

ORDINANCE AMENDING CHAPTER 15 OF THE SANTA BARBARA COUNTY CODE, ADOPTING THE 2007 CALIFORNIA FIRE CODE AND UPDATING THE FIRE CODE FEE SCHEDULE

ORDINANCE NO. _____

An ordinance of the County of Santa Barbara amending Chapter 15 of the Santa Barbara County Code including the adoption of the 2007 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 therefor.

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 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 Article VIII, entitled "Fireworks" is repealed on the effective date of this ordinance and fireworks will then be addressed under Article I.

Section Two

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

Article I.

Adoption of the 2007 California Fire Code

Sec. 15-1. Adoption of 2007 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 2007 edition of the California Fire Code (hereinafter California Fire Code or "CFC") based on the 2006 edition of the International Fire Code, including Chapters 1-47 and Appendix Chapters **1, 4, A, B, C, E, F, G** and **H** as published by the International Code Council, except such portions as are added, deleted, modified or amended by section 15-3 of this chapter. A copy of the 2007 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 within the limits of all areas of the Santa Barbara County fire protection district and by agreement within incorporated areas, unless otherwise specified by this chapter.

Sec. 15-2. Rules of construction.

- (a) Wherever the word "jurisdiction" is used in the CFC, it is all areas of the Santa Barbara County fire protection district and by agreement within incorporated areas, 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 "fire warden", or his 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 county sheriff department.
- (e) Whenever the words "California Building Code" and "building code" are used they shall be held to include the building code as adopted by Santa Barbara County.

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:

- (a) **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.

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.

- (b) **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 4714 of this code”.

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

**SECTION 401 GENERAL
SECTION 403 PUBLIC ASSEMBLAGES AND EVENTS**

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

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), 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 shall be in accordance with Santa Barbara County Fire Department Development Standards.”

505.1 Address numbers. Is amended by deleting the numbers “4” and “102” in the last sentence and replacing them with the numbers “3” and “76.5” respectively.

SECTION 508 FIRE PROTECTION WATER SUPPLIES

508.1 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.”

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

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 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.”

903.7 Santa Barbara County Automatic Sprinkler Systems.

The provisions of this section shall be applicable to all areas of the Santa Barbara County fire protection district and by agreement within incorporated areas and the independent fire districts of Carpinteria-Summerland and Montecito. If any part of this section is in conflict with any other part, the more restrictive provisions shall be controlling.

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

1. 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 public works department, building and safety division, which have a total floor area of five thousand square feet or more; and

2. 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 public works 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 unincorporated area and outside the township of Summerland's "Urban Limit Line" (as defined in the land use element, definition section of the Santa Barbara County General Plan).

3. 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 county public works 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

4. 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 county public works 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 unincorporated area and outside the township of Summerland's "Urban Limit Line" (as defined in the land use element, definition section of the Santa Barbara County General Plan) and which are modified to add five hundred square feet or more for non-residential (notwithstanding section 903.7.1 #3 above) or 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 floor area is 5,000 square feet or more.

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).

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.

(f) 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 out of service and repaired or permanently removed from service.

(g) CHAPTER 32 – CRYOGENIC FLUIDS is hereby amended by establishing the limits referred to in Section 3204.3.1.1 as follows:

The limits referred to in Section 3204.3.1.1 of the CFC are hereby established as the limits of all areas of the Santa Barbara County fire protection district and by agreement within incorporated areas, except that such storage is allowed subject to compliance with applicable zoning and other ordinances and laws in the hereinafter named zones as follows:

- (1) In M-2 zones;
- (2) In AG zones, where the minimum lot size is five acres or more and the particular zone encompasses a contiguous area of not less than fifty acres, and where the use will not unreasonably endanger adjoining property, as determined by the chief;
- (3) In other zones with a conditional use permit issued by the zoning administrator under the following conditions:
 - (a) Where there is no residential, commercial or similar developed area so close as to be unreasonably endangered, and
 - (b) Where the written approval of the chief is obtained, and
 - (c) Subject to such other reasonable conditions as the zoning administrator and the chief may impose to protect life and property.

(h) CHAPTER 33 – EXPLOSIVES AND FIREWORKS is hereby amended by revising Section 3301.1 and adding section 3301.2 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 within the unincorporated areas of Santa Barbara County, all areas of the Santa Barbara County Fire Protection District and by agreement within incorporated areas.

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.

(i) CHAPTER 34 – FLAMMABLE AND COMBUSTIBLE LIQUIDS is hereby amended by establishing the limits referred to in Sections 3404.2.9.5.1 and 3406.2.4.4 as follows:

SECTION 3404 – STORAGE and SECTION 3406 – SPECIAL OPERATIONS

The limits referred to in Sections 3404.2.9.5.1 and 3406.2.4.4 of the CFC are hereby established as the limits of all areas of the Santa Barbara County fire protection district and by agreement within incorporated areas, except that such storage is allowed subject to compliance with applicable zoning and other ordinances and laws in the hereinafter named zones as follows:

- (1) In M-2 zones;
- (2) In AG zones, where the minimum lot size is five acres or more and the particular zone encompasses a contiguous area of not less than fifty acres, and where the use will not unreasonably endanger adjoining property, as determined by the chief;
- (3) In other zones with a conditional use permit issued by the zoning administrator under the following conditions:
 - (a) Where there is no residential, commercial or similar developed area so close as to be unreasonably endangered, and
 - (b) Where the written approval of the chief is obtained, and
 - (c) Subject to such other reasonable conditions as the zoning administrator and the chief may impose to protect life and property.

(j) CHAPTER 38 – LIQUEFIED PETROLEUM GASES is hereby amended by establishing the limits referred to in Section 3804.2 as follows:

The limits referred to in Section 3804.2 of the CFC are hereby established as the limits of all areas of the Santa Barbara County fire protection district and by agreement within incorporated areas, except that such storage is allowed subject to compliance with applicable zoning and other ordinances and laws in the hereinafter named zones as follows:

- (1) In M-2 zones;
- (2) In AG zones, where the minimum lot size is five acres or more and the particular zone encompasses a contiguous area of not less than fifty acres, and where the use will not unreasonably endanger adjoining property, as determined by the chief;
- (3) In other zones with a conditional use permit issued by the zoning administrator under the following conditions:
 - (a) Where there is no residential, commercial or similar developed area so close as to be unreasonably endangered, and
 - (b) Where the written approval of the chief is obtained, and
 - (c) Subject to such other reasonable conditions as the zoning administrator and the chief may impose to protect life and property.

Exception: Liquefied petroleum gas motor fuel dispensing stations as defined in section 2207 of the CFC may be allowed to install an LPG tank and service area conforming with the provisions of Article 38 of the CFC under permit issued by the fire code official.

(k) CHAPTER 47 – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS is hereby amended by including additional definitions to Section 4702.1 and adding Section 4714.

SECTION 4702.1 is amended by adding the following definitions:

BOARD is the Santa Barbara County Board of Supervisors.

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 are present.

REDUCED FUEL ZONE is a fuel 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 4714 Santa Barbara County Fire Hazard Abatement is added to read as follows:

4714.1 Applicability of article. The provisions of section 4714 shall be applicable to all areas of the Santa Barbara County Fire Protection District and those areas in independent fire districts having governing bodies other than the 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.

4714.2 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.

4714.3 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 4714.4 may be used.

4714.4 Clearance of Brush or Vegetative Growth from around Structures.

4714.4.1 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 4714.4 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.

4714.5 Fire hazard declared. The presence of combustible material on a parcel shall, when in the opinion of the fire chief, constitute a fire hazard.

4714.6 Prosecution. The chief shall serve a written order upon the owner or possessor of a parcel, when, in his opinion, a fire hazard exists thereon. The order shall 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.

4714.7 Notice of order to abate fire hazard --Mailing. The chief shall send, by certified mail, a copy of the written order providing information specified in Sec. 4714.6, and shall include an assessor's parcel number of the property set forth on the county assessment roll, to the last assessee of the property 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: If, at such hearing, the Board finds that a fire nuisance does exist upon the subject property, it may direct the Fire Chief or his agent to enter hereon and remove or abate such fire nuisance. A citation may be issued to all property owners that do not abate this fire nuisance by the compliance date. THE COST OF SUCH REMOVAL AND AN ADMINISTRATIVE FEE WILL BE COLLECTED BY ADDING IT ONTO THE TAXES ASSESSED AGAINST THIS PROPERTY. ANY OWNER INTENDING TO ABATE THIS FIRE NUISANCE AT HIS OWN EXPENSE SHOULD DO SO IN ACCORDANCE WITH THE CLEARING REQUIREMENTS SET FORTH BELOW, ON OR BEFORE THE DATE OF THE AFORESAID HEARING."

The chief shall post such notice, 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 property of the notice that was received and forward the notice to the new owner or

possessor of the property. It shall also be the responsibility of the current owner of record to notify the fire department of this change in ownership.

4714.8 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.

4714.9 Order to abate fire hazard--Posting Time. The order provided for in Sec. 4714.9 shall be posted at least ten days before the board meets to hear the report of the chief regarding the alleged fire hazard.

4714.10 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.

4714.11 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.

4714.12 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.

4714.13 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 thereof with the board which report shall include the assessor's tax area and parcel numbers according to the county assessment roll of the lot or land upon which such fire hazard existed and, when available, the name and address of the last known assessee. Such report shall include a reasonable administrative cost in an amount to be fixed by the board of supervisors from time to time, based on administrative costs of carrying out these regulations.

4714.14 Account of expenses--Filing with clerk--Confirmation hearing. The report of expenses referred to in section 4714.13 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.

4714.15 Expenses constitute special assessment and lien. The amount of expenses incurred by the chief for abating a fire hazard, when confirmed by the board under the provisions of this article, shall constitute a special assessment against the parcel from which such hazard was removed and a lien thereof for the amount of such assessment.

4714.16 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.

4714.17 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 property 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 property. 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 paid into the general fund of the county treasury.

(I) APPENDIX CHAPTER 1 – ADMINISTRATION is hereby revised 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 three years unless otherwise provided by other regulations.

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

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

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

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 to perform to remove a violation or unsafe condition, is guilty of an infraction and liable to a fine of \$500 per violation per day.

(m) 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. consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters.

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 shall be 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.

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.

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 county fire department. Those conditions include:

- (a) That the 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.

[Reserved]

("Weed Abatement" has been deleted from Article IV – now see Chapter 15 Article I, Section 15-3(k), amendment to CFC, CHAPTER 47 – REQUIREMENTS FOR WILDLAND – URBAN INTERFACE FIRE AREAS)

Articles III, IIIA, IIIB and IIIC.

[Remain unchanged]

Article IV.

[Reserved]

("Automatic Fire Sprinkler Systems" has been deleted from Article IV – now see Chapter 15 Article I, Section 15-3(e), amendment to CFC, CHAPTER 9 – FIRE PROTECTION SYSTEMS)

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
105.6.3 Amusement buildings	\$ 99
	\$ 149
	\$ 198
105.6.4 Aviation Facilities	\$ 149
105.6.5 Carnivals and fairs	
50-100 occupants	\$ 99
101-300 occupants	\$ 149
over 300 occupants	\$ 297
105.6.6 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 Grps 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 High-piled storage	\$	198
105.6.22 Hot work operations	\$	99
105.6.23 HPM facilities	\$	198
105.6.24 Industrial ovens	\$	274
105.6.25 LP gas	\$	99
105.6.26 Liquid or gas fueled vehicles or equipment in assembly buildings	\$	99
105.6.27 Lumber yards and woodworking plants	\$	149
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 Appendix 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
105.7.4 Fire alarm and detection systems and related equipment	See below**
105.7.5 Fire pumps and related equipment	See below**
105.7.6 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
105.7.7 Hazardous materials (see Grps 1-4 below)	
Group 1 (see below)	\$ 137
Group 2 (see below)	\$ 274
Group 3 (see below)	\$ 343
Group 4 (see below)	\$ 411
105.7.8 Industrial ovens	\$ 274
105.7.9 LP gas	\$ 137
105.7.10 Private fire hydrants	See below**
105.7.11 Spraying or dipping	\$ 274
105.7.12 Standpipe systems	See below**
105.7.13 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 Appendix 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 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 shall be no fee for the initial response to the same petroleum facility in a calendar year. However, a fee of \$690 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) **Infractions.** 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 an infraction, and upon conviction, shall be punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; and (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

(b) **Misdemeanors.** Any offense which would otherwise be an infraction may, at the discretion of the district attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this article within the twelve-month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this article within the twenty-four-month period immediately preceding the commission of the offense. Upon conviction of a misdemeanor the punishment shall be a fine of not less than one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000) or imprisonment in the county jail for a period not to exceed sixty days or by both such fine and imprisonment, except that where such prior convictions are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by plea of guilty or nolo contendere or by trial by the court sitting without a jury, the punishment shall be a fine of no less than one thousand dollars nor more than twenty-five thousand dollars or by imprisonment in the county jail for a period not to exceed six months or by both such fine and imprisonment.

(c) **Violations.** 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 there under, 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 there under, 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 there under, 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 2007 CFC, Appendix Chapter 1, Sec. 109 (Ord. No. 3788; Ord. No. 4494)

Article VII.

[Remains unchanged]

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Salud Carbajal
Chair, Board of Supervisors

ATTEST:

MICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

JOHN SCHERREI
FIRE CHIEF
COUNTY FIRE

By _____

APPROVED AS TO FORM:
FORM:

DANIEL J. WALLACE,
COUNTY COUNSEL

By _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____