

Twain Harte Community Services District



ORDINANCE NO. 30-01 THCSD FIRE CODE

This Ordinance Replaces
Ordinance No. 30 in its Entirety

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ORDINANCE NO. 30-01

**BOARD OF DIRECTORS, TWAIN HARTE COMMUNITY SERVICES DISTRICT,
CALIFORNIA**

**AN ORDINANCE REPEALING ORDINANCE NO. 30 OF THE TWAIN HARTE
COMMUNITY SERVICES DISTRICT AND ADOPTING BY REFERENCE THE 2016
EDITION OF THE CALIFORNIA FIRE CODE WITH AMENDED PROVISIONS**

WHEREAS, the Twain Harte Community Services District (“THCSD” or “District”) is a special district formed pursuant to California Government Code Section 61000 et seq.; and

WHEREAS, pursuant to Government Code Section 61100(d), the District is authorized to provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services; and

WHEREAS, pursuant to Government Code Section 61060(b), the District is authorized to adopt, by ordinance, and enforce rules and regulations for the administration of its fire protection services; and

WHEREAS, the 2016 California Building Standards Code has been amended and adopted by the California Building Standards Commission; and

WHEREAS, the California Fire Code, which is Part 9 of the California Building Standards Code, was part of the triennial amendment and adoption by the California Building Standards Commission; and

WHEREAS, the Twain Harte Community Services District (“THCSD”) wishes to adopt fire code regulations in accordance with law and to use the most updated regulations for fire protection within THCSD;

WHEREAS, Government Code § 50022.2 authorizes special districts to enact ordinances adopting any code by reference; and

WHEREAS, because of THCSD’s unique climatic, geologic, and topographic conditions, THCSD desires to make amendments and additions to the building and fire code regulations, as set forth herein; and

WHEREAS, pursuant to California Health and Safety Code sections 18941.5 and 17958, the Board of Directors of THCSD hereby finds that the amendments adopted herein are reasonably necessary because of local climatic, geologic and topographic conditions; and

WHEREAS, in accordance with Health and Safety Code Section 17958.7, THCS D hereby finds that the findings attached and incorporated as Appendix A are applicable to the modifications described in this Ordinance; and

WHEREAS, prior to the effective date of this Ordinance, THCS D shall file a copy of the Ordinance, including the findings, with the California Building Standards Commission.

NOW THEREFORE, the Board of Directors of the Twain Harte Community Services District (“THCS D”) does hereby ordain as follows:

SECTION 1 RECITALS AND FINDINGS

The above recitals are true and correct and are incorporated herein by this reference.

The Board of Directors of THCS D finds that in order to best protect the health, safety and welfare of the citizens of THCS D, the fire code standards within THCS D must conform with state law except where local climatic, geological, and topographic conditions warrant more restrictive regulations. Therefore, THCS D Council should adopt the current state fire code, contained in Part 9 of Title 24 of the California Building Standards Code, and other uniform codes governing the construction and regulation of buildings and structures with the modifications and amendments contained herein.

Pursuant to California Health and Safety Code Section 17958.7 and California Public Resources Code Section 4291(a)(2), THCS D makes the factual findings set forth in “Appendix A”, attached hereto and incorporated herein by reference, finding that amendments, specifically set forth herein, to the California Building Standards Code Title 24, Part 9 and Public Resources Code Sections 4290 and 4291 are reasonably necessary because of the local conditions described in Appendix A.

SECTION 2 FIRE CODE ADOPTED

The California Fire Code, Title 24, Part 9, 2016 Edition, as modified by the amendments, deletions and additions set forth in this Ordinance, are adopted by the Twain Harte Community Services District, and may be cited as such.

This Ordinance shall be known as the “Twain Harte Community Services District Fire Code” and shall be referred to in this Ordinance as “this Code”.

SECTION 3 DEFINITIONS

For the purposes of this Code, the following terms shall have the following meanings:

Access Ways and/or Roads: A road or means that provides fire apparatus and/or firefighting personnel access from a fire station to a building, facility, or portion thereof.

This is a general term inclusive of all other terms such as, but not necessarily limited to, fire lane, public street, private street, driveway, fire road, easement access road, parking lot lane and access roadway.

Alternate Means of Compliance: An alternate method to meet the intent of the regulation or requirement allowed by the Fire Code Official which provides the same overall practical effect of the regulation or requirement.

Approved: Meeting all the requirements of the Fire Code Official as to the location, size, type, completeness and manner of installation.

Board: The Board of Directors of the THCS D.

Building: Any structure built upon any lot, parcel, or property within the jurisdiction of the THCS D including but not limited to, any dwelling classified as residential, commercial and accessory.

Chief: The Chief Officer of the THCS D Fire Division having the responsibility for the enforcement of this Code and/or his/her authorized and delegated representative.

Defensible Space: The area within the perimeter of a parcel where basic wildland fire prevention practices and measures are to be implemented and maintained, including, but not limited to, removing flammable vegetation, or combustible growth (both living and dead) that is located a distance up to, but not limited to, 100 feet away from a structure.

Developer: Any lot owner, parcel owner or other person, firm, corporation, association, partnership, trust, company, public or private, responsible for the improvement of land or project in question, be it for private or public use.

Development Project: Any project undertaken for the purpose of development, including a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

Division of Land: The division by any entity or developer of any unit or units of improved or unimproved land (or any portion thereof), shown on the most current equalized county assessment roll as a unit or contiguous units, for the purpose of sale, lease, financing transfer, or building development, whether immediate or future. Property shall be considered as contiguous units even if separated by roads, streets, utility easements or railroad right-of-ways.

Driveway: A vehicle access that serves a single parcel with not more than three dwelling units, and any number of accessory buildings, or any unimproved parcel.

Fire Code Official: The THCS D Fire Chief and or person(s) appointed by the Fire Chief to enforce the THCS D Fire Code. The Fire Code Official may have various titles

related to the specific duties to which they are assigned. The Fire Code Official is authorized by the Board of Directors of THCS D to enforce this THCS D Fire Code, to issue citations and to represent the THCS D in related legal proceedings.

Fire Hazard: Anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than is customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire; or which may obstruct, delay, hinder or interfere with the operations of the Fire Division or the egress of occupants or the access of emergency equipment in the event of a fire.

Fire Management Plan: A plan that addresses the fire protection needs of a development, with implementation methods necessary to achieve the standards of the THCS D Fire Code or having the same practical effect.

Improved Parcel: A portion of land of any size, whose area is determined by assessor's maps and records, that may have a parcel number and has a structure located upon it.

Inspection Authority: Refers to the THCS D Fire Division.

Judgment: The decision of the THCS D Fire Chief, or authorized designee, based upon sound fire protection principles. Such judgment shall be conclusive unless overruled by the THCS D Board of Directors through a regular appeal process, or the County, State of California, or Federal Court system.

Relief: An exemption from all or part of a requirement or regulation approved by the Fire Code Official.

Unimproved Parcel: A portion of land of any size, whose area is determined by the assessor's maps and records that may have a parcel number, but does not have a structure located on it.

Wildland: An area in which development is essentially non-existent, except for roads, railroads, power lines and similar transportation facilities.

SECTION 4 OCCUPANCY PERMITS AND FIRE MANAGEMENT PLANS

4.1 Permission for Occupancy. Permission for occupancy of any building, or permission to proceed with the development of any property created as a result of a subdivision and/or division of land shall not be granted by THCS D until: (1) the request has been reviewed for compliance with this Code and the applicable standards listed in the most current version of Tuolumne County's Fire Safety Standards, Chapter 15.20 of the Tuolumne County Code of Ordinances, (2) all necessary permits are granted by the County of Tuolumne and (3) review and approval is granted by the THCS D Fire Code Official.

4.2 Fire Management Plans. As a conditional requirement for approval of any subdivision of land, commercial development projects, and/or commercial building project, a Fire Management Plan must be submitted to the THCSO Fire Code Official for review and approval.

4.2.1 Timing. Fire Management Plans must be approved by THCSO prior to project initiation and the issuance of any building permit.

4.2.2 Required Plan Contents. Fire Management Plans must address all aspects of fire protection requirements and mitigation measures, including, but not limited to, the following:

- A. Impact on the existing level of service delivery systems/agency's ability to provide and/or maintain a level of service reasonably equal to services currently being provided.
- B. Availability of fire protection water, required fire flows and storage.
- C. Problems associated with ingress/egress, circulation and the response times of emergency equipment.
- D. Fire Hazards existing within the proposed project area or immediately adjacent to the area including vegetation and combustible fuels.
- E. Requirements of THCSO Fire Code which cannot be met due to project design or other constraints.
- F. Fire protection measures which are consistent with provisions of the THCSO Fire Code and/or other recognized fire protection standards

SECTION 5 FIREWORKS

5.1 General. The provisions of this section are in addition to existing state law and shall not be construed as all inclusive. Individuals shall also refer to the most recent standards, suggestions and procedures recommended by the California State Fire Marshal's Office in regard to the regulation of fireworks.

5.2 Definitions. All definitions of fireworks, dangerous fireworks, and safe and sane (private use) fireworks shall have respective meanings ascribed to them in the most recent published version of the California Health and Safety Code, or their most recent amendments or changes.

5.3 Restrictions. It is unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks, dangerous

fireworks or safe and sane (private use) fireworks within the jurisdiction of the THCSO.

- 5.4 Violations.** Any violation of this Section will result in an infraction, as specified in Section 8 of this Code.

SECTION 6 ACCESS AND PREMISES IDENTIFICATION

- 6.1 Access.** It is the responsibility of property owners and/or property developers to make such provisions that may be deemed necessary by the Fire Code and the Fire Code Official in regard to access to roadways, streets, driveways and access ways in order to provide a reasonable means of safe, timely egress for evacuation of residents and safe access for fire suppression equipment and personnel. These provisions may include, but are not necessarily limited to, additional ingress/egress routes or changes in road design.

6.1.1 Fire Lanes. The Fire Code Official has authority to require areas, roads, driveways and other accesses to be cleared of obstructions and maintained as "FIRE LANES" for emergency access consistent with the requirements of the Fire Code. Such access may be required at any location where it is determined that without such emergency access for firefighting equipment, the entry by and use of fire apparatus and/or other emergency equipment would be obstructed or otherwise rendered unduly difficult.

6.1.2 Development Requirements. As part of any development or building project, the Fire Code Official has authority to require provisions for access and maneuvering of fire apparatus. Such provisions may include, but is not necessarily limited to, the provision of designated fire lanes, no parking areas, minimum turning radius and width of access ways, and emergency access roads.

6.1.3 Roadways and Driveways. Roadway and driveway standards shall be in conformance with the California Fire Code and the current versions of Section 15.20.050 and 15.20.055 of the Tuolumne County Code, as modified from time to time.

- 6.2 Identification of Premises.** Premise and building identification and signing shall be in conformance with standards outlined in the most current printed edition of Sections 15.20.040 and 15.20.045 of the Tuolumne County Code. Standards regarding premise, property, both improved and unimproved, buildings and structures shall be consistent with the California Fire Code and Sections 15.20.040 and 15.20.045 of the Tuolumne County Code, and shall enforced by the THCSO's Fire Code Official within the jurisdiction of THCSO. In addition to these standards, the following additional standards shall apply:

- A. Structures not readily visible from the roadway shall have premises identification numbers posted at the driveway/access entrance visible from both directions of roadway travel.
- B. Numbers posted at driveway or other access entrances, or on structures, shall be posted at such a height above the ground to remain clear of snow.

SECTION 7 FIRE HAZARD ABATEMENT AND DEFENSIBLE SPACE

7.1 Basis of Regulations. The regulations in this Section 7 are designed to reduce the chances of a structure fire spreading to the wildland and growing into a conflagration and assist in the control of wildfire once an ignition occurs. Fire hazard abatement regulations pertaining to fuel modification are based upon the following premises:

- A. Persons inhabiting structures and their associated activities in around their homes are the primary source of potential ignition of a fire within the inhabited subdivisions, residential areas and commercial developments of the THCSO.
- B. Fuel loading on improved or unimproved lots within or adjacent to inhabited areas can significantly contribute to the intensity and spread of a wildfire making it more difficult to contain, control and extinguish.
- C. Hazardous vegetation abatement along roadways, driveways and on unimproved properties adjacent to improved properties reduces radiant heat and fire intensity, providing an increased margin of safety for fire suppression personnel, a point of attack and a place of defense for the protection of structures and safer civilian evacuation during wildfires.

7.2 Improved Parcel Requirements. Regulations pertaining to fire safe clearance, fuel reduction and maintenance of flammable vegetation and/or growth on improved parcels within the THCSO boundaries are set forth in California Public Resources Code ("PRC") section 4291. These regulations require clearance around structures, including, but not necessarily limited to:

- A. A defensible space zone thirty (30) feet around the structure and;
- B. A reduced fuel zone between thirty (30) and one hundred (100) feet from the structure, or to the property line, consisting of additional flammable vegetation reduction and maintenance.

7.2.1 Enforcement Authority. Inspection and enforcement of PRC 4291 clearance requirements for improved parcels are the responsibility of Cal Fire.

7.3 Unimproved Parcel Requirements. Regulations and standards pertaining to fire safe clearance, fuel reduction, and maintenance of flammable vegetation on unimproved parcels within the jurisdiction of THCS D are set forth in the most current printed edition of the “Twain Harte Community Services District Vegetation Management Requirements for Unimproved Parcels” (“THCS D Unimproved Vegetation Requirements”), attached hereto for reference as Appendix C.

The requirements set forth in the THCS D Unimproved Vegetation Requirements document are in addition to the requirements of PRC 4290 and 4291, and apply the reduced fuel zone standards to unimproved parcels located within or adjacent to subdivisions, developments, roadways, access ways, and all commercial and residential buildings within the jurisdiction of THCS D.

7.3.1 Enforcement Authority. Inspection and enforcement of the requirements set forth in the THCS D Unimproved Vegetation Requirements document is the responsibility of the THCS D Fire Code Official.

7.3.2 Compliance Intent. The intent of THCS D is that, over time, most unimproved parcels will be identified and inspected providing equal benefit to all similarly situated parcel owners. However, due to the large number of unimproved parcels and the amount of combustible material located on those parcels requiring removal and/or reduction, it is neither practical nor reasonable to expect that all hazardous vegetation on unimproved parcels be mitigated within any one calendar year or annual clean up cycle. Therefore, the requirements set forth in the THCS D Unimproved Vegetation Requirements document shall be enforced on a priority basis, determined by an objective risk assessment undertaken by the THCS D’s Fire Code Official.

7.3.3 Revisions to Unimproved Parcel Standards. The current standards for defensible space on unimproved parcels within the jurisdiction of THCS D are set forth in the “Twain Harte Community Services District Vegetation Management Requirements for Unimproved Parcels” (“THCS D Unimproved Vegetation Requirements”), attached hereto for reference as Appendix C. The THCS D General Manager, or his/her designee, is hereby authorized to revise and amend these standards as necessary to maintain adequate levels of protection from fire hazards on unimproved parcels.

7.4 Disposal of Material. Waste material caused by site development, construction, fuel modification or reduction shall be considered a public nuisance and shall be disposed of in accordance to the requirements set forth in the most current printed edition of PRC 4290 and 4291, TCO Chapter 15.20.060 and the THCS D Unimproved Vegetation Requirements document.

SECTION 8 ENFORCEMENT AND PENALTIES

8.1 Voluntary Compliance. It is the intent of the THCS D, whenever possible, to identify and mitigate hazards impacting residential structures, commercial structures and unimproved parcels through public education programs and voluntary compliance prior to using the enforcement and penalty process.

8.2 Enforcement Authorization. Pursuant to Penal Code Section 836.5, the THCS D Board of Directors authorizes the THCS D Fire Code Official, or his/her designee, to have primary enforcement authority for the requirements of the THCS D Fire Code within the jurisdiction and boundaries of the THCS D.

8.3 Inspection and Citation Process. The THCS D Fire Code Official, or designee, has the following responsibilities and authorities in the administration, inspection and enforcement of the provisions of the THCS D Fire Code:

8.3.1 Structure Compliance. The THCS D Fire Code Official shall follow the following process to ensure structure compliance:

- A. Plan and conduct annual inspections of all applicable occupancy types specified in the most current published edition of the CFC.
- B. Provide a notice of deficiencies, if any, to business operator and/or owner upon completion of initial inspection. Notice shall provide 30 days to correct deficiencies. If any deficiency poses an immediate threat to life, as determined by the THCS D Fire Code Official, such deficiency shall be corrected immediately.
- C. If the business operator and/or owner does not immediately correct deficiencies posing immediate threats to life, the THCS D Fire Code Official shall issue a citation and suspend business operations or occupancy until such deficiency is corrected.

- D. Schedule and conduct re-inspection after the expiration of the 30-day correction period on occupancies that have been notified of deficiencies.
- E. If deficiencies have not been corrected upon re-inspection, the THCS D Fire Code Official may, at his/her sole discretion, issue a citation requiring immediate correction of deficiencies, continue the restrictions on operations or occupancy, or approve an alternate means of compliance.
- F. An occupancy cited for deficiencies is subject to re-inspection by the THCS D Fire Code Official in as little as one full day after the issuance of a citation. If deficiencies are not corrected prior to such re-inspection, the THCS D Fire Code Official may, at his/her discretion, issue another citation requiring immediate correction, and maintain restrictions on operations or occupancy.

8.3.2 Unimproved Parcel Compliance. The THCS D Fire Code Official shall follow the following process to ensure compliance on unimproved parcels:

- A. Plan and conduct annual inspections of unimproved parcels within the jurisdiction of the THCS D in accordance with the requirements set forth in the most current edition of the THCS D Unimproved Vegetation Requirement document.
- B. Provide a notice of deficiencies, if any, to the parcel owner upon completion of initial inspection and review provisions of the THCS D Unimproved Vegetation Requirements document with owners to encourage voluntary compliance. Notice shall provide a set time period to correct deficiencies, which will be based on the nature of the deficiencies and at the sole discretion of the THCS D Fire Code Official. In no case will the period to correct deficiencies be less than 14 days.
- C. Schedule and conduct re-inspections after the deficiency correction period identified on the initial inspection notice has expired.
- D. If deficiencies have not been corrected upon re-inspection, the THCS D Fire Code Official may, at his/her sole discretion, issue a citation requiring immediate correction of deficiencies or approve an alternate means of compliance.

E. A parcel cited for deficiencies is subject to re-inspection by the THCS Fire Code Official in as little as one full day after the issuance of a citation. If deficiencies are not corrected prior to such re-inspection, the THCS Fire Code Official may, at his/her discretion, issue another citation requiring immediate correction.

8.3.3 Fire Management Plans. The THCS Fire Code Official shall review and approve Fire Management Plans as required in Section 4 of this Code. Reviews will be performed in a reasonably expeditious manner as to not delay permitting process and/or initiation of project or development.

8.4 Violations. Any person who violates any provision of this Code will be guilty of an infraction and will be notified by issuance of a citation. Each and every day of which any violation of this Code is committed, continued or permitted by any person shall constitute a separate infraction.

8.4.1 First Infraction. The first infraction of this Code will be punishable by a fine of one hundred dollars (\$100).

8.4.2 Second Infraction. The second infraction of this Code will be punishable by a fine of five hundred dollars (\$500).

8.4.3 Third Infraction. The third, and each successive, infraction of this Code in the period of one year shall constitute a misdemeanor and shall be punishable by a fine of five hundred dollars (\$500), or by imprisonment not to exceed six months, or by both fine and imprisonment.

8.4.4 Other Causes of Infractions. In addition to violation of the provisions of this Code, the following shall be considered an infraction:

A. Any person who violates or omits any of the requirements under which a permit, certificate or approval for occupancy was granted, shall be guilty of an infraction.

B. Any person who fails to comply with any order as affirmed or modified by the THCS Board of Directors, Fire Code Official, or by a court of competent jurisdiction within the time frame indicated upon notice and/or fixed herein shall be guilty of an infraction.

C. The THCS Fire Code Official may impose conditions or improvements not specifically set forth in this Code, if he/she determines such

conditions or improvements are necessary to implement the intent and purpose of this Code. Any person who violates such conditions or improvements will be guilty of an infraction.

8.4.5 Proceedings. Proceedings against persons for violations of this Code shall not serve as a bar to civil enforcement proceedings.

8.4.6 Payment does not Constitute Compliance. The application and payment of fines and/or imprisonment shall not constitute compliance with required corrections and/or provision of requirements that initiated action against the developer/builder/owner.

SECTION 9 RELIEF, ALTERNATIVE COMPLIANCE AND APPEALS

9.1 Relief and Alternate Means of Compliance. The THCS D Fire Code Official shall have authority to allow relief from compliance with a section or sections of this Code or an alternate means of compliance that will satisfy the requirements of this Code. The THCS D Fire Code Official shall obtain approval of the THCS D General Manager and/or Board of Directors prior to granting relief or an alternate means of compliance.

9.1.1 Relief. Granting Relief and/or allowing an Alternate Means of Compliance may be allowed only when based upon the special circumstances and/or findings identified below. Financial hardship, community benefit, or the worthiness of a project are not considerations in determining whether to grant Relief.

A. A finding that the building and or development project cannot comply to the requirements because of special circumstances that are unique to the property or building, such as physical characteristics of the property or engineering issues related to the design and construction of a building.

B. A finding that an alternate means of compliance cannot be provided.

C. A finding that providing relief does not jeopardize life safety.

9.1.2 Alternate Means of Compliance. An alternate means of compliance may be allowed only when based upon a finding that the purpose and intent of the requirement for which the alternate means of compliance is granted will be substantially achieved by an alternate means or method.

9.1.3 Not a Right. Nothing in this Section shall be interpreted or implied that an owner and/or developer has the rights to relief and/or the allowance of an alternate means of compliance.

9.2 Appeals. Any decision made, requirement given or citation issued by the THCSO Fire Code Official may be appealed to the THCSO Board of Directors.

9.2.1 Appellate Body. The THCSO Board of Directors shall act as the final appellate body in matters regarding the implementation of requirements outlined in the THCSO Fire Code.

9.2.2 Notification and Timing. All appeals must be submitted to the THCSO Board of Directors in writing within fifteen (15) days of the applicant's receipt of notice of violation of the requirements of the THCSO Fire Code or receipt of a citation. Any appeal submitted after said time frame will be deemed to have been waived and will not be considered. The written appeal shall state the requirements being appealed and the basis for which the appeal is being submitted. The written appeal may request deletion of a requirement, reduction in requirements, a request for time extension to mitigate identified hazards, or a request for consideration of Relief or Alternate Means of Compliance.

9.2.3 Hearing Schedule. Appeals will be agendaized for hearing at a regular monthly Board meeting within sixty (60) days following the date the written appeal was received by THCSO. The applicant will be notified as to the date and time of the regular Board meeting at which the appeal will be considered. The appeal hearing may be postponed and rescheduled for a future Board meeting at the request of the applicant.

9.2.4 Hearing Process. At the appeal hearing, the Board will hear testimony by any and all parties involved and then make a determination to sustain, modify, overrule any condition or requirement, address any oversight, provide Relief, allow and Alternate Means of Compliance or any combination thereof. If new facts are presented during the appeal process, the matter shall be referred back to the Fire Code Official for review, reconsideration and recommendations. The Board may postpone the final decision to gather more facts and/or hear additional testimony.

9.2.5 Appeal Decisions. All actions taken by the Board regarding the granting or denial of an appeal will be documented as part of the minutes of the

meeting during which the appeal was heard. Within ten (10) days of a final decision being made, Board action shall be reported in writing to the applicant and any other affected person.

9.2.6 Precedent. All appeals will be determined on a case-by-case basis. Any action taken by the THCS D Board or Fire Code Official pursuant to THCS D Fire Code regarding appeals, Relief or Alternate Means of Compliance will not necessarily be deemed as a precedent for the granting of subsequent appeals, Relief or Alternate Means of Compliance.

9.2.7 Compliance during Appeals. The THCS D Fire Code Official maintains the authority to impose temporary requirements, impose restrictions and/or take necessary actions to ensure public safety during the appeals process. The filing of an appeal regarding any of the requirements of this Code shall not stay or postpone:

- A. Proceedings for criminal prosecution.
- B. An order for correction of a matter which, in the judgment of the Fire Code Official, poses a serious and immediate threat to life and property.

SECTION 10 REPEAL AND EFFECT ON PRIOR ORDINANCES

Ordinance No. 30 of the Twain Harte Community Services District is hereby repealed in its entirety. All ordinances, sections of ordinances and resolutions that are inconsistent with this Code are hereby repealed, including, but not limited to Ordinance No. 30. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or omitted in violation of this chapter prior to the effective date of this ordinance.

SECTION 11 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The District Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 12 PUBLICATION AND EFFECTIVE DATE

A summary of this Ordinance shall be prepared. At least five (5) days prior to the meeting at which this Ordinance is scheduled to be adopted, the District shall (1) publish the summary, and (2) post in THCS D Clerk's office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this ordinance, the District shall (1) publish the summary, and (2) post in the District's office a certified copy of the full text of this Ordinance along with the names of those board members voting for and against this Ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption.

* * * * *

Introduced on October 12, 2017 at a regular meeting. Adopted as an Ordinance of THCS D at a public hearing of THCS D Board of Directors held November 9, 2017 by the following vote:

AYES: Sipperley, Mannix, Knudson, Johnson
NOES: _____
ABSTAIN: _____
ABSENT: McManus

ATTEST: Candyn Higgins
District Secretary

As Board President of the District, I do hereby approve the foregoing Ordinance this 9th day of November, 2017.

Jim Johnson
Jim Johnson, Board President

APPENDIX A – FINDINGS OF FACT

FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS TO THE CALIFORNIA BUILDING STANDARDS CODE TITLE 24, PART 9 AND/OR CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 4290 AND 4291

CHANGES OR MODIFICATIONS: Pursuant to Section 17958 of the State of California Health and Safety Code, the governing body of THCS D in its ordinance adopting and amending the 2016 Edition of the California Fire Code changes or modifies certain provisions as it pertains to the regulation of buildings used for human habitation. A copy of the text of such changes or modifications is attached.

FINDINGS: Pursuant to Sections 17958.5 and 17958.7 (a) of the State of California Health and Safety Code, the governing body of THCS D has determined and finds that all the attached changes or modifications are needed and are reasonably necessary because of local climatic, geological and topographic conditions as discussed below. Specifically, the below stated climatic, geographical and topographical conditions warrant more stringent requirements. Below are adverse local climatic, geological and topographic conditions that necessitate the modifications to the California Fire Code.

Pursuant to Section 4117 of the Public Resources Code, Section 13869.7 (A) of the Fire Protection District Law and Sections 17958.5 and 17958.7 of the Health and Safety Code, this Section 2 represents the “Findings of Fact” document with regard to the adopting this Code. The THCS D Board of Directors bases the THCS D Fire Code on the following findings:

Suitability of Existing Code. The standards and regulations specified in the CFC and PRC 4290 and 4291 are widely accepted and utilized across California. The standards and regulations specified in TCO 15.20 are widely accepted and utilized across Tuolumne County. All three codes are used for regulating and governing the safeguarding of life and property, both improved and unimproved, 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. As such, these codes are deemed suitable for regulating and governing the same within THCS D boundaries, except as specifically modified in Sections 4 – 7 of the THCS D Fire Code.

Climate, Topography and Geography. Under the provisions of Section 17958.5 of the Health and Safety Code, any modifications or exceptions of State codes adopted by this Ordinance must be based on climate, geographical and topographical conditions. The following findings of fact address each of these conditions, which necessitate the modifications set forth herein.

Climate Conditions. The THCS D annual rainfall averages 38 inches with most precipitation occurring between the months of October and April. During these wet

months, average temperatures range from 30 to 60 degrees and snowfall ranges between 1 to 2 feet. During the dry months of the year (May to September), average temperatures range from 45 to 85 degrees with high temperatures often exceeding 95 degrees during the summer months. Low fuel moistures, low relative humidity and high burn indexes are normal during these dry months, creating elevated “red flag” fire conditions. Frequent drought adds to these conditions, subjecting THCS D to frequent severe and critical fire seasons. The temperature and terrain features also blend to create gusty, prevailing winds and wind changes to occur regularly, further adding to the dry conditions and flammability of wildland fuels.

Geographic Conditions. The THCS D is located on the western edge of the Stanislaus National Forest in the Sierra Nevada Mountains. Elevations range from 3800 – 4200 feet. Residential structures are located throughout steep and varied terrain within THCS D. Most roads and driveways are long, winding, narrow and steep, limiting access to individual properties and dwellings. Many of the ingress and egress roads are narrow and substandard, built prior to the adoption of road standards. Most residential subdivisions converge onto one main collector road, which intersects with State Highway 108. This creates the potential for heavy traffic congestion should the need for evacuation occur. Congestion is common during the peak seasons when rentals and second homes are likely to be occupied. Peak season coincides with the fire season.

Topographic Conditions. Most of the THCS D topography is moderate to steep terrain with varying fuel types. Most residential structures are surrounded by timber and wildland vegetation common to similar elevations in the Sierra Nevada Mountain range. The THCS D is a mix of urban development and wildland, which has commonly become known as the wildland/urban intermix. Fuel loads average 45 – 80 tons per acre in developed residential areas and 80-100 tons per acre in adjacent areas. Terrain features are such that residential structures have been built on slopes, in drainages, and on ridge tops. The combination of which creates an environment where wildfire can develop and move quickly through residential areas. Additionally, Cal-Fire has determined that the THCS D is located within the State Responsibility Area (SRA) and is classified as a “Very High Fire Hazard Zone”.

Climatic, Geographic, Topographic Conclusions. The THCS D Board of Directors finds that the unique characteristics of the topography, geography and climatic conditions within the THCS D, combined with the intermix of residential and commercial structures within the wildland fuels, requires modification of the CFC, PRC and TCO in order to better protect the health, safety, welfare, material wealth, and economic wellbeing of the residents and property owners within the THCS D boundaries.

Hazardous Vegetation. Hazardous vegetation on unimproved parcels within the THCS D’s boundaries creates a fire threat to both unimproved parcels and adjacent improved parcels. The defensible space obligations found in PRC 4290 and 4291 address hazardous vegetation abatement on improved parcels, but do not address hazardous vegetation abatement on unimproved parcels. To ensure public safety, it is

necessary to apply defensible space clearances to unimproved parcels, especially those located adjacent to improved parcels, near roadways and along fire access easements. Such measures aid fire suppression forces to prevent and manage potential loss of property and life which exists within the THCS D as a result of wildland/intermix fire threat and the THCS D's unique climatic, geographic and topographic conditions.

Structure Fires. Due to THCS D's unique conditions, fire suppression forces must keep structure fires small so they can be controlled by a limited number of resources before spreading into the wildland. Requirements pertaining to the hazardous vegetation abatement on unimproved parcels along with fire resistive construction, road access and proper identification on improved parcels support that effort.

Wildland Fires. THCS D's unique climate, topographic and geographic conditions require suppression forces to quickly control wildland fires within the THCS D boundaries with a limited number of resources to avoid conflagration throughout the THCS D and surrounding areas. Requirements pertaining to clearance of defensible space around structures and the reduction of fuel loads on unimproved parcels within and adjacent to, residential and commercial developments support that effort.

Findings. THCS D finds that modifications to the CFC, PRC and TCO, as specified herein, are reasonably necessary to address the unique conditions found within the THCS D's boundaries. These modifications and additional requirements provide assistance in the rapid control of structure fires, wildland fires and the prevention of widespread conflagration. They also provide for increased safety for the public and fire suppression forces. While additional requirements will not eliminate fire, they will significantly reduce its severity and potential loss of life and property within THCS D boundaries.

APPENDIX B – SUMMARY EXPLANATION OF AMENDMENTS

CFC = California Fire Code

PRC = California Public Resources Code

TCO = Tuolumne County Fire Safety Standards Ordinance

CODE	Code Section	Title/Subject	THCSD Ordinance No. 30-01 Section	Intent and Summary Requirements of Amendments
TCO	15.20.010, E	Construction Plans	Section 4.2	To allow THCSD to impose more stringent mitigations if found necessary
CFC	5601.1.3	Fireworks	Section 5	Bans the sale and use of all fireworks within the Jurisdiction of THCSD
TCO	15.20.050	Roads and Driveways	Section 6.1	Gives authority to THCSD Fire Code Official to require that fire access roads, driveways and areas be cleared of obstruction
CFC	Appendix D	Fire Apparatus Access Roads	Section 6.1	Gives authority to THCSD Fire Code Official to require the provisions of fire lanes, no parking areas, etc., found necessary but not otherwise required by the CFC
TCO	15.20.040	Premises Identification	Section 6.2	Gives authority to the THCSD Fire Code Official to modify the requirements contained within the TCO to accommodate local climatic and topographical conditions
PRC	4290 and 4291 (a)	Defensible Space	Section 7	Extends the defensible space requirements contained in the Reduced Fuel Zone specification to unimproved parcels

APPENDIX C – UNIMPROVED PARCEL VEGETATION REQUIREMENTS

Twain Harte Community Services District Vegetation Clearance and Management Requirements for Unimproved Parcels

Why Do I Need to Maintain Vegetation?

In 2005, the State of California passed Public Resources Code 4291, in an effort to reduce the devastating impacts of wildfire across the state. This law requires homeowners to provide clearance around buildings and structures built within the wildland urban interface area of the state by providing and maintaining a 30-foot Defensible Space Zone with an additional 70-foot Reduced Fuel Zone around structures or to the property boundaries. Cal Fire has the primary responsibility for inspection and enforcement of these requirements on improved parcels (parcels with home and/or structures). Please see Cal Fire's web page or PRC 4291 for more information

In effort to improve the safety of our community and better enable our firefighters to protect life, property and the environment from wildland fires, Twain Harte Community Services District (THCSD) adopted *THCSD Ordinance No. 30-01 (THCSD Fire Code)* to extend PRC 4291 Reduced Fuel Zone requirements to unimproved (vacant) parcels.

Reducing the fuel load of hazardous and flammable vegetation on vacant parcels will help keep wildland fire from intensifying as it moves across the landscape by:

- Reducing heat intensity
- Reducing flame length
- Keeping flames out of the vegetation canopy

Does this Apply to my Parcel?

Section 7 of the *THCSD Fire Code* requires unimproved (vacant) parcels to comply with PRC 4291 Reduced Fuel Zone requirements. Unimproved parcels include:

- Parcels within established residential and/or commercial subdivisions
- Parcels adjacent to improved parcels or roadways

How do I Comply?

The following requirements explain what is needed to bring an unimproved parcel into compliance with the *THCSD Fire Code*.

- **Cut down and remove dead trees and their branches.**
If there are standing dead trees, they must be cut down. Newly cut trees and those which have fallen must be cut up and stacked or removed from the parcel entirely. Do not stack next to or under live trees. Branches from these and other

downed trees must be cut and removed from the parcel – they may NOT be left on the ground. Dead trees are both a fire and life safety hazard. Contact your local forester for information about bug infested trees.

- **Remove dead branches and trees that touch larger trees.**

If dead branches or dead trees are leaning into or against larger trees they must be removed. Any tree, live or dead, which has fallen into other trees, must be dropped to the ground, cut up and stacked or removed from the parcel. Dead branches and trees ignite quickly, creating a “fire ladder”. If the “fire ladder” has not been eliminated, a fire within those trees will quickly “climb” the ladder of limbs into the tree crowns and will spread faster, gaining heat, intensity and momentum with every tree consumed.

- **Remove and dispose of all dead tree limbs within six feet of the ground.**

This means that if ANY PORTION of a dead limb HANGS within six feet of the ground, the limb MUST be removed. Live limbs that hang closer than six feet must be removed. If there is a slope to the parcel, you may be required to limb higher, so there are six feet of clearance between the ground and the first set of limbs. Properly dispose of limbs by hauling chipping or by burning safely during periods of approved open burning and following all legal restrictions regarding burning of vegetation in Tuolumne County.

- **Remove dead branches on ground.**

During most winters, dead branches are blown from trees. These must be removed from the ground so they do not help fuel a fire and for the safety of the firefighters.

- **Remove all dead brush growing under trees.**

Dead brush (i.e. manzanita, white thorn, scotch broom, lilac, etc.), whether under trees, or lying on the ground is fire fuel. Maintain a vertical clearance space of at least three times the height of a shrub between its top and the closest overhanging tree or branch. If only a portion of the brush is dead, remove all of the dead section and dispose of properly.

- **Remove accumulations of dead material beneath trees and bushes.**

This accumulation of dead organic material and debris occurs because of wind and weather. Wind causes limbs to break, dead pine needles and leaves to blow off trees and for dead material to collect each year on the ground. This debris must be removed yearly or it continues to accumulate and significantly increase fire hazard. Debris must be removed properly and must not be left in piles on your parcel for a significant amount of time. One to three inches of organic material (i.e. leaves, pine needles, etc.) may be left to help control erosion and hold in soil moisture.

- **Thin the stands of brush whether under a tree canopy or not.**

Most brush species in this area are highly flammable and contain large amounts of volatile oils that greatly contribute to fire intensity. A simple rule is to break up

the continuity of the brush stand by creating spaces between the individual bushes equal to their height.

- **Remove dead and dying smaller trees beneath limbs of taller trees.**
These small dead trees are extremely flammable and can act as the fire ladder carrying fire from the ground into the crowns of the larger healthy trees causing damage and/or mortality and adding to the spread of fire.
- **Thin saplings and/or small trees in dense stands.**
All of the saplings in dense stands will not grow to maturity and tend compete with each other for limited resource leading to an unhealthy state of the whole stand. Remove saplings that are spaced tightly or directly under another tree to improve forest health.
- **Cut ground vegetation beneath trees and brush to four inches or lower.**
The native and non-native ground covers that are successful in our community are highly flammable and cause fire to spread rapidly. They must be kept to a maximum of four inches in height around trees and brush.
- **Create a 30-foot fuel break around the perimeter of the parcel.**
On larger unimproved parcels where it is not possible to meet Reduced Fuel Zone requirements across the entire parcel within one clearance cycle or year, focus on the edges of the parcel. Provide a minimum 30-foot wide Fuel Reduction Zone from all edges of the parcel towards the interior. Prioritize parcel edges that are adjacent to roads or access ways, or other likely sources of ignition. Work in successive years to maintain the initial thirty foot zone and extend the Reduced Fuel Zone through the remainder of the parcel.
- **Cut all dead and/or dying grass and weeds.**
All dead grass and weeds must be cut. Cut grass, along with leaves and pine needles may stay on ground, but may be no more than one to three inches deep. Any accumulation greater than three inches in depth must be removed and disposed of properly.
- **Create fuel breaks along property lines below other homes on a slope.**
Fuel breaks can be accomplished by removing all brush and hazardous fuel accumulation to a width of thirty feet from your property line. The intent of this regulation is to reduce fire from spreading quickly from your property uphill to the improved properties located above your unimproved parcel.
- **Work with adjacent property owners to collectively reduce hazardous fuels.**
Due to minimal building setbacks from property lines, some improved parcels cannot obtain the PRC 4291 required Defensible Space Zone or Fuel Reduction Zone before reaching your shared property line. In these instances, the THCS D strongly encourages surrounding owners to work together to accomplish the requirements of PRC 4291 and of the *THCS D Fire Code* by allowing adjoining owners to cross over property lines to perform hazardous fuel reduction activities.

This will prevent fire from spreading from your property to your neighbors and will enhance safety in your neighborhood and our community.

Under certain fire hazard conditions the THCSO Fire Code Official may require, more or less fuel reduction on one unimproved parcel than on another.

How do I Dispose of Removed Vegetation?

All cut and/or downed debris shall be disposed of by hauling, chipping, burning (following all legally established burning restrictions) or other methods of disposal approved by the property owner and by THCSO Fire Code Official. AT NO TIME shall debris be buried on the parcel, deposited on the property of another, dumped into holes on the parcel or covered by pine needles.

Before burning always call the Air Pollution Control Burn Day notification hotline to see if it is a legal "burn day" at 209-533-5598. Always have a legal burn permit in your possession during times they are required. Burn permits are issued by Cal Fire within the jurisdiction of THCSO.

Thank You for Helping Keep our Community Safe!

Fire safety/prevention is the obligation of every property owner in our community (whether improved or unimproved). Please do your part to keep our community safe!

Thank You in advance for you efforts and contributions to make our community safe from wildland fire!

For more information please call Twain Harte Fire at 209-586-4800, visit our web page (www.twainhartecsd.com), or send your questions to tmcneal@twainhartecsd.com