



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: Montecito Fire  
Protection District  
Department No.:  
For Agenda Of: December 11, 2007  
Placement: Administrative  
Estimated Tme: 2 minutes  
Continued Item: Select\_Continued  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** County Counsel on behalf of  
the Montecito Fire Protection  
District

Contact Info: Fire Chief Kevin Wallace  
969-7762

Jerry F. Czuleger, Senior Deputy County Counsel  
x2950

**SUBJECT: Ratification of Montecito Fire Protection District's adoption of 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**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Select\_Other

As to form: Select\_Concurrence

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:** Adopt resolution ratifying Montecito Fire Protection District's Ordinance 2007-2 that 1. adopts by reference and amends the 2007 California Fire Code and Appendix Chapters and Appendix Standards governing conditions hazardous to life and property from fire, hazardous materials or explosion; 2. provides for the issuance of permits for hazardous uses or operations; 3. establishes a bureau of fire prevention; 4. amends section 1505 of the 2007 California Building Code; and 5. repeals Montecito Fire Protection District's Ordinance No. 2002-1.

- (b) Upon ratification of the Ordinance, instruct staff to forward a copy of the Board's ratifying Resolution, and the Fire Protection District's Ordinance (including the Fire Protection District's findings which are set forth in section 11 of the Ordinance), to the California Department of Housing and Community Development, pursuant to Health and Safety Code Section 13869.7.

**Summary Text:**

Montecito Fire Protection District has adopted by ordinance, building standards relating to fire and panic safety that are more stringent than those adopted by the State Fire Marshal and contained in the California Building Standards Code. No ordinance adopted by a fire protection district shall be effective unless ratified by the County where the ordinance will apply. The county may ratify, modify or deny any such ordinance.

**Background:**

On November 19, 2007, the Montecito Fire Protection District adopted Ordinance No. 2007-2 which adopted by reference and amended the 2007 California Fire Code that prescribes regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion. The Ordinance also provides for the issuance of permits for hazardous uses or operations and establishes a Bureau of Fire Prevention. Further, the Ordinance amends section 1505 of the 2007 California Building Code pertaining to roofing requirements.

Health and Safety Code Section 13869.7 provides 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. More stringent building standards are contained in Montecito Fire Protection District's Ordinance No. 2007-2. The related findings are in section 11 of the Ordinance.

Pursuant to Health and Safety Code Section 13869.7, Montecito Fire Protection District has forwarded Ordinance 2007-2 to the County and has requested ratification by the Board of Supervisors. (November 21, 2007 Letter and Ordinance 2007-2 are attached). The Board may ratify, modify or deny the adopted ordinance and transmit its determination to the District within 15 days of its determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. Montecito Fire Protection District's Ordinance is not effective unless ratified by the Board of Supervisors.

Copies of the Ordinance were provided by the Fire District to Supervisor Salud Carbajal, the County Building Official and County Fire Marshal on October 15, 2007. No written comments were returned to the Fire District.

**Fiscal and Facilities Impacts:**

Not applicable.

**Staffing Impacts:**

Not applicable.

**Special Instructions:**

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Ratification of Montecito Fire Protection District's Ordinance 2007-2

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- (a) Transmit a copy of the resolution to Montecito Fire Protection District within 15 days of its adoption.
- (b) Upon ratification of the Ordinance, instruct staff to forward a copy of the Board's ratifying Resolution and the District's Ordinance (which includes the findings set forth in section 11), to the California Department of Housing and Community Development, pursuant to Health and Safety Code Section 13869.7.

**Attachments:**

November 21, 2007 letter from Mark S. Manion, attorney for Montecito Fire Protection District

Montecito Fire Protection Ordinance 2007-2

**Authored by:**

Jerry F. Czuleger  
Senior Deputy County Counsel

**cc:**

Kevin Wallace, Fire Chief  
Montecito Fire Protection District

Mark S. Manion  
Price Postel and Parma

Mike Zimmer  
County Building Official

Chris Hahn  
County Fire Marshal