AN ORDINANCE AMENDING CHAPTER 15 OF THE SANTA BARBARA COUNTY CODE AND FEE SCHEDULE

ORDINANCE NO. _____

An ordinance of the County of Santa Barbara amending Chapter 15 of the Santa Barbara County Code and Fee Schedule.

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

Section One

Chapter 15 of the Santa Barbara County Code is amended in the following manner:

1. In Article V, Section 15-101(c), entitled “Construction Permits,” the following are amended as follows:

Fire Protection Certificate (FPC) – Minor (Includes Plan Review and Two Inspections)	$576.00
Fire Protection Certificate (FPC) – Major (Includes Plan Review and Two Inspections)	$1151.00

2. Other than the two fee corrections the ordinance remains unchanged.

CHAPTER 15 - FIRE PREVENTION

Article I. Adoption of the 2025 California Fire Code and portions of the 2024 International Fire Code

Sec. 15-1. - Adoption of 2025 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 2025 edition of the California Fire Code (hereinafter 2025 California Fire Code or "CFC") and the following provisions of the 2024 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, N,O, P and Q as published by the International Code Council, that are added and/or amended by section 15-3 of this chapter. A copy of the 2025 edition of the California Fire Code is on file with the clerk of the board of supervisors and is incorporated by reference.

Amendments to the 2025 California Fire Code and portions of the 2024 International Fire Code are set forth below in Sec. 15-3. An amendment, including an addition or a deletion, only amends the referenced section and does not, by omission of reference, delete any other section.

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. XXXX, §§ 1, 2, XX-XX-XXXX)

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 Santa Barbara County 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 “California Wildland Urban Interface Code,” “Wildland Urban Interface Code,” and “WUI Code” are used they shall be held to include the wildland urban interface code as adopted under Chapter 10 of the Santa Barbara County Code.

(i) 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 shall refer to the application for review of construction permits.

(k) The “Fire protection certificate” (FPC) process is divided into the following two distinct levels of review based on the scope and complexity:

Minor Fire Protection Certificate (FPC-Minor)

1. All new R-3 Occupancies three thousand six hundred (3,600) square feet or less, inside the Urban Limit line.

2. All new detached ADUs located inside of the Urban Limit line.

3. All new U Occupancies, requiring a building permit, three thousand six hundred (3,600) square feet or less, inside the Urban Limit line.

4. Any R-3 Occupancies three thousand six hundred (3,600) square feet or less, inside the Urban Limit line, where the aggregate interior alterations or modifications change or rearrange 70% or

more of the original planned configuration of walls or full height partitions within the existing enclosed building area

5. Any R-3 Occupancies inside of the Urban Limit line, that adds an accumulation of one thousand square feet or more to the existing enclosed building area and the subsequent gross floor area is less than or equals three thousand six hundred square feet.

6. Tenant Improvements to any occupancies, where a fire protection system has been installed (Fire Sprinklers, Fire Alarm, Hood System, etc.).

7. Change of occupancy classification if it has been deemed equal to or less hazardous based on life safety risk.

8. A change from one group to another group within an occupancy classification.

9. The review of any changes to a fire protection system.

10. Any building project that does not fall under the conditions described for review, but in the opinion of the building code official or the fire code official should be reviewed by the Fire Department.

Major Fire Protection Certificate (FPC-Major)

1. All new R-3 Occupancies greater than three thousand six hundred (3,600) square feet inside the Urban Limit line or any size, outside the Urban Limit line.

2. All new U Occupancies, requiring a building permit, outside the Urban Limit line, or greater than three thousand six hundred (3,600) square feet inside the Urban Limit line.

3. All new detached ADUs located outside of the Urban Limit line.

4. All new Occupancies other than R-3 or U Occupancies.

5. Any occupancy other than R-3 or U Occupancies that adds an accumulation of five hundred square feet or more to the existing gross floor area or the subsequent enclosed building area equals or exceeds three thousand six hundred square feet.

6. Any occupancy with an existing square footage of three thousand six hundred square feet or greater where aggregate interior alterations or modifications change or rearrange 70% or more of the original planned configuration of walls or full height partitions within the existing enclosed building area.

7. Any R-3 or U Occupancies that adds an accumulation of one thousand square feet or more to the existing enclosed building area, outside of the Urban Limit line, or causes the subsequent gross floor area to exceed three thousand six hundred (3,600) square feet.

8. Change of occupancy classification if it has been deemed to be more hazardous based on life safety risk.

(l) Whenever the words "high fire hazard severity zone " and “local responsibility area” (LRA) are used it means the maps adopted by ordinance by the Board of Supervisors and on file with the office of the state fire marshal and the board of forestry.

(m) Whenever the words "very high fire hazard severity zone" and "local responsibility area" (LRA) are used it means the maps adopted by ordinance by the Board of Supervisors and on file with the office of the state fire marshal and the board of forestry.

(n) Whenever the words "high fire hazard severity zone" and "state responsibility area" (SRA) are used it means the areas identified as moderate, high and very high by the office of the state fire marshal.

(o) 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. XXXX, §§ 1, 2, XX-XX-XXXX)

Sec. 15-3. - Amendments to the 2025 California Fire Code and portions of the 2024 International Fire Code.

The 2025 California Fire Code and portions of the 2024 International Fire Code are amended as follows in order to properly safeguard the health, safety, and welfare of the people, property and environment of Santa Barbara County:

(a) **CHAPTER 1 — SCOPE AND ADMINISTRATION**

DIVISION II - ADMINISTRATION

PART 1-GENERAL PROVISIONS

SECTION 101 SCOPE AND GENERAL REQUIREMENTS

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

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 10-1.6 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.

PART 2-ADMINISTRATION AND ENFORCEMENT

SECTION 103 CODE COMPLIANCE AGENCY is adopted in its entirety with the following amendment:

103.1 Creation of Agency is amended to read as follows:

The Santa Barbara County Fire Department is hereby created and the official in charge thereof

be known as the fire code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

SECTION 104 DUTIES AND POWERS OF THE FIRE CODE OFFICIAL is adopted in its entirety with the following amendment:

104.7 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 amended by adopting and amending the following:

105.3.1 Expiration is adopted and amended to read as follows:

An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.5.13 Dry cleaning is adopted in its entirety

105.5.18 Flammable and combustible liquids is amended by adding the following:

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

105.5.19 Floor finishing is adopted in its entirety

105.5.20 Fruit and crop ripening is adopted in its entirety

105.5.22 Hazardous materials Is adopted in its entirety

105.5.26 Indoor plant cultivation is adopted in its entirety

105.5.30 LP-gas is adopted in its entirety

105.5.32 Magnesium is adopted in its entirety

105.5.33 Miscellaneous combustible storage is adopted in its entirety

105.5.35 Motor fuel-dispensing facilities is adopted in its entirety:

105.5.36 Open burning is adopted and amended as follows:

1. Tier I Agricultural
2. Tier II Agricultural
3. Backyard
4. Fire Hazard Reduction
5. LE 5 (General Burn)
6. LE 7 (Broadcast Burn)

105.5.37 Open flames and torches is adopted in its entirety and amended to read as follows:

An operational permit is required to remove paint with a torch; or to use a torch or open-flame device

in the State Responsibility Area, Very High Fire Hazard Local Responsibility Area or a wildfire risk area.

105.5.38 Open flames and candles is adopted in its entirety

105.5.39 Organic coatings is adopted in its entirety

105.5.40 Outdoor assembly event is amended to read as follows:

An operational permit is required to conduct any outdoor assembly event with a planned attendance exceeding 300 people, or when other activities regulated by the Fire Code are involved.

105.5.41 Places of assembly is adopted in its entirety:

105.5.45 Pyroxylin plastics is adopted in its entirety

105.5.46 Refrigeration equipment is adopted in its entirety

105.5.47 Repair garages and motor fuel-dispensing facilities is adopted in its entirety

105.5.49 Spraying or dipping is adopted in its entirety

105.5.50 Storage of scrap tires and tire byproducts is adopted in its entirety

105.5.52 Tire-rebuilding plants is adopted in its entirety

105.5.54 Wood products is adopted in its entirety

105.5.56 Temporary heating or cooking in wildfire risk areas is adopted in its entirety

105.6 Required construction permits is amended by adopting the following:

105.6.2 Automatic sprinkler systems is adopted in its entirely.

SECTION 106 CONSTRUCTION DOCUMENTS is adopted in its entirety.

SECTION 107 TEMPORARY STRUCTURES, USES, EQUIPMENT AND SYSTEMS is adopted in its entirety

SECTION 108 FEES is adopted in its entirety and amended to read as follows:

108.2 Schedule of permit fees is amended to read as follows:

Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority (see Santa Barbara County Code, Chapter 15, Article V Fees).

SECTION 109 INSPECTIONS is adopted in its entirety.

SECTION 110 MAINTENANCE is adopted in its entirety.

SECTION 111 SERVICE UTILITIES is adopted in its entirety.

SECTION 113 VIOLATIONS is adopted in its entirety and amended as follows:

113.4 Violation Penalties is amended to read as follows:

Violation penalties are covered under Santa Barbara County Code, Chapter 15, Article VI, Violations-Legal Actions and Chapter 24A-Administrative Fines.

SECTION 114 STOP WORK ORDER is adopted in its entirety and amended as follows:

114.4 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 or designee 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, Violations-Legal Actions.

SECTION 115 UNSAFE STRUCTURES OR EQUIPMENT is adopted in its entirety.

(b) **CHAPTER 2 — DEFINITIONS**

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

ENCLOSED. Areas of a building provided with at least three or more surrounding walls that are less than sixty-five (65) percent open on each wall.

ENCLOSED BUILDING AREA. The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building provided that can be considered enclosed shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

FIRE AND LIFE HAZARD. "Fire and life hazard" means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire or a hazardous material release (spill, leak, etc.) to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire and responding to hazardous material releases; or which may obstruct, delay, or hinder egress from a facility or building, or may become the cause of obstruction, delay or hindrance to the prevention, suppression, or extinguishment of a fire or hazardous material release. When a Fire and Life Hazard has been determined to exist by the fire chief it shall be considered a public nuisance.

FIRE PROTECTION CERTIFICATE (FPC). Is the application for review of construction permits and /or documents by the Santa Barbara County Fire Department when required by Chapter 15 of the Santa Barbara County Code.

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 REQUIREMENTS**

SECTION 304 — COMBUSTIBLE WASTE MATERIAL

304.1.2 Waste material is amended to read as follows:

When determined to be a fire hazard, accumulations of wastepaper, wood, hay, straw, weeds, litter, or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

304.1.3 Vegetation is amended to read as follows:

When determined to be a fire hazard, weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in wildland urban interface areas shall be in accordance with Article XIX within Chapter 10 of the Santa Barbara County Code.

SECTION 305 — IGNITION SOURCES is adopted in its entirety.

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

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

SECTION 308 — OPEN FLAMES is adopted in its entirety.

SECTION 309 — POWERED INDUSTRIAL TRUCKS AND EQUIPMENT is adopted in its entirety.

SECTION 310 — SMOKING is adopted in its entirety.

SECTION 311 — VACANT PREMISES is adopted in its entirety.

(d) **CHAPTER 4 — EMERGENCY PLANNING AND PREPAREDNESS**

SECTION 404 FIRE SAFETY, EVACUATION AND LOCKDOWN PLAN is adopted in its entirety and amended to read as follows:

404.1 General is amended to read as follows:

Where required by Section 403 or other sections of this code, or the fire code official, fire safety, evacuation and lockdown plans shall comply with Sections 404.2 through 404.4.1.

404.2.2 Fire safety plans is amended to read as follows:

Fire safety plans shall include the following:

1. The procedure for reporting a fire or other emergency.

2. The life safety strategy including the following:

    2.1. Procedures for notifying occupants, including areas with a private mode alarm system.

    2.2. Procedures for occupants under a defend-in-place response.

    2.3. Procedures for evacuating occupants, including those who need evacuation assistance.

3. Site plans indicating the following:

    3.1. The occupancy assembly point.

    3.2. The locations of fire hydrants.

    3.3. The normal routes of fire department vehicle access.

4. Floor plans identifying the locations of the following:

    4.1. Exits.

    4.2. Primary evacuation routes.

    4.3. Secondary evacuation routes.

4.4. Accessible egress routes.

4.4.1. Areas of refuge.

4.4.2. Exterior areas for assisted rescue.

4.5. Refuge areas associated with smoke barriers and horizontal exits.

4.6. Manual fire alarm boxes.

4.7. Portable fire extinguishers.

4.8. Occupant-use hose stations.

4.9. Fire alarm annunciators and controls.

5. A list of major fire and life safety hazards associated with the normal use and occupancy of the premises, including maintenance, housekeeping, recommended initial actions, containment and control plans, and long-term mitigation procedures.

6. Identification and assignment of personnel responsible for maintenance of systems and equipment installed to prevent or control fires.

7. Identification and assignment of personnel responsible for maintenance, housekeeping and controlling fuel hazard sources.

(e) **CHAPTER 5 - FIRE SERVICE FEATURES**

SECTION 501 GENERAL

501.1 Scope is amended to read as follows:

Fire service features for buildings, structures, and premises shall comply with this chapter, California Code of Regulations Title 14, and the Santa Barbara County Fire Department Development Standards.

SECTION 503 FIRE APPARATUS ACCESS ROADS is adopted in its entirety with the following amendments:

503.1 Where required is amended to read as follows:

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3, California Code of Regulations Title 14, and the Santa Barbara County Fire Department Development Standards.

503.2 Specifications is amended to read as follows:

Fire apparatus access roads shall be installed and arranged in accordance with Section 503.2.1 through 503.2., California Code of Regulations Title 14, and the Santa Barbara County Fire Department Development Standards.

503.2.1 Dimensions is amended to read as follows:

Fire apparatus access roads shall have an unobstructed width in accordance with California Code of Regulations Title 14 and the Santa Barbara County Fire Department Development Standards and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.5 Dead ends is amended to read as follows:

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length or when deemed needed, by the fire code official, for fire apparatus safety shall be provided with an approved area for turning around fire apparatus.

503.6 Security gates is amended to read as follows:

The installation of security gates across a fire access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. The installation of security gates across a fire apparatus access road or driveway shall be in accordance with California Code of Regulations Title 14 and the Santa Barbara County Fire Department Development Standards.

SECTION 504 ACCESS TO BUILDING OPENINGS AND ROOFS

504.3 Stairway Access to Roof is amended to read as follows:

New buildings four or more stories above grade plane, or when provisions of section D105 are required, except those with a roof slope greater than four units vertical in 12 units horizontal (33.3-percent slope), shall be provided with a stairway to the roof. Stairway access to the roof shall be in accordance with Section 1011.12. Such stairway shall be marked at street and floor levels with a sign indicating that the stairway continues to the roof. Where the roof is a vegetative roof, includes a landscaped room area, or is used for other purposes, stairways shall be provided as required for such occupancy classification.

SECTION 505 PREMISES IDENTIFICATION

505.1 Address identification is amended to read as follows:

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of $^1/_2$ inch (12.7 mm) unless the fire code official determines the need for taller and/or wider characters for identification and public safety. Addresses for residential buildings shall be reflectorized. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

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.

505.1.2 Addresses for Buildings is added to read as follows:

All buildings shall be issued an address by the local jurisdiction which conforms to the local jurisdiction's addressing system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified.

505.1.3 Address Modifications is added to read as follows:

When deemed necessary by the fire chief, to provide for fire and life safety, an address assignment shall be modified.

505.2 Street or road signs is amended to read as follows:

Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant, reflectorized and be maintained until replaced by permanent signs.

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.

(f) CHAPTER 9 FIRE PROTECTION SYSTEMS

SECTION 901 GENERAL

901.4 Fire protection and life safety systems is amended to read as follows:

Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code, the California Building Code, and the Santa Barbara County Fire Department Development Standards.

901.4.1 Required fire protection and life safety systems is amended to read as follows:

Fire protection and life safety systems required by this code, the California Building Code or the Santa Barbara County Fire Department Development Standards shall be installed, repaired, operated, tested, and maintained in accordance with this code and the Santa Barbara County Fire Department Development Standards. A fire protection or life safety system for which a design option, exception or reduction to the provisions of this code, the California Building Code or the Santa Barbara County Fire Department Development Standards has been granted shall be considered to be a required system.

901.4.2 Nonrequired fire protection and life safety systems is amended to read as follows:

Fire protection and life safety systems or portion thereof not required by this code, or the California Building Code, shall be allowed to be furnished for partial or complete protection provided that such installed systems meet the applicable requirements of this code, the California Building Code, and the Santa Barbara County Development Standards.

901.6 Inspection, testing and maintenance is amended to read as follows:

Fire protection and life safety systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection and life safety systems and equipment shall be inspected, tested and maintained or removed in accordance with Section 901.8. Nonrequired fire protection systems shall only be removed after obtaining written permission from the fire code official.

SECTION 902 DEFINITIONS

902.1 Definitions is amended by adding the following:

ENCLOSED BUILDING AREA

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

903.1 General is amended to read as follows:

Automatic sprinkler systems shall comply with this section and the Santa Barbara County Fire Department Development Standards.

903.2 Where required is amended to read as follows:

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12, Sections 903.2.14 through 903.2.21 and Section 903.7.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries not required to have an automatic sprinkler system by Section 1207 for energy storage systems and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 of the California Building Code or not less than 2-hour horizontal assemblies constructed in accordance with Section 711 of the California Building Code, or both.

903.3.1.2 NFPA 13R sprinkler system is amended to read as follows:

Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R *as amended in Chapter 80* where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. For other than Group R-2 occupancies, the floor level of the highest story is 30 feet (9144 mm) or less above the lowest level of fire department vehicle access.

   For Group R-2 occupancies, the roof assembly is less than 45 feet (13 716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.
3. The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

The number of stories of Group R occupancies constructed in accordance with section 510.2 and 510.4 of the California Building Code shall be measured from grade plane.

Exception: Any building or structure that meets the requirements of section D105 will be required to follow Section 903.3.1.1.

903.4.3.1 Alarms in one- and two-family dwellings is added to read as follows**:**

For one-and two-family dwellings, an approved audible sprinkler waterflow alarm device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system.

903.7 Santa Barbara County automatic sprinkler systems is added to read as follows:

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 is added to read as follows:

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). (2025 California Residential Code, Chapter 3, Section R-313 Automatic Fire Sprinkler Systems / 2025 California Building Code Chapter 9, Section 903.2.8 Group R)

2. New non-residential buildings and structures with a final enclosed building area of 3,600 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 an enclosed building area of 3,600 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).

4. Modification to existing buildings and structures, other than Group R.

   Existing buildings or structures with an enclosed building area of 3,600 square feet or more for which applications for modification, alterations or additions are officially filed or required to be filed with the Santa Barbara County Planning and Development Department, Building and Safety Division, or any local jurisdiction within the County serviced by the Santa Barbara County Fire Department, where:

   (a) Aggregate alterations or modifications involving the demolition, reconstruction and/or replacement of 70% or more of the existing exterior walls of the building or structure; or

   (b) Aggregate alterations or modifications change or rearrange the original planned configuration of walls or full height partitions and involves 70% or more of the existing enclosed building area of the building or structure; or

   (c) Subsequent to any addition of square footage, the total enclosed building area of the building or structure is 3,600 square feet or more.

5. Modification to existing Group R buildings or structures.

   Existing Group R buildings or structures for which applications for modification, alterations, or additions are officially filed or required to be filed with the Santa Barbara County or any City within the County serviced by Santa Barbara County Fire Department, where:

   (a) Aggregate alterations or modifications involving the demolition, reconstruction and/or replacement of 70% or more of the existing exterior walls of the building or structure; or

(b) Aggregate alterations or modifications change or rearrange the original planned configuration of walls or full height partitions and involves 70% or more of the existing enclosed building area of the building or structure; or

(c) Subsequent to any addition of square footage, the total enclosed building area of the building or structure is 3,600 square feet or more.

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

   Existing buildings or structures for which applications for modification, alterations, or additions are officially filed or required to be filed with the Santa Barbara County Planning and Development Department, Building and Safety Division, or any local jurisdiction within the County serviced by the Santa Barbara County Fire Department, 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), where:

   (a) Aggregate alterations or modifications involving the demolition, reconstruction and/or replacement of 70% or more of the existing exterior walls of the building or structure; or

   (b) Aggregate alterations or modifications change or rearrange the original planned configuration of walls or full height partitions and involves 70% or more of the existing enclosed building area of the building or structure; or

   (c) The addition of square footage is five hundred square feet or more to the enclosed building area for non-residential or one thousand square feet or more to the enclosed building area for residential; or

   (d) Subsequent to any addition of square footage, the total enclosed building area of the building or structure is 3,600 square feet or more.

7. Any change of occupancy where the new occupancy would be required to have fire sprinklers.

8. When fire sprinklers are installed in buildings or structures, they shall be installed throughout the entire building or structure.

NOTE: Any additional square footage added after January 1st, 2017 shall be accumulative towards the total enclosed building area listed in Section 903.7.1 #6 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 (subject to the same occupancy change conditions as noted in "Exception 1" above).

SECTION 905 STANDPIPE SYSTEMS

905.3 Required installations is amended to read as follows:

Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.10 or when required by the fire code official. Standpipe systems are allowed to be combined with automatic sprinkler system installation.

Exception:

1. Standpipe systems are not required in Group R-2 townhouses.
2. Standpipe systems are not required in Group R-3 occupancies.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS is amended by adding the following:

907.2.30 Mixed-use buildings is added to read as follows:

Where residential occupancies are combined with commercial occupancies, a monitored fire alarm system shall be installed which notifies all occupants in the event of a fire. The system shall include automatic smoke detection throughout the commercial and common areas.

(g) **CHAPTER 11 – CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS**

SECTION 1104 MEANS OF EGRESS FOR EXISTING BUILDINGS

1104.3 Exit sign illumination is adopted in its entirety.

1104.4 Power source is adopted in its entirety.

1104.5 Illumination emergency power is adopted in its entirety.

1104.5.1 Emergency power duration and installation is adopted in its entirety.

(h) **CHAPTER 12 – ENERGY SYSTEMS**

SECTION 1205 SOLAR PHOTOVOLTAIC POWER SYSTEMS

1205.5 Ground-mounted photovoltaic panel systems is amended to read as follows:

Ground-mounted photovoltaic panel systems shall be installed in accordance with this section and the Santa Barbara County Fire Department Development Standards. Setback requirements shall not apply to ground-mounted, free-standing photovoltaic arrays.

(i) **CHAPTER 33 – FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION**

3307.2 Water supply for fire protection is amended to read as follows:

An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible building materials arrive on the site, on commencement of vertical combustible construction and on installation of a standpipe system in buildings under construction, in accordance with Sections 3307.2.1 through 3307.4. A temporary water supply system shall only be allowed upon written approval of the fire code official.

Exception: The fire code official is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

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

SECTION A101 GENERAL

A101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for request for variance, alternate means and methods, and/or modification requests to this code, Article XIX within Chapter 10 of the Santa Barbara County Code excluding Chapter 5 of the adopted and amended WUI Code, the Santa Barbara County Fire Department Development Standards, and California Code of Regulations Title 14. The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the fire code official, or their designee, pertaining to the application and intent of the aforementioned codes, ordinances and standards.

A101.2 Application for Appeal. Any person, or their agent, directly aggrieved by a decision that is subject to appeal shall have the right to appeal a decision of the fire code official, or their designee, to the Board of Appeals. An application for appeal shall be based on a claim that the intent of this code, Article XIX within Chapter 10 of the Santa Barbara County Code excluding Chapter 5 of the adopted and amended WUI Code, the Santa Barbara County Fire Department Development Standards, and/or California Code of Regulations Title 14 have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed with the Clerk of the Board of Appeals within 30 days of receiving a notice from the fire code official, or his designee, denying a request for variance, alternate means and methods, and/or modification request to this code, Article XIX within Chapter 10 of the Santa Barbara County Code excluding Chapter 5 of the adopted and amended WUI Code, the Santa Barbara County Fire Department Development Standards, and California Code of Regulations Title 14 through the fire department's Request for Modification or Alternative Design and Methods Review process, or after a quorum of the Board of Appeals is established.

A101.2.1 Limitation of authority. The board shall not have authority to waive requirements or interpret the administration of this code, Article XIX within Chapter 10 of the Santa Barbara County Code excluding Chapter 5 of the adopted and amended WUI Code, the Santa Barbara County Fire Department Development Standards, or California Code of Regulations Title 14.

A101.3 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 or appoint candidates provided by the fire chief, fire code official, or their designee.

A101.3.2 Alternate members. The fire chief is authorized to appoint one (1) alternate member who shall hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for the same term or until a successor has been appointed.

A101.4 Terms of office. The term of office for a member of the board of appeals shall be two years.

A101.5 Clerk of the board. The Clerk of the Board of Santa Barbara County shall serve as the clerk of the board of appeals.

A101.6 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. The rules and regulations shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

A101.7 Notice of meetings. Board of Appeals meetings shall be noticed in accordance with the Brown Act. Meetings shall only be scheduled and noticed when all 5 members of the board of appeals have been appointed and quorum for the meeting can be met.

A101.8 Open hearing. All hearings before the board of appeals shall follow Brown Act rules and be open to the public and agendized.

A101.9 Quorum. Three members of the board shall constitute a quorum.

A101.10 Decisions. The board of appeals shall render decisions and findings in writing to the clerk of the board of appeals. The clerk of the board of appeals shall notify the appellant and the fire code official of the decision of the board of appeals via Certified US Mail and email addresses on file with the clerk of the board of appeals within 10 business days.

A101.11 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.

A101.12 Fees. A fee established by the Clerk of the Board of Santa Barbara County 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.

(k) **APPENDIX B – FIRE FLOW REQUIREMENTS FOR BUILDINGS** is amended to read as follows:

SECTION B106 REFERENCED STANDARDS

TABLE B106.1 – REFERENCED STANDARDS

STANDARD ACRONYM is amended to reference NFPA 1142-17

(l) **APPENDIX C - FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

C101.1 Scope is amended to read as follows:

In addition to the requirements of Section 507.5.1, fire hydrants shall be provided in accordance with this appendix and the Santa Barbara County Fire Department Development Standards for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

Exception: SFM Group B, S-2 and U occupancies having an enclosed floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

1. California State Parks buildings of an accessory nature (restrooms).
2. Safety roadside rest area, (SRRA), public restrooms.
3. Truck inspection facilities, TIF, California Highway Patrol (CHP) office space and vehicle inspection bays.
4. Sand/salt storage buildings, storage of sand and salt.

(m) **APPENDIX D - FIRE APPARATUS ACCESS ROADS** is adopted in its entirety is amended to read as follows:

SECTION D101 GENERAL

D101.1 Scope is amended to read as follows:

Fire department access roads shall be in accordance with this appendix and all other applicable requirements of the 2025 California Fire Code and Santa Barbara County Fire Department Development Standards.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units is amended to read as follows:

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units not located in a Very High or High Fire Hazard Severity Zone in the SRA or LRA may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments is amended to read as follows:

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler

system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required when the development is not located in a Very High or High Fire Hazard Severity Zone in the SRA or LRA.

1. The number of dwelling units accessed from a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

(n) **APPENDIX P – TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES** is adopted in its entirety.

(o) **APPENDIX Q – COMMUNITY WILDLAND-URBAN INTERFACE (WUI) FIRE HAZARD EVALUATION FRAMEWORK** is adopted in its entirety.

(Ord. No. 4986, §§ 1, 2, 12-6-2016)

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 Santa Barbara County is prone to extreme weather conditions, from hot, dry winds from the north and the east (Sundowner and Santa Ana winds), to strong westerly (coastal) winds, which greatly enhance the ability for fire to spread as reflected in devasting recent fires. In addition, the topographical layout and features of the county make 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. 4986, §§ 1, 2, 12-6-2016)

Article II. - Reserved

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

Article III. - Fire Development Impact Mitigation Fees

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 mobilehomes located in a mobilehome 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 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) “Commercial renewable energy facility” means an energy generation facility using renewable fuel sources including, but not limited to solar where the energy is generated is used to meet off-site energy needs.

(o) "Mobilehome" 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.

(p) "Mobilehome park" means any area tract of land where two or more mobilehome spaces are rented, leased, or offered for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

(q) "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.

(r) "Equipment" means and includes but is not limited to ladders, fittings, hoses, radios, technology equipment and software, cellular telephones, tools, safety clothing, breathing apparatus, hazardous materials equipment and medical and rescue equipment.

(s) "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.

(t) "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.

(u) "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.

(v) "Fire impacts" means any development project which generates an increased demand for fire protection services.

(w) "AB 1600 mitigation fee justification study" means the Fire Impact Fee Nexus Study prepared for the Santa Barbara County Fire Department Service area dated September 2014.

(x) "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.

(y) "Board of supervisors" means the board of supervisors of the county.

(z) "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) New structures, such as detached garages, sheds, etc. equal to or exceeding 120 square feet which are added to an existing residential structure but which do not add to a dwelling unit.

(4) 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 enclosed floor area.

(5) The construction or installation of commercial renewable energy facilities.

(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 enclosed floor area in the original structure. Any additional enclosed 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.

(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 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 finds 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 unexpected 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 mobilehomes located in a mobilehome 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 pro-viding 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 mobilehome parks, the fees under this article are due at the time the mobilehome 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 segregated into an account solely for Carpinteria-Summerland Fire Protection District fees. This established 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 Consumer Price Indexes Pacific Cities and U.S. Average 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 development 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 may be classified into categories of use such as, but not limited to, estate single family residential, detached residential, multiple family residential, mobile homes, senior assisted living, commercial lodging, retail/service/commercial/office, industrial/manufacturing uses, or institutional uses. 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; Ord. No. 4989, § I, 2-14-2017)

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 enclosed 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. - Reserved[4]

Secs. 15-72—15-79.10. - Reserved.

Article IIIC. - Reserved[5]

Secs. 15-79.20—15-79.37. - Reserved.

Article IV. - Reserved[6]

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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

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.

Fees shall be updated on July 1 of each year based on the previous calendar year's index. Fee adjustments shall be based on the regional CPI factor (Consumer Price Index for All Urban Consumers (CPI-U) for Los Angele-Long Beach-Anaheim) or employment cost index, whichever is greater.

(a) Operational Permits.

PERMIT TYPE	FEE
105.5.1 Additive Manufacturing	$288.00
105.5.2 Aerosol products, aerosol cooking spray products and plastic aerosol 3 products	$288.00
105.5.3 Amusement buildings	$671.00

105.5.4 Aviation facilities	$288.00
105.5.5 Carnivals and fairs	$863.00
105.5.6 Cellulose nitrate film	$288.00
105.5.7 Combustible dust-producing operations	$288.00
105.5.8 Combustible fibers	$288.00
105.5.9 Compressed gases	$288.00
105.5.11 Cryogenic fluids	$288.00
105.5.13 Dry cleaning	$288.00
105.5.14 Energy Storage Systems	$288.00
105.5.15 Exhibits and Trade Shows	$863.00
105.5.16 Explosives	$480.00
105.5.17 Fire hydrants and valves	N/A
105.5.18 Flammable or combustible liquids	
1. Pipeline	$288.00
2. To store Class I liquids >5 in, >10 out	$288.00
3. To store Class II or III-A liquids >25 in, >60 out	$288.00
6. To install, construct, alter or operate equipment, tanks, plants, terminals, wells, refineries, etc.	$959.00
9. To manufacture, process, blend or refine	Actual cost (Sec. 15-102)
10. Dispensing into fuel tanks of motor vehicles	$288.00
11. Dispensing from tank vehicles to motor vehicles	$288.00
12. To maintain non-operational petroleum facilities	$288.00

105.5.19 Floor finishing	$288.00
105.5.20 Fruit and crop ripening	$288.00
105.5.21 Fumigation and insecticidal fogging	$288.00
105.5.22 Hazardous materials	$576.00
105.5.23 HPM Facilities	$480.00
105.5.24 High-piled storage	$288.00
105.5.25 Hot work operations	$288.00
105.5.26 Indoor plant cultivation	$288.00
105.5.27 Industrial Ovens	$288.00
105.5.28 Liquid or gas fueled vehicles or equipment in assembly buildings	$288.00
105.5.29 Lithium batteries	$288.00
105.5.30 LP-gas	$288.00
105.5.31 Lumber yards and woodworking plants	$288.00
105.5.32 Magnesium	$288.00
105.5.33 Miscellaneous combustible storage	$288.00
105.5.35 Motor fuel-dispensing facilities	$288.00
105.5.36 Open burning	$288.00
Burn Permit Program: (1-6 below)	
1. Tier I Agricultural	$288.00
2. Tier II Agricultural	$576.00
3. Backyard	$96.00
4. Fire Hazard Reduction	$96.00

5. LE 5 (General Burn)	$288.00
6. LE 7 (Broadcast Burn)	$576.00
105.5.38 Open flames and candles	$288.00
105.5.39 Organic coatings	$288.00
105.5.40 Outdoor assembly event	$1,055.00
105.5.41 Places of assembly	$384.00
105.5.42 Plant extraction systems	$288.00
105.5.44 Pyrotechnic special effects material	$1,055.00
105.5.45 Pyroxylin plastics	$288.00
105.5.46 Refrigeration equipment	$288.00
105.5.47 Repair garages and motor fuel-dispensing facilities	$288.00
105.5.49 Spraying or dipping	$288.00
105.5.50 Storage of scrap tires and tire byproducts	$288.00
105.5.51 Temporary membrane structures and tents	
First tent	$192
Each tent thereafter (on site)	$48
105.5.52 Tire re-building plants	Actual cost (Sec. 15-102)
105.5.53 Waste handling	$288.00
105.5.54 Wood products	$288.00
105.5.56 Temporary heating or cooking in wildfire risk areas	$288.00
105.5.58 Mobile fueling of hydrogen-fueled vehicles	$288.00

105.5.59 Additional permits (SFM required)	
1 Production facilities	$384.00
2. Pyrotechnic and special effects	$1,055.00
3. Live audiences	$384.00
Multiple permit reduction (When multiple operational permits are issued. Excludes Tent and Burn Permit Program permits)	**20% Reduction**

(b) Development Review.

DEVELOPMENT REVIEW TYPE	**FEE**
Conditional Certificate of Compliance	$480.00
Land Use Permit (Up to 2 hours)	$384.00
Cannabis Land Use Permit	$576.00
Agricultural Enterprise Ordinance	$384.00
Conditional Use Permits – Major (New or Revised)	$1,535.00
Conditional Use Permits – Minor (New or Revised)	$288.00
Conditional Use Permits - Cannabis	$959.00
Development Plans (New or Revised)	$2,494.00
Development Plans - Any Fire Hazard Severity Zone in the SRA or LRA (In addition to associated fees)	$192.00
Maps - Lot Line Adjustment	$480.00
Maps - Tentative Parcel Map	$1,151.00

Maps - Tract Map - (5-50 Lots)	$2,110.00
Maps - Tract Map (Each additional 25 lots above initial 50 lots)	$2,110.00
Maps: Road Naming New or Rename	$288.00
Discretionary Follow-up Permits: Parcel Map/Lot Line Adjustment Clearance	$384.00
Discretionary Follow-up Permits: Map Clearance	$384.00
Pre-Application (PRE) Planning Review	$384.00
Zoning Clearance Fee	$384.00
Miscellaneous Land Use or Zoning Review	$192.00/hr
Deferred Submittal Plan Review for Planning projects	$576.00
Miscellaneous Fire Permit Review	$192.00/hr
Third Party Review – Development Review (Applicant Request and Required for Technical Assistance)	Actual Cost + 20% (Sec. 15-102)
Request Modification, Alternative Materials. Design, and Methods - LUD (Hourly rate after first two hours)	$384.00
Master Fire Protection Plan	$576.00

(c) Construction Permits.

CONSTRUCTION REVIEW TYPE	FEE
Fire Protection Certificate (FPC) – Minor (Includes Plan Review and Two Inspections)	$576.00
Fire Protection Certificate (FPC) – Major (Includes Plan Review and Two Inspections)	$1151.00
H Occupancy Review	$576.00
High Piled Storage Plan Review	$576.00

Address Issuing 1-5 Without FPC	$192.00
Additional Address Issuing Over 5 (Each additional 10 addresses over 5)	$96.00
Request Modification, Alternative Materials. Design, and Methods – Construction Permits (Hourly rate after first two hours)	$384.00
Commercial Hood Systems (Per Hood System)	$336.00
Miscellaneous Construction Permit Review	$192.00/hr
Stored Water System or Private Fire Water System without a Fire Pump	$959.00
Stored Water System or Private Fire Water System with a Fire Pump	$1,535.00
Additional Inspection Requests – After 2 Inspections	$192.00/hr
After Hours Inspection Requests	$192.00/hr
Third Party Review – Construction Permits (Applicant Request and Required for Technical Assistance)	Actual Cost + 20% (Sec. 15-102)
Fire Protection Systems Not Otherwise Classified	$624.00
105.6.1 Automatic fire-extinguishing systems	See below **
105.6.2 Automatic sprinkler systems	
Residential NFPA 13D System	$815.00
Residential NFPA 13R System – 1 to 5000 Square Feet	$815.00
Residential NFPA 13R System – Each Additional 5000 Square Feet	$192.00
Commercial NFPA 13 System – 1 to 10000 Square Feet	$1,439.00
Commercial NFPA 13 System – Over 10000 Square Feet (Every additional 10000 square feet)	$480.00
Tenant Improvements of a Structure with Fire Sprinkler System (1-30 heads)	$144.00

Tenant Improvements of a Structure with Fire Sprinkler System (Each additional 30 heads)	$144.00
105.6.5 Emergency responder communication coverage system	$480.00
105.6.5.1 Emergency responder communication coverage system (Complex review and subsequent inspections and testing after initial fee)	$192.00/hr
105.6.6 Energy Storage Systems	$274.00
105.6.7 Fire alarm and detection systems and related equipment	
Commercial NFPA 13 Fire Sprinkler Monitoring System (up to 10 devices)	$528.00
Fire Alarm Review – Up to 10 Initiating Devices	$624.00
Fire Alarm Review – Each Additional 10 Initiating Devices	$144.00
Tenant Improvements of a Structure with Fire Alarm System (1-10 initiating devices)	$144.00
Tenant Improvements of a Structure with Fire Alarm System (Each additional 10 initiating devices)	$144.00
Tenant Improvements of a Structure with other Fire Protection System	$192/hr

(d) Occupancy Inspection, Standby and Enforcement.

INSPECTION TYPE	**FEE**
Group R-1	$863.00
Group R-2 (Applicable to all Multi-Family Dwelling units with more than 15 units or more than 2 stories in height)	$288.00
Group C	$480.00
Group I	$480.00

Group L	$384.00
Special Event – Plan Review (First hour no charge)	$192.00/hr
Film - Plan Review	$288.00
Film Application Review (No required inspections)	$192.00
Film - Standby	$192.00/hr
Film Permit Inspections/Spot Check (First two hours, $192.00 per hour thereafter)	$384.00
High Rise – Over 75 feet	$863.00
Structure Over 5000 Square Feet	$576.00
After Hours Inspection	$192.00/hr
Code Enforcement (Hourly rate for all personnel involved to bring alarm system into compliance after second inspection)	$192.00/hr
Unwanted or Malfunctioning Alarm Response – Greater Than 3 Per Month (Hourly rate for all personnel involved to bring occupancy into compliance after second inspection. Additional fees and/or fines may by imposed when citations are issued.)	$192.00/hr
Fire Prevention Safety Officer	$192.00/hr
Re-Inspection Fee - After 2 Re-Inspections (Per inspection)	$192.00
Release of Stop Work Order	$1,631.00
Pre-Inspection - Licensed Care for I, R and Daycares 1-25 persons	$192.00
Pre-Inspection - Licensed Care for I, R and Daycares 26+ persons	$288.00
Initial Fire Clearance - Licensed Care I, R and Daycares 1 – 6 persons	N/C
Initial Fire Clearance - Licensed Care I, R and Daycares 7-12 persons	$240.00
Initial Fire Clearance - Licensed Care I, R and Daycares 13+ persons	$288.00
Annual or Consultation Inspection – Licensed Care R2.1 and R4 1-6 persons	$192.00

Fire Clearance Inspection – Licensed Care R2.1 and R4 7-12 persons (Annual)	$240.00
Fire Clearance Inspection – Licensed Care R2.1 and R4 13+ persons (Annual)	$288.00
Initial Fire Clearance or Form 850 - All other non-24-hour licensed care facility	$384.00

(e) Mitigation Fees.

DEVELOPMENT TYPE	FEE
Residential – Single Family Housing	$0.59 per square foot
Residential – Other Residential Housing	$0.75 per square foot
Nonresidential - Retail/Commercial	$0.77 per square foot
Nonresidential - Office	$0.94 per square foot
Nonresidential - Industrial	$0.71 per square foot
Nonresidential - Warehouse/Distribution	$0.52 per square foot
Nonresidential - Agriculture	$0.35 per square foot

(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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

Sec. 15-102. - Surcharges.

Surcharges based on actual costs will apply when, in the opinion of the fire chief, or his designee(s), circumstances develop that require extraordinary time for large scale or special projects, requests for subsequent review or other issues including but not limited to special research, consultation, or numerous and/or additional 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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

Secs. 15-104 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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

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 2025 CFC, Chapter 1, Section 110 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; Ord. No. 4986, §§ 1, 2, 12-6-2016)

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. - Reserved

Footnotes:

--- (**7**) ---

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.

SECTION THREE: Publication and Effective Date

This ordinance shall take effect and be in force thirty (30) days from the date of its passage; and before the expiration of fifteen (15) days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, on this _____ day of _____, 2026 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Bob Nelson, Chair
Board of Supervisors
County of Santa Barbara

ATTEST:
Jana Petersen
County Executive Office
Clerk of the Board

By: _____
Deputy Clerk of the Board

APPROVED AS TO FORM:

Rachel Van Mullem
County Counsel

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
Betsy M. Schaffer, CPA, CPFO
Auditor-Controller

By: _____
Deputy Auditor-Controller

APPROVED AS TO FORM:
Marisa Kahn
Interim Risk Manager

By: _____

APPROVED AS TO FORM:
Garrett Huff
Fire Chief/Fire Warden

By: _____