

**MURPHYS FIRE PROTECTION DISTRICT
ORDINANCE NO. 2020-01**

An ordinance of the Murphys Fire Protection District adopting the 2019 *California Fire Code* (California Code of Regulations, Title 24, Part 9) as amended by the changes, additions, and deletions set forth in this ordinance, and repealing Murphys Fire Protection District Ordinances 5-79 and 1-00.

WHEREAS, pursuant to Title 24 of the California Code of Regulations and California Health & Safety Code § 13869 *et seq.*, a fire protection district may adopt a fire prevention code by reference and may also, where reasonably necessary due to local climatic, geological, or topographical conditions, establish more stringent local building standards relating to fire and safety than those set forth in the California Fire Code; and

WHEREAS, the Murphys Fire Protection District (the “District”) now desires to adopt by ordinance an amended and restated District Fire Code that makes local amendments to the 2019 California Fire Code.

WHEREAS, this Ordinance was introduced and was adopted after the holding of a public hearing pursuant to Health & Safety Code § 13869.7 and Govt. Code § 50022.3;

NOW, THEREFORE, The Board of Directors of the Murphys Fire Protection District ordains as follows:

Part 1. Adoption of and Amendments to the California Fire Code

The *California Fire Code*, 2019 edition, including the additions of Chapter 3 as written by International Code Council and Appendix Chapters B, BB, C, CC, D, E, F, H, and I, as amended by the changes, additions, and deletions set forth in this Ordinance, is hereby adopted as the Fire Code of the Murphys Fire Protection District (the “District Fire Code”), 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 as herein provided, and providing for the issuance of permits and collection of fees thereof. Each and all of the regulations, provisions, penalties, conditions, and terms of said 2019 California Fire Code are hereby referred to, adopted by reference, and made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, and changes made herein, which are summarized in Section 3 of this ordinance.

No section of the District Fire Code shall impose a mandatory duty of enforcement on the District, or on any officer, official, agent, employee, board, or commission thereof.

A copy of the District Fire Code shall be kept on file in the office of the Murphys Fire Protection District.

Part 2. Findings Supporting Amendments and Additions to California Fire Code due to Local Geological, Topographical and Climatic Conditions.

2.1. Findings of Fact and Amendments to Adopted Codes The Board of Directors of the Murphys Fire Protection District finds that the unique characteristics of the topography, geography, and climatic conditions within the District, combined with the intermix of residential and commercial structures within the wildlands of the District, require modifications and amendments of the California Fire Code, California Public Resources Codes and other such administrative codes in order to better protect the health, safety, welfare, material wealth, and economic wellbeing of the residents and property owners within the area known as the Murphys Fire Protection District.

Murphys Fire Protection District is located within a wildland/urban interface. The State of California (Cal Fire) has deemed the district to be in a high and very high fire hazard severity zone. With the fire district serving 47 square miles, there are many remote locations that are not easily accessed by emergency responders. With these remote locations, comes a large potential for fire growth before firefighters can take part in fire suppression activities. With amendments to the California Fire Code, the district can work to mitigate the wildland threat as well as provide additional protection of new buildings located within the district.

Within this ordinance, specific amendments have been established which are more restrictive in nature than those adopted by the State of California commonly referred to as the California Fire Code (herein referred to as the CFC), and the Public Resources Codes, and the Calaveras County Fire and Life Safety Code. These amendments have been incorporated by the Murphys Fire Protection District to address the fire protection problems, concerns and future direction by which the District can establish and maintain an environment which will work towards affording a level of safety to all who live, work and visit within its boundary.

Part 3. Table of Contents.

Part 1	Addition	Adoption of California Chapter 3, Appendices B, BB, C, CC, D, E, F, H, and I
Part 2	Findings and Amendments	Adoption of more restrictive codes due to topography, geography, and topographical conditions
Part 3	Table of Contents	Summary of contents of Ordinance 2020-01
Part 3.1	Summary of Amendments of 2019 California Fire Code	Summary of additions, deletions, and modifications to CFC
Part 3.2	Amendments, Modifications, and Deletions	Additions, deletions, and modifications to 2019 CFC
Part 4	Repeal of Prior Ordinances	Repeal of Murphys Fire Protection District Ordinance 5-79 and 00-01
Part 5	Validity	Declaration of validity of this ordinance by Murphys Fire Protection District
Part 6	Pending Suits	Declaration of legal status and pending suits
Part 7	Effective Date	Date Ordinance 2020-01 will be in effect
Appendix A	Regulations Pertaining to Improved and Unimproved Properties	Fuel Reduction Program Requirements
Appendix B	Fee Schedule	Hourly rates and fees charged for services

Part 3. Local Amendments, Modifications, and Deletions to the California Fire Code.

3.1 Summary of Amendments, Modifications, and Deletions

2019 CA Fire Code Section	Amendment/Addition/Repeal	Summary
Section 101.1	Amendment	Adoption of title
Section 105.6.52	Addition	Requirement for public event permit over 500 persons
Section 110.4	Amendment	Violation penalties adopted
Section 112.4	Amendment	Failure to comply – minimum/maximum fines
Chapter 2 Definitions	Additions	Definitions added – alternate means of compliance, building, chief, commercial building, cost of abatement, defensible space, developer, development project, division of land, driveway, fire code official, fire management plan, judgement, nuisance fire alarm, reduced fuel zone
Section 321	Addition	Exterior Fire Hazard Control
Section 401.5.1	Addition	Nuisance fire alarm fee
Section 403.2.5	Addition	Requirements for medical coverage for events exceeding 1000 persons
Section 403.2.5.1	Addition	Minimum medical coverage for events exceeding 1000 persons
Section 503.1.4	Addition	Developer requirements to provide access to open spaces affected by new developments
Section 503.5.1.1	Addition	Secured gate requirements for fire department access
Section 503.5.2	Amendment	Minimum gate sizes for fire department access
Section 507.2.3	Addition	Swimming pools and ponds not considered water sources for firefighting
Section 901.6.4	Addition	Inspection requirements of fire protection

		systems
Section 903.4.2	Amendment	Requirements for audio/visual devices for sprinkler system waterflow alarms
Section 903.6.1	Addition	Change of occupancy requirement for fire protection systems
Section 5003.5.3	Addition	Hazardous Materials Management Plan required
Section 5704.2.9.6.1	Amendment	Above-ground tanks storing Class I & II flammable liquids restricted to commercial, industrial, or agricultural use
Section 5806.2	Amendment	Prohibits the storage of cryogenic fluids outside buildings
Section 6104.2.1	Amendment	Storage requirements of liquified petroleum gas

3.2 Amendments, Modifications, and Deletions:

CFC Chapter 1 Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. These regulations shall be known as the 2019 CALIFORNIA FIRE CODE, and with amendments adopted by the Murphys Fire Protection District, will be referred to herein as the *District Fire Code* of the Murphys Fire Protection District, hereinafter referred to as “this code.”

Section 105.6.52 is added to read:

105.6.52 Public event permit. A permit shall be required for planned public events with an expectation of serving more than 500 persons in a 12 hour period.

Section 110.4 is amended to read:

110.4 Violation penalties. Every person who violates any provision of this code is guilty of an infraction or misdemeanor in accordance with Health & Safety Code § 13871. 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 day that

prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid criminal penalty shall not be held to prevent the enforced abatement or removal of prohibited conditions.

Every person who fails or refuses to correct or eliminate a fire or life hazard after written order of the Fire Code Official is guilty of a misdemeanor, punishable by a fine of not more than \$1000.00 dollars or by imprisonment not exceeding six months in jail, or both such fine and imprisonment.

Section 112.4 is amended to read:

112.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than one hundred dollars or more than one thousand dollars.

Any first offense shall be subject to a \$100.00 fine, second offense subject to a \$500.00 fine, and third offense to a \$1000.00 fine. Multiple offenses at a single site shall be subject to each violation penalty.

CFC Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to read:

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

Building. Building shall mean any structure built upon any lot, parcel, or property within the jurisdiction of the Murphys Fire Protection District including, but not limited to, any dwelling classified as residential, commercial, and accessory.

Chief. Chief shall mean the Chief Officer of the Murphys Fire Protection District having responsibility for the enforcement of this code and his or her authorized representative.

Commercial Building. Commercial Building shall mean any Building, dwelling, apartment, condominium, townhouse, motel, bed and breakfast or room used as a place of business, or any room, apartment, dwelling or Building rented or leased to others. Exception: Single Family Residential Dwellings having no more than two dwelling units.

Cost of Abatement. Includes all expenses incurred by the Murphys Fire Protection District in its work of abatement undertaken and administrative costs pursuant to Section 321 of the Murphys Fire Protection Ordinance 2020-01.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland fire or an escaping structure fire.

Developer. Developer shall mean 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. A Division of Land shall mean 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-way.

Driveway. A private roadway that provides access to no more than (2) single family dwellings.

Fire Code Official. Fire Code Official shall mean the Fire Chief or the person(s) appointed by the Fire Chief to enforce the Murphys Fire Protection District Ordinance 2020-01. The Fire Code Official may have various titles related to the specific duties to which he or she is assigned. The Fire Code Official is authorized by the Board of Directors of the Murphys Fire Protection District to enforce the California Fire Code and Murphys Fire Protection District Ordinance 2020-01 which could lead to issuance of citations [and/or to arrest persons][SD1][RB2][SD3] for violations of Murphys Fire Protection District Fire Ordinance 2020-01.

Fire Hazard. Fire Hazard shall mean 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 fires; or which may obstruct, delay, hinder or interfere with the operations of the fire district or the egress of occupants or the access of emergency equipment in the event of fire.

Fire Management Plan. A plan that addresses the fire protection needs of a Development, with implementation methods necessary to achieve the standards of Murphys Fire Protection District Ordinance 2020-01 or having the same practical effect.

Judgment. Judgment shall mean the decision of the Fire Chief or designee based upon sound fire protection principles. Such judgment shall be conclusive unless overruled by the Board of Directors of the Murphys Fire Protection District through a regular grievance or appeal process.

Nuisance False Alarm. An alarm happening at a location due to malfunctioning equipment, misuse, improperly maintained equipment or other variables causing one or more engines to be dispatched to the alarm, three or more times in a six (6) month period.

Reduced Fuel Zone. The area that extends from thirty feet to one hundred feet or more away from the structure or to the property line, whichever is closest to the structure

CFC Chapter 3. General Precautions Against Fire.

Section 321 is added to Chapter 3, to read:

SECTION 321 Exterior Fire Hazard Control – Defensible Space and Fire Hazard Abatement.

321.1 General. Fire hazard abatement regulations pertaining to fuel modification are based upon the premise that:

1. People inhabiting structures and their associated activities in around their homes are the primary source of potential ignition of a fire within the inhabited subdivisions of the District; and
2. That fuel loading on improved or unimproved lots and/or parcels of land within or adjacent to, inhabited areas can significantly contribute to the intensity and spread of a wildfire making it more difficult to control.

In an effort to reduce the chance of a structure (Building) fire spreading to the wildland and growing into a conflagration and in support of efforts to control a wildfire once an ignition occurs, it has been determined that modification and reduction of flammable vegetation within hillside developments and the provision of defensible space around structures is critical.

It has also been determined that modification and reduction of vegetation along roadways, driveways and on unimproved properties adjacent to structures reduce radiant heat and fire intensity, providing an increased margin of safety for fire suppression personnel, provides a point of attack and place of defense for the protection of structures and increased safety for evacuating civilians during a wildland fire.

321.1.1 Jurisdictional Authority. The District Board of Directors, as the supervising, legislative, and executive authority of the jurisdiction, hereby delegates to the Fire Code Official all of its powers, duties, and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the California Health & Safety Code, to clear or order the clearing of rubbish, litter, weeds, or other flammable material where such flammable material endangers the public safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance.

321.1.2 Contract for Services. The District Board of Directors reserves and retains the power to award a contractor for fire abatement work when efforts of the Fire Code Official to gain compliance from the property owner have been exhausted and the employees of the District are not used to perform the abatement work.

321.2 Weeds and Rubbish a Public Nuisance. The District Board of Directors hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonable and recurrent.

321.3 Abatement of Hazard. No person who has any ownership or possessory interest in or control of a parcel of land shall allow to exist thereon any hazard rubbish, weeds, trees, or other vegetation that constitutes a fire hazard as determined by the Fire Code Official. The District's abatement standards, which may be modified periodically as circumstances dictate, may be found in the attached Appendix A_[SD4]_[RB5]_[SD6].

321.4 Abatement Procedures.

321.4.1 Abatement Order. The Fire Code Official may order the abatement of the weeds and rubbish as described in this section. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days. from the date of this notice. If you fail to do so, the Murphys Fire Protection District will remove it and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Directors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Murphys Fire Protection District Board of Directors on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of Fire Code Official of name of jurisdiction)

321.4.2 Hearing Date. A date for hearing on the notice will be sent at least fifteen (15) days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Directors may extend the time for compliance with the order or may rescind the order.

321.4.3 Contract Award. If the owner fails to comply with the order, the Fire Code Official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Directors and the involved contractor.

321.4.4 Abatement Report of Costs. The Fire Code Official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Directors showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Directors, a copy of it will be posted for at least three days on the bulletin board located at the Murphys Fire Protection District Office with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Directors will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Directors may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

321.4.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Directors and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to

the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

321.4.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 321.4.1, the Fire Code Official of this jurisdiction may order the preparation of firebreaks/fuel breaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuel breaks, the Fire Code Official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 319.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuel breaks.

321.5 Wildland Fuel Abatement Regulations. California Public Resources Code § 4291, enforced by the California Department of Forestry and Fire Protection (Cal Fire), requires homeowners to provide vegetation clearance and fuel reduction around structures and buildings. These regulations require a “Defensible Space Zone” 30 feet around the structure and a “Reduced Clearance Zone” of between 30-100 feet (or to the property line) of additional clearance. The District Board of Directors hereby applies these concepts and adopts them for unimproved properties in order to mitigate the potential for conflagration resulting from a wildland/intermix fire. Properties are to be maintained in accordance with the standards contained [in Appendix A]^[SD7]. The “Reduced Fuel Zone” concepts of Public Resources Code §§ 4290 and 4291 are hereby extended to privately-owned unimproved lots or parcels within and/or adjacent to subdivisions or developments within the District. The modification and reduction of fuels on unimproved lots or parcels located adjacent to lots or parcels with structures will help keep a wildfire from intensifying as it moves by reducing heat intensity, reducing flame lengths, and keeping flames from spreading from the ground to the trees.

321.6 Waste Material. Disposal of waste material caused by site development, construction, fuel modification, or reduction shall be in accordance with § 8.10.24 of the Calaveras County Code.

CFC Chapter 4. Emergency Planning and Preparedness.

Section 401.5 is amended by adding a new subsection 401.5.1

401.5.1 Nuisance Fire Alarm Fee. Hourly rates for personnel and equipment may be charged for false and/or nuisance fire alarms in accordance with the fee schedule located in Appendix B.^[SD8]^[RB9]^[SD10]

Section 403.1 is amended by adding a new subsection 403.1.2:

403.1.2 Public Safety Plan. In other than Group E occupancies, where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact

on public safety through diminished access to buildings, structures, fire hydrants, and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe the provision of an approved level of public safety.

Section 403.2.5 and 403.2.5.1 have been added:

403.2.5 Public event medical plan. Planned public events with expectations of 1000 persons or more shall provide an emergency medical plan to be approved by the Fire Chief or the Fire Chief’s designee.

403.2.5.1 Public event emergency medical coverage. Emergency medical coverage, when required for public events, shall consist of certified emergency medical responders and emergency medical equipment as follows:

Expected Number of Persons	Minimum Required Emergency Responders
1000 - 1500	2
1501 - 2500	3
2501 - 3500	4
3501 - 5000	5
Over 5000	Plan to be approved by Fire Chief

CFC Chapter 5. Fire Service Features.

Section 503.1 is amended by adding a new subsection 503.1.4

503.1.4 Access to Open Spaces. When existing access to open land or space, or fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by fire code official.

Section 503.5.1 is amended to adding a new subsection 503.5.1.1

503.5.1.1 Secured gates. All new and existing gates shall consist of one of the following:

1. Automatic gates shall have a Knox keyed switch to allow fire department access or a Knox box containing a key or current access code for gate in an approved

location or using the radio transceiver on mobile and portable radios for access for devices such as Click2Enter or an approved product of similar use.

2. Manually locked gates (such as padlocks) shall contain a Knox box mounted in an approved location containing a key to the locking device or a chain capable of being cut with bolt cutters.

Section 503.6 is amended to adding a new subsection 503.6.1

503.6.1 Minimum gate size. All new gates providing required fire department access shall be a minimum of 12 feet in width for residential dwellings and 20 feet minimum width for commercial properties unless otherwise allowed by the fire chief or his or her designee.

Section 507.2 is amended by adding subsection 507.2.3 to read:

503.2.3 Suburban and Rural Water Supply Storage. Swimming pools and ponds shall not be considered water storage for the purposes of firefighting.

CFC Chapter 9. Fire Protection Systems.

Section 901.6.4 is added to read:

901.6.4 Inspection Records. Records of all inspections, testing and maintenance for all water-based fire suppression systems shall be completed on the forms found in Annex B of NFPA 25, California Edition.

Section 903.2 is amended by adding subsection 903.2(a):

903.2(a) An approved Automatic Fire Sprinkler Systems shall be installed and maintained as set forth below:

Unless otherwise required by the CFC, any commercial/industrial building having a total floor area which exceeds 3,600 square feet, or is otherwise required to do so by the CFC, shall have an Automatic Fire Sprinkler Systems installed throughout.

In lieu of an automatic fire sprinkler systems, commercial structures having a total floor area in excess of 3,600 square feet but less than 5,000 square feet may be divided into areas less than 3,600 square feet if separated by a two-hour fire/area separation.

Existing buildings: Additions or alterations to existing buildings having a total floor area in excess of 3,600 square feet in which the total value of renovations/repairs or additions exceeds 50 percent of the assessed value of the

Building prior to renovation/repair or additions, shall have an approved Automatic Fire Sprinkler Systems installed throughout.

In lieu of an Automatic Fire Sprinkler Systems, additions to existing Buildings which increase the total floor area above 3,600 square feet but less than 5,000 square feet may be divided into areas less than 3,600 square feet by two-hour fire/area separations.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system, including Group R-3, at an approved location. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6 is amended by adding subsection 903.6.1:

903.6.1 Change of Occupancy. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based of Heights and Areas Hazard Categories of Table 504.3 and 504.4 of the 2019 edition of the California Building Code, as published by International Code Council. The requirements of section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category.

Chapter 50. Hazardous Materials.

Section 5001.5 is amended by adding Subsection 5001.5.3:

5001.5.3 Emergency Response Support Information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statement (HMIS) and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets outside of facility or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Chapter 57 Flammable and Combustible Liquids

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations Where Above Ground Tanks Are Prohibited. The storage of Class I and Class II flammable liquids in above-ground tanks outside of buildings is prohibited in the district except where zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial or agricultural on an individual basis of this provision. Tank size shall not exceed 500 gallons for Class I and II liquids and 1000 gallons for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I, II, and III flammable liquids in above-ground tanks is subject to review and approval of location by the fire code official in the permissible amounts specified by California Fire Code.

Chapter 58 Flammable Gases and Flammable Cryogenic Fluids

Section 5806.2 is amended to read:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits of Murphys Fire Protection District.

Chapter 61 Liquefied Petroleum Gases

Section 6104.2 is amended by adding subsection 6104.2.1:

6104.2.1 Storage of Liquefied Petroleum Gas. The installation of storage containers for liquefied petroleum gas shall be restricted as follows:

1. The installation of storage tanks in excess of 500 gallons either singly or in multiple of tanks with an aggregate capacity in excess of 500 gallons shall require approval of the Fire Code Official.
2. Any tanks or aggregates of tanks in excess of 500 gallons shall be enclosed by a fence at least 6 feet in height and located a minimum of 3 feet from the tank(s). The fence shall have a gate on the side which faces the access route to the tank and shall be kept locked when unattended.

3. All metering devices and shutoff valves to individual apartments, suites, dwellings, etc., that are serviced by one tank shall be marked in a manner that corresponds to the address, apartment or suite number that is served by that metering device and shutoff valve.

4. Additional fire protection requirements may be established as a condition of approval in consideration of special features such as topographical conditions, nature of the occupancy, response distances, proximity to Buildings and the degree of life safety protection deemed needed.

Part 4. Repeal of Prior Ordinances.

Ordinance 5-79 and 00-01 are hereby repealed and replaced by Ordinance 2020-01

Part 5. Validity.

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 of Murphys Fire Protection District 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.

Part 6. Pending Suits.

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 Part 4 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Part 7. Effective Date.

This Ordinance shall take effect 30 days after adoption and shall be published once within 15 days of adoption in a newspaper of general circulation published in the County of Calaveras with the names of the District Board Members voting for and against it.

Passed on _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: Clerk of the Board

[RB11][SD12]

Clerk of the Board of Directors

Board Chair

Calaveras County Board of Supervisors Ratification.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: Clerk of the Board

[RB13][SD14]

Murphys Fire Protection District Ordinance 2020-01

Appendix A

Regulations pertaining to fire safe clearance on properties within the boundaries of the Murphys Fire Protection District originate from multiple ordinances, enforced by different agencies.

Regulations Pertaining to Improved Properties

In January 2005, new regulations under Public Resources Code Section 4291 became effective. These regulations require that homeowners provide additional clearance around buildings and structures built within the wildland/intermix areas of the state. This law requires homeowners provide a 30-foot Defensible Space Zone with an additional 70-foot Reduced Fuel Zone around structures. Cal Fire has primary responsibility for inspection and enforcement of fire hazard reduction regulations around homes and buildings. See Cal Fire's Notice of Defensible Space Inspection Form (LE-100) for detailed information.

Regulations Pertaining to Unimproved Properties

To help enhance the effectiveness of the PRC § 4291 requirements and add to the safety of our homes, families, communities, and the safety of Firefighters trying to protect homes and property from wildfires, Murphys Fire Protection District Ordinance 2020-01, Section 6 extends the Reduced Fuel Zone concept to the unimproved (vacant) subdivision parcels or lots. The purpose of extending the Reduced Fuel Zone concept to unimproved lots and parcels is based on the premise that modifying the fuel load on a vacant lot or parcel will help keep a wildfire from intensifying as it moves. This modification on a vacant lot or parcel reduces heat intensity, reduces flame length and helps keep flames from spreading from the ground to the tree tops.

Murphys Fire Protection District Ordinance 2020-01 Section 321 applies to:

- Unimproved lots or parcels within established subdivisions.
- An unimproved lot or parcel that is outside the boundaries of a subdivision but adjacent to improved parcels within the subdivision.
- Modification requirements for unimproved parcels or lots are the same as PRC § 4291 requirements for the Reduced Fuel Zone.
 - Exceptions and/or modifications may be made by the fire code official for agricultural land.

The following criteria have been established so the property owner and the hired worker will know what is required to bring an unimproved lot or parcel into compliance with Murphys Fire Protection District Ordinance 2020-01, Section 321.

Fuel Reduction Program Requirements

The primary goal of our fuel reduction program is to keep fire from going from the ground to the crown of trees. The information contained herein will help property owners achieve that goal.

1. Cut down and remove dead trees.
2. Remove limbs on already downed trees and dispose of properly.
3. If there are standing dead trees, they must be cut down.
4. Newly cut trees and those which have must be cut up and stacked or removed from the lot entirely.
5. Do not stack next to or under live trees. Branches from these trees may NOT be left on the ground – they must be removed from the lot.
6. Dead trees are both a fire and safety hazard.
7. Contact your local forester for details about bug infested trees.
8. Remove dead branches and trees which are leaning into or against larger trees.
9. If dead branches or dead trees are leaning into or against live trees, they must be removed.
10. Any trees, live or dead, that have fallen into other trees, (ex: “leaners”) must be dropped to the ground, cut up and stacked or removed from the lot. Dead branches and trees ignite quickly. If the “fire ladder” has not been eliminated, a fire within those trees will quickly “climb” the ladder of limbs and begin spreading faster, gaining heat and momentum with every tree consumed.
11. Remove and dispose of all dead tree limbs within six feet of the ground. You may be required to limb higher depending on slope of land.

12. Remove all dead tree limbs that are within six feet of the ground. This means that if any portion of the dead limb hangs within six feet of the ground, the limb must be removed.
13. Live limbs that hang closer than six feet to the ground must be removed. If there is a slope to the property, you may be requested to limb higher, so there are six feet of clearance between the ground and the first set of branches. If you are six feet tall and can walk under the tree without bending, you have limbed high enough.
14. Properly dispose of limbs by hauling, chipping or by burning following legally established burning restrictions.
15. Remove dead branches on ground. During most winters, dead branches are blown from trees. These must be removed from the ground so that they do not help fuel a fire and for the safety of the firefighter.
16. Remove all dead brush and brush growing under trees and bushes, such as manzanita, buck brush, wild lilac, etc. Dead brush, whether under trees, bushes, or lying on the ground, is fire fuel. The more fire fuel, the hotter the fire and more damage to trees and nearby structures will occur.
17. Maintain a vertical clearance space of at least 3 times the height of a shrub between any shrub and overhanging tree branch.
18. As an example, if an entire Manzanita or lilac bush is dead, remove the entire bush. If a portion of the bush is dead, you may opt to remove only the dead portion. If a few limbs are dead, removal of those dead limbs from that bush may be sufficient, depending on what is around or above the brush/bush.
19. Remove accumulations of dead materials and/or flammable ground vegetation from underneath and within manzanita and other brush. This type of debris occurs because of weather. Wind causes limbs to break, dead pine needles to blow off the trees. This is typical “winter fall”. If this debris is not removed yearly, it continues to accumulate and cause a fire hazard. If this is removed yearly, it is usually not much of a chore to keep the fire fuel controlled on your lot. Piles of debris must not be left on your lot – they must be removed.
20. Thin manzanita. Manzanita is highly flammable and volatile. If you wish to keep your manzanita, you must: remove all dead branches; clear around the bush, or clump of bushes. A simple guideline is to create space between plants equal to their height. If manzanita is growing under a tree, and it was to catch on fire, the flames would be three times the height of the plant. If a plant was 6 feet tall, the flame length would be 18 feet! The manzanita should be removed, or the tree limbed at least 18 feet.

21. Accumulations and/or piles of dead and dying material must be removed. Remove all debris lying on ground. When needles, grass, cones and leaves are raked into piles, the piles must be removed. Piles of debris are fuels that will carry a small, manageable fire and spread it throughout a lot and into the trees very rapidly. Downed wood and debris become kindling for a fire. Limbs will create flame lengths that carry fire into brush and trees.
22. 3” – 4” of accumulated pine needles may be left on the lot forming a “carpet of needles” which helps hold moisture in the ground and helps prevent soil erosion. If the “fire ladder” has been removed, the pine needles are more easily managed because there is no fire ladder to carry the flames into the trees. A fire ladder is the means by which a fire travels from the ground via flammable material, into a tree. Fire traveling to the top of a tree is called “crowning”.
23. Remove all dead or live brush from within trees dead or live brush removal and removal of debris from under trees slows the progression of fire.
24. Remove dead and/or dying smaller trees growing under and/or within the limbs of taller healthy trees. This could act as a “fire ladder”. These small, dying or dead trees are extremely flammable. If they are ignited, they carry fire very quickly into the trees, gaining heat and momentum with every tree consumed.
25. Thin saplings and/or small trees. All of these saplings will not grow to maturity and they create ladder fuels that endanger the health of mature trees.
26. Cut bear clover and/or ground cover vegetation from around trees and brush to a height of 4 inches or lower, depending on what is growing above it. Bear clover, also known as mountain misery is highly flammable. The taller this native plant grows, the more flammable it becomes. If you wish to keep the mountain misery, it should be maintained to be no higher than 4 inches. If the bear clover is growing underneath low-growing green bushes, or under saplings, the bear clover should be removed or cut as low as possible.
27. On parcels with uninterrupted low growing vegetation, create a fuel break around the perimeter of the parcel by cutting the ground vegetation to a height of no more than 4” from within 20 feet of the property line(s).
28. On parcels with “uninterrupted” ground cover vegetation, an area of at least twenty feet along each property line must be cut to a height not to exceed 4 inches, especially along property lines adjacent to other properties with a house and/or properties that are upslope. If the ground cover is growing uninterrupted, you should create “islands” of groupings with areas cleared of ground cover between each grouping. Cut ALL dead and/or dying grass and weeds.

29. In addition to the foregoing material, if large areas of brush must be reduced. This can be accomplished in several ways:
- Create cleared areas or “spaces” around individual bushes. The size of the cleared area around the bush needs to equal the height of the bush that will remain.
 - All flammable debris in that area must be removed. Leaving a pattern of bushes with space between them can be done throughout an entire parcel.
 - Create “islands” of bushes. Numerous bushes can remain on the parcel in a group with a cleared area around the grouping. The cleared area must equal the diameter of the grouping or “island” of bushes.
 - Create fuel breaks along property lines and within properties, especially along property lines which are adjacent to property with a home and properties which are upslope. These fuel breaks can be accomplished by removing all brush along a 15 to 20-foot strip, property line to property line. Properly dispose of all cut brush by hauling, chipping or by burning following legally established burning restrictions.
30. All cut and/or downed debris shall be disposed of by hauling, chipping, burning (following legally established burning restrictions) or other methods of disposal approved by the property owner and by Murphys Fire Protection District.
31. 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.
32. Before burning always call the Air Quality Control number in San Andreas to ascertain if it is a “burn day”. Burn Information Line: 209-754-6600.

Under certain conditions, i.e. topography or fuel type, the Murphys Fire Protection District may require more or less fuel reduction on one parcel than on another. Fire safety/prevention is every property owner’s responsibility. Please help us keep your property safe.
Thank you.

Murphys Fire Protection District Ordinance 2020-01 Appendix B: Fees

#	Activity	Hourly Rate or Fee (hourly rates billed to nearest ½ hour unless otherwise noted)
1.	Apparatus rates	Type 1 - \$79.47 per hour Type 2 - \$74.80 per hour Type 3 - \$74.80 per hour Type 5 - \$74.80 per hour Water Tender - \$74.80 per hour Support/Overhead vehicle - \$105.60 per day
2.	Personnel Rates	Fire Chief - \$61.89 per hour Assistant Chief - \$47.76 per hour Battalion Chief - \$42.25 Fire Marshal - \$25.82 Captain - \$25.25 per hour Engineer - \$20.66 per hour Firefighter - \$17.22 per hour Support personnel - \$17.22 per hour
3.	Vehicle accidents and technical rescues involving out of district residents	Apparatus and personnel rates apply
4.	Vehicle accidents involving DUI	Apparatus and personnel rates apply
5.	Negligent fires	Apparatus and personnel rates apply
6.	Responses caused by negligent or illegal acts	Apparatus and personnel rates apply
7.	Hazardous Materials Response	Apparatus and personnel rates apply
8.	Control or training burns	Charges for but not limited to all apparatus, supplies, training materials, food for students and

		instructor staff, and any other items not donated
9.	Plan review including fire sprinklers, fire alarm, water supply	\$61.89 per hour – ½ hour minimum
10.	Fire and life safety inspections	First annual inspection – free First re-inspection – free Additional inspections – apparatus and personnel rates apply Additional penalties for violations and citations may apply
11.	Zoning changes, land divisions, planned development, conditional use permits, and miscellaneous inspections.	\$61.89 per hour – ½ hour minimum
12.	Fire Investigations	\$61.89 per hour – 1 hour minimum
13.	Nuisance false fire alarms	Apparatus and personnel rates apply
14.	Public event permit	\$61.89 for permit
15.	Tent permit and inspection	\$61.89 per hour of inspection – 1 hour minimum
16.	California Fire Code required operational permits	\$123.78 for first permit and \$30.95 for each additional permit (Includes inspection and permit)
17.	Records review, administrative review	\$61.89 per hour

A handling fee of 19% shall be added to all hourly rates to account for administrative costs.

The rates on this Schedule of Equipment Rates are for Murphys Fire Protection District owned equipment in good mechanical condition, complete with all required attachments. Each rate covers all costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., for ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, OSHA equipment and other costs incidental to operation. Standby equipment costs are not eligible."

All fees may be reviewed and revised by the Board of Directors at appropriate intervals to

accommodate changes in operating expenses, including employees' wages and fringe benefits.[SD15][RB16][SD17]