

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 7.92.307.2 OF THE SANTA CRUZ COUNTY CODE (FIRE CODE) REGARDING THE DEFINITION OF OPEN BURN SEASON AND PERMITS REQUIRED TO KINDLE FIRES

The Board of Supervisors of the County of Santa Cruz (the “Board”) hereby finds and declares the following:

WHEREAS, on December 6, 2022, the Board amended Chapter 7.92 of the Santa Cruz County Code (“Fire Code”), making certain modifications to the Fire Code authorized by California Health and Safety Code section 17958.7; and

WHEREAS, the Fire Code requires individuals to obtain a permit prior to kindling a fire outdoors if required by the local fire chief, but does not require individuals to obtain a permit from the California Department of Forestry and Fire Protection (CAL FIRE); and

WHEREAS, CAL FIRE has created a county-wide standard for residential pile burning, set forth in its "Guidelines for Pile Burning" publication; and

WHEREAS, for safety purposes CAL FIRE has recommended that the Board approve changes to the Fire Code to require that residential pile burning be subject to a local permit procedure; and

WHEREAS, Assembly Bill 642 (Friedman), enacted in 2021, required CAL FIRE to develop and deploy an automated burn permit program, which CAL FIRE has done in the form of a publicly accessible website which satisfies the requirements of AB 642 (“Electronic Burn Permit Program”); and

WHEREAS, the issuance of permits through the Electronic Burn Permit Program ensures that all applicants are properly educated before kindling a fire outdoors, and provides a permit document to each applicant that clearly specifies the conditions, rules and regulations established for residential pile burning; and

WHEREAS, Monterey Bay Area Unified Air Pollution Control District (MBARD) has its own authority to require permits to kindle fires and it is the responsibility of an individual wishing to kindle a fire to obtain such a permit from MBARD, if required; and

WHEREAS, it is deemed appropriate for CAL FIRE to have the authority to proclaim the start of the “open burn season” in areas designated as State Responsibility Areas, based on the assessment of hazardous fire conditions, should it fall outside the standard open burn season dates; and

WHEREAS, in light of the foregoing facts, the Board has identified additional technical amendments to the Fire Code regarding the definition of “open burn season” and the requirement of a permit to kindle a fire, that are necessary for the health, fire safety and general welfare of

Santa Cruz County residents, and to address fire hazards and conditions created by local climatic, geological or topographical conditions in Santa Cruz County; and

WHEREAS, these additional technical amendments will also align the Santa Cruz County Fire Code with California Public Resources Code Section 4423;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

SECTION I

Section 7.92.307.2 of the Santa Cruz County Code is hereby amended to read as follows:

“7.92.307.2 Section 307.2 is amended – Permit required.

Section 307.2 of Chapter 3 of the Fire Code of Santa Cruz County is amended to read as follows:

307.2 Permit required.

When required by the CAL FIRE Fire Chief for the San Mateo-Santa Cruz Unit, a permit shall be obtained in accordance with Section 105.5 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. In addition, open burning is not allowed within the Local Responsibility Area of Santa Cruz County without the approval of the local fire chief having jurisdiction over that property.

The open burn season for Santa Cruz County, unless otherwise declared, shall be December 1st through April 30th of the calendar year. Within areas designated State Responsibility Area, open burn season shall not be declared between May 1st and the date CAL FIRE declares, by proclamation, that hazardous fire conditions have been abated for that year.

During the open burn season, pile burning is allowed under CAL FIRE permits provided that all conditions specified in the permits are followed. Monterey Bay Area Unified Air Pollution Control District (MBARD) permits may also be required given the location, time of year, and type of burn. Responsibility for obtaining the proper MBARD permit rests with the applicant.”

SECTION II

The project to adopt this amendment to the Santa Cruz County Fire Code is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility the enactment of the ordinance will have a significant effect on the environment.

SECTION III

The Board of Supervisors finds that the proposed amendments to the County Code are consistent with other provisions of the County Code and with State law.

SECTION IV

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION V

This ordinance shall take effect on the 31st day following final adoption.

PASSED AND ADOPTED this ____ day of _____, 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS


ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Felipe Hernandez
Chairperson of the Board of Supervisors

ATTEST: _____
Juliette Rezzato
Clerk of the Board

APPROVED AS TO FORM:

Signed by:
 5/5/2025

FD318C222C994D0...
Arthur G. Wille
Assistant County Counsel

Certificate Of Completion

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County of Santa Cruz

Assistant County Counsel

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