

# MEMORANDUM

DATE: December 8, 2015

TO: Honorable Board of Supervisors

FROM: Michael Johnson, AICP, Agency Director

BY: Tim Wegner, Chief Building Official

SUBJECT: Alpine Springs County Water District Fire Protection Code – Ratification of Amendments

### **Action Requested**

Adopt a Resolution ratifying the Alpine Springs County Water District's Ordinance No. 9-2015 amending the 2013 California Fire Code.

### **Background**

The Alpine Springs County Water District (ASCWD) Ordinance 09-2015 amends the 2013 California Fire Code to restrict or ban open burning, including recreational fires, during high fire hazard periods.

The California Fire Code establishes minimum standards for protection of life and property from fire, explosion and hazardous materials release. Fire districts are authorized by law to enact more stringent standards than those in State or local codes. In order to do so, the Fire District's legislative body must adopt its own ordinance/resolution implementing the California Fire Code with amendments. The Fire District must also make findings supporting the amendment based on local conditions. No such ordinance of a local fire district becomes effective until it is ratified by the legislative body of the City or County (in this case the Placer County Board of Supervisors) where the ordinance/resolution will apply.

Health and Safety Code section 13869.7(c) outlines the procedure that the Fire District must follow to gain ratification. Specifically, section 13869.7 requires the Fire District to transmit its adopted ordinance/resolution, including findings, to the County or City where the ordinance will apply. After transmittal, the legislative body (Placer County) may ratify, modify, or deny the Fire District's adopted ordinance and transmit its determination to the Fire District within 15 days of the County's action.

The Alpine Springs County Water District (ASCWD) is located within the boundaries of Placer County—Exhibit A. On October 9, 2015, the ASCWD's Board of Directors adopted Ordinance No. 09-2015 amending the 2013 California Fire Code. The ASCWD Board also adopted Resolution 08-2015 establishing findings to support the amendments because of local conditions within the Alpine Springs County Water District area. Placer County Building Services Division staff has reviewed the proposed amendments and findings

and recommends ratification. Copies of ASCWD's Board-adopted Ordinance and Resolution establishing findings are attached as Exhibits B and C.

**Fiscal Impact**

There is no fiscal impact to the County with this matter. The ASCWD Fire Protection Code is enforced by the ASCWD and any appeals will go to the District's Board for resolution and enforcement. This action by the Board of Supervisors is simply to comply with and implement State law.

- Attachment 1: Resolution Ratifying the Alpine Springs County Water District's amendment to the 2013 California Fire Code—Open Burning Ban.
- Exhibit A: Alpine Springs County Water District Boundaries
- Exhibit B: Ordinance 09-2015: An Ordinance of Alpine Springs County Water District amending the 2013 Fire Prevention Code
- Exhibit C Resolution 08-2015 Establishing Findings

- cc: Michael Schwartz - Fire Chief, North Tahoe Fire Protection District
- Michael Johnson - CDRA Director
- Karin Schwab - County Counsel
- John McEldowney - OES Assistant Director

**Before the Board of Supervisors  
County of Placer, State of California**

In the matter of:

Resolution No.: \_\_\_\_\_

Ratification of the APLINE SPRINGS COUNTY WATER  
DISTRICT's Amendments to the 2013 California Fire Code.

The following Resolution was duly passed by the Board of Supervisors of the County of  
Placer at a regular meeting held \_\_\_\_\_ by the following  
vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of said Board

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER,  
STATE OF CALIFORNIA, AS FOLLOWS:

**WHEREAS**, California Health and Safety Code section 13869.7 allows a fire  
protection district to adopt building standards relating to fire and panic safety that are more  
stringent than those building standards adopted by the State Fire Marshal and contained  
in the California Building Standards Code; and

**WHEREAS**, a fire protection district that proposes to adopt such an ordinance must also adopt findings of fact and need for changes or modifications because of local conditions in compliance with Health and Safety Code section 18941.5; and

**WHEREAS**, Health and Safety Code section 13869.7(c) requires the fire protection district to transmit the adopted ordinance and resolution of findings to the county or city where the ordinance will apply; and

**WHEREAS**, Health and Safety Code section 13869.7(c) authorizes the legislative body of that county or city to ratify, modify or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination; and

**WHEREAS**, no ordinance adopted by a fire protection district under Health and Safety Code section 13869.7 shall be effective unless or until it is ratified by the legislative body of the city or county where the ordinance will apply; and

**WHEREAS**, the APLINE SPRINGS COUNTY WATER DISTRICT is located within the boundaries of Placer County as depicted in Exhibit "A"; and

**WHEREAS**, on August 19, 2015 the APLINE SPRINGS COUNTY WATER DISTRICT's Board of Directors passed Ordinance No. 09-2015 effectively amending the 2013 California Fire Code and established findings to support the amendments because of local conditions through the adoption of Resolution 08-2015, attached hereto as Exhibit B and C respectively; and

**WHEREAS**, the APLINE SPRINGS COUNTY WATER DISTRICT has transmitted a copy of Ordinance No. 09-2015, and Resolution 08-2015 to the County; and

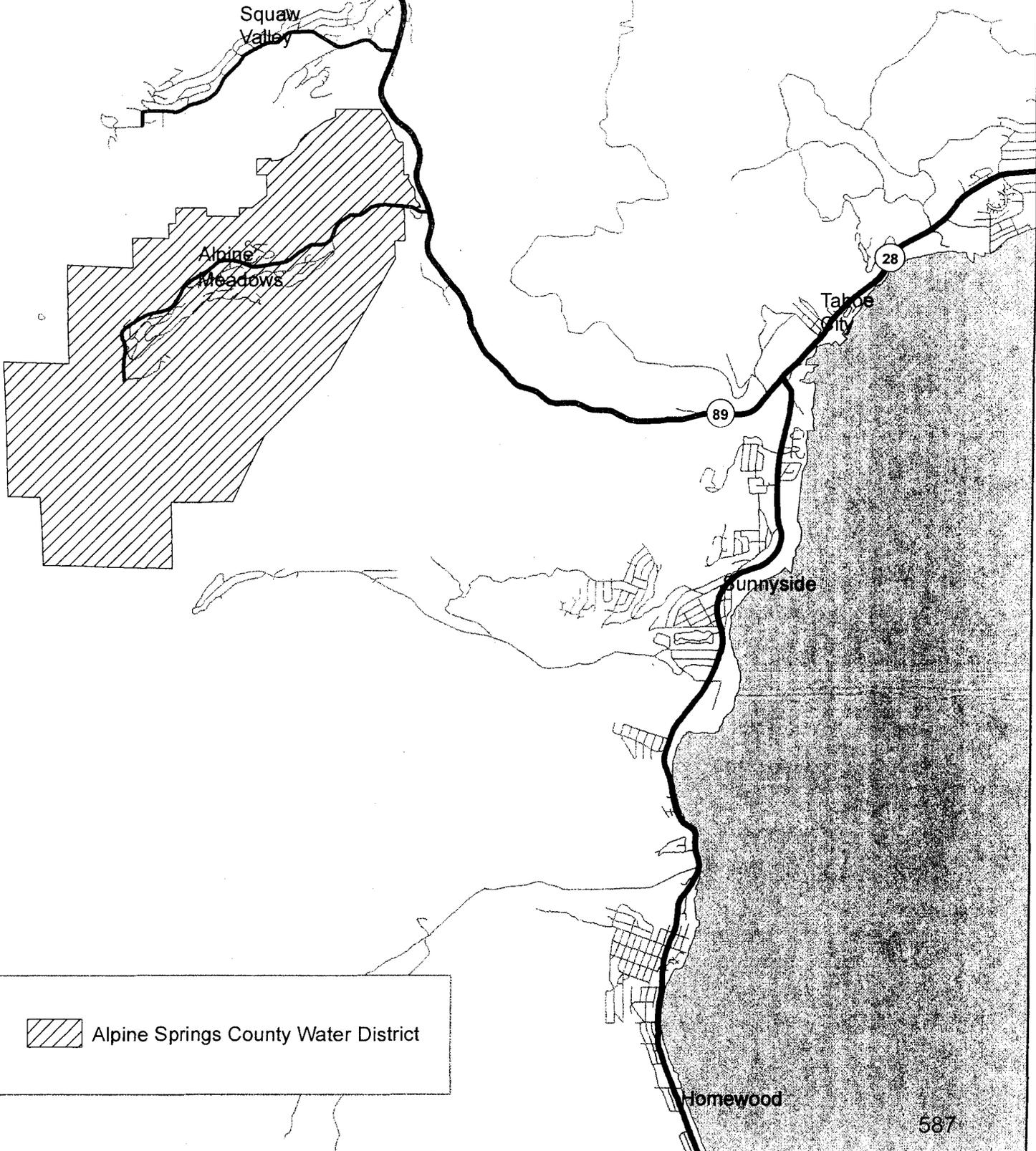
**WHEREAS**, this Board has considered Ordinance No. 09-2015 and Resolution 08-2015 as attached hereto and wishes to ratify the same

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Board ratifies the APLINE SPRINGS COUNTY WATER DISTRICT's Ordinance No. 09-2015 amending the 2013 California Fire Code as set forth in Exhibit "B", and Resolution No. 08-2015 establishing findings to support the amendments, as set forth in Exhibit "C".

**BE IF FURTHER RESOLVED**, that this resolution shall be effective immediately.

Exhibits

- "A" Alpine Springs County Water District Boundaries
- "B" Alpine Springs County Water District Ordinance 09-2015 amending 2013 Fire Prevention Code
- "C" Alpine Springs County Water District Resolution 08-2015 Establishing Findings



 Alpine Springs County Water District

## ALPINE SPRINGS COUNTY WATER DISTRICT

ORDINANCE NO. 09 - 2015

AN ORDINANCE FOR THE ALPINE SPRINGS COUNTY WATER DISTRICT AMENDING THE FIRE PREVENTION CODE OF THE DISTRICT PERTAINING TO BANNING OPEN BURNING, INCLUDING CAMPFIRES, DURING HIGH FIRE HAZARD PERIODS

WHEREAS, fire protection districts are generally required to adopt the State Building Standards; and

WHEREAS, Health and Safety Code sec. 13869.7 provides that any fire protection district may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code [including the California Fire Code]; and

WHEREAS, the District has the power, pursuant to California Health and Safety Code §13861 to acquire property, to enter into and perform contracts, to adopt ordinances and to establish and enforce rules and regulations for the administration, operation, and maintenance of the services listed in Section 13862 [fire protection, rescue, emergency medical, hazardous materials response, ambulance service and any other service relating to the protection of lives and property]; and

WHEREAS, Alpine Springs County Water District has on December 13, 2013 adopted and implemented Ordinance No. 09-2013, Fire Prevention Code of the Alpine Springs County Water District ("Fire Prevention Code"), to augment and supplement the California Fire Code ("California Fire Code"); and

WHEREAS, the Fire Code, Chapter 2, Definitions, provides:

**OPEN BURNING.** The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include ... recreational fires or use of portable outdoor fireplaces.

**PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

**RECREATIONAL FIRE.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area

of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

and

WHEREAS, the U.S. Forest Service, Tahoe Basin Management Unit, and the California Department of Forestry and Fire Protection (“CalFire”) in each fire season establish restrictions on open burning within their respective jurisdictions which may limit or ban open burning and recreational fires; and

WHEREAS, the majority of the District’s wildland fire related incident responses are related to open burning on private property located within the District.

NOW, THEREFORE BE IT ORDAINED BY THE ALPINE SPRINGS COUNTY WATER DISTRICT, BY THE GOVERNING BOARD OF THE DISTRICT, AS FOLLOWS:

Section 1. Alpine Spring Fire Prevention Code, Chapters 2 and 3, Ordinance No. 09 – 2013 is hereby amended and restated to provide as follows [*insertions and strikeouts* as noted]:

### **ASCWD Fire Prevention Code**

#### **Chapter 2 - DEFINITIONS**

*Insert the following Definitions from the California Fire Code, as modified:*

**BONFIRE.** An outdoor fire utilized for ceremonial purposes.

**OPEN BURNING.** The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, ~~recreational fires~~ or use of portable *or other* outdoor fireplaces *with a screened chimney and an enclosed chamber*. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

**PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. *All openings for products of combustion must be covered or screened.*

**RECREATIONAL FIRE.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, *LPG, LNG or other* portable outdoor fireplace, *or barbeque grill or barbeque pit* and has a total fuel area of 3 feet (914 mm) or

less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

### **Chapter 3 - GENERAL REQUIREMENTS**

*Delete Section 307 of the California Fire Code as adopted and substitute in its place the following:*

*307.1.1 Prohibited Open Burning, Bonfires, Portable Outdoor Fireplaces and Recreational Fires: Open burning, bonfires and recreational fires, as defined in the 2013 California Fire Code Section 202, General Definitions and Alpine Springs Fire Prevention Code, Chapter Two - Definitions, shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous including when, in the judgment of the Fire Chief or his designee, the menace of destruction by fire to life, improved property, or natural resources is, or is forecast to become, extreme due to critical fire weather, fire suppression forces being heavily committed to control fires already burning, acute dryness of the vegetation, or other factors that may cause the rapid spread of fire such as high winds, low fuel moistures, Fire Weather or Red Flag Warnings, severe threat of wildland fire, or issuance of Fire Restrictions on lands adjacent to the District by the USFS, Lake Tahoe Basin Management Unit, or CalFire.*

*Exemptions: Gas (LPG, NG) outdoor fire places and BBQ's shall not be considered open burning for purposes of this Ordinance.*

*307.1.2 Declaration of Fire Chief Regarding Prohibited Open Burning. The Fire Chief or his designee may issue a Declaration prohibiting open burning pursuant to Section 307.1.1 when deemed appropriate, which shall be come effective immediately, provided that no citation for violation may be issued pursuant to such Declaration until after the Declaration is published at least once in a newspaper of general circulation in the District and posted in two public places located within the District.*

*Add the following Section 307.4.3:*

*307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15' (3048 mm) of a structure or combustible material.*

*Exception: Portable outdoor fireplaces used at one and two family dwellings.*

**Section 2.** Findings. The Board makes the following findings in connection with the adoption of this Ordinance.

- a. FINDING NO. ONE -- Private properties lying within the Alpine Springs County Water District are classified as very high wildland fire hazard.

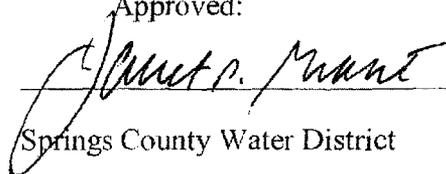
- b. FINDING NO. TWO - The menace of destruction by fire to life, improved property, or natural resources may be, or be forecast to become, extreme due to critical fire weather, fire suppression forces being heavily committed to control fires already burning, acute dryness of the vegetation, or other factors that may cause the rapid spread of fire such as high winds, low fuel moistures, Fire Weather or Red Flag Warnings, or severe threat of wildland fire.
- c. FINDING NO. THREE - Cooperating federal or state agencies address the threat of wildland fire on lands adjacent to the District by issuance of Fire Restrictions which restrict or ban open burning, including recreational fires.
- d. FINDING NO. FOUR – Granting the Fire Chief authority to restrict or ban open burning, including recreational fires, on private property within the District is reasonably necessary because of local climatological, geological or topographic conditions in order to reduce the risk of wildfire and to coordinate District, State and Federal policies to limit or restrict open burning to reduce the risk of wildfire.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the ALPINE SPRINGS COUNTY WATER DISTRICT, Tahoe City, California, this 9th day of October, 2015, by the following:

ROLL CALL VOTES:

AYES:	<u>GRANT</u>	<u>SALKE</u>	<u>SMELSER</u>	_____	_____
NOES:	<u>NONE</u>	_____	_____	_____	_____
ABSTAIN:	<u>NONE</u>	_____	_____	_____	_____
ABSENT:	<u>YORK</u>	<u>NORTHROP</u>	_____	_____	_____

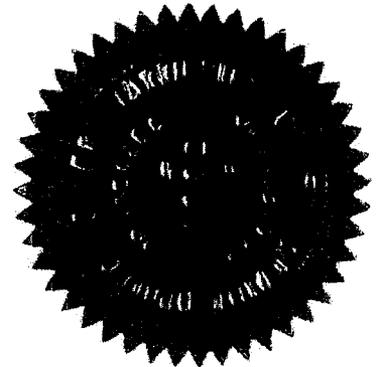
SEAL

Approved:  
  
 \_\_\_\_\_, President of the Board of Directors, Alpine  
 Springs County Water District

ATTEST:

*John M. Collins*

John M. Collins, Clerk of the Board



**RESOLUTION NO. 8-2015  
OF  
ALPINE SPRINGS COUNTY WATER DISTRICT  
STATE OF CALIFORNIA**

A RESOLUTION FOR THE ALPINE SPRINGS COUNTY WATER DISTRICT PROVIDING FOR INTENTION TO ADOPT ORDINANCE NO. 9-2015, AN ORDINANCE FOR THE ALPINE SPRINGS COUNTY WATER DISTRICT AMENDING THE FIRE PREVENTION CODE OF THE DISTRICT PERTAINING TO RESTRICTING OR BANNING OPEN BURNING, INCLUDING RECREATIONAL FIRES, DURING HIGH FIRE HAZARD PERIODS AND SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE ALPINE SPRINGS COUNTY WATER DISTRICT WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE, AS AMENDED BY THE STATE OF CALIFORNIA, REASONABLY NECESSARY FOR PRESERVING FIRE AND LIFE SAFETY IN THE ALPINE SPRINGS COUNTY WATER DISTRICT

*Section 1:* The Governing Board of the Alpine Springs County Water District finds and resolves as follow:

**WHEREAS**, Health & Safety Code Section 13869.7 permits a District to adopt an ordinance which changes or modifies the California Fire Code adopted pursuant to Health & Safety Code Section 17922 upon determination that such changes or modifications are necessary due to local conditions; and

**WHEREAS**, Health & Safety Code Section 13869.7 requires that a Board of Directors making any changes or modifications pursuant to Health & Safety Code Section 13869.7 shall make express finding that such changes or modifications are needed; and shall file a copy of change or modification and said finding with the County and with the Department of Housing and Community Development.

**NOW, THEREFORE BE IT**

**RESOLVED AND ORDERED**, that Ordinance No. 9-2015, in the form attached hereto, be introduced at the regular Board meeting of Alpine Springs County Water District on August 14, 2015 and be set for noticed public hearing and adoption at the next regular Board meeting scheduled for not less than 30 days thereafter; and further

**RESOLVED AND ORDERED** that insofar as Ordinance No. 9-2015 of the Alpine Springs County Water District may change or modify the State Housing Regulations, California Fire Code, adopted pursuant to Health & Safety Code Section 17922, as to the requirements listed in the conclusion of this finding, the Board of the Alpine Springs County Water District, after having duly noticed and held public hearing, expressly finds that such change or modification is reasonably necessary because of local conditions as more specifically set forth as follows:

**FINDINGS OF FACT AND NEED**

**FOR CHANGES OR MODIFICATIONS  
TO THE STATE BUILDING STANDARDS CODE  
BECAUSE OF LOCAL CONDITIONS**

**CHANGES OR MODIFICATIONS:** Pursuant to Section 13869.7 of the California Health & Safety Code, the Board of Directors of the Alpine Springs County Water District, in its ordinance adopting and amending the 2012 edition of the International Fire Code and the 2013 California Fire Code, changed or modified certain provisions of the 2013 Building Standards Code, Part 9 (Title 24,CCR) [collectively the “Codes”], as it pertains to the regulation of buildings used for human habitation and other types of structures, and general rules for fire safety.

Pursuant to the Findings made in connection therewith, the Board deems it appropriate further to amend the Codes to provide authority to the Fire Chief to restrict or ban open burning during high wildland fire hazard conditions. A copy of Ordinance No. 9-2015, with the text of such changes or modifications is attached.

**FINDINGS:** Pursuant to Sections 13869.7 of the Health & Safety Code, the Board of Directors of the Alpine Springs County Water District has determined and finds that the attached changes or modifications to the 2013 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions.

**LOCAL CONDITIONS:** Local conditions have an adverse effect on the prevention and mitigation of wildfires and the potential for life and property loss, making necessary changes or modifications to the aforementioned codes making up the 2013 California Building Standards Code in order to provide a reasonable degree of property security and fire and life safety in this jurisdiction.

Below are listed adverse local climatic, geographic and topographic conditions.

**I. Climatic**

**a. Precipitation.**

Annual precipitation fluctuates greatly. Approximately 90 – 95 percent of the precipitation occurs during the months of November through April, and 5 – 10 percent occurs from May through October. This area has experienced major droughts in the recent past; one in 1977 – 1978, one which started in 1989 and lasted into 1994, one from 1999 – 2004, one from 2006 – 2009 and the current drought, in its fourth year, with extreme drought conditions affecting the District and most of California and Western Nevada. It is possible that more droughts will occur in the future. Electrical storms are frequent and are usually accompanied by little rainfall, potentially creating numerous lightning caused fires.

**b. Relative Humidity.**

During the summer months (June through September), the daily humidity generally ranges around 30 percent, and often drops to the low teens. During a recent wildland fire in the North Tahoe Fire Protection District where 5 homes were lost, the relative humidity was at 9 percent.

**c. Temperatures.**

During the summer months (June through September), the daily temperatures commonly exceed 70 degrees Fahrenheit, with temperatures having been recorded as high as 90 degrees or more. Winter temperatures can drop to below 0 degrees Fahrenheit.

**d. Winds.**

The prevailing winds are out of the south and southwest. However, north and east winds occur during the spring (May through June), the fall (late September and October), and occasionally during the summer months (June through September). Wind velocities are generally in the range of five to fifteen miles per hour, gusting to thirty miles per hour during the summer months, with ridge top winds of seventy miles per hour or more.

**e. Summary.**

These local climatic conditions affect the acceleration, intensity, and size of fire in our service area. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to the wildland – urban interface. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another, and to wild lands commonly found in the District. Federal and State cooperating fire agencies (U.S.F.S. Tahoe Basin Management Unit and California Department of Forestry and Fire Protection) with jurisdiction over lands adjacent to the District periodically issue restrictions or bans on open burning to address periods of heightened wildland fire danger.

**II. Geographic and Topographic**

The fire environment of a community is primarily a combination of two factors: the area's physical geographic characteristics and the historic pattern of development. These two factors, alone and combined, create a mixture of environments that ultimately determines the area's fire protection needs.

The basic geographical boundaries of the Alpine Springs County Water District service area include all of Placer County at Alpine Meadows, including portions of Highway 89 adjacent to Alpine Meadows. The District has contracts with North Tahoe Fire Protection District for certain fire service management services as well as fire suppression, rescue and other authorized services in their respective spheres of influence.

Because of the size of our service area and changes in elevation, the characteristics of the fire environment change from one location to the next. As such, our service area has not one, but a number of fire environments, each of which has its individual fire protection needs.

Our service area has a varied topography and vegetative cover. It has relatively flat area along the shoreline turning to steep hills as part of the Tahoe Basin. The vegetative cover ranges from stands of manzanita to dense forests of Douglas fir and pines.

**a. Seismic Location.**

The relatively young geological processes that have created our area of service are still active today. Our service area incorporates a portion of the North Tahoe, West Tahoe, and Dollar Point earthquake faults and is adjacent to several other potentially active faults. The District's entire land surface is in the high-to-moderate seismic hazard zones.

**b. Size and Population.**

Our service area covers 6 square miles with a population of 600. The Fire District handles diverse responsibilities including fires in the wildland, urban and urban interface and back country environments and paramedical responses.

**c. Roads and Streets.**

Many areas of our District are served by sub-standard roads. Due to restrictive land use regulations, much of the current development is in-fill, utilizing lots that were previously deemed unusable. Some planned unit developments are served by private roads, which create access problems (e.g., narrow paved widths and on-street parking). Roadways with less than 20 feet of unobstructed paved surface, with dead-ends longer than 150 feet, with cul-de-sac longer than 800 feet, or with a cul-de-sac diameter of less than 68 feet are considered hazardous in terms of fire access and protection. A number of roadways within our service area fall into one of the restricted access categories. While development has continued throughout the District, access into individual subdivisions has not changed. Street widths remain marginal, on-street parking remains a problem in all but the newest subdivisions and, in general, ingress and egress are difficult if not impossible during peak season population fluctuations. Some subdivisions are served by only one road for both ingress and egress, severely restricting emergency vehicle access into the affected area(s).

**d. Topography.**

The topography of the District varies from near level, to terrain in excess of a 40 percent slope. Correspondingly, there is much diversity in slope percentages. As a basic rule of thumb, the rate of spread on a wildland fire will double as the slope percentage doubles, all other factors remaining the same.

Most structures, both residential and commercial, are in or are surrounded by heavily forested areas. Due to drought conditions, beetle infestations, and lack of vegetation management in the wildland, much of the area is covered with either dead or dying trees, contributing to extreme fire danger. Elevation ranges from about 6,225 feet at lake level to over 7,200 feet on mountain pass roads, with peaks of over 8,000 feet.

**e. Vegetation.**

Our service area is located in the Sierra Nevada. It varies from sub-alpine forests consisting of aspen and pine trees to pine, fir and cedar forests and substantial brush fields of Manzanita, snow brush, and white thorn. As residential development continues to occur in the District, the clearances between homes have decreased. Additionally, all new development is directly at the edge of or into heavily forested areas. Both of these situations allow for the fire to travel from home to home, forest to home, or home to forest by radiation, convected heat and/or flying

embers. Expansion of the residential community into areas of heavier vegetation has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view.

**f. Summary.**

The above local geographic and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Fire District. In addition, fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

Other variables may tend to aggravate the situation:

- 1) The extent of damage to water systems;
- 2) The extent of isolation due to bridge and/or freeway overpass collapse;
- 3) The extent of roadway damage and/or amount of debris blocking the roadways;
- 4) Climatic conditions (e.g. hot, dry weather with high winds);
- 5) Time of day which influences the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- 6) The availability of timely mutual aid or military assistance; and
- 7) The large portion of dwellings with wood shingle roof coverings, which could result in a conflagration.

**Conclusion:**

Local climatic, geographic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fires involving buildings in this community. Further, such conditions impact potential damage to structures from earthquake and subsequent fire. Therefore, it is found to be reasonably necessary that the International Fire Code and the State Building Standards Code be changed or modified to mitigate the effects of the above conditions. Restricting or banning open burning, including recreational burning, during high fire hazard periods, will provide the District with an important tool to reduce the risk of wildfire and coordinate fire prevention activities of cooperating agencies.

Furthermore, California Health & Safety Code Sections 13869.7 and 17958.7 require that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the Alpine Springs County Water District finds that the following table provides code sections that have been modified pursuant to Ordinance No. \_\_\_-2015 which are building standards as defined in Health & Safety Code Section 18909, and the associated referenced conditions for modification due to local climatic, geographical and topographical reasons.

Section 2: Amendments to the 2013 Edition of the California Fire Code are found reasonably necessary based on the climatic, geographic and/or topographic conditions cited in Section 1 of this Resolution and are listed as follows:

<u>Code Section</u>	<u>Relevant Findings</u>
Chapter 2, Definitions	The following Definitions, as modified from

the language of the California Fire Code, shall be added to the Alpine Springs Fire Prevention Code in order to grant authority to the Fire Chief to issue a declaration, under specified conditions, restricting or banning open burning, including campfires on private property [*insertions and strikeouts as noted*].

**BONFIRE.** An outdoor fire utilized for ceremonial purposes.

**OPEN BURNING.** The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, ~~recreational fires~~ or use of ~~portable~~ outdoor fireplaces *with a chimney and an enclosed chamber*. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

**PORTABLE OUTDOOR FIREPLACE.** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. *All openings for products of combustion must be covered or screened.*

**RECREATIONAL FIRE.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, ~~outdoor fireplace~~, *LPG or LNG* portable outdoor fireplace, *or* barbeque grill ~~or barbeque pit~~ and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious,

ceremonial, cooking, warmth or similar purposes.

### Chapter 3

#### **Chapter 3 - GENERAL REQUIREMENTS**

*Delete Section 307 of the California Fire Code as adopted and substitute in its place the following:*

*307.1.1 Prohibited Open Burning, Bonfires, Portable Outdoor Fireplaces and Recreational Fires: Open burning, bonfires, portable outdoor fireplaces and recreational fires, as defined in the 2013 California Fire Code Section 202, General Definitions and Alpine Springs Fire Prevention Code, Chapter Two - Definitions, shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous including when, in the judgment of the Fire Chief or his designee, the menace of destruction by fire to life, improved property, or natural resources is, or is forecast to become, extreme due to critical fire weather, fire suppression forces being heavily committed to control fires already burning, acute dryness of the vegetation, or other factors that may cause the rapid spread of fire such as high winds, low fuel moistures, Fire Weather or Red Flag Warnings, severe threat of wildland fire, or issuance of Fire Restrictions on lands adjacent to the District by the USFS, Lake Tahoe Basin Management Unit, or CalFire.*

*Exemptions: Gas (LPG, NG) outdoor fire places and BBQ's shall not be considered open burning for purposes of this Ordinance.*

*307.1.2 Declaration of Fire Chief Regarding Prohibited Open Burning. The Fire Chief or his designee may issue a Declaration prohibiting open burning pursuant to Section 307.1.1 when deemed appropriate, which shall be come effective immediately, provided that no citation for violation may be issued pursuant to such Declaration until after the*

*Declaration is published at least once in a newspaper of general circulation in the District and posted in two public places located within the District.*

*Add the following Section 307.4.3:*

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15' (3048 mm) of a structure or combustible material.

~~Exception: Portable outdoor fireplaces used at one and two family dwellings.~~

Section 2: Procedures for Adoption.

a. The Board shall, before making any modifications or changes pursuant to Health & Safety Code Section 13869.7, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record.

b. The District shall, not less than 30 days prior to noticing the proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to Section 13869.7(a), to the city, county, or city and county where the ordinance will apply. The city, county, or city and county, may provide the district with written comments, which shall become part of the fire protection district's public hearing record.

c. This Ordinance shall be introduced at the regular meeting of the Alpine Springs Board of Directors scheduled for August 14, 2015 and shall be presented for adoption by the Board at a noticed public hearing scheduled for the regular meeting of the Alpine Springs Board of Directors scheduled for October 9, 2015. The public meeting is hereby set for October 9, 2015, at 9:00 o'clock a.m., at the administrative offices of the District, 270 Alpine Meadows Rd., Alpine Meadows, California 96146.

d. The clerk of the Board shall cause the proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the Board, to be published at least once, in a newspaper of general circulation published and circulated in the Board's area of jurisdiction. The publication of an ordinance, as required by this subdivision (d), may be satisfied by either of the following actions:

(A) The Board may publish a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by a person designated by the Board. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the Clerk of the Board at least five days prior to the Board meeting at which the proposed ordinance or amendment is to be adopted.

Within 15 days after adoption of the ordinance or amendment, the Board shall publish a summary of the ordinance or amendment with the names of those Board members voting for and against the ordinance or amendment and the Clerk shall post in the office of the Clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those Board members voting for and against the ordinance or amendment.

(B) If the person designated by the Board determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the Board so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the Board's area of jurisdiction shall be published at least five days prior to the Board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information regarding, the adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those Board members voting for and against the ordinance or amendment.

e. The District shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. No ordinance adopted by the District shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the District, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development, California Building Standards Commission.

This Resolution shall take effect and be in force from and after its approval as required by law.

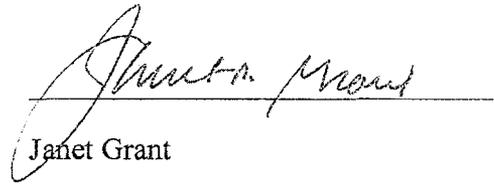
Adopted by the following vote by the Board of Directors of the Alpine Springs County Water District this 14<sup>th</sup> day of August 2015.

AYES: GRANT, SMELSER, SALKE, YORK

NOES: NONE

ABSTAIN: NONE

ABSENT: NORTHROP



Janet Grant

President of the Board

ATTEST:



John M. Collins

Secretary, Board of Directors

