



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: General Services Department

Subject: Consider Approving in concept an Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code)

Meeting Date: May 20, 2025

Formal Title: Consider approving in concept 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", confirm the proposal is exempt from requirements of the California Environmental Quality Act, and take related actions

Recommended Actions

1. Adopt the attached resolution finding adoption of the proposed ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA), directing staff to file the CEQA Notice of Exemption, and making findings regarding administrative and technical amendments of the California Building Standards Code;
2. Approve in concept "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;"
3. Schedule the ordinance for a second reading and final adoption on June 10, 2025;
4. Direct the Clerk of the Board to publish the Notice of Proposed Ordinance Summary in a newspaper of general circulation at least five days prior to the scheduled second reading and final adoption, no later than June 5, 2025, pursuant to Government Code Section 25124; and
5. Direct the Director of General Services Department to mail a copy of the technical amendments to the California Building Standards Commission and obtain a file-stamped endorsed copy for retention with the Santa Cruz County Fire Department.

Executive Summary

This ordinance would amend Section 7.92.307.2 of the Santa Cruz County Code, to define open burn season and establish the requirement to obtain permits to kindle fires outdoors, aligning County Code with California Public Resources Code Section 4423, which prohibits, among other things, burning materials outdoors in any State Responsibility Area without a permit issued by CAL FIRE. The Ordinance will also require that a person wishing to kindle a fire outdoors to obtain a permit from the Monterey Bay Area Unified Air Pollution Control District (MBARD), when required, and a permit from the Local Fire Chief for kindling fires outdoors in the Local Responsibility Areas (LRA). It also grants CAL FIRE the authority to proclaim the open burn season in designated State Responsibility Areas (SRA). These revisions aim to enhance public safety and compliance with state regulations.

Discussion

On December 6, 2022, the Board of Supervisors amended Chapter 7.92 of the Santa Cruz County Code (Fire Code), making certain modifications to the Fire Code as authorized by California Health and Safety Code section 17958.7.

The Fire Code currently requires individuals to obtain a permit prior to kindling a fire outdoors if required by the local fire chief, but it does not extend the requirement to obtain permits from the California Department of Forestry and Fire Protection (CAL FIRE).

CAL FIRE created the "Guidelines for Pile Burning," a county-wide standard for residential pile burning. To ensure strict adherence to this guidelines and for safety purposes, CAL FIRE has recommended that the Board approve changes to the Fire Code to require that this practice be subject to a permit from the local fire chief, if located in Local Responsibility Areas (LRA), and from the CAL FIRE fire chief, if located in State Responsibility Areas (SRA), as well as from MBARD when applicable.

Assembly Bill 642, enacted in 2021, required CAL FIRE to develop an automated burn permit program, that replaced the issuance of physical burn permits in person at fire stations. CAL FIRE implemented an online platform that streamlines the permit process and ensures that all applicants are educated on safe burning practices before receiving a permit. This system improves public awareness, as applicants now receive a physical permit document outlining the rules and regulations established by CAL FIRE. The physical permit also strengthens enforcement efforts by providing clear evidence that a resident has been informed of, and agreed to, the terms of the burn permit.

In addition to CAL FIRE's online permit system, certain burning activities in Santa Cruz County are subject to the requirements of the Monterey Bay Area Unified Air Pollution Control District (MBARD), which also issues permits depending on location, time of the year and type of burn. This ordinance addresses these regulations by mandating that residents obtain permits from both CAL FIRE and MBARD, as applicable, ensuring comprehensive compliance with all relevant fire safety standards.

The open burn season for Santa Cruz County, unless otherwise declared, shall be December 1st through April 30th of the calendar year. The ordinance updates the declaration of the open burn season within areas designated State Responsibility Areas (SRA), providing that it shall not be declared between May 1st and the date CAL FIRE declares that the hazardous fire conditions have been abated for that year.

The proposed ordinance will:

- Establish the requirement for permits to kindle an outdoor fire within the unincorporated areas of Santa Cruz County, with permits issued by the appropriate local and state fire authorities, and, if applicable, MBARD
- Grants CAL FIRE the authority to proclaim the open burn season within State Responsibility Areas, based on the abatement of hazardous fire conditions.
- Align County Code Section 7.92.307.2 with California Public Resources Code Section 4423 regarding timeframes and authority.

These amendments are designed to improve coordination between state and county authorities, enhance public safety, and ensure that residents are fully informed of their responsibilities when conducting controlled burns.

Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code) will promote greater public understanding of fire safety practices, improve enforcement of residential burning requirements, and better align Santa Cruz County's fire regulations with those of state authorities. The proposed amendments are exempt under CEQA Guidelines Section 15061(b)(3), as they do not have the potential to cause a significant effect on the environment.

Financial Impact

Actions outlined in this memo will have no financial impact.

Strategic Initiatives

Operational Plan - Comprehensive Health & Safety, Sustainable Environment,
Operational Excellence
Climate Action - Wildfire Prevention

Submitted By:

Michael Beaton, General Services Director

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.