



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: January 13, 2009
Placement: Departmental
Estimated Tme: 30 minutes
Continued Item: Yes
If Yes, date from: September 2, 2008
Vote Required: Majority

TO: Board of Supervisors

FROM: Fire Chief Tom Franklin x5500
Contact Info: Deputy Chief Chris Hahn x5500

SUBJECT: Chapter 15 Amendment, Adoption 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:

1. Consider the introduction (first reading) of the attached 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 CEQA Notice of Exemption (attached).
2. Consider on January 20, 2009 (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 the attached 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 language in sec. 15-121 and 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 Article VIII, entitled “Fireworks” is repealed on the effective date of this ordinance and fireworks will then be addressed under Article I.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, five 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, inserts language allowing decisions of the Board of Appeals to be appealed to the Board of Supervisors
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.
5. The fifth, located in Article VI, Section 15-121, revises language that addresses classification of Fire Code violations.

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.

At the Board of Supervisors meeting on September 2, the board directed staff to amend the Ordinance to include the following:

- a) Provide the option for appellant(s) to seek remedy from the Superior Court and/ or the Board of Supervisors; and
- b) Additional proposed language suggested by stakeholders.

These issues have been addressed respectively as follows:

- a) The ordinance, as first presented, proposed that the decision of the Fire Appeals Board would be final and only subject to review by the superior court. This has been changed and now states that the decision of the Fire Appeals Board can be appealed to either the Board of Supervisors or to superior court.
- b) The Grower/Shipper Association requested that language be included that would give the Fire Chief discretion to exempt certain buildings from the sprinkler ordinance if an alternative method of fire protection is provided for these buildings. The Fire Code currently has language that addresses this, however, language has been included in the sprinkler section of the ordinance that reiterates the chief's exemption authority.

Article VI, Violations-Legal Actions, of Chapter 15 is being revised to make it consistent with language located in Chapter 10, Building Regulations, Section 10-2.15, Actions, Violations and Penalties as adopted by the Board of Supervisors. This change allows a violation of the Fire Code to be filed either as an infraction or a misdemeanor at the discretion of the district attorney.

Another change of note is located in Article II Section 15-3 (e), which specifically exempts greenhouses from the fire protection sprinkler requirements. This change has been included as a clarification to specifically exempt greenhouses and not as a change of intent.

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.

Fiscal Impacts:

The proposed fee increases have been incorporated in the Fire Department's FY 08/09 proposed budget.

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 Notice of Exemption

Authored by:

Chris Hahn, Deputy Fire Chief x5500