPA 1142. It is not intended to allow projects located in suburban and urban areas to utilize NFPA 1142 in lieu of being served from a properly maintained water system in compliance with the County Waterworks Manual.

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## **Item 89**

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.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 31 and is intended to serve as an advisory notice to property owners that new uses cannot be approved without providing required fire-flow under the provisions of the fire code and applicable waterworks manual.

## **APPENDIX C**

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

## **Item 90**

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 ~~Section 503~~ 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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 31. The purpose is to clarify the access requirements shall meet District Ordinance 29 and to allow the fire code official to require additional fire hydrants on perimeter roads in new developments when such hydrants would not normally be required for the buildings. This provides a water supply for those developments adjacent to Wildland areas for protection of the development from a wildfire.

## **APPENDIX U**

### **ADMINISTRATIVE CITATIONS**

## **Item 91**

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.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 30 Appendix U. The purpose is to provide a more efficient process of handling citations. Under current Fire District Law and District policy, the District has a formal citation policy. The current citation is a "Notice to Appear" and is considered a form of arrest and a criminal complaint. It is processed through the court system and subject to all procedural aspects of a court case and prosecution. Administrative citations are used by a multitude of agencies (fire, cities, etc.) and are processed under civil procedures. They can be handled more expediently and do not over burden the court system. In cases of repeat or serious violation, the formal citation process with the court is still available. The format of this amendment follows existing process used by the County and Cities.

#### ARTICLE 4 - EFFECTIVE DATE

This ordinance shall be effective 30 days from the date of its final passage or January 1, 2023, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES: Directors \_\_\_\_\_

NOES: Directors \_\_\_\_\_

ABSENT: Directors \_\_\_\_\_

\_\_\_\_\_  
CHAIR, BOARD OF DIRECTORS  
COUNTY OF VENTURA

ATTEST:

SEVET JOHNSON  
Clerk of the Board of Directors  
County of Ventura, State of California

By: \_\_\_\_\_  
Deputy Clerk of the Board