

AN ORDINANCE AMENDING CHAPTER 15 OF THE SANTA BARBARA COUNTY CODE, ADOPTING THE 2010 CALIFORNIA FIRE CODE AND A FIRE CODE FEE SCHEDULE

ORDINANCE NO. _____

An ordinance of the County of Santa Barbara amending Chapter 15 of the Santa Barbara County Code to adopt the 2010 edition of the California 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 in the County of Santa Barbara; providing for the issuance of permits and collection of fees therefore.

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

Section One

Chapter 15 of the Santa Barbara County Code is amended in the following manner:

1. Article I, entitled: "Adoption of the 2007 California Fire Code" is deleted and replaced with Article I, entitled "Adoption of the 2010 California Fire Code";
 2. Article V, entitled "Fees", incorporates a current fire code fee schedule with no changes to the existing fee schedule, however Article V is amended to update references to the California Fire Code.
 3. Article VI entitled "Violations-Legal Actions" is amended to update the reference to the 2010 CFC in Sec. 15-125 Citations – Enforcement procedures;
- All other provisions of Chapter 15 shall remain in effect.

Section Two

Chapter 15 of the Santa Barbara County Code is amended as follows:

Article I.

Adoption of the 2010 California Fire Code

Sec. 15-1. Adoption of 2010 California Fire Code.

The Board of Supervisors of the County of Santa Barbara for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, adopts the 2010 edition of the California Fire Code (hereinafter California Fire Code or "CFC") based on the 2009 edition of the International Fire Code, including Chapters 1-49 and

Appendix Chapters **4, A, B, C, D, E, F, G, H** and **I** as published by the International Code Council, except such portions as are added, deleted, modified or amended by Sec. 15-3 of this chapter. A copy of the 2010 edition of the California Fire Code is on file with the Clerk of the Board of Supervisors and is adopted and incorporated by reference.

This Ordinance shall be controlling in all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpenteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Chapter.

Sec. 15-2. Rules of Construction.

(a) Wherever the word "jurisdiction" is used in the CFC it shall mean all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpenteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs lands, unless otherwise specified by this Chapter

(b) Whenever the words "chief" and/or "fire chief" of the fire department are used they shall be held to mean the Santa Barbara County Fire Chief, also known as the "Fire Warden, or his or her designee."

(c) Whenever the words "building department" are used they shall be held to mean the Building and Safety Division of the Santa Barbara County Planning and Development Department.

(d) Whenever the words "police department" and "police" are used they shall be held to include the Santa Barbara County Sheriff Department or the law enforcement agency that has legal jurisdiction.

(e) Whenever the words "California Building Code" and "building code" are used they shall be held to include the building code as adopted under Chapter 10 of the Santa Barbara County Code.

(f) Whenever the words "California Electrical Code" are used it shall be held to include the electrical code as adopted under Chapter 10 of the Santa Barbara County Code.

(f) Whenever the words "California Residential Code" and "residential code" are used they shall be held to include the residential code as adopted under Chapter 10 of the Santa Barbara County Code.

(g) Whenever the words "County Land Use and Development Code" are used it shall be held to include the County Land Use and Development Code adopted under Chapter 35 of the Santa Barbara County Code.

(h) Whenever the words "Fire Protection Certificate" (FPC) are used it means the application for review of any new building or structure that requires a building permit, any residential building or structure that adds an accumulation of 1000 square feet or more, any commercial building or structure that adds an accumulation of 500 square feet or more, any commercial building or structure that adds any square footage exceeding 5000 square feet, or the review of any changes to a fire protection system.

(i) Whenever the words "High Fire Hazard Severity Zone Maps" are used it means the maps adopted under Chapter 10 of the Santa Barbara County Code and on file with the Office of the State Fire Marshal.

(j) Whenever the words "Very High Fire Hazard Severity Zone Maps" are used it means the maps adopted under Chapter 10 of the Santa Barbara County Code and on file with the Office of the State Fire Marshal.

(k) Whenever the words "Santa Barbara County Fire Department Development Standards" are used it means those standards researched and developed by the Santa Barbara County Fire Department, on file with the fire code official and available for review and reference at www.sbcfire.com.

Sec. 15-3. Amendments to the California Fire Code.

The California Fire Code is amended as follows in order to properly safeguard the health, safety, and welfare of the people, property and environment of Santa Barbara County:

DIVISION II

(a) **CHAPTER 1 – SCOPE AND ADMINISTRATION** is hereby revised and amended as follows:

SECTION 101 GENERAL

Section 101.1 Title is amended to read as follows:

These regulations shall be known as the *Fire Code of Santa Barbara County*, hereinafter referred to as “this code”.

SECTION 102 APPLICABILITY

Section 102.1 Construction and design provisions is amended by adding the following:

Exception: This section shall not apply to any agricultural buildings, specifically exempted in Santa Barbara County Code Chapter 10, Building Regulations, which reads as follows:

Agricultural buildings not exceeding 3,000 square feet in floor area constructed and used to house farm implements, equipment, hay, grain, poultry, livestock or horticultural products. Such buildings shall not be a place of human habitation nor a place of employment, nor shall such buildings be used by the public, be used to store hazardous materials in violation of the Fire Code, nor contain plumbing, mechanical, electrical, structural or architectural features that may reclassify the occupancy or the character of the occupancy of said building as determined by the Building Official. See Section 10-3.3 of the Santa Barbara County Code.

And provided that, whenever there is any change in the use or occupancy of such building so that it no longer meets the above-listed specification for exemption of agricultural buildings, the building must comply with the requirements of this code prior to making such change of use or occupancy.

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES

Section 104.6 Official Records is amended to read as follows:

The fire code official shall retain official records for not less than five years unless otherwise provided by other regulations.

Section 104.6 is further amended by deleting Sections 104.6.1 through 104.6.4.

SECTION 105 PERMITS

Section 105.1.1 is amended by deleting the phrase “..., if any,...” in the second sentence.

SECTION 108 BOARD OF APPEALS is amended by deleting the entire section. Board of Appeals is covered under Santa Barbara County Fire Code, Appendix A.

SECTION 109 VIOLATIONS is amended as follows:

Section 109.3 Violation Penalties is hereby amended by deleting the existing language and inserting the following: Violation penalties are covered under Santa Barbara County Code, Chapter 15, Article VI.

Section 109.3.1 Abatement of violation shall remain unchanged.

SECTION 111 STOP WORK ORDERS is amended as follows;

Section 111.4 Failure to Comply is amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed by the Fire Chief to perform to remove a violation or unsafe condition, is guilty of an infraction as described in Santa Barbara County Code, Chapter 15, Article VI.

(b) **CHAPTER 2 – DEFINITIONS** is amended as follows:

SECTION 202 GENERAL DEFINITIONS is amended by adding the following terms:

FIRE HAZARD. Any thing or act that increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act that could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. When a Fire Hazard has been determined to exist by the Fire Chief, the Fire Hazard shall be considered to be a nuisance.

FIRE PROTECTION CERTIFICATE (FPC). Is the application for review of any new building or structure that requires a building permit, any residential building or structure that adds an accumulation of 1000 square feet or more, any commercial building or structure that adds an accumulation of 500 square feet or more, any commercial building or structure that adds any square footage exceeding 5000 square feet, or the review of any changes to a fire protection system.

PETROLEUM FACILITIES. Shall, for the purpose of this code, be designated by the Fire Chief and include, but not be limited to, tanks, compressors, pumps, vessels, and other large equipment or structures pertinent to oil field operations sited at a single location.

(c) **CHAPTER 3 – GENERAL PRECAUTIONS AGAINST FIRE** is amended as follows:

SECTION 304 – COMBUSTIBLE WASTE MATERIAL

304.1.1 Waste material. is amended by inserting the phrase “When determined to be a fire hazard,...” at the beginning of the first sentence.

304.1.2 Vegetation. is amended as follows:

By inserting the phrase “When determined to be a fire hazard,...” at the beginning of the first sentence.

By replacing the words “...the *International Wildland-Interface Code*” with “...Section 4914 of this code”.

(d) **CHAPTER 4 – EMERGENCY PLANNING AND PREPAREDNESS** is amended by deleting all sections except the following:

SECTION 401 GENERAL

SECTION 402 DEFINITIONS

SECTION 403 PUBLIC ASSEMBLAGES AND EVENTS

SECTION 407 HAZARD COMMUNICATION

(e) **CHAPTER 5 – FIRE SERVICE FEATURES** is adopted in its entirety with the following amendments:

SECTION 501 GENERAL

501.1 Scope is amended by adding at the end of the sentence “...and Santa Barbara County Fire Department Development Standards”.

SECTION 503 FIRE APPARATUS ACCESS ROADS

503.1 Where required. is amended by adding at the end of the sentence “...and Santa Barbara County Fire Department Development Standards.”

503.2 Specifications. is amended by adding at the end of the sentence “...and Santa Barbara County Fire Department Development Standards.”

503.2.1 Dimensions. is amended by replacing the phrase “...of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6,...” with the phrase “...in accordance with Santa Barbara County Fire Department Development Standards...”

503.6 Security gates. is amended by deleting the existing language and replacing it with, "The installation of security gates across a fire apparatus access road shall be in accordance with Santa Barbara County Fire Department Development Standards."

505.1 Address numbers. is amended by deleting the words, "Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke of 0.5 inch (12.7 mm)." and inserting the words, "Residential building numbers shall be a minimum of 3 inches (76.5 mm) high with a minimum stroke of 0.5 inch (12.7) and Commercial building numbers shall be a minimum of 6 inches (153.0 mm) high with a minimum stroke of 1 inch (25.4 mm)".

505.1.2 Mixed-use Building. is added to read as follows; A notification system shall be installed in a manner and location approved by the Fire Chief, which indicates the presence of residential dwelling units.

505.3 Road Naming, is added to read as follows; all public and private access roads shall be named in accordance with the Santa Barbara County Fire Department Development Standards and the County Land Use and Development Code as adopted under Chapter 35 of the Santa Barbara County Code.

SECTION 507 FIRE PROTECTION WATER SUPPLIES

507.1 Required water supply. is amended by adding the following sentence to the end of the paragraph, "Fire protection water supply systems shall be installed and maintained in accordance with Santa Barbara County Fire Department Development Standards."

(f) CHAPTER 6 BUILDING SERVICES AND SYSTEMS is amended as follows;

SECTION 610 is added to read as follows;

610 Photovoltaic Systems

610.1 General. The installation of photovoltaic systems shall comply with this section and the California Building Code, the California Electrical Code and the requirements of the local authority having jurisdiction.

Exception: Section 610 (et seq) shall not apply to photovoltaic systems installed on one and two family dwellings.

610.2. Plans. Construction plans that include a roof layout of the proposed photovoltaic system panels and equipment shall be submitted to the fire code official for approval prior to installation.

610.3 Design. Photovoltaic systems shall be designed in accordance with the "SOLAR PHOTOVOLTAIC INSTALLATION GUIDELINE" issued by the California State Fire Marshal Office April 22, 2008 with amendment to Section 2.2.1 (page 10) as follows:

Section 2.2.1 on Pg 10 of the SFM "SOLAR PHOTOVOLTAIC INSTALLATION GUIDELINE" is amended to read:

2.2.1 Access

There shall be a minimum six-foot (6') wide clear perimeter around the edges of the roof, as measured from the exterior bearing walls of the building to the nearest photovoltaic panel. Examples #5 to #8 shall reflect this requirement.

Exception: If either horizontal axis of the building is 250 feet or less, there should be a minimum four feet (4') wide clear perimeter around the edges of the roof, as measured from the exterior bearing walls of the building to the nearest photovoltaic panel.

(g) CHAPTER 9 FIRE PROTECTION SYSTEMS is amended as follows:

SECTION 901 GENERAL is amended as follows:

SECTION 901.4.1 Required fire protection systems is amended by adding at the end of the sentence "...and Santa Barbara County Fire Department Development Standards".

SECTION 901.6 Inspection, testing and maintenance is amended by adding at the end of the last sentence "...after obtaining written permission from the fire code official.

SECTION 902 – DEFINITIONS is amended by adding the following terms:

[B] AWNING. An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

[B] COURT. An open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices.

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS is amended by revising section 903.1, 903.2, and by adding a new section 903.7:

903.1 General. is amended by adding the following phrase to the end of the sentence: "...and Santa Barbara County Fire Department Development Standards."

903.2 Where Required. is amended by adding at the end of the sentence..."and Section 903.7".

903.7 Santa Barbara County Automatic Sprinkler Systems.

The provisions of this section shall be applicable to all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpinteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Chapter. If any part of this article is in conflict with any other part, the more restrictive provisions shall be controlling.

903.7.1 Locations Required. Concurrent with provisions in the California Fire Code, California Building Code, California Residential Code, and in the Santa Barbara County Code, automatic fire sprinkler systems shall be installed and maintained in the locations specified as follows:

1. All new one and two-family dwellings and townhouses (R-3 Occupancies).
(2010 California Residential Code, Chapter 3, Section R-313 Automatic Fire Sprinkler Systems / 2010 California Building Code Chapter 9, Section 903.2.8 Group R)

2. New buildings and structures with a final floor area of 5,000 square feet or more.

New buildings or new structures (including prefabricated or relocated structures) for which application for building permits are officially filed or required to be filed with the Santa Barbara County Planning and Development Department, Building and Safety Division, which have a total floor area of five thousand square feet or more; and

3. New buildings and structures located outside the Urban Limit Line.

New buildings or new structures (including prefabricated or relocated structures) for which application for building permits are officially filed or required to be filed with the Santa Barbara County Planning and Development Department, Building and Safety Division, that are constructed (regardless of square footage) outside of the "Urban Limit Line" (as defined in the land use element, definition section of the Santa Barbara County General Plan), or within the Carpinteria-Summerland Fire Protection District.

4. Modification to existing buildings and structures with a final floor area of 5,000 square feet or more.

Existing buildings or structures for which applications for modification are officially filed or required to be filed with the Santa Barbara County Planning and Development Department, Building and Safety Division and which are modified to add any square footage and, subsequent to the addition, the total square footage of the building or structure is 5,000 square feet or more; and

5. Modification to existing buildings and structures located outside the Urban Limit Line.

Existing buildings or structures for which applications for modification are officially filed or required to be filed with the Santa Barbara County Planning and Development Department, Building and Safety Division that are located outside of the "Urban Limit Line" (as defined in the land use element, definition section of the Santa Barbara County General Plan), or within the Carpinteria-Summerland Fire Protection District and which are modified to add five hundred square feet or more for non-residential (notwithstanding Section 903.7.1#3) and add one thousand square feet or more for residential. Existing nonresidential and residential structures shall install sprinklers throughout the structure when fire sprinklers are required. However, Section 903.7.1#3 shall apply if the final gross floor area is 5,000 square feet or more.

***NOTE: Any additional square footage added after January 1st, 2011 shall be accumulative towards the totals listed in Section 903.7.1 #5 above.**

Exceptions:

1. Section 903.7.1 shall not apply to any agricultural buildings, including greenhouses, as defined in the California Building Code, which would otherwise be included within the requirements of this section, provided that:

Whenever there is any change in the use or occupancy of such building so that it no longer meets the above-listed definition of agricultural building, the building must have a sprinkler system installed prior to making such change of use or occupancy in all areas of the building which would have been required to have sprinklers but for the existence of the exception set out in this subsection;

2. Other detached Group U buildings, as defined by the California Building Code, may be exempted from Section 903.7.1 on a case-by-case basis in writing by the Fire Chief and the Building Official (subject to the same occupancy change conditions as noted in "Exception 1" above).

3. Buildings classified as Group S-2, as defined by the California Building Code, may be exempted from Section 903.7.1 on a case-by-case basis in writing by the Fire Chief in accordance with Section 111.2.4 and/or Chapter 1 Section 104.9 of the 2010 California Fire Code (subject to the same occupancy change conditions as noted in "Exception 1" above).

903.7.2 Floor area computation. The total floor area of such buildings or structures shall be within the outside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. For all occupancies other than Group R, Division 3 the floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof, floor above or awning. The gross floor area shall not include shafts with no openings or interior courts.

903.7.3 Plan approval. No automatic sprinkler system required by this section shall be installed without prior approval, by the fire chief, of the plans for the installation, testing and maintenance of the system. System plans, including system calculations shall be approved prior to system installation.

SECTION 905 STANDPIPE SYSTEMS is amended as follows;

905.3 Required installations is amended by adding the words "...and when required by the fire code official" at the end of the first sentence.

(h) CHAPTER 27 – HAZARDOUS MATERIALS – GENERAL PROVISIONS is hereby amended by revising Section 2703.3.1.3 as follows:

2703.3.1.3 Control. When an unauthorized discharge caused by primary containment or system failure is discovered, the involved primary containment or system shall be placed temporarily out of service and repaired or permanently removed from service.

(j) CHAPTER 33 – EXPLOSIVES AND FIREWORKS is hereby amended by revising Section 3301.1 and adding Sections 3301.2 and 3301.3 as follows:

SECTION 3301 GENERAL

3301.1 Explosives Requirements. For explosives requirements, see Title 19 California Code of Regulations, Chapter 10.

3301.2 Prohibition of Fireworks. The manufacturing, possession, storage, sale, use and handling of any and all fireworks is prohibited in all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpenteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Chapter.

EXCEPTION: A permitted Public Display of Fireworks, as defined in Section 12524 of the Health and Safety Code, by a State Fire Marshal licensed Pyrotechnic operator. Public Displays of Fireworks shall comply with Title 19 California Code of Regulations, Chapter 6 – Fireworks.

3301.3 Seizure The fire code official is authorized to seize, take, remove or cause to be removed fireworks in violation of 3301.2 and/or CCR Title 19.

(j) CHAPTER 49 – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS is hereby amended by including additional definitions to Section 4702.1 and adding Section 4714.

SECTION 4902.1 is amended by adding the following definitions:

BOARD is the Santa Barbara County Board of Supervisors.

BUILDINGS AND STRUCTURES are those buildings and structures, described within this Chapter, whether inhabited or not.

COMBUSTIBLE MATERIALS are weeds, stubble, brush, rubbish, litter, dry grass, dry leaves or other flammable materials that are readily ignitable and endanger the public safety.

DEFENSIBLE SPACE is the area surrounding a structure or building where basic wildfire protection practices are implemented, providing the key point of defense from an approaching wildfire or escaping structure fire. The area is characterized by the establishment and maintenance of fuel modification measures.

FIRE HAZARD is any thing or act that increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act that could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. When a Fire Hazard has been determined to exist by the Fire Chief, the Fire Hazard shall be considered to be a nuisance.

PARCEL is a portion of land of any size, the area of which is determined by the assessor's maps and records and may be identified by an assessor's parcel number whether or not any buildings or structures are present.

REDUCED FUEL ZONE is a fire break within 30 feet to 100 feet from each building or structure and is created by disrupting the vertical and/or horizontal continuity of flammable and combustible vegetation with the goal of reducing fire intensity, inhibiting fire in the crowns of trees, reducing the rate of fire spread, and providing a safer environment for firefighters to suppress wildfire.

SECTION 4914 Santa Barbara County Fire Hazard Abatement is added to read as follows:

4914.1 Applicability of article. The provisions of section 4914 shall be applicable to all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpenteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Chapter, and those areas in independent fire districts having governing bodies other than the Santa Barbara County Board of Supervisors that choose to enforce this section. If any part of this article is in conflict with any other part, the more restrictive provisions shall be controlling.

4914.2 Prohibited disposal of combustible material. No person shall place, deposit or dump combustible material, which in the opinion of the code official constitutes a fire hazard, on a parcel, whether or not he owns such parcel, or whether or not he so places, deposits or dumps on such parcel with the consent of the owner thereof.

4914.3 Clearance of Brush, Vegetative Growth and Combustible Material from Parcels. All parcels declared a fire hazard shall be cleared entirely of combustible material. If the chief determines this impractical, the provisions of Section 4914.4 may be used.

4914.4 Clearance of Brush or Vegetative Growth from around Structures.

4914.4.1 Any person owning, leasing, controlling, operating or maintaining any building in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with combustible material shall at all times:

- (a) Maintain around and adjacent to the building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth.
- (b) Maintain around and adjacent to the building or structure a Reduced Fuel Zone made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
- (c) Remove that portion of any tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- (d) Maintain any tree adjacent to or overhanging a building free of dead or dying wood.
- (e) Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.
- (f) Maintain compliance with California Public Resources Code Section 4291 and California Government Code Section 51182.

Exceptions:

1. Section 4914.4 does not apply to agricultural crops, single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.
2. In accordance with CEQA Guideline 15304(i), fuel management activities shall not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters.

4914.5 Fire hazard declared. The presence of combustible material on a parcel shall, when in the opinion of the fire chief, constitute a fire hazard.

4914.6 Prosecution. The fire chief shall serve a written order upon the owner or possessor of a parcel, when, in his or her opinion, a fire hazard exists upon a parcel. The order shall identify the fire hazard and direct such owner or possessor to remove or abate the fire hazard within a specified period of time, but not less than ten days, after such order is given. Every owner or possessor who fails or refuses to abate said fire hazard from such parcel within the time specified after being served with such order is guilty of an infraction as described in Santa Barbara County Code, Chapter 15, Article VI. Evidence that the current assessment roll of the County shows real property assessed to a person shall constitute prima facie evidence that such person is the owner of such property.

4914.7 Order to abate fire hazard --Notice. The chief shall send, by certified mail, a copy of the written order providing information specified in Sec. 4914.6, and shall include an assessor's parcel number of the parcel set forth on the county assessment roll, to the last assessee of the parcel at the address given on such roll. In addition, the order shall provide the specific date, time and location of when the Board of Supervisors of the County of Santa Barbara will meet to hear the report of the fire chief regarding the alleged fire hazard, and include the following:

"WARNING: The Fire Chief has determined that a fire hazard exists on this parcel.. If not abated, the Fire Chief or his designee, shall enter and remove or abate the fire hazard by cutting, burning or removing the flammable material. THE COST OF SUCH REMOVAL WILL BE COLLECTED BY ADDING IT ONTO THE TAXES ASSESSED AGAINST THIS Parcel. ANY OWNER OR POSSESSOR INTENDING TO ABATE THIS FIRE HAZARD AT HIS OWN EXPENSE SHOULD DO SO IMMEDIATELY."

The chief shall post each notice to abate, including the legal description in some conspicuous place in the office of the clerk of the board of supervisors. It shall be the responsibility of the owner of record in the current assessment roll to notify any new owner or possessor of the parcel of the notice that was received and forward the notice to the new owner or possessor of the parcel. It shall also be the responsibility of the current owner of record to notify the fire department of this change in ownership.

4914.8 Order to abate fire hazard--Posting Location. The chief may, in addition to mailing, have a written order posted in front of any parcel upon which a fire hazard exists, or, if such parcel does not front upon any street, highway or road, then either upon the portion of such parcel nearest to a street, highway or road or upon such portion that is likely to give actual notice to the owner or lawful possessor.

4914.9 Order to abate fire hazard--Posting Time. The order provided for in Sec. 4914.8 shall be posted at least ten days before the board meets to hear the report of the chief regarding the alleged fire hazard.

4914.10 Hearing. At the time and place stated in the written orders, the board shall meet to hear the report of the chief and any objections thereto. The chief or his designated representative shall attend, inform the board as to the alleged fire hazard and supply the legal description of the parcel upon which it exists, the name and address of the last known assessee thereof and state what he has done in order to give notice of the hearing according to the provisions of this article. The board may continue from time to time as it sees fit.

4914.11 Board of Supervisors' direction to abate fire hazard. If, after a hearing, the board finds that a fire hazard exists upon a parcel, it may direct the chief to abate the hazard. The board shall maintain a record of its proceedings at such hearing and retain therewith the report of the chief, a legal description of such a lot or land and, where available, the name and address of its last known assessee.

4914.12 Abatement procedure--Chief authorized to expend funds, contract, etc. If the board directs the chief to abate a fire hazard, he shall proceed to abate such hazard unless it has been abated, completely, before his agents arrive to begin such abatement. The chief may expend appropriated funds for such abatement and may contract with a person or persons for the performance of the work of such abatement.

4914.13 Account of expenses--Report to be filed with the board. The chief shall keep an account of his expenses when abating a fire hazard pursuant to the direction of the board, and file a report with the board. The report shall include the assessor's tax area and parcel numbers according to the county assessment roll of the parcel upon which such fire hazard existed and, when available, the name and address of the last known assessee. The report shall include a reasonable administrative cost in an amount to be fixed by the board from time to time, based on administrative costs of carrying out these regulations.

4914.14 Account of expenses--Filing with clerk--Confirmation hearing. The report of expenses referred to in section 4914.13 shall be maintained on file, open to public inspection, in the office of the clerk of the board for at least ten days before a hearing of the board to confirm such report. If any person shall, before the expiration of such ten days, file a written request for notice of the hearing upon such confirmation, the board shall mail such notice to the address supplied in any such written request. At the time fixed for such hearing, the board shall meet to hear any objections to the report of expenses filed by the chief as required by this section. At such hearing the board may make any modifications in the amount it deems just, after which the report shall be confirmed.

4914.15 Expenses constitute special assessment and lien. The amount of expenses incurred by the chief for abating a fire hazard shall constitute a special assessment and a lien against the parcel from which such hazard was removed.

4914.16 Expense report to be transmitted to auditor-controller. The board shall deliver a copy of the expense report, as confirmed, to the auditor-controller of the county on or before August 1, following such confirmation.

4914.17 Inclusion of assessment on property tax bill--Disposition of revenue. The county auditor-controller shall enter the amount stated in the report as a special assessment against the parcel described in the report. The tax collector of the county shall include the amount of the assessment on the bill for taxes levied against the parcel. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessments. All special assessments collected as provided in this article shall be accounted for as fire district revenue.

(k) APPENDIX A – BOARD OF APPEALS is hereby amended by deleting all existing language and inserting the following:

SECTION A101 GENERAL

A101.1 Scope. 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.

A101.2 Membership and Appointment. The board of appeals shall consist of five members who are qualified by experience and training to pass judgment upon pertinent matters. The members shall be appointed by the Board of Supervisors and shall hold office at their pleasure. Each member of the executive body has the right to appoint a member that resides in or out of their supervisor district.

A101.3 Quorum. Three members shall constitute a quorum for a hearing.

A101.4 Clerk of the Board. The County Executive Office shall serve as the clerk of the board of appeals.

A101.5 Rules and Regulations. The Board of Supervisors shall adopt reasonable rules and regulations for conducting board of appeals hearings and investigations. The board of appeals may adopt guidelines for the conduct of their hearings and investigations, as they deem appropriate.

A101.6 Decisions. 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 de novo to the board of supervisors, at the option of the appellant or fire chief, provided that, a request is made in writing to the clerk of the board of supervisors within 20 days after the decision of the board of appeals was served on the parties. If the decision of the board of appeals is not appealed to the board of supervisors, it shall be final and only subject to review by writ of mandate to the superior court. If the decision of the board of appeals is appealed to the board of supervisors, the decision of the board of supervisors shall be final and only subject to review by writ of mandate to the superior court.

NOTE: If a majority of the board of supervisors determines that its prior involvement with an appellant, prevents it from serving as a reasonably, impartial, non-involved decision maker, it shall decline to hear the appeal. If the board of supervisors declines to hear an appeal, the decision of the board of appeals shall be deemed final and only subject to review by writ of mandate to the superior court.

A101.7 Terms of office. The term of office of a member of the board of appeals shall coincide with the term of office of the County Supervisor that appointed the member.

A101.8 Stay of enforcement. 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.

A101.9 Subpoena powers. The subpoena powers of the Board of Supervisors 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.

A101.10 Fees. 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. If the decision of the board of appeals is appealed to the board of supervisors, an additional fee of four hundred and forty-three dollars shall be paid by the appealing party, to the clerk of the board of supervisors, at the time of application for a hearing before the board of supervisors.

A101.11 Jurisdiction. 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 alternative procedure for reviewing decisions of the board of appeals.

(I) APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION is hereby amended by adding the words "...and Santa Barbara County Fire Department Development Standards" after the word "appendix" in Section C101.1.

(m) APPENDIX D – FIRE APPARATUS ACCESS ROADS is hereby amended by deleting all existing language except **SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS**.

Sec. 15-4. Findings with regard to geological, topographical and climatic conditions.

The Board hereby finds that all amendments, including additions and deletions, to the CFC are based upon the following geological, topographical and climatic conditions in the area protected by the Santa Barbara County Fire Department. Those conditions include:

- (a) That the Santa Barbara County Fire Department service area is prone to extreme weather conditions, from hot dry winds from the east (Santa Ana and Sundowner winds), to strong westerly (coastal) winds, which greatly enhance the ability for fire to spread. In addition, the topographical layout and features of the County Fire Department's service area makes the area subject to isolation should a flood or earthquake occur, which would prevent or severely limit and delay the north and south entities from giving or receiving mutual aid and emergency assistance;
- (b) The present firefighting resources of this county are constrained in their efforts to control fires in large unsprinklered buildings within the urban limit line and all buildings outside of the urban limit line as designated in the county comprehensive plan;
- (c) Geologic and topographic conditions in the county result in extended response times for firefighting resources, which may contribute to greater life and property loss in large unsprinklered buildings within the urban limit line and in all structures outside of the urban limit line; and
- (d) Climatic conditions and flammable vegetation contribute to the extreme high fire hazard severity in the county, resulting in numerous wildland fires, which draw existing fire department resources from their structure protection areas for extended periods of time. This in turn extends response times, which may contribute to greater life and property loss in large unsprinklered buildings within the urban limit line and in all structures outside of the urban limit line.

Article II.

[Remains Unchanged]

Articles III.

[Remains Unchanged]

Article IV.

[Remains Unchanged]

Article V.

Fees

Sec. 15-100. Applicability of article.

The fees set forth in this article shall be applicable to the corresponding inspection services provided by the Santa Barbara County Fire Department.

Sec. 15-101. Fee schedule.

The fees contained in this section are based on the average amount of staff time required for inspection, processing and issuance of each permit type.

(a) Operational Permits.

Permit Type	Fee
105.6.1 Aerosol products	\$ 99
105.6.2 Amusement buildings	\$ 99
	\$ 149
	\$ 198
105.6.3 Aviation Facilities	\$ 149
105.6.4 Carnivals and fairs	
50-100 occupants	\$ 99
101-300 occupants	\$ 149
over 300 occupants	\$ 297
105.6.5 Cellulose nitrate film	\$ 198
105.6.7 Combustible fibers	\$ 99
105.6.8 Compressed gases	\$ 99
105.6.9 Covered mall	\$ 149
105.6.10 Cryogenic fluids	\$ 99
105.6.11 Cutting and welding	\$ 99
105.6.12 Dry cleaning plants	\$ 99
105.6.13 Exhibits and trade shows	\$ 274
105.6.14 Explosives	\$ 206
105.6.16 Flammable or combustible liquids	
1. Pipeline	\$ 137
2. To store Class I liquids >5 in, >10 out	\$ 99
3. To store Class II or III-A liquids >25 in, >60 out	\$ 99
4. Removal of Class I or II liquids from UST	<i>CUPA fees apply*</i>
5. To install, construct, alter or operate equipment, tanks, plants, terminals, wells, refineries, etc.	\$ 1,370
6. To place temporarily out of service a tank UST	<i>CUPA fees apply*</i>

AST – less than 1,320 gallons	\$	137
AST – equal to or greater than 1,320 gallons	\$	548
7. To change tank content type		<i>CUPA fees apply*</i>
8. To manufacture, process, blend or refine		<i>Actual cost (sec. 15-102)</i>
9. Dispensing into fuel tanks of motor vehicles	\$	99
10. Dispensing from tank vehicles to motor vehicles	\$	99
105.6.17 Floor finishing	\$	99
105.6.18 Fruit and crop ripening	\$	99
105.6.19 Fumigation or thermal insecticidal fogging	\$	198
105.6.20 Hazardous materials (see Groups 1-4 below)		
Group 1 (see below)	\$	99
Group 2 (see below)	\$	198
Group 3 (see below)	\$	248
Group 4 (see below)	\$	297
105.6.21 HPM Facilities	\$	198
105.6.22 High-piled storage	\$	198
105.6.23 Hot work operations	\$	99
105.6.24 Industrial ovens	\$	274
105.6.25 Lumber yards and woodworking plants	\$	149
105.6.26 Liquid or gas fueled vehicles or equipment in assembly buildings	\$	99
105.6.27 LPG gas	\$	99
105.6.28 Magnesium	\$	198
105.6.29 Miscellaneous combustible storage	\$	99
105.6.30 Open burning:		
Agricultural	\$	50
Backyard	\$	50
High fire hazard	\$	50
105.6.31 Open flames and torches	\$	99
105.6.32 Open flames and candles	\$	99
105.6.33 Organic coatings	\$	99
105.6.34 Places of assembly		
50-100 occupants	\$	99
101-300 occupants	\$	149
over 300 occupants	\$	198
105.6.36 Pyrotechnic special effects material	\$	274
105.6.37 Pyroxylin plastics	\$	198
105.6.38 Refrigeration equipment	\$	99
105.6.39 Repair garages and motor fuel-dispensing facilities	\$	99
105.6.40 Rooftop heliports		<i>Actual cost (sec. 15-102)</i>
105.6.41 Spraying or dipping	\$	99
105.6.42 Storage of scrap tires and tire byproducts	\$	149
105.6.43 Temporary membrane structures, tents and canopies	\$	137
105.6.44 Tire re-building plants		<i>Actual cost (sec. 15-102)</i>
105.6.45 Waste handling	\$	149
105.6.46 Wood products	\$	149
105.6.47 Additional permits (SFM required)		
Production facilities	\$	137

Pyrotechnic and special effects	\$	274
Live audiences	\$	137

**Fees for these permits are covered by the Certified Unified Program Agency's (CUPA) Underground Storage Tank (UST) Program.*

***Fees for these permits are covered under the Land Use Permit fee schedule.*

Group No. 1. \$99.00 for any or all of the following:

1. Hazardous materials in excess of the amounts listed in Chapter 1, Table 105.6.20 and less than those listed in Groups 2.2, 2.3, 2.4, 3 & 4.;
2. Cryogenic fluids, including flammables, oxidizers or corrosives (including oxygen), in excess of the amounts listed in Appendix Chapter 1, Table 105.6.10.

Exception: Group 1 does not include fuel systems of vehicles or fuel used in connection with oil-burning equipment.

Group No. 2. \$198.00 for any or all of the following:

1. Any quantity of explosives, water reactive, pyrophoric or hypergolic materials, highly toxic poisons;
2. 200 cubic feet or more but less than 2,000 cubic feet at standard temperature and pressure for compressed gas;
3. 55 gallons or more but less than 550 gallons; or
4. 500 pounds or more but less than 5,000 pounds.

Group No. 3. \$248.00 for any or all of the following:

1. 2,000 cubic feet or more but less than 10,000 cubic feet at standard temperature and pressure for compressed gas;
2. 550 gallons or more but less than 2,700 gallons; or
3. 5,000 pounds or more but less than 25,000 pounds.

Group No. 4. \$297.00 for any or all of the following:

1. 10,000 cubic feet or more at standard temperature or pressure for compressed gas;
2. 2,700 gallons or more; or
3. 25,000 pounds or more.

(b) Construction Permits.

Permit Type	Fee
105.7.1 Automatic fire-extinguishing systems	See below**
105.7.2 Battery systems	\$ 274
105.7.3 Compressed gases	\$ 411
105.7.5 Fire alarm and detection systems and related equipment	See below**
105.7.6 Fire pumps and related equipment	See below**
105.7.7 Flammable or combustible liquids	
1. To repair or modify a pipeline	\$ 274
2. To install, construct or alter equipment, tanks, plants, terminals, wells, refineries, etc.	\$ 1,370
3. To install, alter, remove, abandon or otherwise dispose of a tank	

UST	<i>CUPA fees apply*</i>
AST – less than 1,320 gallons	\$ 274
AST – equal to or greater than 1,320 gallons	\$ 548
105.7.8 Hazardous materials (see Groups 1-4 below)	
Group 1 (see below)	\$ 137
Group 2 (see below)	\$ 274
Group 3 (see below)	\$ 343
Group 4 (see below)	\$ 411
105.7.9 Industrial ovens	\$ 274
105.7.10 LP gas	\$ 137
105.7.11 Private fire hydrants	See below**
105.7.11 Spraying or dipping	\$ 274
105.7.12 Standpipe systems	See below**
105.7.14 Temporary membrane structures, tents and canopies	\$ 137

**Fees for these permits are covered by the Certified Unified Program Agency's (CUPA) Underground Storage Tank (UST) Program.*

***Fees for these permits are covered under the Land Use Permit fee schedule.*

Group No. 1. \$137.00 for any or all of the following:

1. Hazardous materials in excess of the amounts listed in Chapter 1, Table 105.6.20 and less than those listed in Groups 2.2, 2.3, 2.4, 3 & 4.;
2. Cryogenic fluids, including flammables, oxidizers or corrosives (including oxygen), in excess of the amounts listed in Appendix Chapter 1, Table 105.6.10.

Exception: Group 1 does not include fuel systems of vehicles or fuel used in connection with oil-burning equipment.

Group No. 2. \$274.00 for any or all of the following:

1. Any quantity of explosives, water reactive, pyrophoric or hypergolic materials, highly toxic poisons;
2. 200 cubic feet or more but less than 2,000 cubic feet at standard temperature and pressure for compressed gas;
3. 55 gallons or more but less than 550 gallons; or
4. 500 pounds or more but less than 5,000 pounds.

Group No. 3. \$343.00 for any or all of the following:

1. 2,000 cubic feet or more but less than 10,000 cubic feet at standard temperature and pressure for compressed gas;
2. 550 gallons or more but less than 2,700 gallons; or
3. 5,000 pounds or more but less than 25,000 pounds.

Group No. 4. \$411.00 for any or all of the following:

1. 10,000 cubic feet or more at standard temperature or pressure for compressed gas;
2. 2,700 gallons or more; or
3. 25,000 pounds or more.

Sec. 15-102. Surcharges.

Surcharges based on actual costs will apply when, in the opinion of the Fire Chief, circumstances develop that require extraordinary time for issues including but not limited to special research, consultation, or numerous inspections to ensure compliance.

Sec. 15-103. Petroleum facility response – Cost Recovery.

Petroleum Facility Operators shall pay a fee as specified below, for any response to their petroleum facility (and/or associated piping and wells) by the Santa Barbara County Fire Department 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 shall be no fee for the initial response to a petroleum facility in a calendar year. However, a fee of \$712 shall 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 shall pay a surcharge based on County Fire's actual response costs.

Exception: Offshore related Petroleum facilities with Conditional Use Permits and regulated by the County's Systems Safety and Reliability Review Committee (SSRRC) are exempt from Sec. 15-103.

Article VI.

Violations--Legal Actions

Sec. 15-121. Criminal actions.

(a) Any person who violates any of the provisions of this chapter of the Santa Barbara County Code or fails to comply with any order made under this chapter or who builds in violation of any plans submitted and/or reviewed under this chapter, or who violated the provisions of any certificate or permit issued under this chapter, and/or who fails to comply with an order made under the authority of this chapter, is, for each and every such violation and noncompliance respectively, severally guilty of a crime. The offense may be filed either as an infraction or a misdemeanor at the discretion of the district attorney.

(b) If filed as an infraction and upon conviction thereof, the crime shall be punishable by a fine not to exceed one hundred dollars for a first violation, a fine not to exceed two hundred dollars for a second violation of the same code provision within a period of one year, and a fine not to exceed five hundred dollars for each additional violation of the same code provision within one year.

(c) If filed as a misdemeanor and upon conviction thereof, the crime shall be punishable by a fine of not less than five hundred dollars nor more than twenty-five thousand dollars, or imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, except that where such prior convictions, as either infractions or misdemeanors, are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by a jury trying the case, or by the court in a case where guilt is established by a plea of guilty or nolo contendere, or by trial by the court sitting without a jury, the punishment shall be a fine of not less than one thousand dollars nor more than twenty-five thousand dollars, or imprisonment in the county jail for a period not to exceed one hundred eighty days, or by both such fine and imprisonment.

(d) Each and every day during any portion of which any violation of this chapter or the rules, regulations, orders, or permits issued there under, is committed, continued or permitted by such person, firm, or corporation shall be deemed a separate and distinct offense. (Ord. No. 3788; Ord. No. 4494).

Sec. 15-122. Civil Actions.

(a) Injunctive Relief. Whenever any person, firm, or corporation has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter or any rule, regulation, order, or permit issued thereunder, the district attorney, county counsel or district counsel may make application to the Superior Court for an order enjoining such act or practice, or for an order directing compliance, and upon a showing by the fire department that such person, firm, or corporation has engaged in or is about to engage in any such act or practice, a permanent or preliminary injunction, temporary restraining order, or other order may be granted.

(b) Abatement. In the event that any person, firm, or corporation shall fail to abate a violation hereunder after notice of same and opportunity to correct or end the violation, the district attorney, county counsel or district counsel may apply to the Superior Court of this county for an order authorizing the fire department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of such undertaking. (Ord. No. 3788; Ord. No. 4494)

Sec. 15-123. Civil remedies and penalties.

(a) Civil Penalties. Any person, whether acting as principal, agent, employee, or otherwise, who willfully violates any of the provisions of this chapter or any rule, regulation, order or permit issued thereunder, shall be liable for a civil penalty not to exceed twenty-five thousand dollars for each day that the violation continues to exist.

(b) Costs and Damages. Any person, whether as principal, agent, employee or otherwise, violates any of the provisions of this chapter or the rules, regulations, order or permits issued thereunder, shall be liable to the County of Santa Barbara for the costs incurred and the damages suffered by the county, its agents, and agencies as a direct and proximate result of such violation(s).

(c) Procedure. In determining the amount of the civil penalty to impose, the Court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the danger to public health and safety, the corrective action, if any, taken by the defendant and the assets, liabilities, and net worth of the violator(s). (Ord. No. 3788; Ord. No. 4494)

Sec. 15-124. Cumulative remedies and penalties.

The remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under all other laws of this state. (Ord. No. 3788; Ord. No. 4494)

Sec. 15-125. Citations--Enforcement procedures.

Personnel assigned to the Bureau of Fire Prevention may be guided by the operating procedures as outlined in the 2010 CFC, Chapter 1, Sec. 109 Violations (Ord. No. 3788; Ord. No. 4494)

Article VII.

[Remains Unchanged]

Section Three

“This ordinance shall take effect and be in force thirty days from the date of its passage, and before the expiration of fifteen days after its passage it shall be published, with the names of the members of the Board of Supervisors voting for and against the same, in the Santa Barbara News Press, the Lompoc Record and the Santa Maria Times, which are newspapers of general circulation published in the County of Santa Barbara.”

PASSED, APPROVED AND ADOPTED this ____day of _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Janet Wolf
Chair, Board of Supervisors

ATTEST:

CHANDRA WALLAR
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

MICHAEL W. DYER
FIRE CHIEF
SANTA BARBARA COUNTY FIRE

By _____

APPROVED AS TO FORM:

DENNIS MARSHALL,
COUNTY COUNSEL

By _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____