



Legislation Text

File #: 11-0163, **Version:** 1

Development Services Department recommending the Board consider the following pertaining to the 2010 Fire Code regarding Fire Agencies: Cameron Park Community Services District, Diamond Springs-El Dorado Fire Protection District, El Dorado County Fire Protection District, El Dorado Hills County Water District, Garden Valley Fire Protection District, Georgetown Fire Protection District, Lake Valley Fire Protection District, Latrobe Fire Protection District, Pioneer Fire Protection District, and Rescue Fire Protection District:

1) Adopt ten (10) resolutions which:

- a. Ratify the Fire Agency Amendments to the 2010 Fire Code, with clarifications;
- b. Delegate enforcement authority of the Fire Code to the Fire Chief of the local Fire Agencies except for one and two family dwellings; and
- c. Delegate enforcement authority of the Fire Code for one and two family dwellings to the Building Official. (Est. Time: 1 Hr.)

FUNDING: N/A.

Fiscal Impact/Change to Net County Cost: N/A

Background:

The El Dorado County Fire Prevention Officers Association requests the Board of Supervisors ratify the Building Standards Amendments of the 2010 Fire Code, as adopted by the individual Fire Agencies, and delegate authority to enforce the code between the Building Official and the local Fire Districts. This request is from 10 local Fire Agencies intent on ratifying Building Standards Amendments to the 2010 Fire Code. These Fire Agencies have worked diligently to agree on a very similar set of amendments so there is consistency within the County. Three Fire Agencies are not currently represented in this request, but may come forward later in the year.

Fire Code Amendments: The Resolutions and Ordinances adopted by the 10 Fire Agencies are included as Attachments S through BB. The resolutions to ratify the Fire Code Amendments adopted by the 10 Fire Agencies are included as Attachments A through J. The Amendments which are "Building Standards" are individually listed on the resolutions and must be ratified by the Board of Supervisors. Other "Non-Building Standards" amendments, mostly administrative in nature, which are not subject to ratification by the Board of Supervisors, were also adopted by the Agencies.

The California State Fire Code is mandated by the State and is updated on a three-year cycle. It does not require ratification and is automatically enacted at the local level. Although local jurisdictions do not have authority to modify the State Code, they may adopt additional and more stringent requirements. The attached Amendments are not mandated, but are being recommended by the local Fire Agencies to address unique local climatic, geologic, and topographic conditions.

Representatives from the Fire Agencies will be available at the public hearing to provide explanation and answer the Board's questions regarding their Amendments. The Amendments are also summarized in Attachment N. DSD recommends four additional clarifications which are included in

the draft resolutions as Exhibit B. The Fire Agencies concur with these clarifications.

Delegation of Authority: Included in the resolutions is language which formally delegates authority to enforce the Fire Code between the County of El Dorado Building Official and the local Fire Agencies. This language was not adopted in prior years, but is required by Health and Safety Code Section 13146 and 13869.7 (Attachment M). This action will designate the County Building Official as the enforcement authority for one and two family dwelling units and designate the Fire Chief of each Fire Agency as the authority for enforcement in all other structures. This is the manner in which the Building Code and Fire Code have been interpreted previously and how DSD and the Fire Agencies have traditionally divided up responsibilities due to the relative knowledge and skills each possess.

Fire Agencies: There are 13 separate Fire Agencies in the unincorporated portions of El Dorado County. There are 10 Fire Agencies represented in this request:

Cameron Park Community Services District,
Diamond Springs-El Dorado Fire Protection District,
El Dorado County Fire Protection District,
El Dorado Hills County Water District,
Garden Valley Fire Protection District,
Georgetown Fire Protection District,
Lake Valley Fire Protection District,
Latrobe Fire Protection District,
Pioneer Fire Protection District, and
Rescue Fire Protection District.

There are three Fire Agencies not represented: Fallen Leaf Lake CSD, Mosquito Fire Protection District, and Meeks Bay Fire Protection District.

Resolution: There is a separate resolution for each Fire Agency's Fire Code Amendments. The resolutions include delegation of enforcement authority and the DSD clarifications. Most Agencies have the same Amendments, but a few, such as Lake Valley, have minor differences to address unique issues in Lake Tahoe.

Each Fire Agency Resolution will rescind their applicable Fire Code Resolution adopted in 2008. It is important to establish that in this round of Fire Code adoption, the County is only ratifying the Building Standards portion and is not ratifying the Non-Building Standards, some of which were erroneously ratified in the 2008 Resolutions.

Road Access Standards: Much of the controversy over the Fire Code involved access road standards that were not mandated in the 2007 Fire Code, but were ratified by the Board of Supervisors in 2008. Those standards are now mandated in the 2010 Fire Code and are not subject to ratification by the Board. However, an interpretation of the Fire Code by the State Fire Marshall has relieved some of the concern regarding the application of the access standards on one and two family residential building permits. The Fire Agencies and DSD are available at the hearing to explain this in more detail if necessary.

Action to be taken following Board approval: Clerk of the Board to obtain the Chair's signature on the Resolutions and send a fully-executed copy of the Resolutions to the Development Services

Department for implementation.

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Concurrences: El Dorado County Fire Prevention Officer's Association