

CHAPTER 15 - FIRE PREVENTION

Article I.

Adoption of the 2016 California Fire Code^[1]

Footnotes:

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Editor's note—Ord. No. 4870, §§ 1 and 2, adopted Dec. 10, 2013, amended Art. I in its entirety, in effect repealing and reenacting said article to read as set out herein. The former Art. I, §§ 15-1—15-4, pertained to adoption of the 2010 California Fire Code and derived from Ord. No. 4771, §§ 1 and 2, adopted Dec. 14, 2010.

Sec. 15-1. Adoption of 2016 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 2016 edition of the California Fire Code (hereinafter California Fire Code or "CFC") and the following provisions of the 2015 edition of the International Fire Code, including Chapters 1-80 and Appendix Chapters 4, A, B, BB, C, CC, D, E, F, G, H, I, J, K, L, M, and N as published by the International Code Council, that are added and/or amended by Section 15-3 of this chapter. A copy of the 2016 edition of the California Fire Code is on file with the clerk of the board of supervisors and is incorporated by reference.

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

(Ord. No. 4870, §§ 1, 2, 12-10-2013)

Sec. 15-2. Rules of construction.

- (a) Wherever the word "jurisdiction" is used in the CFC it shall mean all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the county, except the areas within the Carpinteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs lands, unless otherwise specified by this chapter.
- (b) Whenever the words "chief" and/or "fire chief" of the fire department are used they shall be held to mean the Santa Barbara County Fire Chief, also known as the "fire warden, or his or her designee."
- (c) Whenever the words "building department" are used they shall be held to mean the building and safety division of the Santa Barbara County Planning and Development Department.
- (d) Whenever the words "police department" and "police" are used they shall be held to include the Santa Barbara County Sheriff Department or the law enforcement agency that has legal jurisdiction.
- (e) Whenever the words "California Building Code" and "building code" are used they shall be held to include the building code as adopted under Chapter 10 of the Santa Barbara County Code.
- (f) Whenever the words "California Electrical Code" are used it shall be held to include the electrical code as adopted under Chapter 10 of the Santa Barbara County Code.

- (g) Whenever the words "California Residential Code" and "residential code" are used they shall be held to include the residential code as adopted under Chapter 10 of the Santa Barbara County Code.
- (h) Whenever the words "County Land Use and Development Code" are used it shall be held to include the County Land Use and Development Code adopted under Chapter 35 of the Santa Barbara County Code.
- (i) Whenever the words "fire protection certificate" (FPC) are used it means the application for review of any new building or structure that requires a building permit, any residential building or structure that adds an accumulation of one thousand square feet or more, any commercial building or structure that adds an accumulation of five hundred square feet or more, any commercial building or structure that adds any square footage exceeding five thousand square feet, or the review of any changes to a fire protection system.
- (j) Whenever the words "high fire hazard severity zone maps" are used it means the maps adopted under Chapter 10 of the Santa Barbara County Code and on file with the office of the state fire marshal.
- (k) Whenever the words "very high fire hazard severity zone maps" are used it means the maps adopted under Chapter 10 of the Santa Barbara County Code and on file with the office of the state fire marshal.
- (l) Whenever the words "Santa Barbara County Fire Department Development Standards" are used it means those standards researched and developed by the Santa Barbara County Fire Department, on file with the fire code official and available for review and reference at www.sbcfire.com.

(Ord. No. 4870, §§ 1, 2, 12-10-2013)

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

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

DIVISION II

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

SECTION 101 GENERAL is adopted and amended as follows:

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 is adopted and amended as follows:

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 103 DEPARTMENT OF FIRE PREVENTION is adopted in its entirety

SECTION 104 GENERAL AUTHORITY AND RESPONSIBILITIES is adopted and amended as follows:

Section 104.6 Official Records is amended to read as follows:

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

SECTION 105 PERMITS is adopted and amended as follows:

Section 105.6.17.6.1 A permit is required to maintain non-operational Petroleum Facilities.

Section 105.6.31.1 A permit is required to conduct Mobile Fueling operations

SECTION 106 INSPECTIONS is adopted in its entirety.

SECTION 107 MAINTENANCE is adopted in its entirety

SECTION 109 VIOLATIONS is adopted and amended as follows:

Section 109.4 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 111 STOP WORK ORDERS is amended as follows:

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

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

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

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

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.

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

FIRE PROTECTION CERTIFICATE (FPC). Is the application for review of any new building or structure that requires a building permit, any residential building or structure that adds an accumulation of 1,000 square feet or more, any commercial building or structure that adds an accumulation of 500 square feet or more, any commercial building or structure that adds any square footage exceeding 5,000 square feet, or the review of any changes to a fire protection system.

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

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

SECTION 304 — COMBUSTIBLE WASTE MATERIAL

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

304.1.2 Vegetation is amended as follows:

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

SECTION 305 — IGNITION SOURCES is adopted in its entirety.

SECTION 306 — MOTION PICTURE PROJECTION ROOMS is adopted in its entirety.

SECTION 307 — OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES is adopted in its entirety.

SECTION 308 — OPEN FLAME is adopted in its entirety.

SECTION 311 — VACANT PREMISES is adopted in its entirety.

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

SECTION 501 GENERAL

501.1 Scope is amended by adding at the end of the sentence "..., California Code of Regulations Title 14, and Santa Barbara County Fire Department Development Standards".

SECTION 503 FIRE APPARATUS ACCESS ROADS

503.1 Where required is amended by adding at the end of the sentence "..., California Code of Regulations Title 14, and Santa Barbara County Fire Department Development Standards."

503.2 Specifications is amended by adding at the end of the sentence "..., California Code of Regulations Title 14, and Santa Barbara County Fire Department Development Standards."

503.2.1 Dimensions is amended by replacing the phrase "...of not less than 20 feet (6,096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6,..." with the phrase "...in accordance with California Code of Regulations Title 14 and Santa Barbara County Fire Department Development Standards"

503.6 Security gates is amended by deleting the existing language and replacing it with, "The installation of security gates across a fire apparatus access road shall be in accordance with California Code of Regulations Title 14 and Santa Barbara County Fire Department Development Standards."

SECTION 505 PREMISES IDENTIFICATION

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

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

SECTION 507 FIRE PROTECTION WATER SUPPLIES

507.1 Required water supply is amended by adding the following sentence to the end of the paragraph, "Fire protection water supply systems shall be installed and maintained in accordance with California Code of Regulations Title 14 and Santa Barbara County Fire Department Development Standards."

(e) **CHAPTER 8 INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS** is adopted in its entirety.

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

SECTION 901 GENERAL is amended as follows:

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

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

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

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

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

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

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

1. All new one- and two-family dwellings and townhouses (R-3 Occupancies). (2016 California Residential Code, Chapter 3, Section R-313 Automatic Fire Sprinkler Systems / 2016 California Building Code Chapter 9, Section 903.2.8 Group R)

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

New non-residential buildings or new structures (including prefabricated or relocated structures) for which application for building permits are officially filed or required to be filed with the Santa Barbara County Planning and Development Department, Building and Safety Division, which have a total floor area of 5,000 square feet or more; and

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

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

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

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

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

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

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

Exceptions:

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

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

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

3. Buildings classified as Group S-2, as defined by the California Building Code, may be exempted from Section 903.7.1 on a case-by-case basis in writing by the Fire Chief in accordance with Section 111.2.4 and/or Chapter 1 Section 104.9 of the 2016 California Fire Code (subject to the same occupancy change conditions as noted in "Exception 1" above).

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

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

SECTION 905 STANDPIPE SYSTEMS is amended as follows:

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

(g) **CHAPTER 49 — REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS** is hereby amended by including additional definitions to Section 4902.1 and adding Section 4908.

SECTION 4902.1 is amended by adding the following definitions:

BOARD is the Santa Barbara County Board of Supervisors.

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

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

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

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

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

SECTION 4908 Santa Barbara County Fire Hazard Abatement is added to read as follows:

4908.1 Applicability. The provisions of section 4908 shall be applicable to all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpinteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Chapter, and those areas in independent fire districts having governing bodies other than the Santa Barbara County Board of Supervisors that choose to enforce this section. If any part of this article is in conflict with any other part, the more restrictive provisions shall be controlling.

4908.2 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.

4908.3 Clearance of Brush, Vegetative Growth and Combustible Material from Parcels. All parcels declared a fire hazard shall be cleared of combustible material to the satisfaction of the fire code official.

4908.4 Prosecution. The fire chief shall serve a written order upon the owner or possessor of a parcel, when, in his or her opinion, a fire hazard exists upon a parcel. The order shall identify the fire hazard and direct such owner or possessor to remove or abate the fire hazard within a specified period of time, but not less than ten days, after such order is given. Every owner or possessor who fails or refuses to abate said fire hazard from such parcel within the time specified after being served with such order is guilty of an infraction as described in Santa Barbara County Code, Chapter 15, Article VI. Evidence that the current

assessment roll of the County shows real property assessed to a person shall constitute prima facie evidence that such person is the owner of such property.

4908.5 Order to abate fire hazard—Notice. The chief shall send, by certified mail, a copy of the written order providing information specified in Sec. 4908.4, and shall include an assessor's parcel number of the parcel set forth on the county assessment roll, to the last assessee of the parcel at the address given on such roll. In addition, the order shall provide the specific date, time and location of when the Board of Supervisors of the County of Santa Barbara will meet to hear the report of the fire chief regarding the alleged fire hazard, and include the following:

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

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

4908.6 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.

4908.7 Order to abate fire hazard—Posting Time. The order provided for in Sec. 4908.8 shall be posted at least ten days before the board meets to hear the report of the chief regarding the alleged fire hazard.

4908.8 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.

4908.9 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.

4908.10 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.

4908.11 Account of expenses—Report to be filed with the board. The chief shall keep an account of his expenses when abating a fire hazard pursuant to the direction of the board, and file a report with the board. The report shall include the assessor's tax area and parcel numbers according to the county assessment roll of the parcel upon which such fire hazard existed and, when available, the name and address of the last known assessee. The report shall include a reasonable administrative cost in an amount to be fixed by the board from time to time, based on administrative costs of carrying out these regulations.

4908.12 Account of expenses—Filing with clerk—Confirmation hearing. The report of expenses referred to in section 4908.11 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.

4908.13 Expenses constitute special assessment and lien. The amount of expenses incurred by the chief for abating a fire hazard shall constitute a special assessment and a lien against the parcel from which such hazard was removed.

4908.14 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.

4908.15 Inclusion of assessment on property tax bill—Disposition of revenue. The county auditor-controller shall enter the amount stated in the report as a special assessment against the parcel described in the report. The tax collector of the county shall include the amount of the assessment on the bill for taxes levied against the parcel. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such special assessments. All special assessments collected as provided in this article shall be accounted for as fire district revenue.

(h) **CHAPTER 56 — EXPLOSIVES AND FIREWORKS** is hereby amended by adding new sections 5608.2 and 5608.3:

SECTION 5608 FIREWORKS DISPLAY

5608.2 Prohibition of Fireworks. The manufacturing, possession, storage, sale, use and handling of any and all fireworks is prohibited in all areas within the Santa Barbara County Fire Protection District and all other unincorporated areas of the County, except the areas within the Carpinteria/Summerland Fire Protection District, Montecito Fire Protection District, Vandenberg Air Force Base, and Bureau of Indian Affairs Lands, unless otherwise specified by this Chapter.

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, Division 1, Chapter 6 — Fireworks.

5608.3 Seizure: The fire code official is authorized to seize, take, remove or cause to be removed fireworks in violation of 5608.2 and/or California Code of Regulations Title 19.

(i) **APPENDIX A — BOARD OF APPEALS** is hereby adopted and amended by deleting all existing language and inserting the following:

SECTION A101 GENERAL

A101.1 Scope. To determine the suitability of alternate materials and types of construction and to provide reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals.

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

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

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

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

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

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

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

A101.8 Stay of enforcement. The filing of an appeal application shall not stay an enforcement order. However, the fire chief may modify, in his or her sole discretion, an enforcement order during the pendency of an appeal.

A101.9 Subpoena powers. The subpoena powers of the Board of Supervisors set forth in Article 9, Section 25170 et seq. of the Government Code are delegated to the board of appeals and shall apply to all hearings and investigations under the board of appeals' jurisdiction.

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

A101.11 Jurisdiction. This appeal process shall apply to disputes within the unincorporated area of the fire district, within incorporated areas of the fire district and within incorporated areas outside of the fire district where the fire department provides service by contract. However, a city council of an impacted city, may adopt an alternative procedure for reviewing decisions of the board of appeals.

- (j) **APPENDIX C - FIRE HYDRANT LOCATIONS AND DISTRIBUTION** is hereby amended by adding the words "...and Santa Barbara County Fire Department Development Standards" after the word "appendix" in Section C101.1.
- (k) **APPENDIX D - FIRE APPARATUS ACCESS ROADS** is hereby adopted and amended by deleting all existing language except SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS.

(Ord. No. 4870, §§ 1, 2, 12-10-2013)

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

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

- (a) That the Santa Barbara County Fire Department service area is prone to extreme weather conditions, from hot dry winds from the east (Santa Ana and Sundowner winds), to strong westerly (coastal) winds, which greatly enhance the ability for fire to spread. In addition, the topographical layout and features of the County Fire Department's service area makes the area subject to isolation should a flood or earthquake occur, which would prevent or severely limit and delay the north and south entities from giving or receiving mutual aid and emergency assistance;
- (b) The present firefighting resources of this county are constrained in their efforts to control fires in large unsprinklered buildings within the urban limit boundary and all buildings outside of the urban limit boundary 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 boundary and in all structures outside of the urban limit boundary; 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 boundary and in all structures outside of the urban limit boundary.

(Ord. No. 4870, §§ 1, 2, 12-10-2013)

Article II.

Reserved^[2]

Footnotes:

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Editor's note—Ord. No. 4704, §§ 1 and 2, deleted Art. II, §§ 15-30—15-46, which pertained to weed abatement and derived from Ord. No. 3788 and Ord. No. 4494. Now see Ch. 15, Art. I, § 15-3(k), amendment to CFC Chapter 47, Requirements for Wildland—Urban Interface Fire Areas.

Secs. 15-30 through 15-46. - Reserved.

Article III.

Fire Development Impact Mitigation Fees^[3]

Footnotes:

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Editor's note—Ord. No. 4902, § I, adopted Oct. 21, 2014, amended Art. III in its entirety, in effect repealing and reenacting said article to read as set out herein. The former Art. III, §§ 15-48—15-57, pertained to fire protection mitigation fees and derived from Ord. No. 4236, § 1, and Ord. No. 4494.

Sec. 15-48. Findings.

- (a) To mitigate impacts caused by new development projects within the fire department's service area, a fire facility, apparatus and equipment development impact mitigation fee is necessary. The fee is needed to finance fire facilities, apparatus and equipment necessary to serve new development and to assure new development projects pay their fair share for these facilities.
- (b) Title 7, Chapter 5, Section 66000 et seq. of the California Government Code provides that development impact fees may be enacted and imposed on development projects. The board of supervisors finds and determines that:
 - (1) New development projects cause the need for construction, expansion and/or improvement of fire facilities within the fire department's service area.
 - (2) Funds for construction, expansion and/or improvement of fire facilities are not available to accommodate the needs caused by new development projects, which will result in inadequate fire facilities, apparatus and equipment within the fire department's service area.
- (c) The board of supervisors finds that the public health, safety, and general welfare will be promoted by the adoption of a fire facility, apparatus and equipment development impact fee for the construction, expansion, and/or purchase of fire facilities, apparatus and equipment to serve new development and maintain existing levels of service; the need for which is caused by new development projects. In establishing a development impact fee, the board of supervisors finds the fee consistent with the Santa Barbara County comprehensive plan/land use element.
- (d) Pursuant to Government Code Section 65913.2, the board of supervisors has considered the effects of the fees with respect to the county's housing need as established in the housing element of the general plan.
- (e) Pursuant to Title 14 California Code of Regulation, Sections 15061(b)(3) the board of supervisors finds that this article is exempt from the California Environmental Quality Act.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-49. Definitions.

Words when used in this article, and in resolutions adopted under the authority of this article, shall have the following meanings:

- (a) "Santa Barbara County fire protection district" ("fire department's service area") means the unincorporated area within the County of Santa Barbara and private lands within the Los Padres National Forest and the incorporated city of Buellton, Solvang, Goleta, and the University of

California, Santa Barbara but does not include the federal lands of Vandenberg Air Force Base, Bureau of Indian Affairs land, the Los Padres National Forest the Montecito fire protection district or the Carpinteria-Summerland fire protection district.

- (b) "New development" or "development project" means any change to unimproved or improved real property, including but not limited to, replacement, expansion, construction, or alteration of buildings or structures, which results in a net increase in square footage). Any expansion of outdoor areas in conjunction with existing or proposed structural development which would lead to an increase in intensity of use on a parcel shall be considered new development for the purposes of this article.
- (c) "Building" means a structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of any person, animal, or chattel.
- (d) "Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, excluding mobile homes located in a mobile home park.
- (e) "Single family housing" means any detached living area which comprises an independent self-contained dwelling unit, including kitchen or cooking facilities, and is occupied or suitable for occupation as a residence for eating, living, and sleeping purposes. Commonly referred to as a single family dwelling.
- (f) "Other residential housing" means any detached or attached living area which is comprised of multiple (two or more) self-contained dwelling units, including kitchen or cooking facilities, and is occupied or suitable for occupation as a residence for eating, living, and sleeping purposes. Commonly referred to as duplexes, tri-plexes, apartments, condominiums, or any other dwelling not considered a single family dwelling.
- (g) "Mixed use" means any urban, suburban, village development, or single building that blends a combination of residential, retail, commercial, cultural, institutional, or industrial uses. Fee calculations for mixed use development will be calculated based on the amount of gross square footage for each separate type of use.
- (h) "Retail/commercial" is defined as non-manufacturing business establishments, including, but not limited to, hotels, restaurants, wholesale businesses, retail stores, and health, social and educational institutions.
- (i) "Office" means establishments providing direct services to customers, professional and medical office buildings. Including but not limited to business/service, executive headquarters, processing such as information processing and computer-dependent and/or telecommunications-based activities, professional and administrative services.
- (j) "Industrial" means manufacturing buildings, including but not limited to, food processing, manufacturing, metal processing, pulp and paper firms, voltage optimization, water and wastewater systems, transport processing or other activity involving farm products off-farm. In particular, it includes fixed pieces of equipment, buildings or complexes used to produce goods in connection with, or as part of, any process or system.
- (k) "Warehouse/distribution" means buildings devoted to the storage and/or distribution of non-agricultural products. A distribution center for a set of products is a warehouse or other specialized building, which is stocked with products (goods) to be redistributed to retailers, to wholesalers, or directly to consumers.
- (l) "Agricultural" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, including other agricultural structures located on agriculturally zoned land other than residential, retail or office space. This structure shall not be a place of human habitation.

- (m) "Greenhouses" are structures that are designed and used primarily for the cultivation, maintenance, or protection of plants. Greenhouses are constructed for agricultural production, educational purposes and research.
- (n) "Mobile home" means a factory assembled structure, transportable in one or more sections, that is constructed according to the Mobile Home Construction and Safety Standards, Part 280 of the Code of Federal Regulations, Title 24, with or without a permanent foundation and not including recreational vehicles.
- (o) "Mobile home park" means any area tract of land where two or more mobile home spaces are rented, leased, or offered for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.
- (p) "Apparatus" means and includes but is not limited to fire engines, brush engines, utility vehicles, staff vehicles, water tenders, bulldozers, rescue vehicles, and paramedic ambulances.
- (q) "Equipment" means and includes but is not limited to ladders, fittings, hoses, radios, cellular telephones, tools, safety clothing, breathing apparatus, hazardous materials equipment and medical and rescue equipment.
- (r) "Fee" means a monetary exaction, other than a tax or special assessment that is charged by the County of Santa Barbara in connection with approval of a development project for the purpose of defraying all, or a portion of, the cost of fire facilities, apparatus and equipment related to the development project or subdivision.
- (s) "Subdivision" means the division of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale or lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in subdivision (f) of Section 1351 in the California Civil Code, a community apartment project as defined in subdivision (d) of Section 1351 of the California Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the California Civil Code, as the same presently exists or may hereafter be amended.
- (t) "Fire facilities" means and includes public improvements, and community amenities identified in the county's five-year capital improvement plan including but not limited to the building of fire stations, permit approvals, land purchase and utility connection fees, etc. and related planning, engineering, and construction costs..
- (u) "Fire impacts" means any development project which generates an increased demand for fire protection services.
- (v) "AB 1600 mitigation fee justification study" means the Fire Impact Fee Nexus Study study prepared for the Santa Barbara County Fire Department Service area dated September 2014.
- (w) "Capital improvement plan" or "CIP" means the plan for fire facility capital improvements as identified in the county's five-year CIP or their successor, as adopted or updated annually by the board of supervisors. The capital improvement plan indicates the approximate location, size, time of availability and estimated cost of capital improvements to be financed with impact mitigation fees and appropriate money for capital improvement projects.
- (x) "Board of supervisors" means the board of supervisors of the county.
- (y) "County" means the County of Santa Barbara, a political subdivision of the State of California.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-50. Adoption of fire facility development impact fee.

- (a) Pursuant to this article, fire development impact mitigation fees shall be adopted from time to time by resolution of the board of supervisors after a noticed public hearing. Such fee, when adopted, shall be a condition of permit approval for new development projects within the fire department service area.
- (b) In adopting the resolution, the board of supervisors shall:
 - (1) Identify the purpose of the fee;
 - (2) Identify the use to which the fee is to be put;
 - (3) Determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
 - (4) Determine a reasonable relationship between the need for the fire facilities, apparatus and equipment and the impacts from the type of development project on which the fee is imposed;
 - (5) Determine a reasonable relationship between the amount of the fee and the cost of the fire facilities, apparatus and equipment or portion of the fire facilities, apparatus and equipment; and
 - (6) Establish a schedule of fire development impact mitigation fees.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-51. Applicability of fees.

- (a) A fire facility, apparatus and equipment development impact fee shall be charged upon the permit approval for any of the following new development within the fire department service area:
 - (1) The construction or installation of new single-family and other residential development (e.g., second units, condominiums, mobile homes, apartments, duplexes) residential units.
 - (2) Additions to existing residential units that add a new residential unit as defined by Section 15-49(b).
 - (3) The construction or installation of any new retail/commercial, office, industrial, warehouse/distribution, or agricultural buildings, including any additions to such existing buildings which add more than five hundred square feet of floor area.
- (b) Fire development impact mitigation fees are applicable within each of the cities served by the fire department sixty days after adoption of the fees by each respective city.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-52. Exemptions.

Imposition of fire development impact mitigation fees shall be as specified in Section 15-51, except that the following types of development projects shall be exempt from such fees:

- (a) The replacement of an existing structure which was destroyed by fire or other calamity, demolished or removed by the owner, provided that the replacement structure is (1) rebuilt on the same parcel, (2) does not exceed the size of the structure being replaced, and (3) the application for a building permit to replace such structure is filed within six months after destruction of the structure. If the replacement structure is larger than the destroyed structure, the waiver of the fee shall apply only to the amount of floor area in the original structure. Any additional floor area of a replacement structure shall be considered an addition to an existing structure and shall be assessed fees as described in the resolution.
- (b) Any addition to an existing mobilehome as defined in Section 15-49(n) that is placed on an existing mobilehome space that was previously assessed a fire facility development impact fee.

- (c) Any new nonresidential structure of less than one hundred twenty square feet, with a California Building Code classification of U-1.
- (d) New structures such as detached garages, sheds, etc. which are added to an existing residential structure but which do not add a dwelling unit.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-53. Timing of fee payment.

(a) Imposition of Fees.

- (1) Fees shall be imposed at the time of approval of any discretionary permit for development or if the proposed development does not require any discretionary approvals, at the time of any other permit required for the development to proceed, including but not limited to building permits. The applicant pays according to the schedule of fees in place on the date the fees are paid.
- (2) The schedule of fees in effect on the date the vesting tentative map or vesting tract map for a development project is deemed complete determines the applicable fee imposed on the subject map. If there is no vesting map, the applicant pays according to the schedule of fees in place on the date the fees are paid.
- (3) When the applicant applies for a new permit following the expiration of a previously issued permit for a development project for which fees were paid, another fee payment is not required unless (1) the project has been changed in a way that alters its fire facility development mitigation impact, or (2) the schedule of fees has been amended during the interim. In this event, the applicant pays the appropriate increase or decrease in the fees.
- (4) When fees are paid for a development project and the development project is abandoned without any further action beyond the obtaining of a permit or an approval, the payor shall be entitled to a refund of the fees paid.

(b) Payment of Fee.

- (1) Except as set forth in subsection (b)(2) and (3) of this section, fire development impact mitigation fees shall be paid on the date the final inspection is approved or the date the certificate of occupancy is issued, whichever occurs first.
- (2) For residential development containing more than one dwelling unit, the developer may request that the fees be paid in installments based on the phasing of their development project. The decision whether to allow installment payments shall be determined by the county fire chief. Any fee installment shall be paid at the time when the first dwelling unit within each phase of development has received its final inspection.
- (3) The county may require the payment of fees at an earlier time if the fees will be collected for public improvements of facilities for which an account has been established and funds appropriated and for which the county has adopted a proposed construction schedule or plan prior to final inspection, or the fees are to reimburse the local agency for expenditures previously made.
- (4) If, for any reason, a permit or certificate of occupancy is issued without the payment of the fee required by this article or without written evidence establishing that the provisions of this article have otherwise been satisfied, the applicant shall remain liable for payment of the fee to county fire.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-54. Fee adjustment.

- (a) A developer of any project, or a subdivider of any land, subject to the payment of fees pursuant to this article may appeal to the board of supervisors for a reduction, adjustment, or waiver of any fire development impact mitigation fee(s) based upon the absence of any reasonable relationship or nexus between the fire impacts of the project or subdivision and either the amount of the fee(s) charged or the type of fire facilities to be financed. The appeal shall be made in writing, shall state the factual basis for the claim of reduction, adjustment or waiver, and shall be submitted to the county fire chief within fifteen calendar days following imposition of the fire development impact mitigation fee.
- (b) The county fire chief shall review the appeal, develop recommended actions to be taken by the board of supervisors, and submit both the appeal and recommended actions to the board of supervisors for their consideration at a public hearing to be conducted within sixty days after the filing of the appeal. The decision of the board of supervisors shall be final. If a reduction adjustment or waiver is granted, any change in use from the project as approved shall invalidate the waiver, adjustment or reduction of the fee.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-55. Fee account.

- (a) Upon receipt of a fee subject to this article, the county shall deposit, invest, account for and expend the fire development impact mitigation fees pursuant to California Government Code 66006.
- (b) Fire development impact mitigation fees paid shall be held by the county fire department in a separate fire development impact mitigation fee account to be expended for the purpose for which they were collected. The county fire department shall retain all interest earned on the fees in such accounts and shall allocate the interest to the accounts for which the original fee was imposed.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-56. Use of funds.

- (a) Funds collected from fire development impact mitigation fees shall be used to acquire, construct, and install fire facilities, equipment or apparatus or reimburse costs of previously constructed facilities, or previously purchased equipment or apparatus that serve the new development.
- (b) No funds collected pursuant to this article shall be used for periodic or routine maintenance.
- (c) Funds may also be used to pay debt service on bonds or similar debt instruments to finance the acquisition, construction and installation of fire facilities, equipment or apparatus that serve the new development.
- (d) Any costs incurred by the county in conducting the hearing required pursuant to Government Code Section 66018(a) may be recovered as part of the fees which were the subject of the hearing.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-57. Developer construction of facilities.

In lieu fee credit for the construction or dedication of fire facilities, is allowable under the following conditions:

- (a) Only the costs of fire facilities listed on, or exempted from, the applicable fire facility capital improvement plan shall be eligible for in-lieu credit.

- (b) With prior approval of the county fire chief or his/her designee, an in-lieu credit of fees may be granted for actual construction costs (or a portion thereof) of fire facilities provided by the developer.
- (c) If the actual construction cost is greater than the required relevant fees, the county shall have no obligation to pay the excess amount.
- (d) An amount of in-lieu credit that is greater than the specific fee(s) required under this article may be reserved and credited toward the fee of any subsequent phases of the same development or subdivision, if such credit is determined to be appropriate and timely, and approved in advance by the county fire chief.
- (e) If an applicant is required, as a condition of approval for a discretionary permit to construct any off site fire facilities, and the cost of the facilities is determined to exceed the fee due under article, a reimbursement agreement may be offered in writing by the county fire chief. The reimbursement agreement shall contain terms and conditions approved by the county fire chief, auditor-controller, county counsel and the board of supervisors. This section shall not create any duty to offer a reimbursement agreement.
- (f) A developer or subdivider seeking credit and/or reimbursement for construction or improvements of facilities, or dedication of land or rights-of-way, shall submit documentation acceptable to the county fire chief to support the request for credit or reimbursement. The county fire chief shall determine whether the facilities or improvements are eligible for credit or reimbursement, and the amount of such credit or reimbursement due the developer or subdivider if so eligible.
- (g) Any claim for credit must be made at or before the time of application for a building permit. Any claim not so made shall be deemed waived.
- (h) Exemptions, credits, reductions, adjustments, or waiver of fees shall not be transferable from one project or subdivision to another without the board of supervisors' approval.
- (i) Determination made by the county fire chief pursuant to this Section 15-57 may be appealed to the board of supervisors by filing a written request with the clerk of the board, together with a fee established by the board of supervisors, within ten working days of the determination of the county fire chief.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-58. Condition for refunds.

If a permit upon which a fee was based expires without commencement of construction, the taxpayer shall be entitled to a refund of the fire development impact fee(s) paid, with any interest accrued thereon, as a condition for the issuance of the permit. The fee payer shall submit a written request for a refund to the county fire chief within two years after the expiration date of the permit. Failure to timely submit a request for a refund may constitute a waiver of any right to a refund.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-59. Annual report.

- (a) At least once every year a proposed capital improvement plan detailing the specific fire facilities to be funded by fire facility development impact fees shall be reported to the board of supervisors. Notice of the plan shall be given pursuant to Government Code Section 65090 and Section 66002, as they now exist or may be amended. At a public hearing the board of supervisors shall review estimated costs of the fire facilities described in the report, the continued need for these facilities, and the reasonable relationship between the need and the impacts of development for which the fees are charged. The

board of supervisors may revise the capital improvement program to include additional projects not previously foreseen as being needed.

- (b) No later than sixty days following the end of each fiscal year, the county fire chief shall submit a report to the auditor-controller identifying the balance of fees in the fire development impact fee mitigation program fund established pursuant to this article, and the facilities proposed for construction during the next fiscal year. In preparing the report, the county fire chief shall adjust the estimated costs of the public improvements in accordance with the appropriate engineering construction cost index as published by Engineering News Record, or its successor publication, for the elapsed time period from the previous July 1st or the date that the cost estimate was developed.
- (c) Within one hundred eighty days after the last day of each fiscal year, the auditor-controller shall present a report to the Board of Supervisors including:
 - (1) A brief description of the type of fee in the account;
 - (2) The amount of the fee;
 - (3) The beginning and ending balance of the account;
 - (4) The amount of the fees collected and the interest accrued;
 - (5) An identification of each public facility, apparatus, or equipment on which fees were expended and the amount of the expenditures;
 - (6) An identification of the approximate date by which construction or purchase of any public facility, apparatus, or equipment will commence if it has been determined that sufficient funds have been collected to complete financing on incomplete public facilities, apparatus, or equipment;
 - (7) A description of each interfund transfer or loan made; and
 - (8) The amount of refunds made and any allocations.
- (d) The county fire chief or his/her designee shall report to the board of supervisors, once each fiscal year, any portion of fire facility development impact fees remaining unexpended or uncommitted in an account five or more years after deposit and identify the purpose for which the fee was collected. In accordance with Government Code Section 6061, the board of supervisors shall make findings once each fiscal year on any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee, to:
 - (1) Identify the purpose to which the fee is to be put;
 - (2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
 - (3) Identify all sources and amounts of funding anticipated to complete financing;
 - (4) Designate the approximate dates on which the finding is expected to be deposited into the appropriate account or fund.
- (e) When sufficient funds have been collected to complete financing on identified incomplete public facilities, apparatus, or equipment and the public facilities, apparatus, or equipment remain incomplete, within one hundred eighty days of the determination that sufficient funds have been collected, an approximate date by which the construction or purchase of any public facility, apparatus, or equipment will commence shall be identified, or the county shall refund to the then current record owners or owners of the lots or units, as identified in the last equalized assessment roll, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon.
- (f) If the administrative costs of refunding unexpended and uncommitted revenues collected pursuant to this article exceeds the amount to be refunded, the board of supervisors, after a public hearing, for which notice has been published pursuant to Government Code Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which the fees are collected pursuant to Government Code Section 66001 et seq. and that serves the project on which the fee was originally imposed.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-60. Fee revision by resolution.

The amount of each fee established pursuant to this article may be set and revised periodically by resolution of the board of supervisors. This article shall be considered enabling and directive in this regard.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-61. Superseding provisions.

This article and any resolution adopted pursuant hereto supersedes any previous county ordinance or resolution to the extent the same is in conflict with this article.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-61.1. Severability.

If any section, phrase, sentence, or portion of this article is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision; and such holding shall not affect the remaining portions of this article.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-61.2. Effective date.

Pursuant to California Code Section 66017 (a), this ordinance shall be in full force and effect sixty days after the date of its adoption by the board of supervisors. Fire development impact mitigation fees applicable within each of the cities served by the fire department shall be effective sixty days after adoption by each respective city.

(Ord. No. 4902, § I, 10-21-2014)

Sec. 15-61.3. Publication.

The clerk of the board is hereby authorized and directed to publish this ordinance by one insertion in the Santa Barbara News-Press, the Lompoc Record, the Santa Ynez Valley News, and the Santa Maria Times, and all other newspapers of general circulation within Santa Barbara County, within fifteen days of its adoption by the board of supervisors.

(Ord. No. 4902, § I, 10-21-2014)

Article IIIA.

Carpinteria-Summerland Fire Protection District Fire Protection Mitigation Fee Ordinance

Sec. 15-62. Title.

This article shall be known and may be cited as the "Carpinteria-Summerland Fire Protection District Fire Protection Mitigation Fee Ordinance."

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-63. Definitions.

"Administrator" as used herein means the county administrator for the County of Santa Barbara or his/her duly authorized designee, which designee may in certain instances be an employee of the district.

"Building" means a structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any person, animal or chattel.

"Carpinteria-Summerland Fire Protection District" or "district" means the fire protection district formed pursuant to the Fire Protection District Law of 1987 having jurisdiction over that portion of Santa Barbara County consisting of approximately thirty-six square miles along the coast of Santa Barbara County that extends from the town of Summerland through the south-eastern boundary of the County of Santa Barbara. For the purpose of this article, the term Carpinteria-Summerland Fire Protection District shall not include that portion of such district which lies within the limits of the city of Carpinteria if the inclusion of such portion would be inconsistent with the imposition of fees pursuant to this article by the Santa Barbara County board of supervisors.

"Development" or "development project" means any project undertaken for the purpose of development in the district and shall include all projects involving the issuance of a permit for construction or reconstruction, remodeling, or any work requiring any permit under the Santa Barbara County Code or ordinances of the County of Santa Barbara, as the same presently exist or may be amended from time to time hereafter. The term "development" or "development project" shall also include the erection of greenhouses, manufactured housing or structures, and structures moved into the district.

"Fire protection mitigation fee" means a monetary exaction, other than a tax or special assessment, which is charged by the County of Santa Barbara to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in § 66477 of the California Government Code, fees for processing applications for governmental regulatory actions or approvals, or fees collected under development agreements adopted pursuant to Article 2.5 (commencing with § 65864) of Chapter 4, Division 1, Title 7 of the California Government Code.

"Fire apparatus" includes, but is not limited to, fire trucks, brush trucks, utility vehicles, water tenders, bulldozers, paramedic rescue vehicles and paramedic ambulances.

"Fire equipment" includes, but is not limited to, ladders fittings, hoses and tools.

"Public facilities" includes, for purposes of this article, such public improvements, including buildings and structures, public services and community amenities, including but not limited to fire apparatus and fire equipment, as may be needed by the Carpinteria-Summerland Fire Protection District to meet its statutory and other obligations to the public.

"Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground, excluding mobile homes located in a mobile home park.

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-64. Purpose.

The purpose of this article is to provide for the health and safety of residents of the district and to mitigate the impacts caused by new development within the district on the district's ability to provide adequate fire protection services. In order to accomplish these purposes, certain fire protection capital improvements including buildings, structures and fire equipment and fire apparatus must be constructed or acquired by the district. The board of supervisors has determined that a fire protection mitigation fee is needed in order to finance these public facilities and to pay for the new development's fair share of the construction or acquisition costs of these public facilities. In establishing the fee described in this article, the board of supervisors has found the fee to be consistent with Santa Barbara County's general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the county's housing need as established in the housing element of the general plan. The board of supervisors further finds that the fees established by this article are based upon an analysis of existing land use and zoning, they do not exceed the reasonable cost of providing fire protection public facilities occasioned by development projects within the district, and they relate rationally to the reasonable cost of providing fire protection public facilities occasioned by development projects within the district.

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-65. Establishment and imposition of development impact fees and providing for their adoption by resolution of the board of supervisors.

- (a) A fire protection mitigation fee is hereby established and imposed on all development within the district to pay for public facilities necessary for the district to provide fire protection services. Such facilities include, but are not limited to, fire equipment, fire apparatus, buildings, structures, and other improvements.
- (b) The board of supervisors shall, from time to time adopt, after noticed public hearing, a resolution setting forth specific fire protection mitigation fees. In adopting the resolution, the board shall: (1) identify the purpose of the fee; (2) identify the use to which the fee is to be put, consistent with subsection (a)(2) of Section 66001 of the Government Code; (3) determine a reasonable relationship between the fee's use and the type of residential development project on which the fee is imposed; (4) determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and (5) establish a schedule of fees.
- (c) Any person who, after the effective date of the ordinance codified in this article, seeks to develop land within the Carpinteria-Summerland Fire Protection District as defined herein by applying for a building permit is required to pay a fire protection mitigation fee.
- (d) The fees required by this article shall be paid prior to the issuance of a building permit for each development project. With regard to mobile home parks, the fees under this article are due at the time the mobile home parks or additions thereto are approved for occupancy.
- (e) If, for any reason, a building permit is issued without the payment of the fee required by this article or written evidence establishing that the provisions of this article have otherwise been satisfied, the applicant shall remain liable for payment of the fee to the Carpinteria-Summerland Fire Protection District.

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-66. Segregation and use of funds.

Fees collected pursuant to this article shall be deposited in an interest bearing capital trust account established solely for Carpinteria-Summerland Fire Protection District fees. This capital trust account shall

be utilized in a manner to avoid commingling with the district's other funds. Any interest income earned on a specific account shall be deposited back in that account. The funds in such account shall be expended by the district only for the purposes for which the fees were collected, which purposes shall be identified by the board of supervisors in the fee structure adopted pursuant to Article 15-65(b).

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-67. Automatic adjustment of fee structure.

- (a) The fire protection mitigation fee structure shall be adjusted automatically on the first day of each fiscal year, beginning on July 1, 2006, by a percentage equal to the Engineering Cost Index as published by Engineer News Record for the preceding twelve months. The district shall provide county with the data necessary to accomplish such annual adjustments.
- (b) The fee structure of this article may be more specifically set and revised periodically by adoption of a resolution by the board of supervisors, with the ordinance codified in this article being considered as enabling and directive in this regard.

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-68. Zoning utilized to compute fee.

The approved zoning for the property to be developed and/or the use associated with the development project shall be the basis for the computation of the fee required to be paid with respect to any property. Properties shall be classified into the category of use as between estate single family residential, single family residential, multiple family residential, mobile homes, commercial lodging, commercial/office, or industrial. Fees shall be computed based on such classifications, as determined by the county administrator. All fees due hereunder shall be determined and calculated by the administrator.

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-69. Payment of fee.

- (a) The fees established pursuant to this article shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided herein. Fees imposed on residential development, however, shall be collected in accordance with the provisions of California Government Code Section 66007, as the same presently exists or may hereafter be amended from time to time.
- (b) The term building permit as used in this article includes any permits required for construction, reconstruction, remodeling, moving structures into the county, and the like, such as electrical and plumbing permits, moving permits, and the like.

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-70. Adjustment of fees for specific development projects.

- (a) A developer of any project subject to a fire protection mitigation fee as required in this article may apply to the board of supervisors for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of the development on fire protection services and either the amount of the fee charged or the type of the facilities to be financed. The application shall be made in writing and filed with the county clerk not later than (1) ten

days prior to the public hearing on the development permit application for the project, or (2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The board of supervisors shall consider the application no later than the later of either of (a) the public hearing on the permit application, or (b) a separate hearing held within sixty days after the filing of the fee adjustment application. The decision of the board of supervisors shall be final. If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee. The board of supervisors may, from time to time, set forth by resolution specific limitations that will apply to reductions, adjustments or waivers of fees that may be made pursuant to this section. In this regard, this article shall be considered enabling and directory.

(Ord. No. 3878, § 1; Ord. No. 4494; Ord. No. 4566, § 1)

Sec. 15-71. Refund of fees paid.

- (a) If construction of a development project has not commenced before the expiration of the building permit that would have enabled the applicant to proceed with construction, then a feepayer shall be entitled to a refund, without interest, of the fire protection mitigation fee paid as a condition for the issuance of such permit. The feepayer must submit an application for such a refund to the Administrator within thirty calendar days of the expiration of the permit. Failure to timely submit the required application for refund shall constitute a waiver of any right to the refund.
- (b) In the event any fee collected pursuant to this article remains unexpended in the fund established pursuant to this article, the board of supervisors shall make the following findings for the fifth fiscal year following the first deposit into such account, and every five years thereafter, with respect to that portion of the fee remaining unexpended, whether committed or uncommitted: (1) identify the purpose to which the fee is to be put; (2) demonstrate a reasonable relationship between the fee and the purpose for which it was charged; (3) identify all sources and amounts of funding anticipated to complete financing of public facilities; and (4) designate the approximate dates on which such funding is expected to be deposited into the fund.
- (c) The unexpended portion of the fire protection mitigation fee, and any interest accrued thereon, for which need cannot be demonstrated pursuant to this section, shall be refunded to the then current record owner or owners of lots or units of the development project or projects on a prorated basis.
- (d) The provisions of California Government Code § 66001(d), (e) and (f), as the same may be amended from time to time, shall apply fully to any refund of fees, and the provisions of this section 15-71 shall be subordinate to the section and shall be applied in a manner consistent therewith.

(Ord. No. 4566, § 1)

Sec. 15-71.1. Exemptions.

Any claim of exemption with respect to any fee collected pursuant to this article must be made no later than the time for application for fee adjustment in accordance with Section 15-70. The following shall be exempted from payment of the fire protection mitigation fee:

- (a) Alterations, renovations or expansion of an existing residential building or structure where no additional dwelling units are created, the use is not changed, and the alteration, renovation, or expansion of the existing residential building or structure does not result in the total square footage of the existing residential building or structure exceeding two thousand seven hundred square feet; provided, however, that the expansion of or change of use of an existing commercial or industrial building or structure shall not be exempt from the fees established in this article. For purposes of this section, "expansion" shall be defined as any increase in the gross floor area of the existing building or structure and "change of use" shall be defined as the initiation of a use

which requires approval of a conditional use permit, development plan, zone change, or local coastal plan amendment.

- (b) The replacement of a destroyed or partially destroyed or damaged building or structure with a new building or structure of the same size and use.

(Ord. No. 4566, § 1)

Sec. 15-71.2. Credits for certain development projects.

- (a) New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit if the existing development is a lawful use under the Santa Barbara County Code, including a nonconforming use.
- (b) New development that will replace development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a fee credit if the development that was partially or totally destroyed was a lawful use under the Santa Barbara County Code, including a nonconforming use, at the time, thereof.
- (c) Credit for such eliminated development or development that was partially or totally destroyed (as above specified) shall be calculated by the administrator in accordance with the fee schedule set forth in the resolution to be adopted pursuant to this article.

(Ord. No. 4566, § 1)

Sec. 15-71.3. Developer construction of fire protection public facilities.

- (a) "In Lieu" Fee Credits for Construction of Public Facilities.
 - (1) A development that has been required by the county to construct or provide fire protection public facilities (or a portion thereof) as a condition of approval of a development permit may request an in-lieu credit. Upon request, an in-lieu credit of fees shall be granted for public facilities that mitigate all or a portion of the need therefore that is attributable to and reasonably related to the given development.
 - (2) Only costs proportional to the amount of the facilities that mitigates the need therefor attributable to and reasonably related to the given development shall be eligible for in-lieu credit, and then only against the fire protection mitigation fee.
 - (3) Fees required under this article shall be reduced by the actual construction costs of the public facilities that relate to said fees, as demonstrated by the applicant and reviewed and approved by the administrator, all consistent with the provisions of subsections (1) and (2) of this section 15-74(a). Subject to the applicable provisions of subsection (b) of this section, if the cost of the facilities is greater than required relevant fees, this article does not obligate the county to pay the applicant the excess amount.
 - (4) An amount of in-lieu credit that is greater than the specific fee required under this article may be reserved and credited toward the fire protection mitigation fee of any subsequent phases of the same development, if determined appropriate by the administrator. The administrator may set a time limit for reservation of the credit.
 - (5) Credits shall be calculated by the administrator in accordance with the fee schedule adopted by the board of supervisors pursuant to this article.
- (b) Developer Construction of Public Facilities Exceeding Needs Related to Development Project. Whenever an applicant is required, as a condition of approval of a development permit, to, construct any public facility (or a portion thereof) referenced in the resolution adopted by the board of supervisors pursuant to this article, which facility is determined by the board of supervisors to exceed the need

therefor attributable to and reasonably related to the given development project, a reimbursement agreement with the applicant and a credit 'against the specific relevant fee that would otherwise be charged pursuant to this article on the development project shall be offered. The credit shall be applied with respect to that portion of the public facility that is attributable to and reasonably related to the need therefor caused by the development, and shall be determined, administered and processed in accordance with and subject to the provisions of this article. The amount to be reimbursed shall be that portion of the cost of the public facility that exceeds the need attributable to and reasonably related to the given development. The reimbursement agreement shall contain terms and conditions mutually agreeable to the applicant and the County of Santa Barbara, and shall be approved by the board of supervisors.

- (c) Site-Related Improvements. Credit shall not be given for site-related improvements that are specifically required by the project in order to serve it and that do not constitute public facilities as defined in this article.
- (d) Determination of Credit. The developer seeking credit and/or reimbursement for construction or acquisition of public facilities shall submit such documentation, including without limitation engineering drawings, specifications, and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the county administrator to support the request for credit or reimbursement. The administrator shall determine credit for construction of public facilities based upon either the applicant's cost estimates or upon alternative engineering criteria and construction cost estimates if it is determined that such estimates submitted by the applicant are either unreliable or inaccurate. The administrator shall determine which public facilities, if any, are eligible for credit or reimbursement.
- (e) Time for Making Claim for Credit. Any claim for credit must be made not later than the date when the applicant applies for a building permit for the development. Any claim not so made shall be deemed waived.
- (f) Transferability of Credit. Credit shall not be transferable from one project or development to another without the approval of the board of supervisors.
- (g) Appeal of Determinations. Determinations made by the administrator pursuant to the provisions of this section may be appealed to the board of supervisors by filing a written request, together with any fee established by the board of supervisors, within ten calendar days of the determination of the administrator.

(Ord. No. 4566, § 1)

Sec. 15-71.4. Annual review.

- (a) Except in the first year following adoption by the board of supervisors of the fee structure in accordance with Section 15-65, the district, on an annual basis, no later than sixty days following the end of each fiscal year, shall submit a report to the board of supervisors identifying the balance of fees in the fund or account reserved for the use of the district; the public facilities constructed or acquired; and the public facilities to be constructed or acquired. In preparing the reports, the administrator shall adjust the estimated costs of the public facilities in accordance with the Engineering Construction Cost Index as published by Engineering News Record for the elapsed time period from the first day of the fiscal year or the date that the cost estimate was developed.
- (b) At a noticed public hearing, the board of supervisors shall review estimated costs of the public facilities described in the reports, and the continued need for these facilities. The board of supervisors may revise the fire protection mitigation fee to include additional projects not previously identified as being needed, provided that such revisions comply with the provisions of this article and California Government Code § 66001.

- (c) The report prepared by the Administrator and its review by the board of supervisors as well as any findings thereon, shall be subject to the provisions of California Government Code § 66006, to the extent applicable.

(Ord. No. 4566, § 1)

Sec. 15-71.5. California state law.

The provisions of this article and any resolution adopted pursuant hereto shall at all times be subject and subordinate to the provisions of Chapter 5 (commencing with Section 66000), Division 1, of Title 7 of the California Government Code, as the same presently exist or may hereafter be amended from time to time, to the extent the same are applicable. In the event of any applicable conflict between the provisions of this article and the state law, the latter shall control.

(Ord. No. 4566, § 1)

Sec. 15-71.6. Superseding provisions.

The provisions of this article and any resolution adopted pursuant hereto shall supersede any previous ordinance or resolution to the extent the same is in conflict herewith.

(Ord. No. 4566, § 1)

Article IIIB.^[4]

Reserved

Footnotes:

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Editor's note—Ord. No. 4902, § II, adopted Oct. 21, 2014, repealed Art. IIIB, §§ 15-72—15-79.10, which pertained to Orcutt fire protection mitigation fees and derived from Ord. No. 4311, § 1, and Ord. No. 4494.

Secs. 15-72—15-79.10. - Reserved.

Article IIIC.

Reserved^[5]

Footnotes:

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Editor's note—Ord. No. 4902, § III, adopted Oct. 21, 2014, repealed Art. IIC, §§ 15-79.20—15-79.37, which pertained to Goleta fire protection mitigation fees and derived from Ord. No. 4353, § 1, and Ord. No. 4494.

Secs. 15-79.20—15-79.37. - Reserved.

Article IV. ^[6]

Reserved

Footnotes:

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Editor's note—Ord. No. 4704, §§ 1 and 2, deleted Art. IV, §§ 15-80—15-85, which pertained to automatic fire sprinkler systems and derived from Ord. No. 3822, of § 1 of Ord. No. 3879, and Ord. No. 4494. Now see Ch. 15, Art. I, § 15-3(e), amendment to CFC Chapter 9, Fire Protection Systems.

Secs. 15-80 through 15-99. - Reserved.

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.

(Ord. 3788; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4870, §§ 1, 2, 12-10-2013)

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	\$99.00
105.6.2 Amusement buildings	
	\$99.00
	\$149.00
	\$198.00
105.6.3 Aviation facilities	\$149.00
105.6.4 Carbon dioxide systems used in beverage dispensing applications	
105.6.5 Carnivals and fairs	
50—100 occupants	\$99.00
101—300 occupants	\$149.00
over 300 occupants	\$297.00
105.6.6 Cellulose nitrate film	\$198.00

105.6.7 Combustible dust-producing operations	
105.6.8 Combustible fibers	\$99.00
105.6.9 Compressed gases	\$99.00
105.6.10 Covered and open mall buildings	\$149.00
105.6.11 Cryogenic fluids	\$99.00
105.6.12 Cutting and welding	\$99.00
105.6.13 Dry cleaning plants	\$99.00
105.6.14 Exhibits and trade shows	\$274.00
105.6.15 Explosives	\$206.00
105.6.16 Fire hydrants and valves	
105.6.17 Flammable or combustible liquids	
1. Pipeline	\$137.00
2. To store Class I liquids >5 in, >10 out	\$99.00
3. To store Class II or III-A liquids >25 in, >60 out	\$99.00
5. Removal of Class I or II liquids from UST	CUPA fees apply*
6. To install, construct, alter or operate equipment, tanks, plants, terminals, wells, refineries, etc. 105.6.17.6.1 To maintain non-operational petroleum facilities	\$1,370.00
7. To place temporarily out of service a tank	
UST	CUPA fees apply*

AST — less than 1,320 gallons	\$137.00
AST — equal to or greater than 1,320 gallons	\$548.00
8. To change tank content type	CUPA fees apply*
9. To manufacture, process, blend or refine	Actual cost (sec. 15-102)
10. Dispensing into fuel tanks of motor vehicles	\$99.00
11. Dispensing from tank vehicles to motor vehicles	\$99.00
105.6.18 Floor finishing	\$99.00
105.6.19 Fruit and crop ripening	\$99.00
105.6.20 Fumigation and insecticidal fogging	\$198.00
105.6.21 Hazardous materials (see Groups 1—4 below)	
Group 1 (see below)	\$99.00
Group 2 (see below)	\$198.00
Group 3 (see below)	\$248.00
Group 4 (see below)	\$297.00
105.6.22 HPM Facilities	\$198.00
105.6.23 High-piled storage	\$198.00
105.6.24 Hot work operations	\$99.00
105.6.25 Industrial ovens	\$274.00

105.6.26 Lumber yards and woodworking plants	\$149.00
105.6.27 Liquid or gas fueled vehicles or equipment in assembly buildings	\$99.00
105.6.28 LPG gas	\$99.00
105.6.29 Magnesium	\$198.00
105.6.30 Miscellaneous combustible storage	\$99.00
105.6.31 Motor fuel-dispensing facilities 105.6.31.1 Mobile fueling operations 105.6.32 Open burning:	
Agricultural	\$50.00
Backyard	\$50.00
High fire hazard	\$50.00
105.6.33 Open flames and torches	\$99.00
105.6.34 Open flames and candles	\$99.00
105.6.35 Organic coatings	\$99.00
105.6.36 Places of assembly	
50—100 occupants	\$99.00
101—300 occupants	\$149.00
over 300 occupants	\$198.00
105.6.38 Pyrotechnic special effects material	\$274.00
105.6.39 Pyroxylin plastics	\$198.00

105.6.40 Refrigeration equipment	\$99.00
105.6.41 Repair garages and motor fuel-dispensing facilities	\$99.00
105.6.42 Rooftop heliports	Actual cost (sec. 15-102)
105.6.43 Spraying or dipping	\$99.00
105.6.44 Storage of scrap tires and tire byproducts	\$149.00
105.6.45 Temporary membrane structures, tents and canopies	\$137.00
105.6.46 Tire re-building plants	Actual cost (sec. 15-102)
105.6.47 Waste handling	\$149.00
105.6.48 Wood products	\$149.00
105.6.49 Additional permits (SFM required)	
Production facilities	\$137.00
Pyrotechnic and special effects	\$274.00
Live audiences	\$137.00

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

** Fees for these permits are covered under the land use permit fee schedule.

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

1. Hazardous materials in excess of the amounts listed in Chapter 1, Table 105.6.20 and less than those listed in Groups 2.2, 2.3, 2.4, 3 & 4;

2. Cryogenic fluids, including flammables, oxidizers or corrosives (including oxygen), in excess of the amounts listed in Appendix Chapter 1, Table 105.6.10.

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

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

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

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

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

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

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

(b) Construction Permits.

Permit Type	Fee
105.7.1 Automatic fire-extinguishing systems	See below**
105.7.2 Battery systems	\$274.00
105.7.3 Compressed gases	\$411.00
105.7.4 Cryogenic fluids 105.7.5 Emergency responder radio coverage system 105.7.6 Fire alarm and detection systems and related equipment	See below**

105.7.7 Fire pumps and related equipment	See below**
105.7.8 Flammable or combustible liquids	
1. To repair or modify a pipeline	\$274.00
2. To install, construct or alter equipment, tanks, plants, terminals, wells, refineries, etc.	\$1,370.00
3. To install, alter, remove, abandon or otherwise dispose of a tank	
UST	CUPA fees apply*
AST —less than 1,320 gallons	\$274.00
AST—equal to or greater than 1,320 gallons	\$548.00
105.7.9 Gates and barricades across fire apparatus access roads	
105.7.10 Hazardous materials (see Groups 1-4 below)	
Group 1 (see below)	\$137.00
Group 2 (see below)	\$274.00
Group 3 (see below)	\$343.00
Group 4 (see below)	\$411.00
105.7.11 Industrial ovens	\$274.00
105.7.12 LP gas	\$137.00
105.7.13 Private fire hydrants	See below**
105.7.14 Smoke control or smoke exhaust systems	

105.7.15 Solar photovoltaic power systems	
105.7.16 Spraying or dipping	\$274.00
105.7.12 Standpipe systems	See below**
105.7.14 Temporary membrane structures, tents and canopies	\$137.00

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

** Fees for these permits are covered under the land use permit fee schedule.

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

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

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

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

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

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

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

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

1. 10,000 cubic feet or more at standard temperature or pressure for compressed gas;

- 2. 2,700 gallons or more; or
- 3. 25,000 pounds or more.

(Ord. No. 3788; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4771, §§ 1, 2, 12-14-2010; Ord. No. 4870, §§ 1, 2, 12-10-2013)

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.

(Ord. No. 3788; Ord. No. 3896, § 1; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4771, §§ 1, 2, 12-14-2010; Ord. No. 4870, §§ 1, 2, 12-10-2013)

Sec. 15-103. - Petroleum facility response—Cost recovery.

Petroleum facility operators shall pay a fee as specified below, for any response to their petroleum facility (and/or associated piping and wells) by the Santa Barbara County Fire Department that is caused by a violation of Chapter 50 (Hazardous Material) or Chapter 57 (Flammable and Combustible Liquids) of Article 1 of Chapter 15 of the Santa Barbara County Code. There shall be no fee for the initial response to a petroleum facility in a calendar year. However, a fee of seven hundred twelve dollars 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 section 15-103.

(Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4771, §§ 1, 2, 12-14-2010; Ord. No. 4870, §§ 1, 2, 12-10-2013)

Sec. 15-104. Certified Unified Program Agency ("CUPA")—Hazardous materials fee schedule.

CUPA PROGRAMS	FEE
BUSINESS PLANS	
Health and Safety Code (HSC) Chapter 6.95 Article 1	
Annual administrative fee	

		Maximum # of chemicals	
		1—3	\$ 254.00
		4—6	304.00
		7—10	355.00
		11—20	408.00
		21—100	449.00
		101 or more	556.00
		One time agricultural exemption registration fee*	101.00
		One time remote site exemption registration fee**	101.00
		Exceptional time and consultation fees, per hour***	101.00
		California Accidental Release Prevention Program (HSC Ch. 6.95, Article 2), per hour	97.00
		Photocopies, each	0.10
		HAZARDOUS WASTE GENERATORS	
		Health and Safety Code Chapter 6.5	
		Annual permit to operate	
		Hazardous waste generated per facility	
		0.00—0.99 tons	\$ 351.00
		1.00—4.99 tons	425.00
		5.00—19.99 tons	600.00
		20.00 + tons	1,994.00

	Some generators ≤ .04 tons (10 gallons) are exempt	
	Site mitigation (for clean-up oversight), per hour	157.00
	Monitoring well permits	
	Well construction/modification	629.00
	Each additional well for same site	157.00
	Well destruction/inactivation	471.00
	Each additional well for same site	157.00
	Emergency response (ER)/complaint response, per hour	\$122.00
	Exceptional time and consultation fees, per hour***	96.00
	Violation re-inspection fee, per hour	96.00
	Photocopies, each	0.10
	ABOVEGROUND PETROLEUM STORAGE ACT	
	Health and Safety Code Chapter 6.67	
	1,320—9,999 gallons, per site	\$ 231.00
	10,000 gallons and above, per site	338.00
	UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES	
	Health and Safety Code Chapter 6.7	
	Annual permit to operate	
	Per tank per year	\$ 591.00

Plan check/construction inspection fee	2,050.00
Plan check/modification/repair inspection fee	2,006.00
Plan check/abandonment inspection fee	1,312.00
Exceptional time, consultation*** and minor project fee, per hour	95.00
Violation re-inspection fee, per hour	95.00
Photocopies, each	0.10
STATE OF CALIFORNIA UNIFIED PROGRAM OVERSIGHT FEES	
Health and Safety Code Chapter 6.11	
State general program oversight, per facility	\$ 24.00
State electronic reporting surcharge, per facility	25.00
State underground storage tank surcharge (each tank per year), per tank	15.00
State California Accidental Release Prevention Program fee, per facility	270.00

* **Agricultural facility above ground fuel tank exemption.** Motor vehicle fuel above ground tanks at agricultural facilities having a capacity of one thousand one hundred gallons or less are exempt from the business plan inventory reporting requirements. The facility must submit a one-time business plan and site map to the county fire department, complete an exemption form and pay a one-time only agricultural exemption registration fee of one hundred one dollars. If, however, the cumulative fuel storage capacity of all tanks at a single facility is greater than twenty thousand gallons, the above ground fuel tank exemption would not apply.

** **Remote site exemption.** Remote sites are exempt from the business plan if the hazardous material inventory amounts are equal to or less than all of the following: five hundred cu. ft. compressed inert gases; five hundred GAL combustible liquids used as a fuel source (diesel, fuel oil, kerosene); two hundred GAL electrolytes in closed containers; five hundred GAL lubricating and hydraulic fluids; and one thousand two hundred GAL flammable gas used as a fuel source (propane). The facility has to submit a one-time business plan to the county fire department, complete an exemption form and pay a one-time only remote site exemption registration fee of one hundred one dollars. A remote site is defined as an unstaffed facility located in an isolated sparsely populated area, the facility is secured and not accessible to the public and warning signs are posted and maintained for hazardous materials pursuant to the CA Fire Code.

***** Exceptional time and consultation fees.** 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.

DELINQUENT FEES. Fees that are invoiced by the fire department as outlined in section 15-104 "Certified Unified Program Agency (CUPA)—Hazardous Materials Fee Schedule" and which are not paid within thirty calendar days of the original invoice date shall be considered delinquent and the following charges added for delinquency:

1. For the first sixty days from the original invoice date that the bill is not paid in its entirety, a penalty fee equal to ten percent of the unpaid amount of such fee shall be assessed.
2. For the next thirty-day period that the bill is not paid in its entirety, a penalty fee equal to fifteen percent of the unpaid balance shall be assessed.
3. Fees not paid within ninety days from the original invoice date may be referred to the district attorney or other agency for the purposes of collection. In addition to the fee(s) and any penalties associated with delinquent fee(s) described above, the accounts referred for collection shall be charged for the actual costs associated with collection efforts.

Note: Businesses in the county must have a valid permit to conduct operations regulated by the certified unified program agency (CUPA) and hazardous materials unit. Once a facility is in compliance and the invoice fees have been paid, the fire department will issue a permit. Failure to pay the required fee(s) and possess a valid permit may cause regulated operations by the business to cease and cause the fire department to pursue enforcement actions.

(Ord. No. 4712, § 1, 6-16-2009; Ord. No. 4819, § 1, 12-13-2011)

Secs. 15-105 through 15-120. - Reserved.

Article VI.

Violations-Legal Actions

Sec. 15-121. Criminal actions.

- (a) Any person who violates any of the provisions of this chapter of the Santa Barbara County Code or fails to comply with any order made under this chapter or who builds in violation of any plans submitted and/or reviewed under this chapter, or who violated the provisions of any certificate or permit issued under this chapter, and/or who fails to comply with an order made under the authority of this chapter, is, for each and every such violation and noncompliance respectively, severally guilty of a crime. The offense may be filed either as an infraction or a misdemeanor at the discretion of the district attorney.
- (b) If filed as an infraction and upon conviction thereof, the crime shall be punishable by a fine not to exceed one hundred dollars for a first violation, a fine not to exceed two hundred dollars for a second violation of the same code provision within a period of one year, and a fine not to exceed five hundred dollars for each additional violation of the same code provision within one year.
- (c) If filed as a misdemeanor and upon conviction thereof, the crime shall be punishable by a fine of not less than five hundred dollars nor more than twenty-five thousand dollars, or imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, except that where such prior convictions, as either infractions or misdemeanors, are alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by a jury trying the case, or by the court in a case where guilt is established by a plea of guilty or nolo contendere, or by trial by the court sitting without a jury, the punishment shall be a fine of not less than one thousand dollars nor more than twenty-five thousand dollars, or imprisonment in the county jail for a period not to exceed one hundred eighty days, or by both such fine and imprisonment.
- (d) Each and every day during any portion of which any violation of this chapter or the rules, regulations, orders, or permits issued there under, is committed, continued or permitted by such person, firm, or corporation shall be deemed a separate and distinct offense.

(Ord. No. 3788; Ord. No. 4494; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4870, §§ 1, 2, 12-10-2013)

Sec. 15-122. Civil actions.

- (a) Injunctive Relief. Whenever any person, firm, or corporation has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of this chapter or any rule, regulation, order, or permit issued thereunder, the district attorney, county counsel or district counsel may make application to the Superior Court for an order enjoining such act or practice, or for an order directing compliance, and upon a showing by the fire department that such person, firm, or corporation has engaged in or is about to engage in any such act or practice, a permanent or preliminary injunction, temporary restraining order, or other order may be granted.
- (b) Abatement. In the event that any person, firm, or corporation shall fail to abate a violation hereunder after notice of same and opportunity to correct or end the violation, the district attorney, county counsel or district counsel may apply to the Superior Court of this county for an order authorizing the fire department to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of such undertaking.

(Ord. No. 3788; Ord. No. 4494; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4870, §§ 1, 2, 12-10-2013)

Sec. 15-123. Civil remedies and penalties.

- (a) Civil Penalties. Any person, whether acting as principal, agent, employee, or otherwise, who willfully violates any of the provisions of this chapter or any rule, regulation, order or permit issued thereunder, shall be liable for a civil penalty not to exceed twenty-five thousand dollars for each day that the violation continues to exist.
- (b) Costs and Damages. Any person, whether as principal, agent, employee or otherwise, violates any of the provisions of this chapter or the rules, regulations, order or permits issued thereunder, shall be liable to the County of Santa Barbara for the costs incurred and the damages suffered by the county, its agents, and agencies as a direct and proximate result of such violation(s).
- (c) Procedure. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the danger to public health and safety, the corrective action, if any, taken by the defendant and the assets, liabilities, and net worth of the violator(s).

(Ord. No. 3788; Ord. No. 4494; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4870, §§ 1, 2, 12-10-2013)

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; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4870, §§ 1, 2, 12-10-2013)

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 2016 CFC, Chapter 1, Section 109 Violations.

(Ord. No. 3788; Ord. No. 4494; Ord. No. 4704, §§ 1, 2, 1-27-2009; Ord. No. 4771, §§ 1, 2, 12-14-2010; Ord. No. 4870, §§ 1, 2, 12-10-2013)

Article VII.

Fire Department Administration of Hazardous Materials/Wastes Laws

Sec. 15-126. Fire department enforcement.

The Santa Barbara County fire department shall be vested with such powers, functions, duties and responsibilities with respect to hazardous materials, hazardous substances and hazardous wastes set forth in this article VII. Any references or similar references in any law for the regulation of hazardous materials, hazardous substances or hazardous wastes to "administering agency," "local enforcement agency," "local agency," "local public officer," "health officer" or "local health officer" or similar phrase, which references are intended to mean or to identify the local agency designated to administer, implement and/or enforce said law, shall mean the Santa Barbara County fire department for purposes of this article VII.

(Ord. No. 4215, § 1; Ord. No. 4494)

Sec. 15-127. Transfer of authority.

The administration, application, implementation and enforcement of various federal and state laws and regulations and local ordinances on the control and regulation of hazardous materials, hazardous substances and hazardous wastes are hereby transferred out of the environmental health services division of the Santa Barbara County department of health care services (hereinafter "environmental health services"), and into the Santa Barbara County fire department (hereinafter "fire department").

(Ord. No. 4215, § 1; Ord. No. 4494)

Sec. 15-128. Successor of authority.

- (a) The fire department succeeds to and is vested with the duties, purposes, responsibilities and jurisdiction, imposed by law or contract or memoranda, heretofore exercised by environmental health services, health officers, local health officers or county health departments as defined in state law and the Santa Barbara County Code and ordinances as they relate to hazardous materials, hazardous substances and hazardous wastes, including, but not limited to, the following state laws, together with their implementing regulations, and the following provisions of the Santa Barbara County Code and ordinances:
- (1) Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory), §§ 25500 et seq., of division 20 of the Health and Safety Code;
 - (2) Chapter 6.7 (Underground Storage of Hazardous Substances), §§ 25280 et seq., of division 20 of the Health and Safety Code;
 - (3) Chapter 6.75 (Petroleum Underground Storage Tank Cleanup), §§ 25299.10 et seq., of division 20 of the Health and Safety Code;
 - (4) Chapter 6.5 (Hazardous Waste Control), §§ 25100 et seq., of division 20 of the Health and Safety Code;
 - (5) Chapter 6.11 (Unified Hazardous Waste and Hazardous Materials Regulatory Program), §§ 25404 et seq., of division 20 of the Health and Safety Code;
 - (6) Chapter 6.65 (Unified Review of Hazardous Materials Release Sites), §§ 25260 et seq., of division 20 of the Health and Safety Code;

- (7) Chapter 6.67 (Aboveground Storage of Petroleum), §§ 25270 et seq., of division 20 of the Health and Safety Code;
 - (8) Chapter 6.8 (Hazardous Substance Account), §§ 25300 et seq., of division 20 of the Health and Safety Code;
 - (9) Article III (Hazardous Materials Storage Ordinance), §§ 18-21 et seq., of chapter 18 of the Santa Barbara County Code;
 - (10) Article IV (Hazardous Waste Generator Ordinance), §§ 18-30 et seq., of chapter 18 of the Santa Barbara County Code; and
 - (11) Article VI (Reporting Requirements), §§ 18-41 et seq., of chapter 18 of the Santa Barbara County Code.
- (b) Chapter 6.6 (Safe Drinking Water and Toxic Enforcement Act of 1986), §§ 25249.5 et seq., of division 20 of the Health and Safety Code; and article VII (Monitoring), §§ 18-49 et seq., of chapter 18 of the Santa Barbara County Code, are excluded and excepted from the transfer of authority of hazardous materials, substances, and wastes laws and regulations to the fire department.

(Ord. No. 4215, § 1; Ord. No. 4494)

Sec. 15-129. Local health officer.

Whenever, in any statute, rule, regulation, resolution, order or Santa Barbara County Code or ordinance a power is granted to or a duty is imposed upon the Santa Barbara County health department or upon environmental health services or upon the county health officer or health officer or local health officer pertaining to hazardous materials, hazardous substances and/or hazardous wastes and/or to regulatory programs transferred by the board of supervisors pursuant to this article VII, such powers and duties shall thereafter be administered, applied, implemented and enforced by the fire department.

(Ord. No. 4215, § 1; Ord. No. 4494)

Sec. 15-130. Power and duties of county health officer.

- (a) Nothing contained herein shall be deemed to limit or otherwise restrict the Santa Barbara County health officer during a state of emergency as provided in Health and Safety Code section 1158.
- (b) The Santa Barbara County health officer shall also retain such authority as is necessary to meet all state and local requirements and responsibilities relating to the protection of public health set forth in section 452 of the Health and Safety Code other than those requirements and responsibilities transferred pursuant to this article VII to the Santa Barbara County fire department.

(Ord. No. 4215, § 1; Ord. No. 4494)

Sec. 15-131. Fees.

The fee resolutions for environmental health services for the regulation of hazardous materials/substances/wastes that are effective on the date of the adoption of this article VII shall remain in effect. The fire department shall administer and implement said fee resolutions and collect the fees authorized by said resolutions until such time as said resolutions are superseded by fee resolutions that are hereafter adopted by the board of supervisors for the fire department's implementation of this article VII.

(Ord. No. 4215, § 1; Ord. No. 4494)

Sec. 15-132. Violations—Legal actions.

Article VI, §§ 15-121 et seq., of chapter 15 of the Santa Barbara County Code shall not apply to this article VII. The respective enforcement provisions for each of the programs transferred to the fire department pursuant to this article VII shall be those that are set forth in each respective program so transferred.

(Ord. No. 4215, § 1; Ord. No. 4494)

Article VIII.^[7]

Reserved

Footnotes:

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Editor's note—Art. VIII, § 15-133, was repealed on the effective date of Ord. No. 4704, §§ 1 and 2, adopted Jan. 27, 2009. Art. VIII, § 15-133, pertained to fireworks and derived from § 1 of Ord. No. 4676. Now see Article I.

Sec. 15-133. - Reserved.