

TITLE 4
FIRE PREVENTION CODE

Chapter 4.01.100 GENERAL (adopted 12/02/10 and amended 03/05/2020)

4.01.10 Title and Manner of Citation

Title 4 of the Los Osos Community Services District ("District") Code may be cited as the Los Osos Community Services District Fire Prevention Code, The LOCSD Fire Prevention Code, and/or the District Fire Prevention Code.

4.01.20 Enforcement

A. The California Department of Forestry and Fire Protection / San Luis Obispo County Fire Chief is:

1. The Chief Fire Official and is charged with the enforcement and administration of the District Fire Prevention Code.
2. The Board of Directors' authorized representative to appoint the District's Code Enforcement Officer(s), Fire Code Official(s) and Hearing Officer(s).

B. The Fire Chief is authorized to make necessary and reasonable policies and procedures that are consistent with the provisions of this Fire Prevention Code to aid in its implementation.

4.01.30 Definitions

A. District Fire Chief, Fire Chief or Chief Fire Official means the California Department of Forestry and Fire Protection/San Luis Obispo County Fire Chief.

B. The District Fire Department means the California Department of Forestry and Fire Protection and employees, apparatus, materials and equipment assigned to it by the District and the California Department of Forestry and Fire Protection pursuant to contract.

C. Employees of the District Fire Department or Fire Department employee means the employees assigned to it by the District and employees assigned by the

California Department of Forestry and Fire Protection pursuant to contract.

- D. Code Enforcement Officer or Fire Code Official means the District Fire Chief and/or his/her designee. Code Enforcement Officer has the same meaning as Fire Code Official.
- E. Property Owner means the owner of property whose name and address appears on the latest equalized County assessment roll.
- F. Governing Body means the District Board of Directors.

4.01.40 Peace Officer Powers

Employees of the District Fire Department shall have the powers of peace officers while engaged in the prevention and suppression of fires and the protection and preservation of life and property, including, but not limited to, actions associated with rescue services, emergency medical services and hazardous material emergency response services.

4.01.50 Citations

The Fire Chief or his or her duly authorized representative is authorized to issue citations for misdemeanors specified in Health and Safety Code Section 13871. The provisions of Chapter 5(c) of the Penal Code, as amended from time to time, shall apply.

4.01.60 Authority to Inspect

Employees of the District Fire Department are authorized to enter upon any property or premises to ascertain whether the provisions of the Fire Prevention Code are being obeyed, and to make any examinations and surveys as may be necessary in the performance of their enforcement duties. These may include the taking of photographs, samples or other physical evidence. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If an owner, occupant or agent refuses permission to enter or inspect, the Code Enforcement Officer may seek an administrative inspection warrant pursuant to the procedures provided for in California Code of Civil Procedure Section 1822.50 through 1822.59.

4.01.70 Applicability of General Provisions of the District Code

Unless specifically referred to in the various Sections of this Fire Prevention Code, Section 1.02.03 (Board of Director Review) and Section 1.02.04 (Appeals of the District Code) are not applicable to the Fire Prevention Code.

4.01.80 Violations

- A. Unlawful acts. It shall be unlawful for a person, firm or corporation to:
 - 1. Erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this Fire Prevention Code, or cause same to be done, in conflict with or in violation of any of the provisions of this Fire Prevention Code.
 - 2. To violate any provision or to fail to comply with any of the requirements of this Fire Prevention Code.
 - 3. To cause, aid, abet, or conceal the fact of a violation of this Fire Prevention Code.

- B. Notice of violation. When the Fire Code Official finds a violation referenced in Paragraphs A (1), (2), or (3), above, the Fire Code Official is authorized to prepare a written notice of violation describing the violation and, when compliance is not immediate, specifying a time for re-inspection.
 - 1. Service. A notice of violation issued pursuant to this Fire Prevention Code shall be served upon the Property Owner, operator, occupant or the person responsible for the condition or violation, either by personal service, mail or delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy the such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the Property Owner, occupant or both.
 - 2. Compliance with orders and notices. A notice of violation issued or served as provided by this Fire Prevention

Code shall be complied with by the Property Owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

3. Prosecution of violation. If the notice of violation is not complied with promptly, the Fire Code Official is authorized to request District Legal Counsel to institute the appropriate legal proceedings at law or in equity to restrain, correct, or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Fire Prevention Code or of the order or direction made pursuant hereto.
 4. Unauthorized tampering. Signs, tags or seals posted or affixed by the Fire Code Official shall not be mutilated, destroyed or tampered with or removed without authorization from the Fire Code Official.
- C. Violation penalties. Persons (including firms or corporations) who shall violate a provision of this Fire Prevention 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 directive of the Fire Code Official, or of a permit or certificate used under provisions of this Fire Prevention Code, shall be guilty of a misdemeanor except for those specifically declared by the Fire Prevention Code to be an infraction. Notwithstanding any other provision of the Fire Prevention Code, any misdemeanor violation or failure to comply may, in the discretion of the District Legal Counsel or the Fire Code Official, be initially charged or subsequently prosecuted as an infraction. Each and every infraction violation is punishable by a fine not exceeding one hundred (\$100) dollars for a first violation; a fine not exceeding two hundred (\$200) dollars for a second violation of the Fire Prevention Code within one (1) year; and a fine not exceeding five hundred (\$500) dollars for a third violation of the Fire Prevention Code within one (1) year. Each and every misdemeanor violation is punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

1. Abatement of violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.
 2. Continuing violations. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue.
- D. Separate offense. For each and every day, unless stated elsewhere, during any portion of which any violation of any provisions of this Fire Prevention Code is committed, continued, or permitted by such person (including firms or corporations) shall be a separate offense and punishable accordingly.
- E. Public Nuisance. Enforcement by Civil Action. In addition to the penalties provided in the Fire Prevention Code, any condition caused or permitted to exist in violation of any of the provisions of the Fire Prevention Code shall be deemed a public nuisance and may be abated as such, and every day such condition continues shall be regarded as a new and separate offense.
- F. Injunctive Relief. The Fire Prevention Code may also be enforced by injunction issued by the Superior Court upon the suit of the District. This method of enforcement shall be cumulative and in no way affect the penal provisions hereof.
- G. Fees, Charges, Fines and Penalties. The amount of any fee, service charge, fine or penalty of any nature whatsoever imposed by any provision of this Fire Prevention Code shall be deemed a civil debt owing to the District, County or Court. An action may be commenced in the name of the District in any court of competent jurisdiction for the collection of the amount of any such delinquent or unpaid fee, service charge, fine or penalty together with any penalties applicable thereto as prescribed by this Fire Prevention Code.
- H. Collection of Fees, Charges, Fines and Penalties with Taxes. The Board of Directors hereby adopts the procedures for the collection of delinquent rates, charges,

finances, penalties and fees established in Government Code Sections 61115(c) and (d) or any successor statutes. The General Manager or his/her designee is authorized to record a certificate specifying the amount of any such charges, fines, and fees and the name and address of the persons liable therefore, sixty (60) days after the payment becomes delinquent, pursuant to Government Code Section 61115(c).

- I. Remedies Cumulative. Enforcement of the provisions of this Fire Prevention Code and remedies for collection of various fees, charges, fines and penalties are cumulative and may be pursued alternatively or consecutively by the District. The District's use of any one of the remedies, legal actions or enforcement actions prescribed herein shall not bar the use of any other remedy, legal action or enforcement procedures provided by the Fire Prevention Code or by law for the purpose of enforcing the provisions hereof.
- J. Attorney Fees. In any legal action or administrative action commenced by the District to abate a public nuisance, to enjoin a violation of any provision of the Fire Prevention Code, or to enforce the provisions of the Fire Prevention Code, or the collection of a civil debt owing to the District, the prevailing party shall be entitled to recover, in any such action, its reasonable attorneys' fees and costs to suit, provided that the District elects at the initiation of individual actions or proceedings, to seek recovery of its own attorney fees.

Chapter 4.02.100 CALIFORNIA FIRE CODE (amended 03/05/2020)

- 4.02.110 Adoption by Reference of "California Fire Code" in its entirety as Charter 4.02

The Los Osos Community Services District adopts by reference the 2019 California Fire Code, with the exception of Appendix A, D, E, G and J in its entirety to Title 4 of the Los Osos Community Services District Fire Prevention Code. This will include all annual supplements and State Amendments and Errata, for the protection of public health and safety.

- 4.02.120 Establishment of Board of Appeals

In order to hear and decide appeals of orders, decisions or determination made by the Fire Code Official relative to the application and interpretation of this Chapter, there shall be and is hereby created a Board of Appeals. Until such time as the District Board of Directors appoints members to the Board of Appeals, the Board of Appeals shall be the Board of Appeals appointed by the County of San Luis Obispo. The rules of procedure for conducting the business of the Board of Appeals shall be those procedures established by the County of San Luis Obispo.

- 4.02.130 Definitions

Whenever the word "jurisdiction" is used in the California Fire Code, it shall mean the Los Osos Community Services District boundary.

- 4.02.140 The California Fire Code adopted by this Chapter and the following amendments only modify and change the identified sections. All other provisions are adopted without change.

SECTION 202, "General Definitions" the definition of "Floor Area, Gross", is amended by addition thereto as follows:

For the purpose of calculating square footage for the application of fire sprinkler requirements and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers, overhangs, and covered walkways. Alterations, additions and remodel square footage will be considered a combined and cumulative sum of floor area.

SECTION 302.1, “Definitions”, is amended to add the following definition:

SKY LANTERN. An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

SECTION 308.1.6.3 is added to read as follows:

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

Exceptions:

Upon approval of the fire code official, sky lanterns may be used under the following conditions:

- (a) When necessary for religious or cultural ceremonies and adequate safeguards have been taken in the discretion of the fire code official.
- (b) Sky Lanterns shall be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

SECTION 403 Public Assemblages and Events is added to read as follows:

403.2.2 Procedures

Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special

effects, live audiences and any event with public attendance over 250.

A written plan must be submitted to the fire code official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. A field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event. If modifications or additions to the event areas are made, an updated permit & inspection must be completed.

SECTION 405.7 "Initiation" is amended to read as follows:

405.7 Initiation. Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system. Prior to initiating an alarm, the person initiating the alarm shall contact the fire alarm monitoring company and advise the company's dispatcher of the fire drill. In cases where the fire alarm system is not monitored by a central station, notification shall be provided to the fire department dispatch center.

SECTION 503 is added to read as follows:

A. Fire Apparatus Access Roads

503.1.2.1 Maximum Dead-end Road Lengths. The maximum length of dead-end roads, including all dead-end roads accessed from a dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcel size	Length
less than one (1) acre	800 feet
1 acre to 4.99 acres	1320 feet
5 acres to 19.99 acres	2640 feet
20 acres or larger	5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins from the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1320 feet or 1/4 mile intervals.

Lengths exceeding maximum dead-end road distances required secondary access as determined by the fire code official. Placement of roads shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property to be served, measured in a straight line between accesses.

503.2.7 Grade. The grade for all roads, streets, private lands and driveways shall not exceed 20 percent unless approved by fire code official. Design criteria shall be in accordance with San Luis Obispo County Public Works public improvement standards. Roads 12%-16% shall be a nonskid asphalt or concrete surface as specified in San Luis Obispo County Standard Specifications and Improvement Drawings.

503.2.9 Driveway. Driveway specifications shall be provided and maintained when serving no more than one legal parcel or lot with no more than 3 dwelling units, and any number of accessory buildings.
503.2.9.1 Driveway. Width for high and very high fire severity zones:

Driveway Length	Required width
0-199 feet	12 feet is required
Greater than 200 feet	14 feet is required

503.2.9.2 Turnarounds. Turnarounds must be provided if driveway exceeds three hundred (300) feet, and shall be within fifty (50) feet of the building.

1. Fuel Breaks - The Chief or his/her designee is authorized to cause an area within 10 feet on each side of the driveway to be cleared of flammable vegetation and other combustible growth. The Chief or his/her designee is authorized to enter upon private property to do so.

Exception:

Single specimens of trees, ornamental shrubbery, or cumulative groundcover such as green grass, ivy, succulents or similar plants used as groundcover provided they do not form a means of readily transmitting fire.

2. A turnout shall be provided near the midpoint.

3. For driveways exceeding three hundred (300) feet, a turn-around shall be at the building site and must be within fifty (50) feet of the dwelling. For driveways exceeding eight hundred (800) feet, turnouts shall be provided no more than four hundred (400) feet apart.

Adjustments

An adjustment to the standards of subsection three (3) of this Section may be granted where proposed by the Applicant and mitigated practices are approved by the Fire Chief or his/her designee, where the mitigation provides for the ability to apply the same degree of accepted fire suppression strategies and tactics and fire fighter safety as these regulations overall, towards providing a key point of defense from an approaching fire or defense against encroaching fire or escaping structure fires.

Requests for adjustment shall be filed with the Fire Chief by the Applicant or the Applicant's representative in the form of an attachment to the project application. The request shall state the specific requirement for which an adjustment is being requested, material facts supporting the contention of the applicant, the details of the adjustment or mitigation proposed and a site plan showing the proposed location and setting of the adjustment or mitigation measure, where applicable. A request for adjustment shall be approved by the Fire Chief or his/her designee when it has been determined that the criteria for adjustment are satisfied as described in this subsection (a).

503.2.9.4 Surfaces. Roads shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide aggregate base. Driveways and road and driveway structures shall be designed and maintained to support at least 40,000 pounds.

503.2.9.5 Special Purpose Roads. Roads designated to service non-habitable infrastructure to include specific group U occupancies including communication towers and water tanks. Road shall be designed to have a minimum 12-foot travel lane and 13 foot 6-inch vertical clearance. Special purpose roads exceeding 150 feet in length but less than 800 feet shall have a standard turnout near the midpoint of the driveway. Turnouts shall be provided at the terminus of the roadway within 50 feet of infrastructure.

Section 503.4 "Obstruction of Fire Apparatus Access Roads" is amended to read as follows:

503.4 Obstruction of Fire Apparatus Access Roads Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The required width of a fire apparatus access road shall not be obstructed in

any manner including parking of vehicles. Minimum required widths and clearances established under Section 503.2.1 shall be maintained at all times.

503.4.21 Authority to Remove Obstruction. The Fire Code Official and his authorized representatives shall have the power and authority to remove or cause to be removed, without notice, any vehicle or object parked or placed in violation of the California Fire Code and California Vehicle Code 22651. The owner of any item so removed shall be responsible for all towing, storage and other charges incurred.

504.3 Stairway access to roof. New buildings two or more stories above grade plane, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof or other access to the roof for emergency personnel approved by the fire code official. Stairway access to the roof shall be in accordance with Section 1009. Such stairway or other approved access shall be marked at street and floor levels with a sign indicating that the stairway or access continues to the roof. Where roofs are used for roof gardens or for other purposes, stairways shall be provided as required for such occupancy classification.

Section 505 - Premises Identification

Section 505.1 is amended to read as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be approved in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of: Residential six (6) inches, Commercial eight (8) inches, and Industrial ten (10) inches high with a minimum stroke width of 0.5 inch (12.7mm).

505.1.1 Directories. When required by the fire code official, complexes with multiple buildings may be required to provide directories, premises maps and directional signs. The scale, design and location of directory signs shall be approved by the fire code official and may be required to be illuminated.

507.2.2.1 Water Tanks. Fire water tanks and exposed supply lines constructed of combustible materials to include polyethylene/plastic are required to have 30 feet of vegetation clearance. Readily flammable vegetation shall be cleared 30 feet in all directions.

SECTION 603.1.4 “Fuel Oil” is amended to read as follows:

603.1.4 Fuel Oil. The grade of fuel oil used in a burner shall be that for which the burner is approved and as stipulated by the burner manufacturer. Oil containing gasoline shall not be used.

SECTION 606.8 “Refrigerant Detector” is amended to read as follows:

606.8 Refrigerant Detector. Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the California Mechanical Code for the refrigerant classification. Detectors and alarms shall be placed in approved locations. In addition, emergency shutoff shall also be automatically activated when the concentration of refrigerant vapor exceeds 25 percent of LFL (Lethal Flammable Limits).

C. SECTION 903 – Automatic Sprinkler Systems

Section 903 Automatic Sprinkler Systems is amended by deletion of Sections 903.2 through 903.2.11.3. Amend Sections 903.2 by addition thereto to read as follows:

Charts Attached

SECTION 903.4 “Sprinkler System Supervision and Alarms” is amended to read as follows:

903.4 Sprinkler System Supervision and Alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position, by a central station listed by Underwriters Laboratories for receiving fire alarms.

Exceptions:

1. Automatic sprinkler systems protecting one and two-family dwellings.
2. Limited area sprinklers serving fewer than 20 sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to a fire pump engine that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

903.3.8.6 Exterior notification. All fire sprinkler systems including NFPA 13, 13D, 13R shall provide a local water flow alarm.

SECTION 904.11 “Manual System Operation” is amended by addition thereto as follows:

- 904.11.1. Manual System Operation Training. It shall be the responsibility of the business owner to ensure that all employees are knowledgeable in the use of manually operated or activated fire-extinguishing systems within the occupancy.

SECTION 905.3 “required installations Standpipe Systems” is amended to read as follows:

- 905.3.1 Building height and area. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access and in any parking structure.

A building that is greater than 20,000 square feet (1.858 m²) of floor area and greater than 18 feet (5.49 m) in height shall have a dry or wet standpipe system with a 2 ½ inch (64 mm) outlet at the roof near the roof access. Location of the outlet and the fire department connection to the standpipe shall be labeled and approved by the fire code official.

- 907.6.6 Monitoring. Fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved supervising station listed by Underwriters Laboratory for receiving fire alarms in accordance with NFPA 72. The supervising station shall contact and notify the Fire Chief or their call receiving location immediately on notification of an alarm and prior to making contact with the protected premises.

Exception: Supervisory service is not required for: Single- and multi-station smoke alarms required by Section 907.2.10.

Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.4.

sprinkler systems in one- and two-family dwellings.

SECTION 907.10.1. False alarms exceeding 3 per calendar year are subject to citation and cost recovery

Chapter 50, "Hazardous Materials-General Provisions", is amended by addition thereto as follows:

If any provision of Chapter 50 as it pertains to Explosive Material is in conflict with San Luis Obispo County Code Chapter 6.32, the provisions of Chapter 6.32 shall control.

Amendment No. 2725

Chapter 56 "Explosives and Fireworks", is amended by addition thereto as follows:

If any provision of Chapter 56 conflicts with San Luis Obispo County Code Chapter 6.32, the provisions of Chapter 6.32 shall control.

D. Section 3309-Reserved:

Section 3309 Reserved is amended and reads as follows:

3309.1 Fireworks Prohibited. The manufacturing, possession, storage, sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exceptions:

1. Storage of fireworks in accordance with the requirements for low order explosives in Title 19, California Code of Regulations, Chapter 10.
2. Storage of fireworks, 1.4G in accordance with the Building Code.
3. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6.

3309.2 Seizure of Fireworks. The Fire Code Official shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9.

E. Appendix B 105 – Automatic Sprinkler Systems

Section B103.3 "Areas Without Water Supply Systems" of Appendix B Fire-Flow Requirements for Buildings, is amended to read as follows:

B105.2 Exception # 3 is added to read as follows:

Exception:

3. Buildings on parcels where there is no water purveyor, or the water purveyor's current system cannot meet fire flow duration requirements without excessive system modifications, or when the property is greater than three hundred (300) feet from an approved hydrant, an on-site storage tank may provide the fire protection water supply when the building has an approved automatic sprinkler system. The chief shall approve the location, capacity, connections and other appurtenances in accordance with National Fire Protection Association (NFPA) Standard 1142, or NFPA Standard 13, current edition to establish on-site storage capacities, except that in all cases a minimum-

Chapter 4.04.000 FIRE HAZARDS ABATEMENT (amended 03/05/2020)

4.04.01 Legislative Authority

Pursuant to the authority granted to it by sections 14930 and 14931 of the Health and Safety Code of the State of California, the Board of Supervisors does enact this Chapter for the abatement of fire hazardous weeds and prohibited materials in the Los Osos Community Services District.

4.04.10 Policy

- (a) The purpose of this Chapter is to authorize the abatement of fire hazardous weeds and prohibited materials in the Los Osos Community Services District as a component of fire protection service provided by the County Fire Department.
- (b) The uncontrolled growth and/or accumulation of prohibited materials on parcel as defined in this chapter is hereby found to create a condition that is a fire hazard and potentially injurious to the health, safety, and general welfare of the public and first responders.

4.04.20 Effect

This Chapter is not the exclusive regulation of fire protection, including hazardous weeds and prohibited materials, for the Los Osos Community Services District. It shall supplement and be in addition to the provisions of Title 4 which incorporates the California Fire Code with local amendments, and the regulating statutes and ordinances heretofore or hereafter enacted by the State, the County, or any other legal entity or agency having jurisdiction.

4.04.30 Enforcement

- (a) Except as otherwise provided, this Chapter shall be administered and enforced by the fire code official, his/her deputies and employees in his/her department.
- (b) For the purpose of enforcing or administering this ordinance, the fire code official, his/her deputies and employees in his/her department may enter any real property for the purpose of inspecting the property or for summary abatement, after obtaining consent or obtaining an inspection warrant when required by law and as provided in Section 4.04.160 of this Chapter, or whenever the county fire official is informed or has reasonable cause to believe

that hazardous vegetation or combustible material exists, constituting a condition dangerous or injurious to the health or welfare of persons or to the public, including the environment, is a public nuisance or is otherwise in violation of this ordinance.

- (c) No person shall interfere with the entry of the fire code official, his/her deputies and employees in his/her department acting in the official course and scope of his/her duty.

4.04.40 Declaration of Nuisance

Weeds, grass, rank growths and combustible rubbish growing or accumulating upon private property within the Los Osos Community Services District, which do, or will when dry, create a fire hazard and which by virtue thereof constitute a danger to neighboring property or the health or welfare of residents of the vicinity are hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this Chapter.

4.04.50 Definitions

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

- a) "Abatement costs" means both cost of administration and cost of abatement.
- b) "Cost of abatement" means any and all costs incurred by the Los Osos Community Services District to abate the hazardous weeds or combustible material on any property pursuant to this ordinance, including physical costs and any additional actual costs incurred by the San Luis Obispo County Fire Department for the abatement proceeding.
- c) "Cost of administration," means the cost to the Los Osos Community Services District of doing the acts required under this Chapter, except the actual cost of abatement. When a hearing is held to review the determination of the fire code official that a nuisance exists, the reviewing authority shall determine the actual cost of administration attributable to that parcel. When no request for a hearing is timely made, the fire code official shall determine the actual cost of administration. For the purpose of determining the cost of administration, all contiguous property owned by the same person or persons shall be deemed to be a single parcel, even though the contiguous property may be designated with more than one assessor's parcel number.
- d) "Defensible space" means the area around a structure within a 100-foot radius or to the property line, whichever is less, in which combustible

vegetation and other prohibited materials must be treated, cleared, or reduced to slow the spread of fire to and from the structure.

- e) "Fire code official" means the fire chief of the San Luis Obispo County Fire Department or his/her designated representative.
- f) "Grass" means any herbaceous plant which is cultivated and which attains, when mature, if uncontrolled, such a height as to be a medium for the rapid spread of fire.
- g) "Prohibited materials" means combustible vegetation, green waste, rubbish, or weeds, readily flammable products.
- h) "Rank growth" or "hazardous vegetation" means a cover of vegetation of any type, cultivated or not, including trees, which has attained or will, if allowed to mature, attain such a height and density as to be a medium for the rapid spread of fire.
- i) "Weed" means any plant, whether herbaceous or woody and of whatever height, except a tree, which grows wild.

4.04.60 Duty to Maintain Defensible Space

Property owners shall service a defensible space as defined by this chapter. The following conditions within Los Osos Community Services District are declared to be nuisances and shall be abated by the owner of each parcel or property where such conditions exist, at the sole expense:

- (a) The presence of prohibited materials within the defensible space surrounding any structure.
- (b) The presence of prohibited materials on undeveloped parcels that are one acre or less in size within developed neighborhoods, tracts, developments.
- (c) The presence of prohibited materials that contribute to the fuel load or hinder the clearing of properties or delay firefighting operations on any parcel.
- (d) A portion of any tree that extends within ten feet of the outlet of any chimney or stovepipe.
- (e) The accumulation of dead or dying wood in any tree adjacent to or overhanging a structure.
- (f) The presence of prohibited materials on the roof or in the rain gutter of any structure.

04.04.70 Adjacent property owner's responsibilities

When a structure is less than one hundred feet from a property line and prohibited materials on an adjacent parcel present a fire hazard for the structure, the property owner of the adjacent parcel where the fire hazard exists shall be responsible for clearing the area on that owner's parcel that is within one hundred feet of the structure, so as to provide the necessary fire protection.

04.04.80 Notice of Nuisance and Order to Abate

Whenever the fire code official determines that a nuisance described in section 4.04.40 of this Chapter exists upon any private property within Los Osos Community Services District, the fire code official shall notify the owner of the existence of the nuisance.

4.04.90 Notice Contents

The Notice required by section 4.04.80 of this Chapter shall include the following information:

- (a) Identity of the owner of the private property upon which the nuisance exists, as the name appears on the records of the County Assessor or Clerk/Recorder.
- (b) A legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.
- (c) A statement that a fire hazardous condition exists and that it has been determined by the fire code official to be a public nuisance described in section 4.04.40 of this Chapter.
- (d) A description of the corrective actions that are ordered, and an order that the property owners and persons in possession must abate the hazardous vegetation or combustible material within fifteen (15) days and that the failure to bring the real property into compliance with this ordinance could subject the owner or persons in possession to civil, administrative and criminal penalties.
- (e) A statement that unless the owner abates the fire hazardous nuisance or requests a hearing before the hearing board to appeal the determination of the fire code official, the fire code official will abate the nuisance not less than thirty (30) days after the date said notice was mailed or personally delivered. It shall also state that the abatement costs may be made a special assessment and added to the County assessment roll and become a lien on the real property, or placed on the unsecured tax roll.

Special assessments are subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency as is provided for ordinary county taxes.

4.04.100 Notice; Mailing; Personal Delivery; Posting

The Notice required by section 4.04.80 of this Chapter shall be served by delivering it personally to the owner and the person in possession of the property, or by mailing it to all known persons to be in possession and to the property owner as such person's name and address appears on the last County equalized assessment roll. If the address is unknown, that fact shall be so stated and the notice shall be addressed to the person at the county seat and posted in a conspicuous place at or near the entrance to the property. Service by mail shall be deemed complete at the time of deposit in the U.S. Mail. The failure of any person in possession or owner of the property to receive such notice shall not affect the validity of these proceedings.

4.04.110 Establishment of Hearing Board

A hearing board is hereby established in order to conduct hearings pursuant to this Chapter. The hearing board shall be comprised of three (3) persons as follows: one (1) member shall be an officer of the department of the issuing agency selected by the department head, but not the issuing officer; and two (2) members shall be selected by the Board of Supervisors. Members shall serve at the pleasure of the Board of Supervisors.

4.04.120 Hearing Request; Notice

Any person who is adversely affected by the Notice required by section 4.04.80 may appeal the Notice and order therein by filing a written request for a hearing with the fire code official within fifteen (15) calendar days following the date of mailing of the notice or the date on which the notice was personally delivered. The request shall identify the subject property by address and assessor's parcel number and shall identify the owner of the property. The clerk of the hearing board shall set a date and time for such a hearing and shall send a notice thereof by regular mail at least ten (10) calendar days before such date to the owner and/or the person who submitted the request for hearing, at the address set forth on the request and shall notify the fire code official of such hearing date. Timely appeal shall stay any further action for abatement until the date set for hearing. If no request for a hearing is timely made, the Board of Supervisors declares that abatement of the nuisance shall have been deemed ordered by the Board of Supervisors as of the date of the postmark of the Notice.

4.04.130 Hearing

At the date and time set, a hearing shall be held by the hearing board. The hearing shall be open to the public. The owner and/or any persons affected by

the Notice may be represented by counsel. The hearing board shall hear all pertinent evidence offered by all interested persons. The technical rules of evidence shall not be applicable to the hearing, except that the hearing board's decision may not be based wholly on hearsay evidence. All persons giving evidence shall be sworn before testifying. The hearing shall be recorded.

4.04.140 Hearing Decision

At the conclusion of the hearing, the hearing board shall issue a recommended decision ("Recommended Decision"). The hearing board may determine:

- (a) That no public nuisance exists.
- (b) That a public nuisance exists which should be abated in accordance with section 4.04.160 of this Chapter, in which case the nuisance shall be abated no sooner than the fifth business day following the mailing of notice of the Board of Supervisor's adoption of the hearing board's Recommended Decision.
- (c) That a public nuisance exists which may be removed by some procedure proposed by the owner other than destruction of the fire hazardous plants or materials. If the Hearing Board determines that another procedure proposed by the owners may be employed to remove the public nuisance, it shall set a reasonable time within which the owner must complete that procedure. If the owner fails to complete the procedure proposed within the time limit set by the hearing board, the fire code official may, upon five (5) business days notice of the Board of Supervisor's adoption of the hearing board's Recommended Decision sent by the Clerk of the Board to the owner by regular mail, commence abatement in accordance with section 4.04.160 of this Chapter. At any hearing in which it is determined that a public nuisance exists, whether abatement or implementation of an alternate procedure proposed by the owner is ordered, the hearing board shall also determine the cost of administration incurred. The owner or any person affected by the Notice shall be entitled to be heard on the question of such cost of administration. The hearing board shall make its Recommended Decision at the conclusion of the hearing and shall transmit such Recommended Decision to the property owner and persons in possession of the property and to the Board of Supervisors for adoption by resolution. The Board of Supervisors may adopt the Recommended Decision on the consent agenda without further notice or hearing, or may set the matter for a de novo hearing before the Board of Supervisors as set forth in Government Code section 25845.

4.04.150 Abatement by Owner

Any owner or person in possession of the property, may remove or cause to be removed a nuisance described in section 4.04.40 of this Chapter at any time prior to commencement of abatement by, or at the direction of, the fire code official.

4.04.160 Abatement by Fire Code Official

- (a) If, at the end of the time allowed for compliance in the Notice issued pursuant to section 4.04.80, or following adoption by the Board of Supervisors of the Hearing Board's decision (or upon order of the Board of Supervisors following a de novo hearing) and if the owner has not earlier removed the nuisance, the fire code official shall acquire jurisdiction to cause the nuisance to be abated. The fire code official, his deputies, the employees of his department and independent contractors hired by him may enter upon private property on which a nuisance described in section 4.04.40 of this Chapter exists for the purpose of abating that nuisance.
- (b) When required by law, the fire code official shall request the consent of the person or persons owning, occupying or controlling the property before entering the property for purposes of inspection and abatement under this Ordinance. If consent is refused, the fire code official shall apply for an inspection/abatement warrant, as defined in Code of Civil Procedure section 1822.50, to enter the property for inspection and abatement purposes, and entry onto the property shall be made only pursuant to an inspection warrant applied for, issued and executed in accordance with Code of Civil Procedure sections 1822.51 through 1822.59.
- (c) In addition to the authority granted by law to the fire code official in exigent situations, the fire code official is authorized to enter real property and summarily abate any public nuisance determined by the fire code official to constitute an immediate threat to public health or safety without prior notice or hearing.

4.04.170 Abatement Cost Recovery

As set forth in Government Code section 25845, the owner and any person in possession of the real property upon which the nuisance is found to exist shall be jointly and severally liable for all abatement costs incurred by the Los Osos Community Services District without any further hearing.

4.04.180 Notice of Abatement Costs

The fire code official shall keep a written account of the abatement costs, itemized by parcel, showing the cost of abatement and the cost of administration as declared in subsection (e) of section 4.04.50 of this Chapter, or as determined by the hearing board pursuant to section 4.04.140 of this Chapter, for each parcel. The fire code official shall issue a bill for the abatement costs to the owner and person in possession of the property. The bill shall demand payment to the Los Osos Community Services District within fifteen (15) calendar days of its mailing.

4.04.190 Special Assessment and Lien

If the amount set forth in the bill for abatement costs is not paid upon demand, the abatement costs shall be placed upon the County tax roll by the County auditor as special assessments against the respective parcels of land, or placed on the unsecured roll, pursuant to section 25845 of the California Government Code; provided, however, that the abatement costs shall not be placed on the tax roll if paid in full prior to entry of said costs on the tax roll. The fire code official shall prepare and have a notice of lien recorded in the office of the County Recorder. Upon the recordation of the notice of lien, the amount claimed shall constitute a lien upon the subject property, in compliance with Government Code section 25845. After recordation, the Notice of Lien shall be delivered to the County Auditor, who will enter the amount of the lien on the assessment roll as a special assessment. Thereafter, the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes, and is subject to the same penalties and interest, and to the same procedures for foreclosure and sale in case of delinquency, as are provided for ordinary county taxes; all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to the assessment.

4.04.200 Violation; Penalty

- (a) The maintenance on private property of a public nuisance in violation of this Chapter shall constitute a misdemeanor, provided, however, that the offense shall be an infraction in the following events:
 1. The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor, or;
 2. The court, with the consent of the defendant, determines that the offense is an infraction, in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

- (b) Each separate day on which a violation of this title exists shall constitute a separate offense.
- (c) Any person convicted of a misdemeanor under this Chapter shall be punished by imprisonment in the county jail for a period not exceeding six months, or by a fine not exceeding one thousand dollars, or by both.
- (d) Any person convicted of an infraction under this title shall be punished by a fine not exceeding one hundred dollars for the first violation; by a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; and by a fine not exceeding five hundred dollars for each additional violation of the same ordinance committed by that person within one year.
- (e) Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this Chapter.

4.04.210 Issuance of Citation

Nothing in this Chapter shall preclude the fire code official from electing any means of enforcement as authorized by law in the enforcement of the provisions of this Chapter, including but not limited to, the election to issue Citations in the manner proscribed by law.