



**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: March 25, 2008
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

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

SUBJECT: Set Hearing for the Adoption/Amendment of the 2007 California Fire Code and Fee Update.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors set a hearing on April 8, 2008 to:

1. Consider the introduction (first reading) of an ordinance amending Chapter 15 of the Santa Barbara County Code 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.
2. Consider on April 15, 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(i) 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(c) 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. Articles VI and VII remain unchanged.

This proposed ordinance (attached) includes a number of amendments, three 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, 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."
3. The third is the relocation of text from Articles II and IV to Chapter 15 Article I, Section 15-3(i) and (c) 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 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 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.

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. In addition, copies were also sent to various industry groups and the other fire districts and departments in the county for their review and comment.

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:

Proposed Ordinance
CEQA Exemption

Authored by:

Chris Hahn, Division Chief/Fire Marshal x5554

cc: