



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: Fire  
Department No.: 031  
For Agenda Of: August 19, 2008  
Placement: Departmental  
Estimated Tme: 30 minutes  
Continued Item: Yes  
If Yes, date from: June 17, 2008  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Fire Chief John Scherrei x5500  
Contact Info: Fire Marshal Chris Hahn x5500

**SUBJECT:** Chapter 15 Amendment, Adoption of the 2007 California Fire Code and Fee Update.

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

1. Consider the introduction (first reading) of an ordinance amending Chapter 15 of the Santa Barbara County Code and to:
  - a) Adopt the 2007 California Fire Code with amendments replacing the amended 2001 California Fire Code as the enforcement Code for the Santa Barbara County Fire Protection District.
  - b) Adopt an updated Fire Code fee schedule and approve the Notice of Exemption (attached).
2. Consider on September 2, 2008 (second reading) the adoption of an ordinance amending Chapter 15 of the Santa Barbara County Code as set forth above.

**Summary Text:**

The Board will consider the adoption of an ordinance adopting the 2007 California Fire Code and amending Chapter 15 of the Santa Barbara County Code as follows:

1. Article I, entitled: "Adoption of the 2001 California Fire Code" is deleted and replaced with Article I, entitled "Adoption of the 2007 California Fire Code";
2. Article II, entitled "Weed Abatement" is deleted. A cross reference is cited to new Article I, Sec. 15-3(k) entitled "Chapter 47 – Requirements for Wildland – Urban Interface Fire Areas". Article II is reserved for future use;

3. Articles III, IIIA, IIIB, and IIIC remain unchanged;
4. Article IV, entitled “Automatic Fire Sprinkler Systems” is deleted. A cross reference is cited to new Article I, Sec. 15-3(e) entitled “Chapter 9 – Fire Protection Systems”. Article IV is reserved for future use;
5. Article V, entitled “Fees” is amended to incorporate current fees;
6. Article VI is amended to update the reference to the 2007 CFC in Sec. 15-125 Citations – Enforcement procedures;
7. Article VII remains unchanged.
8. Article VIII, entitled “Fireworks” is repealed on the effective date of this ordinance and fireworks will then be addressed under Article I.

This proposed ordinance (attached) includes a number of amendments, four of particular significance as described below:

1. The first, located in Article V, is the adoption of a fee schedule that includes fees for Fire Code permits and a surcharge based on actual costs that will apply when circumstances develop that require extraordinary time. This ordinance would supersede Resolutions 03-182 and 04-284, which previously adopted these fees.
2. The second, also located in Article V, is the adoption of a fee for multiple emergency responses to petroleum facilities.
3. The third, located in Appendix A, sec. A101.6, states that “the decisions of the board of appeals is final and only subject to review by writ of mandate to the superior court.”
4. The fourth is the relocation of text from Articles II and IV to Chapter 15 Article I, Section 15-3(k) and (e) respectively.

**Background:**

In July 2007, the State of California adopted the 2007 California Fire Code, which incorporates the 2006 edition of the International Fire Code of the International Code Council with California amendments. On January 1, 2008, the 2007 California Fire Code became effective and pursuant to Section 13146 of the Health and Safety Code the fire chief of Santa Barbara County shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, namely the 2007 California Fire Code. In addition, section 13869.7 of the Health and Safety Code states that a 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.”

The Santa Barbara County Fire Department charges a fee to issue Fire Code permits for processes that produce conditions hazardous to life and/or property, such as, ‘open burning’ or ‘flammable and combustible liquid’ facilities. The Board last increased Fire Code Permit Fees by adopting resolution 04-284 on October 5, 2004. Permit fees are applicable to all sectors of the community and are set to cover the costs incurred to assure compliance with the CFC as adopted in Chapter 15 of the County Code. The proposed permit fees are the result of a fee study based on the average inspection time necessary for each type of permit and take into account inspector salary, and overhead costs. A list has been included (Attachment A) to compare the current permit fees and the proposed permit fees.

A surcharge has been included, based on actual costs, and will apply when unusual circumstances develop that require extraordinary time for issues including but not limited to special research, consultation and numerous return inspections to ensure code compliance. This surcharge had been part of the fee schedule but was inadvertently omitted at the time of Resolution No. 03-182 and 04-284.

Additionally, a fee has been included that would be charged to Petroleum Facility Operators for any response to their petroleum facility and/or associated piping and wells by County Fire that is caused by a violation of Chapter 27 (hazardous Material) or Chapter 34 (Flammable and Combustible Liquids) of Article 1 of Chapter 15 of the Santa Barbara County Code. There would be no fee for the initial response to a petroleum facility in a calendar year. However, a fee of \$690 would be charged for each subsequent response to a petroleum facility in a calendar year. Additionally, if the time needed by County Fire to mitigate the hazard caused by any violation exceeds two hours, the Petroleum Facility Operator would pay a surcharge based on County Fire's actual response costs. Offshore related Petroleum facilities with Conditional Use Permits and regulated by the county's Systems Safety and Reliability Review Committee (SSRRC) would be exempt from this fee.

Copies of the proposed ordinance have been distributed for review and comment to the cities of Buellton, Goleta and Solvang, which are located in the Santa Barbara County Fire Protection District. Copies were also sent to various industry groups and the other fire districts and departments in the county for their review and comment. In addition, meetings were held with various groups to discuss their concerns with the new fire code. Attachment B contains a listing of issues that have been raised and the Fire Department's responses to each of those issues.

**Special Instructions:**

- Clerk of the Board to notice the ordinance twice in a newspaper of general circulation in the County of Santa Barbara, once at least 14 days prior to the hearing and again with at least 5 days intervening between the dates of first and last publication, per Government code Section 6066.
- Please send a copy of the completed resolution and a certified copy of the minute order to Santa Barbara County Fire Department, attention Rose Pueschel.

**Attachments:**

Fee Comparison List (Attachment A)  
Fire Code Adoption Issues/Positions (Attachment B)  
Proposed Ordinance  
CEQA Exemption

**Authored by:**

Chris Hahn, Division Chief/Fire Marshal x5554