

## **Ordinance No. 2007-02**

### **An Ordinance of the Board of Directors of the San Miguel Consolidated Fire Protection District Adopting the California Fire Code, 2007 Edition, and 2006 International Fire Code With Certain Amendments, Additions, and Deletions**

**WHEREAS**, Health & Safety Code Section 17958 mandates that the San Miguel Consolidated Fire Protection District shall adopt Ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code, Section 17922; and,

**WHEREAS**, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2007 California Fire Code based on the 2006 International Fire Code published by the International Code Council, hereinafter referred to collectively as the Fire Code; and,

**WHEREAS**, the State of California is mandated by Health & Safety Code Section 17922 to impose the same requirements as are contained in the 2007 California Fire Code based on the Fire Code portion of the 2006 International Fire Code, together with the San Miguel Consolidated Fire Protection District amendments, and the 2006 International Fire Code, shall be San Miguel Consolidated Fire Protection District Fire Code for the purpose of prescribing regulations in the unincorporated territory of the County of San Diego and the San Miguel Consolidated Fire Protection District.

**WHEREAS**, Code amendments adopted by the State of California shall take precedence over the 2006 International Fire Code language. The International Fire Code language shall be used for those code sections not adopted by the State. Local amendments adopted by the San Miguel Fire Protection District shall take precedence over both 2006 International Fire Code and 2007 California Building Standards Code provisions.

**WHEREAS**, Health & Safety Code Section 17958.5 permits the San Miguel Consolidated Fire Protection District to make such changes or modifications to the Codes as are reasonably necessary because of local conditions; and,

**WHEREAS**, Health & Safety Code Section 17958.7 requires that the San Miguel Consolidated Fire Protection District before making any changes or modifications pursuant to Section 17958.5 make express findings that such changes or modifications are needed due to climatic, geographic, or topographic conditions; and,

**WHEREAS**, the Board of Directors of the San Miguel Consolidated Fire Protection District does herewith find that the District has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services, and,

**WHEREAS**, the Board of Directors finds that the modifications and changes to the 2006 International Fire Code and 2007 California Fire Codes are reasonably necessary because of the following local climatic, geological, and topographical conditions as identified in Attachment A.

**WHEREAS**, certain amendments to the California Fire Code and the International Fire Code serve to mitigate to the extent possible said deleterious effects.

**WHEREAS**, Section 50022.1 through 50022.10, inclusive, of the Government Code and Section 13869 of the Health & Safety Code, provide authority for the adoption by reference of codes, or portion of such codes.

**NOW THEREFORE**, the Board of Directors of the San Miguel Consolidated Fire Protection District does ordain as follows:

Ordinance No. 2002-02 of the San Miguel Consolidated Fire Protection District is hereby repealed.

The Board of Directors of the San Miguel Consolidated Protection District does ordain as follows:

### ***Section 1***

That a certain document, three (3) copies of which are on file in the office of the Board of Directors of San Miguel Consolidated Fire Protection District, being marked and designated as the 2007 California Fire Code, including Appendix Chapters, Appendix Chapters 1 & 4, Appendixes B, F, & H as published by the International Code Council, shall be and is hereby adopted as the Fire Code of the San Miguel Consolidated Fire Protection District, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, equipment use, and maintenance of buildings and structures, including that providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the San Miguel Consolidated Fire Protection District are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

### ***Section 2***

That the following sections are hereby revised:

**Chapter 2 Definitions** – **Section 202** – Is hereby added (**A**), revised (**R**) or deleted (**D**) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

(**A**) Whenever “**Administrator**” is used in the California Fire Code, it shall be held to mean the Board of Directors of the San Miguel Consolidated Fire Protection District. Whenever the term “District” is used it shall mean the San Miguel Consolidated Fire Protection District.

(A) Whenever “**Fire Chief of the Bureau of Fire Prevention**” and “**Fire Code Official**” are used they shall be held to mean “**Fire Marshal**.”

(A) Whenever “**Corporation Counsel**” is used in the California Fire Code, it shall be held to mean the attorney for the San Miguel Consolidated Fire Protection District.

(A) **Fire Department** is any regularly organized fire department, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or Fire Company regularly charged with the responsibility of providing fire protection to the jurisdiction.

(A) **Fire Authority Having Jurisdiction (FAHJ)** – The designated entity providing enforcement of fire regulations as they relate to planning, construction and development. This entity may also provide fire suppression and other emergency services.

(A) **Fire Hazard** – Is anything that increases or could cause an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of occupants in the event of fire.

**(R) High-Rise Buildings**

1. “Existing high-rise structure” means a high-rise structure, the construction of which is commenced or completed prior to July 1, 1974.

2. “High-rise structure” means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access (see California Building Code, Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.

3. “New high-rise structure” means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

**(R) High-Hazard Group H** – High-hazard Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of quantities allowed in control areas constructed and located as required in Section 2703.8.3. Hazardous uses are classified in Groups H-1, H-2, H-3, H-4 and H-5 and shall be in accordance with this code and the requirements of Section 415 of the International Building Code.

**Exceptions** – The following shall not be classified in Group H, but shall be classified in the occupancy that they most nearly resemble:

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1. Buildings and structures that contain not more than the maximum allowable quantities per control area of hazardous materials as shown in Tables 2703.1.1(1) and 2703.1.1(2), provided that such buildings are maintained in accordance with this code.
2. Buildings utilizing control areas in accordance with Section 2703.8.3 that contain not more than the maximum allowable quantities per control area of hazardous materials as shown in Tables 2703.1.1(1) and 2703.1.1(2).
3. Wholesale and retail sales and storage of flammable and combustible liquids in mercantile occupancies conforming to Chapter 34.
4. Closed piping systems containing flammable or combustible liquids or gases utilized for the operation of machinery or equipment.
5. Cleaning establishments that utilize combustible liquid solvents having a flash point of 140°F (60°C) or higher in closed systems employing equipment listed by an approved testing agency, provided that this occupancy is separated from all other areas of the building by 1-hour fire barriers constructed in accordance with Section 706 of the International Building Code or 1-hour horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both.
6. Cleaning establishments that utilize a liquid solvent having a flash point at or above 200°F (93°C).
7. Liquor stores and distributors without bulk storage.
8. Refrigeration systems.
9. The storage or utilization of materials for agricultural purposes on the premises.
10. Stationary batteries utilized for facility emergency power, uninterrupted power supply or telecommunication facilities, provided that the batteries are provided with safety venting caps and ventilation is provided in accordance with the California Mechanical Code.
11. Corrosives shall not include personal or household products in their original packaging used in retail display or commonly used building cleaning materials.
12. Display and storage of nonflammable solid and nonflammable or noncombustible liquid hazardous materials in quantities not exceeding the maximum allowable quantity per control area in Group M or S occupancies complying with Section 2703.8.3.5.
13. The storage of black powder, smokeless propellant and small arms primers in Groups M and R-3 and special industrial explosive devices in Groups B, F, M and S, provided such storage conforms to the quantity limits and requirements of this code.

**(A) Ignition Resistant Material** – Is any product which, when tested in accordance with ASTM E84 for a period of 30 minutes, shall have a flame spread of not over 25 and show no evidence of progressive combustion. In addition, the flame front shall not progress more than 10½ feet (3200 mm) beyond the centerline of the burner at any time during the test.

Materials shall pass the accelerated weathering test and be identified as exterior type, in accordance with ASTM D 2898 and ASTM D 3201. All materials shall bear identification showing the fire performance rating thereof. That identification shall be issued by ICC--ES or a testing facility recognized by the State Fire Marshal having a service for inspection of materials at the factory.

Fire-retardant-treated wood or noncombustible materials as defined in section 202 shall satisfy the intent of this section.

The enforcing agency may use other definitions of ignition-resistant material that reflect wildfire exposure to building materials and/or their materials performance in resisting ignition.

**(A) “Response Time”** – Whenever used in the Fire Code portion of the California Building Standards Code, it shall mean the time the original incident alarm was received by dispatch to when the first fire unit arrives on scene.

**(A) Wildland-Urban Interface Code** – A code regulating and governing the mitigation of hazards to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as adopted by the local FAHJ.

**(A) Whenever the Terms "This Code" and "2006 International Fire Code"** – Are used they shall mean the 2007 California Fire Code as modified by the deletions, revisions and additions set forth in these amendments.

**Chapter 3 General Precautions Against Fire** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 3 Section 307.5.1 Attendance** – An adult must be present at all times to watch and tend outdoor fires.

**(A) Section 316 General Storage of Firewood** – Firewood shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood material stored in the defensible space shall be located a minimum of 30 feet (9,144 mm) from structures and separated from the crown of trees by a minimum of 15 feet (4,572 mm), measured horizontally. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard.

**Chapter 4 Emergency Planning and Preparedness** – Is hereby added (**A**), revised (**R**) or deleted (**D**) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 408.2.3 Automatic External Defibrillators (AED)** – All Public Assembly occupancies with an occupant load of three hundred (300) or greater shall be equipped with an Automatic External Defibrillator (AED) so that they optimally achieves a 3-minute response time from the collapse of a patient to on-scene arrival of the AED with a trained lay rescuer, in accordance with the American Heart Association recommendations and the following conditions:

1. The installations of AEDs are a life safety device and the maintenance of the device shall be the responsibility of the owner of the Certificate of Occupancy.
2. It shall be the responsibility of the owner to obtain and maintain medical oversight from a licensed physician.
3. It shall be the responsibility of the owner to train its occupants and/or employees in Cardio Pulmonary Resuscitation (CPR) and the use of AEDs in accordance with the Guidelines of the American Heart Association or the American Red Cross.
4. Training, equipment and program maintenance records shall be kept on premises and be available to the Fire Department and Medical Director upon request.
5. AEDs shall be mounted in a centrally assessable area free from blockage by storage and/or equipment. The top of the AED shall not be mounted more than 5 ft (1.5 m) above the floor in height. The AED should be easy to access and placed in an area where it will not incur harmful elements (water, weather, extreme heat/cold, etc.) or be easily damaged. The AED should be mounted within a wall mounted storage cabinet, on hangers or in the brackets supplied by the manufacturer, or placed on a shelf.

**Chapter 5 Fire Service Features** – Is hereby added (**A**), revised (**R**) or deleted (**D**) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 502 Definitions Fire Apparatus Access Road** – This is a general term inclusive of all other terms such as driveway, fire lane, public street, private street, parking lot, and lane and access roadway.

**(A) Section 503.1.1 Plans** – Plans for fire apparatus access roads or for their modification shall be submitted to the Fire District for review and approval prior to construction or modification.

**(R) Section 503.1.2 Secondary Access** – The Fire Chief may require one or more secondary means of access to a project, development or area where he deems that such access is necessary for emergency operations and/or evacuation. The maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

Parcels zoned for less than 1 acre	800 feet
Parcels zoned for 1 acre to 4.99 acres	1,320 feet

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Parcels zoned for 5 acres to 19.99 acres	2,640 feet
Parcels zoned for 20 acres or larger	5,280 feet

These requirements may be modified when in the opinion of the Fire Chief conditions warrant.

All lengths shall be measured from the edge of the roadway surface at the intersection that begins 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.

Secondary access must be remote from the primary access, and must meet all provisions of this Section.

**(R) Section 503.2.1 Dimensions** – Fire apparatus access roads shall have an unobstructed improved width of not less than 24 feet, except for single-family residential driveways; serving no more than two single-family dwellings, shall have a minimum of 16 feet of unobstructed improved width.

**Exception:**

1. Upon approval by the Fire Chief, vertical clearances or width may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.
2. Fire access roadways, gated entrances with card readers, guard stations or center medians, which have separated lanes of one-way traffic shall be not less than 12 feet wide per lane.

**(A) Section 503.2.1.1 Road Phasing Policy – Single Family Dwellings** – The fire access roadway requirement for widening existing improved fire apparatus roadway shall be per TABLE 503.2.1.1A – PHASING POLICY – Fire Apparatus Access and will extend from the property out to the nearest public road.

**TABLE 503.2.1.1A - PHASING POLICY  
Fire Apparatus Access – Single Family Dwellings**

Number of Parcels	Unobstructed Road Width	Roadways Over 600 Feet Long	Extend to Nearest Public Road
1-2	16-foot, paved	Turnouts Every 400 Feet	Yes
3-8	20-foot, paved	Turnouts Every 400 Feet	Yes

**(R) Section 503.2.3 Surface** – Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (not less than 75,000 pounds unless authorized by the FAHJ) and shall be provided with an approved paved surface so as to provide all-weather driving capabilities.

**(R) Section 503.2.4 Turning Radius** – is revised to read as follows: The turning radius of a fire apparatus access road shall be a minimum of 28 feet as measured to the inside edge of the improvement width or as approved by the Fire Chief.

**(R) Section 503.2.5 Dead Ends** – Unless otherwise approved by the Fire Chief a cul-de-sac shall be provided in residential areas where the access roadway serves more than (2) structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas.

**(R) Section 503.2.7 Grade** – The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be the installation of fire sprinkler systems and a surface of Portland cement concrete (PCC), with a deep broom finish perpendicular to the direction of travel, or equivalent, to enhance traction. The Fire Chief may require additional mitigation measures where he deems appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent) or as approved by the Fire Chief.

**(R) Section 503.3.1 Marking of Fire Apparatus Access Roads** – When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

All new public roads, all private roads within major subdivisions, and all private road easements serving four or more parcels shall be named. Road name signs shall comply with County of San Diego Department of Public Works Design Standard #DS-13 or California Vehicle Code section 22500.1. The Fire Chief may require the posting of a fire access roadway where parking has obstructed or could obstruct the required width. Posting shall comply with California Vehicle Code Section 22500.1.

**(R) Section 503.4.1 Roadway Design Features** – Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus responses shall not be installed on fire access roadways, unless they meet design criteria approved by the Fire Chief.

**(R) Section 503.6.1 Gates** – All gates or other structures or devices which could obstruct fire access roadways or otherwise hinder emergency operations are prohibited unless they meet standards approved by the Fire Chief, and receives specific plan approval.

All automatic gates across fire access roadways and driveways shall be equipped with approved emergency key-operated switches overriding all command functions and opening the gate(s). Gates accessing more than four residences or residential lots, or gates accessing hazardous institutional, educational or assembly occupancy group structures, shall also be equipped with approved emergency traffic control-activating strobe light sensor(s), or other devices approved by the Fire Chief, which will activate the gate on the approach of emergency apparatus, with a battery back-up or manual mechanical disconnect in case of power failure.

All automatic gates must meet Fire District policies deemed necessary by the Fire Chief for rapid, reliable access.

Automatic gates serving dwellings or residential lots in existence at the time of adoption of this Ordinance are required to install an approved emergency key-operated switch, or other mechanism approved by the Fire Chief, at an approved location, which overrides all command functions and opens the gate(s). Property owners must comply with this requirement within 90 days of written notice to comply.

**(R) Section 505.1 Street Numbers** – Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a 3/8" stroke for residential buildings, 6" high with a 1/2" stroke for commercial and multi-residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers. The Fire Chief may establish different minimum sizes for numbers for various categories of projects.

**(A) Section 505.3 Easement Address Signs** – All easements which are not named differently from the roadway from which they originate, shall have an address sign installed and maintained, listing all street numbers occurring on that easement, located where the easement intersects the named roadway. Minimum size of numbers on that sign shall be four inches in height with a minimum stroke of 3/8", and shall contrast with the background.

**(A) Section 505.4 Map/Directory** – A lighted directory map, meeting current fire department standards, shall be installed at each driveway entrance to multiple unit residential projects and mobile home parks, where the numbers of units in such projects exceed 15.

**(A) Section 505.5 Response Map Updates** – Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format (PDF and/or CAD format as approved by the FAHJ) or compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

**(R) Section 506.2.1 Key Boxes** – When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, the Fire Chief is authorized to require a key box to be installed in an accessible location. The key box shall be a type approved by the Fire Chief and shall contain keys to gain necessary access as required by the Fire Chief.

**(A) Section 506.2.1 Emergency Key Access** – All central station-monitored fire detection systems and fire sprinkler systems shall have an approved emergency key access box on site in an approved location. The owner or occupant shall provide and maintain current keys for the structure(s) for fire department placement in the box, and shall notify the fire department in writing when the building is re-keyed.

**(R) Chapter 5 Section 507.3 Pitfalls** – Pitfalls is hereby revised to add, The California Penal Code may be used for penalties, for violations of this section.

**(R) Section 508.2.2 Type of Water Supply – Water Storage Tanks** – Water storage tanks, when permitted by the Fire Chief, shall comply with Table No. 508.2.2

<b>TABLE NO. 508.2.2</b>			
Building Square Feet	Gallons Per Minute Water Flow	Capacity Gallons	Duration Minutes
Up to 1,500	250	5,000	20
Over 1,500	250	10,000	40
When exposure distance is one hundred feet (100') or less from adjacent property an increase in water storage may be required by the Fire Chief.			

1. Tank elevation shall be equal to or higher than the fire department connection on the premises. Regardless of domestic use, all tanks shall be equipped with a device that will ensure that the tank contains the designated amount of water for fire flow duration as determined by the fire department. Tank size may be increased to serve multiple structures on a single parcel.
2. Supply outlet shall be at least 4 inches in diameter from the base of the tank to the point of outlet at the fire department connection. The fire department connection shall be at least one 4” National Standard Thread (male), reduce to one 2½” National Standard Thread (Male). Additional outlets may be required.
3. Location of fire department outlet to be determined on the plot plan when submitted to the fire department. Consideration will be given to topography, elevations, and distance from structures, driveway access, prevailing winds, etc.
4. The outlet shall be located along an access roadway and shall not be closer than 50 feet or further than 150 feet from the structure.
5. All exposed tank supply pipes shall be of an alloy or other material listed for above ground use. Adequate support shall be provided.
6. Water storage tanks shall be constructed from materials approved by the Fire Marshal and installed per manufacturer recommendations.
7. The Fire Chief may require any necessary information to be submitted on a plot plan for approval.
8. Vessels previously used for products other than water shall not be permitted.

**(R) Section 508.3 Fire Flow Requirements** – Fire flows shall be based on Appendix B. Consideration should be given to increasing the gallons per minute set forth in Appendix B to

protect structures of extremely large square footage and for such reasons as poor access roads, grade and canyon rims, hazardous brush, and response times greater than five minutes by a recognized fire department or fire suppression company.

In hazardous fire areas as defined in Appendix B, the main capacity for new subdivisions shall not be less than 2,500 gallons per minute, unless otherwise approved by the Fire Chief.

If fire flow increases are not feasible, the Fire Chief may require alternative design standards such as alternative types of construction providing a higher level of fire resistance, fuel-break requirements which could include required irrigation, modified access road requirements, specified setback distances for building sites addressing canyon rim developments and hazardous brush areas and other requirements authorized by this Code and as specified by the Fire Chief.

**(A) Section 508.5.1 Fire Hydrant Systems – Required Installations** – The location, type and number of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public or private street, or on the site of the premises to be protected, or both, as required and approved by the fire code official. Fire hydrants shall be accessible to the fire department apparatus by roads meeting the requirements of Section 503. For fire safety during the construction, alteration or demolition of a building, see Section 1412.1.

**(A) Section 508.5.1.1 Fire Hydrant Systems** – For Group R-3 and U Occupancies, an approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 500 feet (152 900 mm) from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required flow shall be provided when required by the Fire Chief.

**Exception – Remodels and Additions:** Existing structures which are remodeled or added to where the amount of new area does not exceed 1,500 square feet and the additional or remodeled area is protected with an approved automatic fire extinguishing system.

**(A) Table 508.5.1A** In zones other than industrial, commercial and multi-family fire hydrants shall be installed in accordance with Table No. 508.5.1.1A.

<b>TABLE 508.5.1.1A</b>	
Parcels 2-1/2 Acres and Larger:	Every 1,000
Parcels 1/2 Acre and Larger:	Every 500 feet to the structure
Parcels Less Than 1/2 Acre:	Every 350 feet

**(A) Section 508.5.1.1.2 Fire Hydrant Placement** – In multi-family zones and in commercial and industrial zones, fire hydrants shall be installed at intersections, at the beginning radius of cul-de-sacs, and every 300 feet of fire access roadways, regardless of parcel size.

**Exception** – When improved methods of fire protection are provided, beyond those required by the Code, and accepted by the Fire Chief, adjusted spacing of fire hydrants from those set forth above may be considered.

**(A) Section 508.5.1.1.3 Type of Fire Hydrant** – All fire hydrants shall be of bronze construction, including all internal parts except seats. Alternate materials may be used if approved by the Fire Marshal and the local water district having jurisdiction. The stems shall be designed and installed in a manner that will ensure that they will not be projected outward from the main body by internal water pressure due to disassembly. The number and size of fire hydrant outlets shall be as follows:

1. One 4 inch and one 2-½ inch NST outlet. (4", 2-½")
2. One 4 inch and two 2-½ inch NST outlets. (4", 2-½", 2-½")

In some instances the Fire Chief may require the fire hydrant(s) to have any other combination of 4 inch and 2-½ inch outlets.

**(A) Section 508.5.1.2 Waterline Extensions** – The Fire Chief may require a waterline extension for the purpose of installing a fire hydrant if the water main is 1,500 feet or less from the property line.

**Chapter 6 Building Services and Systems** – Is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**Section 603.8.1 Residential Incinerators** – Shall be prohibited.

**Chapter 9 Fire Protection Systems** – Is hereby added (A), revised (R) or deleted (D) to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 902.1 Life Safety Sprinkler System** – Shall meet National Fire Protection Association Standards 13-D or and 13-R, San Miguel Consolidated Fire Protection District installation policies as appropriate.

**(A) Section 903.2 Where Required** – Approved automatic sprinkler system in new buildings and structures shall be provided in the locations described in this section. For the purpose of fire-sprinkler systems, buildings separated by less than ten feet (10') from adjacent buildings shall be considered as one building. Fire barriers, partitions and walls, regardless of rating, shall not be considered as creating separate buildings for purposes of determining fire sprinkler requirements. Mezzanines shall be included in the total square footage calculation.

Commercial >3,000 sq ft Note 1, 2	Residential (R1)(R3) All	Additions (1) 25% and >3,000 sq ft or > 3,600 (Note 1)	Remodels See Section 1003.1.2 Exception #4
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*(1) When fire sprinklers are required under additions or remodels this shall mean the entire structure or structures shall be equipped with fire sprinklers.*

Notes:

1. Building exceeding fire flow capability as defined in Appendix “B.”
2. Buildings must be located at a distance from the property line equal to or exceeding one-fifth (1/5) the height, plus any overhang, plus five feet (5’), or shall be protected by an approved fire sprinkler system.
3. Change of Occupancy Group. A change of occupancy group in an existing building which results in a structure of 3,000 square feet or more, or which results in a fire flow of 1,500 gallons per minute determined by the provisions in Appendix III-A of this Code, or when calculated according to the standard published by the Insurance Services Office “Guide for Determination of Required Fire Flow,” or additions of more than 3,000 square feet of total floor area, shall be required to be protected throughout the entire structure with a fire sprinkler system consistent with this Section.
4. Remodels. If the scope of work does not include additional square footage or significant modification to the interior or roof of the existing portions of the structure, or both, or when the cost of the installation of an automatic fire sprinkler system in the existing portion of the structure is greater than 15% of the construction costs of the remodel, a fire sprinkler system retrofit will not be required. The Fire Chief may require that other protective measures be taken based on existing conditions and/or potential hazards.

**(R) Section 903.2 Where Required Exception 1** – is hereby deleted.

**(R) Section 903.4 Sprinkler System Monitoring and Alarms Exception 1** – Automatic sprinkler systems with less than 100 fire sprinklers protecting one- and two-family dwellings.

**(A) 907.2.10.2 Power Source** – In new construction and in newly classified Group R-3.1 occupancies, required smoke alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. Smoke alarms may be solely battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by Section 907.2.10.6.

**(A) 907.2.10.6 Additions, Alterations or Repairs to Group R Occupancies** – When the valuation of an addition, alteration or repair to a Group R occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R occupancies, smoke alarms shall be installed in accordance with Section 907.2.10.

**Chapter 14 Fire Safety During Construction and Demolition** – is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 1418 Fuel Modification or Vegetation Modification** – Prior to combustibles arriving on site all required fuel modification shall be maintained.

**Chapter 19 Lumber Yards and Woodworking Facilities** – is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 1908 – Storage and Processing of Wood Chips, Hogged Materials Fines, Compost and Raw Product in Association with Yard Waste and Recycling Facilities**  
**Section 1908.1 General** – The storage and processing (mulching, composting) of wood chips, hogged materials, fines, compost and raw product produced from yard waste, debris and recycling facilities shall be in accordance with Section 1908.

**(A) Section 1902.1 Definitions** – For the purpose of Section 1908, certain words and phrases are defined and certain provisions shall be construed as set forth herein, unless it is apparent from the context that a different meaning is intended.

**(A) Aerated Static Pile** – Means a composting process that uses an air distribution system to either blow or draw air through the pile. Little or no pile agitation or turning is performed.

**(A) Chipping and Grinding** – Means an activity that mechanically reduces the size of organic matter.

**(A) Composting Operations** – Means an operation that is conducted for the purpose of producing compost. Shall be by means of one or a combination of the following processes used to produce a compost product: static pile, windrow pile, or aerated static pile.

**(A) Green Waste** – Includes but is not limited to such organic material as yard trimmings, plant waste, manure, untreated wood waste, paper products, and natural fiber products.

**(A) Hogged Materials** – Means mill waste consisting mainly of hogged bark but may include a mixture of bark, chips, dust, or other by-products from trees and vegetation.

**(A) Mulching** – Is the process by which mixed green waste is mechanically reduced in size for the purpose of making compost.

(A) **Static Pile** – Means a composting process that is similar to the aerated static pile except the air source may or may not be controlled.

(A) **Windrow Composting Process** – Means the process in which compost material is placed in elongated piles. The piles or windrows are aerated and/or mechanically turned on a periodic basis.

(A) **Wood Chips** – Means chips of various species produced or used in chipping and grinding operations.

(R) **Section 1908.3 Permit Required** – A permit shall be obtained from the fire department prior to engaging in the operation and storing of processed wood chips, hogged material, fines, compost and raw product in association with yard waste and similar material recycling facilities. (See Appendix Chapter 1 Section 105.6.) The permit shall be renewed on an annual basis, or shall be limited to such period of time as designated by the Fire Chief. Permits shall not be transferable and any change in use, location, occupancy, operation or ownership shall require a new permit.

(R) **Section 1908.4 Security Bond/Financial Commitment for Cost Recovery** – A security bond or other approved form of financial commitment may be required by the Fire Chief to be posted, in an amount determined by the Fire Chief, not less than \$25,000, or more than \$100,000, depending on the size of operation. The security bond or financial commitment shall reimburse the fire department for expenses incurred in any emergency response and/or enforcement action by the fire department to protect the public from fire or hazardous substances related to the operation. The security bond/financial commitment shall be returned to the operator in a timely fashion upon satisfactory closure of the operation as determined by the Fire Chief.

(R) **Section 1908.5 Operational and Emergency Plans** – The following operational and emergency action plans shall be submitted to and be approved by the Fire Chief prior to initiating operation:

**1. Operational Plan** – At a minimum the Operational Plan must include: site layout, pile dimensions, fire access, water supply, site security. Site operations: temperature monitoring, rotation, diversion plan.

**2. Emergency Plan** – At minimum the Emergency Plan must include: operator fire response actions, fire dispersal area, emergency equipment operator callback, initiation of incoming diversion plan. All plans shall define the equipment necessary to process and handle the materials.

(A) **Section 1908.6 Notification of Fire** – All fires shall be reported to the fire department immediately upon discovery.

**(A) Section 1908.7 Equipment Operator Emergency Callback** – The operator shall implement and maintain a plan for rapid equipment operator response to the site. The maximum response time to the site shall be within one hour of a fire department notification. The following equipment shall be on site and staffed with skilled operators: bulldozer, loaders and heavy duty equipment necessary to mitigate a fire. Notification procedure shall be maintained and operational twenty-four (24) hours a day, seven (7) days a week. Notification may be by pager activation or telephone answering service or other approved means.

**(A) Section 1908.8 Incoming Waste Diversion Plan** – The operator shall develop a diversion plan for incoming green waste for implementation in the event of equipment failure or other inability to process and distribute green waste. The plan shall prevent stockpiling of waste on the site and unauthorized depositing of waste on or near the site. The operator shall initiate the diversion based on criteria in the Operational and Emergency Plan without further direction from the fire department.

**(A) Section 1908.9 Unprocessable or Non-Green Waste Material** – All green waste that cannot be processed on-site, such as stumps and fibrous plants, shall be immediately removed from the feedstock, stored in roll-off containers or bins and be removed from the facility on a weekly basis. All plastic bags shall be removed prior to shredding material.

**(A) Section 1908.10 Fire Access Roadway** – A fire access roadway shall be provided to the site and on-site as approved by the Fire Chief. It shall have a minimum width based upon site material handling equipment and an approved driving surface as approved by the Fire Chief. In no case shall the fire access roadway be less than 20 feet wide.

**(A) Section 1908.11 Storage Site** – Storage sites shall be reasonably level and be solid ground or other approved all-weather surface.

**(A) Section 1908.12 Combustible Vegetation Control** – The operator shall clear any combustible material, weeds, brush, trees or other vegetation (including mulch) that is, or could become, dry and could be capable of transmitting fire, from within fifty feet of raw green waste and mulch piles. Clearance shall be to bare earth or approved pavement. Individual growing trees within that distance may remain with approval of the Fire Chief.

**(A) Section 1908.13 Pile Separation** – Piles shall be separated from adjacent piles and property lines by fire department access roadways.

**(A) Section 1908.14 Size of Piles** – Pile height, width, and length shall be limited to criteria approved by the Fire Chief, based in part on the site material handling equipment. In no case shall the piles exceed 12 feet in height, 100 feet in width and 200 feet in length.

**(A) Section 1908.15 Static Pile Protection** – Interior pile temperatures shall be monitored and recorded on a regular basis per the Operational Plan. Internal pile temperatures must be taken at 2/3 the pile height, 12 to 24 inches from the surface with a probe-type thermometer. Readings shall be made at not greater than 50-foot intervals along the length of the pile.

Temperatures above 158 degrees F are known to adversely affect microbial decomposition and are considered excessive. Infrared thermometers may be used to monitor for hot spots at the surface, but are not a substitute for internal probe measurement and documentation.

Once windrows exceed 170 degrees F, the windrows must be reduced in size, be rotated and be monitored daily until temperatures drop below 158 degrees F. All green waste stockpiles shall be re-mixed as necessary to alleviate any fire due to spontaneous combustion or temperatures above 170 degrees.

Windrows shall be visually inspected on a regular basis. Once fires have been detected in any windrows at a site, this visual inspection shall be a minimum daily requirement. Daily inspections shall continue until the threat of fire no longer exists, and the Fire Chief approves suspension.

All temperature and pile-handling records shall be kept on file at the site and be made available for inspection by fire department personnel. Data shall include date, time, temperature, specific location and person conducting measurement.

**(A) Section 1908.16 Firefighting Water Supplies and Storage**

**(A) Section 1908.16.1 Public Water Supply** – The operator shall provide and maintain approved fire hydrants and water line mains as required by the Fire Chief. Water lines may be approved aboveground lines supplied from a reliable water supply with adequate protection against impact and fire flow reaction. Hydrant spacing shall be at 400-foot intervals along primary fire access roadways. Fire flow at the hydrant(s) shall be least 1,000 gallons per minute at 20 psi. Duration of the required fire flow shall be determined by the Fire Chief.

**(A) Section 1908.16.2 Private Water Supply** – Above-ground water storage tanks may be installed when authorized by the Fire Chief where public water supply is not adequate to meet fire flow requirements. Volume and duration of the required fire flow shall be determined by the Fire Chief.

**(A) Section 1908.17 Material Handling Equipment** – Equipment used on all piles should be of a type that minimizes compaction. All vehicles operating on or around the piles shall have a Class A fire extinguisher of a minimum 2-A rating, in addition to the Class B rating appropriate for the vehicles. Approved material-handling equipment shall be available during fire fighting operations for moving wood chips, hogged material, compost and raw product produced from yard waste and wood fines.

**(A) Section 1908.18 Site Equipment Maintenance – General Safety Rules** – Welding or cutting torch operations shall be conducted a minimum of thirty (30) feet from combustible materials. A fire watch shall be provided to detect fire, and to operate fire-extinguishing equipment throughout the welding or cutting operation and thirty minutes thereafter. Refueling and on-site maintenance shall meet California Fire Code Chapter 22 & 34 - Flammable and Combustible Liquids, and all other applicable fire code requirements.

**(A) Section 1908.19 Site Security** – Pile storage areas shall be surrounded with approved fencing. Fences shall be a minimum of six (6) feet in height.

**(A) Section 1908.20 Smoking and Open Burning Prohibited** – The operator shall prohibit smoking and open flame on the operational site, including smoking within vehicles. Approved signs shall be clearly and prominently posted, and shall be enforced by the site operators. No open burning will be allowed on site.

**Chapter 22 Motor Fuel-Dispensing Facilities** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) 2201.1.1 Revised scope of Sections 2205, 2206 and 2210** – When provisions are made for Class IIIA liquids in Sections 2205, 2206 and 2210, the provisions shall apply to all Class III liquids.

**Chapter 23 High-Piled Combustible Storage** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(D) Chapter 23 – Table 2306.2, Exception J** – Is deleted from General Fire Protection and Life Safety Requirements of the Fire Code portion of the California Building Standards Code unless required by NFPA 13.

**Chapter 34 Flammable and Combustible Liquids** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(D) Section 3405.2.4 Class I, II and III Liquids Exception** – Section 4 is deleted.

**Chapter 38 Liquefied Petroleum Gasses** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Section 3807.5 Securing Tanks to Ground** – Tanks shall be secured to prevent the tank from rolling or moving when required by the FAHJ. (Sid Law)

**Appendix Chapter 1 General Code Provisions** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Appendix Chapter 1 Section 101.1 Title** – [NAME OF JURISDICTION] shall be changed to San Miguel Consolidated Fire Protection District.

**(R) Appendix Chapter 1 – Section 101.5 Validity** – The Board of Directors of the San Miguel Consolidated Fire Protection District hereby declares that, in the event any part, section, paragraph, sentence, word or provision of this Ordinance or of the code is held to be illegal or void, or declared for any reason to be invalid, this shall not have the effect of making void or illegal any of the other parts or provisions hereof, which are determined to be legal, and it shall

be presumed that this code would have been adopted without such illegal or invalid parts or provisions. It is the intent of the Board of Directors of the San Miguel Consolidated Fire Protection District that it would have passed all other portions of this Ordinance independently of the elimination of any such portion as may be declared invalid.

**(A) Appendix Chapter 1 Section 102.10 – Repeal of Conflicting Ordinances, Resolutions or Motions** – All former Ordinances, resolutions or motions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance or of the Code or standards hereby adopted are hereby repealed.

**(A) Appendix Chapter 1 Section 103.2.2** – The Fire Marshal shall be any person designated by the Fire Chief to exercise the powers and perform the duties of the fire prevention engineer or fire code official as set forth in this Code.

**(A) Appendix Chapter 1 Section 104.12 Cost Recovery – Purpose** – The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the San Miguel Consolidated Fire Protection District to protect the public from fire or hazardous substances and situations.

**(A) Appendix Chapter 1 Section 104.12.2 Reimbursement**

1. In accordance with the Health and Safety Code Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the agency for the costs incurred.

2. In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the cost incurred.

**(A) Appendix Chapter 1 Section 014.12.3 Expense Recovery** – When deemed necessary, the Fire Chief may impose a fee for recovery of expenses incurred as a result of activities undertaken pursuant to enforcing the fire prevention provisions of this Code.

**(A) Appendix Chapter 1 Section 105.6.5.1 Christmas Tree Lots** – To operate a Christmas tree lot with or without flame-proofing services.

**(A) Appendix Chapter 1 Section 105.6.19.1 Green Waste Recycling, Mulching, Composting Operations and Storage** – Permit is required per Section 1908.19 of Chapter 19.

**(R) Appendix Chapter 1 Section 108 Appeals Procedure for the Fire Code** – Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the

Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the Board of Directors of the San Miguel Consolidated Fire Protection District, provided that written notice of appeal is filed with the Fire Chief within thirty (30) days after the date of decision.

When a request for an alternate means of fire protection has been denied by the San Miguel Fire Protection Board of Directors, or to provide for reasonable interpretation of this Code, the applicant may file a written appeal within thirty (30) days of a Fire Chief's decision to the Regional Fire Board of Appeals.

### **Regional Fire Board of Appeals (Fire Districts)**

There shall be and is hereby created a Regional Fire Board of Appeals (Board) consisting of five members. The Building Industry Association of San Diego County shall appoint two members and one alternate, the San Diego County Fire District's Association shall appoint two members and one alternate, and the Director of the San Diego County Department of Planning and Land Use shall appoint one member with one alternate. Three members shall constitute a quorum for the transaction of business and three affirmative votes shall be necessary to render a decision. The San Diego County Department of Planning and Land Use appointee shall act as the Secretary of the Board. The Board shall adopt reasonable rules and regulations for conducting its review and shall render decisions and findings in writing to the Fire Chief, with a copy to the appellant. The Board's decision shall be final and binding unless the Fire Chief or applicant files a written appeal within thirty (30) days to an Independent Board composed of three fire professionals; one of whom will be appointed by the involved Fire District Board of Directors, one by the Director of the County Department of Planning and Land Use, and the third will be chosen from San Diego County fire professionals by the two appointees described above. The Board of Independent Professionals shall render a final decision and findings in writing to the Fire Chief, with a copy to the applicant.

**(R) Appendix Chapter 1 Section 109.3 Violation Penalties** – Any person who shall violate any of the provisions of this code or standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specification or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the attorney for the San Miguel Consolidated Fire Protection District or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000 or by imprisonment in County Jail not exceeding six (6) months, or both. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten-day period 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.

**(M) Appendix Chapter 1 Section 111.4 Failure to Comply** – Any person, who shall continue any work having been served with a stop work order, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250 or more than \$1,000.

**Appendix B Fire Flow Requirements** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(A) Appendix B 102.1 Hazardous Fire Area** – Any geographic area mapped by the State or local jurisdiction as a high, or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

**(R) Appendix B103.3 Areas Without Water Supply Systems** – For information regarding water supplies for fire-fighting purposes in rural areas and suburban areas in which adequate and reliable water supplies do not exist, the Fire Code Official is authorized to utilize provisions in Appendix B of this code or the standard published by the Insurance Services Office document entitled "Guide for Determination of Required Fire Flow."

**(D) Appendix B 106 Reference Standards** – Delete reference to ICC IWUIC-06 and NFPA 1142-01; to the Fire Code portion of the California Building Standards Code.

### ***Section 3***

That the geographic limits referred to in certain sections of the 2007 California Fire Code are hereby established as follows:

**Chapter 32 Cryogenic Fluids** – Is hereby added **(A)**, revised **(R)** or deleted **(D)** to the Building/Fire Code portion of the California Building Standards Code to read as follows:

**(R) Section 3204.3.1.1 The Geographic Limits** – In which the storage of flammable cryogenic fluids in stationary containers is prohibited is hereby established for San Miguel Consolidated Fire Protection District except for areas zoned for mixed, general or high impact industrial uses.

**(R) Section 3404.2.9.5.1 Locations Where Above Ground Tanks Are Prohibited** – In which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited: The limits referred to in Section 3404.2.9.5.1 and 3406.2.4.4 of the 2007 California Fire Code and the 2006 International Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited are hereby established as the jurisdictional limits of the San Miguel Consolidated Fire Protection District. (See exceptions at Section 3404.2.9.5.1)

**Exceptions:**

1. 2,000 gallons maximum temporary above-ground tanks meeting UL 2085 for private use on farms, agricultural and rural property, remote construction sites, earth moving projects, gravel pits or borrow pits. Such tanks shall be specially designed, approved and listed, and have features incorporated into their design which mitigates concerns for exposure to heat (two-hour fire resistance), ignition sources and mechanical damage.
2. Crankcase draining may be stored in specially constructed above-ground storage tanks, approved by the Fire Chief, with a maximum capacity of 550 gallons. Such tanks may the following: specially designed, approved and listed containers which have features be located within a building when the Fire Chief deems appropriate, and the container meets incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. In no case shall such storage be permitted in residential or institutional property.
3. With the Fire Chief's approval, Class I and II liquids may be stored above-ground outside of buildings in specially designed, approved and listed containers which have features incorporated into their design which mitigates concerns for exposure to heat, ignition sources and mechanical damage. Containers must be installed and used in accordance with their listing, and provisions must be made for leak and spill containment. The Fire Chief may disapprove the installation of such containers when in his opinion their use presents a risk to life or property.
4. With the Fire Chief's approval, temporary storage of a maximum of 10,000 gallons Class II liquids may be permitted for a period not to exceed ninety (90) days at remote construction sites, earth moving projects, gravel pits or borrow pits, consistent with Sections 3404 and 3406.

**(R) Section 3406.2.4.4 Locations where above-ground tanks are prohibited.** – The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited in residential areas within the San Miguel Consolidated Fire Protection District.

**(R) Section 3804.2 The Geographic Limits** – In which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the San Miguel Consolidated Fire Protection District except for areas zoned by the County of San Diego for mixed, general or high impact industrial uses.

**Exception:** Bulk tanks with a maximum aggregate capacity of 30,000 gallons water capacity for above-ground storage of underground distribution to residential areas, where such storage and distribution meets Fire Code requirements as determined by the FAHJ.

***Section 4***

That Ordinance 2002-02 An Ordinance Of The San Miguel Consolidated Fire Protection District, Which Adopts The California Fire Code, 2001 Edition, With Certain Amendments, The Uniform Fire Code Standards, 2000 Edition, And National Fire Protection Association Standards 13, 1999 Edition, 13-D, 1999 Edition, And 13-R, 1999 Edition and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

***Section 5***

That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

***Section 6***

That nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

***Section 7***

This Ordinance shall take effect and be in force thirty (30) days after its final passage at a public hearing as required by law, except for provisions regulated by the Hanson-Greene Act, which requires ratification by the County Board of Supervisors.

First read at a regular meeting of the Board of Directors of the San Miguel Consolidated Protection District of the County of San Diego, California, held on the 8th day of November 2007. A second reading occurred at a regular meeting on the 13<sup>th</sup> day of December 2007, and finally adopted and ordered published in the manner required by law at the hearing and meeting on the 13 of December 2007 by the following roll call vote:

Ayes:

Noes:

Absent:

Abstained:

***Section 8***

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption.

\_\_\_\_\_  
Mike Blood, Board President

ATTEST

\_\_\_\_\_  
Patrick J. Briggs, Board Secretary

Approved:

Approved as to Form:

\_\_\_\_\_  
August F. Ghio, Fire Chief

\_\_\_\_\_  
Scott C. Smith, District Counsel