

ORDINANCE AMENDING THE CALIFORNIA FIRE CODE

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE I TO CHAPTER 15 OF
THE SANTA BARBARA COUNTY CODE
REGARDING THE OPERATIONS OF A FIRE BOARD OF APPEAL**

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1.

Amend Article I, Sec. 15-9 of Chapter 15 of the Santa Barbara County Code by adding a new subsection (a) and re-lettering the existing subsections in sequential order as follows:

Sec. 15-9. Amendments to the California Fire Code.

The CFC is amended as follows in order to properly protect the health, safety, and welfare of the residents of Santa Barbara County:

(a) CFC 103.1.4.1 regarding Appeals is amended to read:

To determine the suitability of alternate materials and types of construction and to provide reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. Three members shall constitute a quorum for a hearing. The County Executive Office shall serve as the clerk of the board of appeals. The board of appeals shall be appointed by the executive body and shall hold office at their pleasure. Each member of the executive body has the right to appoint a member that is a resident of Santa Barbara County. The executive body shall adopt reasonable rules and regulations for conducting board of appeals hearings and investigations. The board of appeals shall render decisions and findings in writing to the fire chief, with a duplicate copy to the appellant. The decisions of the board of appeals may be appealed to the executive body. Decisions of the executive body shall be final and only subject to review by writ of mandate to the superior court.

The members of the board of appeals shall serve two year terms. The board of appeals may adopt guidelines for the conduct of their hearings and investigations as they deem appropriate.

The filing of an appeal application shall not stay an enforcement order. However, the fire chief may modify, in his or her sole discretion, an enforcement order during the pendency of an appeal.

The subpoena powers of the executive body set forth in Article 9, Section 25170 et.seq. of the Government Code are delegated to the board of appeals and shall apply to all hearings and investigations under the board of appeals' jurisdiction.

A fee of two hundred dollars shall be paid by the appellant to the clerk of the board of appeals at the time of application for a hearing before the board of appeals.

This appeal process shall apply to disputes within the unincorporated area of the fire district, within incorporated areas of the fire district and within incorporated areas outside of the fire district where the fire department provides service by contract. However, a city council of an impacted city, may adopt an ordinance declaring that a decision of the board of appeals is final and only subject to review by writ of mandate to the superior court, or adopt an alternative procedure for reviewing decisions of the board of appeals.

(b) CFC Section 103.2.1.2, entitled fire prevention bureau personnel and police, is amended to read:

"The chief and members of the fire department shall have the powers of a peace officer in performing their duties under this code.

"The chief, or any person within the department authorized by the chief, is authorized to investigate all reported or apparent violations of this chapter, or the CFC provisions adopted thereunder. If a violation is determined to exist or impending, the chief is hereby authorized to take such measures deemed as necessary or expedient to enforce and secure compliance. In carrying out such responsibilities, the chief may request, and shall receive, the assistance and cooperation of other officials of the county to assist in the discharge of their duties."

(Previously § 2.105)

(c) CFC Section 105.8, entitled Permit Required, is amended by adding the following new subsection to read:

"n.1. Natural gas pipelines.

"1. A permit shall be obtained prior to excavation or any work below grade within 10 feet of flammable or toxic gas pipeline.

"2. A permit to use or operate a pipeline for the transportation of flammable or toxic gas, not otherwise regulated by the Natural Gas Pipeline Safety Act (NGPSA), shall be obtained prior to such use or operation."

(Previously § 79.1701)

(d) CFC Section 1003.2.1, entitled Required installations. General, is amended and a second paragraph is added, to read:

"General. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in Section 1003.2 and/or Article IV, Sections 15-80 et seq. of the Santa Barbara County Code.

(Previously § 10.306)

"Where, in any specific case, different sections of this code or the Santa Barbara County Code specify different requirements, the most restrictive shall govern."

(e) CFC Section 1006.2, entitled Required Installations, is amended by adding a new subsection to read:

"1006.2.12.9, Mixed use occupancies. Where residential occupancies are combined with commercial occupancies, a fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the entire complex. In addition, a notification system shall be installed in a manner and location approved by the chief which indicates the presence of residential dwelling units."

(Previously § 14.104)

(f) CFC Appendix I-A, Section 6, entitled Smoke Detectors, is amended by adding a new subsection to read:

"Section 6.5 Maintenance and Testing. The owner of each affected unit shall be responsible for installation, repair and maintenance and testing of all smoke detectors required by this section except that all long term (20 consecutive days or more) renters, lessees or other non-owner occupants shall be responsible for testing of said smoke detector(s). In the event of test failure, the owner shall be responsible for the repair or replacement upon notification by the occupant, except that the occupant shall be responsible for battery replacement. Additionally, the owner of each affected rental dwelling shall be responsible for testing the smoke detector(s) within the unit upon a change of tenancy."(Previously § 14.106)

(g) CFC Appendix II-A, Section 16, entitled CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES, is amended by adding new subsections to read:

"16.3 The action provided for in subsection 16.2 of this section is in addition to, and may be used alone or in conjunction with, proceedings for the abatement of noxious weeds pursuant to Part 5 Division 12 of the California Health and Safety Code (commencing at Section 14875), or Article II of Chapter 15 of the Santa Barbara County Code.

"16.4 The cost of removing vegetation pursuant to paragraph 16.2 or 16.3 of this section shall be collected, and assessments shall be canceled or refunded, as provided in Part 5 Division 12 of the California Health and Safety Code (commencing at Section 14875) and any amendments thereto at the discretion of the chief."

"16.5 In the case of new construction for which a building permit is required pursuant to Chapter 10 of the Santa Barbara County Code, the provisions of paragraph 16.1 of this section shall be complied with prior to delivery of combustible building materials to the site of the construction. Failure to comply with such clearance requirements shall be grounds for the issuance of a correction notice, stop order, or a citation by the chief."

(Previously Appendix II-A § 16 c, d & e)

(h) CFC Appendix II-A, is amended by adding a new section to read:

"Section 25. OUTDOOR BURNING IN HAZARDOUS FIRE AREAS.

"In high fire hazard zones or hazardous fire areas, as defined in CFC Section 209, outdoor burning may be permitted in order to reduce fire hazards, subject to the following express conditions:

"25.1 Permits for all such burning shall first be obtained from all agencies having jurisdiction.

"25.2 All such burning shall be conducted in accordance with all applicable provisions of this code and in accordance with all other applicable State and local laws, rules and regulations.

"25.3 No such burning shall be permitted during the declared fire season determined by the chief.

"25.4 No such burning shall be permitted on days when agricultural burning is prohibited by the California Air Resources Board.

"25.5 No such burning shall be permitted on Sundays or holidays.

"25.6 Both the fire protection agency and the APCD may develop reasonable regulations and impose them as conditions of permits issued hereunder for such burning in order to ensure safety, mitigate air pollution and relieve public agencies from liability."

(Previously Appendix II-A, § 25 a, b, c, d, f & i).

(Ord. No. 4246; Ord. No. 4494)

SECTION 2. Publication and Effective Date. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after passage of this ordinance, it or a summary of it, shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED this ____day of _____, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors

ATTEST:

MICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

JOHN SCHERREI
FIRE CHIEF
COUNTY FIRE

RAY AROMATORIA
RISK MANAGER

By _____

By _____

APPROVED AS TO FORM:
FORM:

APPROVED AS TO ACCOUNTING

STEPHEN SHANE STARK
COUNTY COUNSEL

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____
Deputy

By _____

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