



Agenda Item E.2
DUSCUSSION/ACTION ITEM
Meeting Date: April 15, 2008

TO: Mayor and Councilmembers

FROM: Steve Chase, Planning & Environmental Services Director
Daniel McLaughlin, Interim Building Manager

SUBJECT: Update of Building & Safety Codes

RECOMMENDATION:

- A. Introduce and conduct the first reading (by title only) and waive further reading of Ordinance No. 08-__ entitled "An Ordinance of the City Council of the City of Goleta, California, Amending Title 8, Buildings and Construction, of the Goleta Municipal Code: To Delete Chapter 8.01 Entitled, 'Administration' and Chapter 8.12 Entitled, 'Fire Code'; To Amend Chapter 8.02 Entitled, 'Building Code,' Chapter 8.04 Entitled, 'Housing Code,' Chapter 8.06 Entitled, 'Electrical Code,' Chapter 8.08 Entitled, 'Plumbing Code,' Chapter 8.10 Entitled, 'Mechanical Code,' Chapter 8.14 Entitled, 'Dangerous Buildings Code,' and Chapter 8.16 Entitled, 'Building Conservation Code'; and to Add Chapter 8.18 Entitled, Administrative Code." (Refer to Attachment 1);
- B. Set a public hearing on May 6, 2008 in order to conduct the second reading by title only of the Ordinance; and
- C. Reconstitute the Building Standards Appeals Board with technical experts and direct staff to prepare operating procedures/by-laws.

BACKGROUND:

In October 2002, the City adopted a set of standards and processes that drive the building and safety function within the Planning & Environmental Services Department (Ordinance 02-28). The time has come to update those standards and processes, as prescribed by State law.

State law mandates that, from time to time, cities and counties update their building and safety codes (California Health and Safety Code Sections 17922 and 17958). The codes are drafted with a 3-year horizon in mind, but often take 7 to 10-years to be codified by the State under the California Building Standards Code. The State updated its codes in 2007 and it is now time for the City to do the same, largely by adopting them by reference.

Another driver behind this issue is the recent consolidation of three code bodies into one, with the intention to uniformly standardize building codes and provide a truly international scope and reach that goes beyond the mere titles of their respective bodies. In the past, there were three major code publishers: International Conference of Building Officials (ICBO); Building Officials and Code Administrators (BOCA); and Southern Building Code Congress International (SBCCI). These three code bodies have now consolidated their functions into the International Code Council (ICC) which publishes the International Building Code.

DISCUSSION:

Codification of Building and Safety Regulations

On January 30, 2007, the California Building Standards Commission adopted updates of the California Building Standards Code, also known as Title 24. The updated code was published on July 1, 2007 and local jurisdictions are required to adopt these codes, at least by reference and, in some cases, with amendments as appropriate to special circumstances.

The City's building and safety codes are housed in the Goleta Municipal Code under Title 8, BUILDINGS AND CONSTRUCTION. Title 8 incorporates by reference a variety of statutory codes and covers nearly every aspect of construction activities and structural safety.

The revisions to Title 8, BUILDINGS AND CONSTRUCTION, that are herein recommended by staff for adoption include:

BEFORE	RECOMMENDED
California Building Code 2001	California Building Code 2007
Uniform Housing Code 1997	No Change
California Electrical Code 2004	California Electrical Code 2007
National Electrical Code 2002	National Electrical Code 2005
California Plumbing Code 2001	California Plumbing Code 2007
Uniform Plumbing Code 2000	Uniform Plumbing Code 2006
California Mechanical Code 2001	California Mechanical Code 2007
Uniform Mechanical Code 2000	Uniform Mechanical Code 2006
Uniform Code for the Abatement of Dangerous Buildings 1997	No Change
Uniform Code for Building Conservation 1997	No Change
	Uniform Administrative Code 1997

The recommended text is provided in Attachment 1.

Of particular note, there is an elective measure that staff recommends be added to Title 8, Section 8.02 Building Code, Section 116: Notice of Non-Compliance. Under this measure, the Building Official may cause a notice to be recorded on a title of property where it is learned that construction was conducted without required permits or not completed in accordance with a Building Permit. This is a common tool in most cities' code compliance tool bag. It is used selectively, only after other efforts to seek voluntary compliance have failed.

So what does all of this really mean to the City's building and safety function?

The updated codes introduce new and revised measures that pertain to seismic-structural reinforcement, building exiting, mechanical venting, plumbing and electrical wiring. Over 150 changes have been made to the electrical code. Some of the changes are driven by the goal of establishing universal code standards that can be applied internationally. Many of the changes are driven by the scientific research efforts of the National Fire Protection Association.

The City Council Ordinance Committee (Mayor Bennett and Mayor Pro Tem Aceves) met on February 11th with the City Clerk (Ms. Constantino), Interim Building Manager (Mr. McLaughlin) and Director of Planning and Environmental Services (Mr. Chase). The purpose of the meeting was to generally discuss the direction and content of the code revisions. Three issues emerged from the meeting that required further staff consideration, as follows:

- 1. Does the City need to adopt the code revisions, since they are a matter of State law?** In consultation with the City Attorney's Office, staff believes that the adoption of these code revisions by the City is prudent. It enhances the City's legal authority when, from time to time, code enforcement action is necessary.
- 2. Does the City need to adopt the 2007 update of the California Fire Code, since matters pertaining to fire safety are implemented and enforced by the County Fire Department?** No. The County Fire Department has jurisdiction over those matters under the City's contract with the County. In fact, the County Board of Supervisors will shortly deliberate on the adoption of the updated California Fire Code 2007. A copy of the proposed County Fire Code update is provided as Attachment 2.
- 3. Would it not be best to reconstitute the members of the Appeals Board with technical experts rather than the City Council?** Currently, the City Council serves as the Building Standards Appeals Board for matters pertaining to building and safety. The filing of a building standards appeal, while rare, needs to be accommodated as a matter of due process. During the 6-year life of the City, only one appeal has been submitted for consideration.

The suggestion to reconstitute the membership of the Appeals Board with technical experts was generally supported by the Ordinance Committee; however, the make-up and size of the board was left up to the preference of the full City Council. Staff

suggests that the Appeals Board be reconstituted to include three professional members, as follows: one California licensed architect; one California licensed civil engineer; and one California licensed general contractor. As a consideration, the City Council may wish to assign one of the designated positions on the Design Review Board, specifically a California licensed architect, to serve on the Appeals Board as well.

There is an issue that bears mentioning. General Plan Implementation Program IP-9C reads: Establish "Green" Building Standards and Processes. Adopt a "Green Building Program" to encourage the use of green building materials and energy conservation measures in new construction. **So, what is going on in terms of green building standards?** Currently, the California Buildings Standards Commission has been tasked by Governor Schwarzenegger to formulate a uniform code of green building standards. This is an outgrowth of the California Global Warming Solutions Act (AB32) signed into law last year. A Green Building Code Advisory Committee has been established and efforts are on target to produce a uniform code in 2009.

A dynamic political and judicial landscape has emerged around the passage of AB32 and local jurisdictions are faced with challenging choices on how best to proceed in the absence of state guidelines, relative to the preparation and adoption of general plan policies and implementation measures such as green building standards. At a recent statewide conference for city planning commissioners and planning directors, local jurisdictions seeking to address green building standards, global warming concerns and eco-friendly building practices were advised to await the publication of state standards next year. Conference attendees, including commissioners and staff from Goleta, received several briefings on the distinctions between green building standards and administrative processes offered by LEEDS, Build It Green, and a host of hybrid programs cropping-up throughout California. The publication of state standards in 2009 will go a long way towards guiding local jurisdictions through the maze of choices. Staff is monitoring these efforts and we will keep the City Council and the Ordinance Review Committee apprised, accordingly.

STRATEGIC PLAN:

The recommended actions directly relate to several Strategic Plan goals, including:

- General Plan, Ordinances & Implementation Measures (e.g. Implementation Program IP-9C : Establish "Green" Building Standards and Processes);
- Develop & Improve Communication To Residents (e.g. Define Building Permit Review Process and Improve Interdepartmental Building Plan Review); and
- Protect Character, Quality & Diversity of Neighborhoods

ALTERNATIVES:

None. The recommended code update is mandated by State law.

FISCAL IMPACTS:

The cost of providing an official set of the updated codes with the City Clerk's Office and a set for public use at the Permit & Design Center is approximately \$2,500. Funds are allocated in the FY2007-2009 Budget under Program No. 4200 of the Planning & Environmental Services Department.

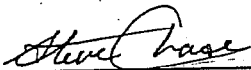
LEGAL REVIEW:

The City Attorney's Office reviewed the recommended Ordinance relative to matters of format and content. Revisions have been made to their satisfaction.

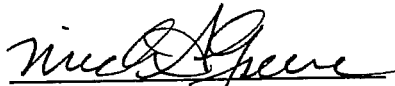
Submitted By:

Reviewed by:

Approved By:



Steve Chase, Director
Planning & Environmental
Services



Michelle Greene, Director
Administrative Services



Daniel Singer
City Manager

ATTACHMENTS:

1. Ordinance No. 08-__ Amending Title 8, "Buildings and Construction," of the Goleta Municipal Code"
2. County of Santa Barbara Fire Code Update

ATTACHMENT 1

ORDINANCE NO. 08-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLE 8, "BUILDINGS AND CONSTRUCTION," OF THE GOLETA MUNICIPAL CODE: TO DELETE CHAPTER 8.01 ENTITLED, "ADMINISTRATION" AND CHAPTER 8.12 ENTITLED, "FIRE CODE"; TO AMEND CHAPTER 8.02 ENTITLED, "BUILDING CODE," CHAPTER 8.04 ENTITLED, "HOUSING CODE," CHAPTER 8.06 ENTITLED, "ELECTRICAL CODE," CHAPTER 8.08 ENTITLED, "PLUMBING CODE," CHAPTER 8.10 ENTITLED, "MECHANICAL CODE," CHAPTER 8.14 ENTITLED, "DANGEROUS BUILDINGS CODE," AND CHAPTER 8.16 ENTITLED, "BUILDING CONSERVATION CODE"; AND TO ADD CHAPTER 8.18 ENTITLED, "ADMINISTRATIVE CODE."

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, AMENDING TITLE 8, "BUILDINGS AND CONSTRUCTION," OF THE GOLETA MUNICIPAL CODE: TO DELETE CHAPTER 8.01 ENTITLED, "ADMINISTRATION" AND CHAPTER 8.12 ENTITLED, " FIRE CODE"; TO AMEND CHAPTER 8.02 ENTITLED, "BUILDING CODE," CHAPTER 8.04 ENTITLED, "HOUSING CODE," CHAPTER 8.06 ENTITLED, "ELECTRICAL CODE," CHAPTER 8.08 ENTITLED, "PLUMBING CODE," CHAPTER 8.10 ENTITLED, "MECHANICAL CODE," CHAPTER 8.14 ENTITLED, "DANGEROUS BUILDINGS CODE," AND CHAPTER 8.16 ENTITLED, "BUILDING CONSERVATION CODE", AND TO ADD CHAPTER 8.18 ENTITLED "ADMINISTRATIVE CODE".

CHAPTER 8.18 ENTITLED "ADMINISTRATIVE CODE", IS HEREBY ADDED BY REFERENCE THE UNIFORM ADMINISTRATIVE CODE, 1997 EDITION.

THE CITY COUNCIL OF THE CITY OF GOLETA DOES ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance is adopted pursuant to and in accordance with California Health and Safety Codes sections 17922 and 17958, and California Government Code sections 50022.1 and following.

SECTION 2. Chapter 8.01 entitled, "Administration," is hereby deleted in its entirety from Title 8 of the Goleta Municipal Code to read as follows:

SECTION 3. Chapter 8.02 of Title 8 of the Municipal Code entitled, “Building Code,” is hereby amended to read in whole as follows:

“Chapter 8.02

BUILDING CODE

Sections:

Section 8.02.010 Adoption of Building Code.

Section 8.02.020 Violation and Penalty.

Section 8.02.030 Amendments.

Section 8.02.010 Adoption of Building Code.

- (a) The California Building Code, 2007 Edition, and the International Building Code, 2006 Edition, as published by the International Code Council (to the extent not inconsistent with the California Building Code), including the Appendices, except as may be amended by this Chapter, are hereby adopted by reference as the Building Code of the City. Any inconsistencies between the California Building Code and the International Building Code shall be resolved in favor of the California Building Code.
- (b) One copy of the California Building Code and the International Building Code shall be at all times maintained in the office of the City Clerk for use and examination by the public.
- (c) The purpose of this Building Code is to prescribe regulations for the erection, construction, enlargement, alteration, repair, improvement, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures.

Section 8.02.020 Violation and Penalty.

Every person who violates any provision of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000 or imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.

Section 8.02.030 Amendments.

Section 110 is hereby added to read as follows:

“Section 110 Geologic Hazards.

Section 110.1 General provisions.

- (a) When the general condition of the soil or underlying rock of a building site is such that it may present a potential for failure, or a hazard to the health, safety and welfare of the public, the building official may require any additional information as necessary to ascertain the safety and stability of the site and building or structures constructed or to be constructed on said site.
- (b) When determined by the building official that the soil or underlying rock on a given site has potential for failure, slippage, subsidence, or other movement, the building official may require that the plans for a proposed building or structure on such site be prepared by a licensed engineer and approved by a licensed engineering geologist and the building official.

Section 110.2 Designated soil contamination areas.

New buildings constructed within soil contaminated areas, as determined by the building official and the Santa Barbara County Director of Environmental Health, shall meet the requirements of the County of Santa Barbara hazardous material recovery and soil remediation program.”

Section 111 is hereby added to read as follows:

“Section 111 High Fire Hazard Areas.

Section 111.1 Designated high fire hazard areas.

- (a) General. The provisions of this article shall apply within the boundaries of the Los Padres National Forest and within the boundaries of the high fire hazard area as defined herein and shown on a map entitled “High Fire Hazard Area Map of the County of Santa Barbara,” on file in the office of the chief of the county fire department and adopted hereby as a part of this Code.

EXCEPTION: Accessory buildings or structures not designed for or operated for human occupancy and not exceeding 3000 square feet and located more than 100 feet from habitable structures.

- (b) Definitions. For the purpose of this article, certain terms are defined as follows:

“HIGH FIRE HAZARD AREA” is an area of the County of Santa Barbara designated by the chief of the county fire department as having a high propensity for wild fire due to the existence of excessive wild brush fuel, lack of adequate water for fire suppression, or lack of adequate access to fire fighting equipment.

- (c) **Roof Coverings.** Roof coverings of buildings and structures in a designated High Fire Hazard Area shall meet the requirements and specifications of a Class A or B roof covering as set forth in Section 1504 of the California Building Code. End openings in roof tiles shall be capped, filled, or enclosed to resist entrance of fire.
- (d) **Projections.** Projects exceeding 18 inches from an exterior wall, including decks, balconies, roof overhangs, and similar architectural features, and attached residential patio covers exceeding 250 square feet shall be protected on the underside with materials approved for one-hour fire resistive construction, or shall be constructed of heavy timber construction, or shall have an approved fire sprinkler system. Heavy timber floor and roof decking may be two-inch tongue-and-groove planks, one and one-eighth-inch tongue-and-groove plywood, or three-inch lumber set on edge with no more than one-eighth of an inch space between members.

EXCEPTION: In lieu of heavy timber construction, decks, balconies and similar projects may be enclosed from floor level to ground level with materials approved for one-hour construction applied to the exterior face of the wall.

- (e) **Exterior Walls.** The exterior side of exterior walls shall be protected with fire resistive materials. Two-inch nominal solid blocking shall be provided between rafters at roof overhangs over the exterior wall. Wood shake or wood shingle material may not be used for exterior wall covering. Other wood exterior wall covering materials shall have a minimum one-half-inch gypsum wallboard underlayment.

EXCEPTION: The building official may approve alternative exterior wall materials or methods of application.

- (f) **Ventilation Openings.** Attic ventilation openings shall not be installed in soffits, eave overhangs, between rafters at eaves, or other overhanging areas. Attic and under-floor ventilation openings, and ventilation openings in vertical walls, shall not be located within three feet of window openings, and shall be covered with one-fourth-inch corrosion resistant wire mesh. Attic ventilation openings shall have louvers to minimize the entry of airborne embers.

EXCEPTION: Gable end vents are permitted.

- (g) **Exterior Glazing.** Exterior glazing shall be dual glazed.

EXCEPTION: The building official may approve alternative applications in lieu of dual glazing.”

Section 15.07.1 is hereby amended by adding the following:

“Use of wood roofing materials is prohibited.

EXCEPTIONS: 1. Approved fire-retardant-treated wood roofing materials are permitted to effect repairs for roofs of similar existing wood roofing materials where such repairs do exceed 25 percent of the existing roof area with any given 12 month period.

2. Approved fire-retardant-treated wood roofing materials are permitted to roof building additions not exceeding 750 square feet where the existing roofing material of the building is of wood.”

Section 116 is hereby added to read as follows:

“Section 116 Notice of Noncompliance

Whenever the building official determines that work has been done without the required permits, or has not been completed in accordance with the requirements of the Building Code, Housing Laws, or other codes adopted herein, the building official may cause a notice of noncompliance be recorded with the county recorder and shall notify the owner of the property of such action. The notice of noncompliance shall describe the property, shall set forth the non-complying conditions, and shall state that the owner of such property has been duly notified. The building official shall record a notice of release of the notice of noncompliance with the county recorder when it has been determined by the building official that the non – complying conditions have been corrected.

SECTION 4. Chapter 8.04 of Title 8 of the Goleta Municipal Code entitled, “Housing Code,” is hereby amended to read in whole as follows:

“Chapter 8.04

UNIFORM HOUSING CODE

Sections:

Section 8.04.010 Adoption of Housing Code.
Section 8.04.020 Violation and Penalty.

Section 8.04.010 Adoption of Housing Code.

- (a) The Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, except Chapters 11, 12, 13, 14, 15 and 16, and except as may be amended by this Chapter, is hereby adopted by reference as the Housing Code of the City.
- (b) One copy of the Uniform Housing Code shall be at all times maintained in the office of the City Clerk for use and examination by the public.
- (c) The purpose of this Housing Code is to prescribe regulations for the erection, construction, enlargement, alteration, repair, maintenance, moving, improving, removal, conversion, demolition, and occupancy of all buildings or portions thereof used or designed or intended to be used for human habitation.

Section 8.04.020 Violation and Penalty.

Every person who violates any provision of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000.00 dollars or imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.”

SECTION 5. Chapter 8.06 of Title 8 of the Goleta Municipal Code entitled, “Electrical Code,” is hereby amended to read in whole as follows:

“Chapter 8.06

ELECTRICAL CODE

Sections:

Section 8.06.010 Adoption of Electrical Code.

Section 8.06.020 Violation and Penalty.

Section 8.06.010 Adoption of Electrical Code.

- (a) The California Electrical Code, 2007 Edition, and the National Electrical Code, 2005 Edition as published by the National Fire Protection Association (to the extent not inconsistent with the California Electrical Code), and including the Appendices thereto, except as may be amended by this Chapter, are hereby adopted as the Electrical Code of the City. Any inconsistencies between the California Electrical Code and the National Electrical Code shall be resolved in favor of the California Electrical Code.
- (b) One copy of the California Electrical Code and the National Electrical Code shall be at all times maintained in the office of the City Clerk for use and examination by the public.

Section 8.06.020 Violation and Penalty.

Every person who violates any provision of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000.00 dollars or imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.”

SECTION 6. Chapter 8.08 of Title 8 of the Goleta Municipal Code entitled, “Plumbing Code,” is hereby amended to read in whole as follows:

“Chapter 8.08

PLUMBING CODE

Sections:

Section 8.08.010 Adoption of Plumbing Code.

Section 8.08.020 Violation and Penalty.

Section 8.08.010 Adoption of Plumbing Code.

- (a) The California Plumbing Code, 2007 Edition, and the Uniform Plumbing Code, 2006 Edition as published by the International Association of Plumbing and Mechanical Officials (to the extent not inconsistent with the California Plumbing Code) including Appendices Chapter 1 Administration, A, B, D, I, K and L, except as may be amended by this Chapter, are hereby adopted as the Plumbing Code of the City.
- (b) One copy of the California Plumbing Code and the Uniform Plumbing Code shall be at all times maintained in of the office of the City Clerk for use and examination by the public.
- (c) The purpose of this Plumbing Code is to prescribe regulations for the protection of the public health and safety and to establish minimum regulations for the installation, alteration, or repair of plumbing and drainage systems, and the inspection thereof.

Section 8.08.020 Violation and Penalty.

Every person who violates any provision of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000.00 dollars or imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.”

SECTION 7. Chapter 8.10 of Title 8 of the Goleta Municipal Code entitled, “Mechanical Code,” is hereby amended to read in whole as follows:

“Chapter 8.10

MECHANICAL CODE

Sections:

Section 8.10.010 Adoption of Mechanical Code.

Section 8.10.020 Violation and Penalty.

Section 8.10.010 Adoption of Mechanical Code.

- (a) The California Mechanical Code, 2007 Edition, and the Uniform Mechanical Code, 2006 Edition as published by the International Association of Plumbing and Mechanical Officials (to the extent not inconsistent with the California Mechanical Code), and including Appendices Chapter 1 Administration except as may be amended by this Chapter, is hereby adopted by reference as the Mechanical Code of the City. Any inconsistencies between the California Mechanical Code and the Uniform Mechanical Code shall be resolved in favor of the California Mechanical Code.
- (b) One copy of the California Mechanical Code and the Uniform Mechanical Code shall be at all times maintained in the office of the City Clerk for use and examination by the public.
- (c) The purpose of this Mechanical Code is to prescribe regulations for the protection of the public health and safety and to establish minimum regulations for the installation, alteration, design, construction, quality of materials, location, operation, and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances, and the inspection thereof.

Section 8.10.020 Violation and Penalty.

Every person who violates any provision of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000.00 dollars or imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.”

Section 8.10.030 Amendments

Section 701.10 (9) is hereby added to read as follows:

Section 701.10 (9) Combustion Air Ducts

Combustion air obtained from the attic space shall be provided with a galvanized sleeve of not less than (26) gage steel or other approved material extending from the appliance enclosure to at least six (6) inches above the top of the ceiling joists and insulation.

SECTION 8. Chapter 8.12 entitled, “Fire Code,” is hereby deleted in its entirety from Title 8 of the Goleta Municipal Code to read as follows:

SECTION 9. Chapter 8.14 of Title 8 of the Goleta Municipal Code entitled, “Dangerous Buildings Code,” is hereby amended to read in whole as follows:

“Chapter 8.14

DANGEROUS BUILDINGS CODE

Sections:

Section 8.14.010 Adoption of Dangerous Buildings Code.

Section 8.14.020 Violation and Penalty.

Section 8.14.010 Adoption of Dangerous Buildings Code.

- (a) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Conference of Building Officials, except as may be amended by this Chapter, is hereby adopted by reference as the Dangerous Buildings Code for the City.
- (b) One copy of the Uniform Code for the Abatement of Dangerous Buildings shall be at all times maintained in the office of the City Clerk for use and examination by the public.
- (c) The purpose of this Dangerous Buildings Code is to prescribe regulations for the repair, vacation, or demolition of dangerous buildings.

Section 8.14.020 Violation and Penalty.

Every person who violates any provision of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000 or imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.”

SECTION 10. Chapter 8.16 of Title 8 of the Goleta Municipal Code entitled, “Building Conservation Code,” is hereby amended to read in whole as follows:

Chapter 8.16

BUILDING CONSERVATION CODE

Sections:

Section 8.16.010 Adoption of Building Conservation Code.

Section 8.16.020 Violation and Penalty.

Section 8.16.010 Adoption of Building Conservation Code.

- (a) The Uniform Code for Building Conservation, 1997 Edition, as published by the International Conference of Building Officials, including Appendix Chapter 1, except as may be amended by this Chapter, is hereby adopted by reference as the Building Conservation Code of the City.
- (b) One copy of the Uniform Code for Building Conservation shall be at all times maintained in the office of the City Clerk for use and examination by the public.
- (c) The purpose of this Building Conservation Code is to prescribe regulations to preserve existing buildings while achieving the appropriate levels of safety.

Section 8.16.020 Violation and Penalty.

Every person who violates any provision of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000 or imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Code.”

SECTION 11. Chapter 8.18 of Title 8 of the Goleta Municipal Code entitled, “Uniform Administrative Code,” is hereby added to read in whole as follows:

“Chapter 8.18”

UNIFORM ADMINISTRATIVE CODE

Sections:

Section 8.18.010 Adoption of the Uniform Administrative Code
Section 8.18.020 Violation and Penalty

Sections 8.18.010 Adoption of the Uniform Administrative Code

- (a) The Uniform Administrative Code, 1997 Edition, as published by the International Conference of Building Officials, is hereby adopted by reference as the Administrative Code of the City.
- (b) One copy of the Uniform Administrative Code shall be at all times maintained in the office of the City Clerk for use and examination by the public.
- (c) The Uniform Administrative Code serves as the administrative, organizational and enforcement rules and regulations for the adopted technical codes for the City.

Section 8.18.020 Violations and Penalty

Every person who violates any provisions of this Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding \$1,000.00 dollars or imprisonment in the County Jail for a period not exceeding six months or by both such fines and imprisonment. The provisions of this Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any provision of this Code.

SECTION 12. The City Council hereby makes findings of reasonable necessity for each such modification to the California Building, Electrical, Plumbing and Mechanical Codes. The modifications to these codes are reasonably necessary due to the local climate, characterized by hot, dry summers.

SECTION 13. Upon the effective date of this Ordinance, the provisions hereof shall supersede any conflicting provisions of the Goleta Municipal Code and ordinances of the City as the same have been adopted by the City.

SECTION 14. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 15. The City Clerk shall file a certified copy of this ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED this .

MICHAEL T. BENNETT, MAYOR

ATTEST:

DEBORAH CONSTANTINO
CITY CLERK

APPROVED AS TO FORM:

JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, Deborah Constantino, City Clerk of the City of Goleta, do hereby certify that the foregoing Ordinance No. _____ was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, by the following vote:

AYES: COUNCILMEMBERS _____

NOES: COUNCILMEMBERS _____

ABSENT: COUNCILMEMBERS _____

DEBORAH CONSTANTINO
CITY CLERK

ATTACHMENT 2

COUNTY OF SANTA BARBARA
FIRE CODE UPDATE



Fire Department

"Serving the community since 1926"

4410 Cathedral Oaks Road
Santa Barbara, CA 93110-1042
(805) 681-5500 FAX (805) 681-5563

John M. Scherrei
Fire Chief

CITY OF
CALIF

MAR 18 2008

March 6, 2008

Daniel Singer, City Manager
City of Goleta
130 Cremona Drive, Suite B
Goleta, California 93117

Dear Mr. Singer,

In April 2008 the Santa Barbara County Fire Department will present to the Board of Supervisors for their consideration an ordinance to:

- Adopt the 2007 California Fire Code with amendments;
- Amend Santa Barbara County Code Chapter 15; and
- Update the Fire Code fees.

Pursuant to Health and Safety Code Section 13869.7 the Santa Barbara County Fire Department "...shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings... to the city... where the ordinance will apply. The city... may provide the district with written comments, which shall become part of the fire protection district's public hearing record." To that end we have included a copy of the proposed ordinance for the City of Goleta's review. Please forward any comments or questions to the Fire Marshal's office at the address below.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian J. Hahn", is written over the word "Sincerely,".

Christian J. Hahn
Division Chief/Fire Marshal
Santa Barbara County Fire Department
4410 Cathedral Oaks Rd.
Santa Barbara, CA 93110

(805) 681-5554
chris.hahn@sbcfire.com

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 to adopt 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(i) entitled "Chapter 47 – Requirements for Wildland – Urban Interface Fire Areas". Article II is reserved for future use;
3. Articles III, IIIA, IIIB, and IIIC remain unchanged;
4. Article IV, entitled "Automatic Fire Sprinkler Systems" is deleted. A cross reference is cited to new Article I, Sec. 15-3(c) entitled "Chapter 9 – Fire Protection Systems". Article IV is reserved for future use;
5. Article V, entitled "Fees" is amended to incorporate current fees;
6. Articles VI and VII remain unchanged.

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."

(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 4 – FIRE SERVICE FEATURES** is amended by deleting all sections except the following:

SECTION 401 GENERAL

SECTION 403 PUBLIC ASSEMBLAGES AND EVENTS

(b) **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."

(c) 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 article 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 or in the County Code, automatic fire sprinkler systems shall be installed and maintained in the locations specified as follows:

1. New buildings and structures with 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. 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. 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

#3 above) 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.

Exceptions: Section 903.7.1 shall not apply to:

1. Any agricultural buildings, 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 and;

2. Small non-residential buildings may be exempted on a case-by-case basis in writing by the Fire Chief (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.

903.7.4 Review board. There is hereby established a fire sprinkler review board, which shall consist of the fire marshal having jurisdiction or his designee as chairman and two additional members, who are the building official of the County of Santa Barbara, or his designee, and a representative from the building industry. The fire sprinkler review board may grant exemptions from this section after a hearing by the board on application of the owner of any building or structure wherein installation of an automatic sprinkler system would be appropriate. Applications for exemption are to be filed in writing at the office of the fire marshal. The fire sprinkler review board shall adopt reasonable rules and regulations for conducting investigations and hearings and shall furnish a written decision to the applicant.

903.7.5 Appeals. The decision of the fire sprinkler review board may be appealed by the applicant to the Board of Supervisors by filing a written appeal with the clerk of the governing board within ten days of the date of the appeal decision. In the event that a timely appeal has not been filed, the decision of the fire sprinkler review board shall be final.

(d) CHAPTER 27 – HAZARDOUS MATERIALS – GENERAL PROVISIONS is 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.

(e) CHAPTER 32 – CRYOGENIC FLUIDS is 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.

(f) 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.

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

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.

(h) CHAPTER 38 – LIQUEFIED PETROLEUM GASES is 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.

(i) **CHAPTER 47 – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS** is 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 (or at a greater distance if required by the Chief) 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, and any person owning, leasing or controlling any parcel adjacent to such buildings, 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 or at a greater distance if required by the Chief. 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.

4714.4.2 Any person owning, leasing or controlling any parcel that is located within 100 feet, or a greater distance if required by the chief, of a building or structure on an adjacent parcel shall, when required by the chief, remove as directed all brush, flammable vegetation, or combustible growth from their property to obtain an adequate Reduced Fuel Zone for said building.

Exception:

Section 4714.4 does not apply to 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.

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 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 hazard does exist upon this property, it may direct the Fire Chief or his agent to enter hereon and remove or abate such fire hazard by burning or removing such flammable material. THE COST OF SUCH REMOVAL WILL BE COLLECTED BY ADDING IT ONTO THE TAXES ASSESSED AGAINST THIS PROPERTY. ANY OWNER INTENDING TO ABATE THIS FIRE HAZARD AT HIS OWN EXPENSE SHOULD DO SO 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 lieu of or 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.

(j) **APPENDIX CHAPTER 1 – ADMINISTRATION** is hereby revised as follows:

SECTION 101 GENERAL

Section 101.1 Title is hereby 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 104.6 Official Records is hereby 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 105.1.1 is amended by deleting the phrase "... , if any,..." in the second sentence.

Section 109.3 Violation penalties is hereby amended to read as follows:

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the

approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to the provisions described in Santa Barbara County Code, Chapter 15, Article VI.

Section 111.4 Failure to Comply is hereby 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 as described in Santa Barbara County Code, Chapter 15, Article VI.

(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, 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 members of the board of appeals shall serve two-year terms.

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(j), 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(c), 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		
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		
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.

Articles VI and VII.

[Remain 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 _____