# City of Santa Paula

*City Council*

MAYOR PEDRO A. CHAVEZ
VICE MAYOR CARLOS JUAREZ
COUNCILMEMBER JENNY CROSSWHITE
COUNCILMEMBER LESLIE CORNEJO
COUNCILMEMBER GABRIELA ORNELAS

CITY COUNCIL REGULAR MEETING OF THE
SANTA PAULA CITY COUNCIL

WEDNESDAY, NOVEMBER 5, 2025

6:30 PM - City Council Regular Meeting

SANTA PAULA CITY HALL
970 VENTURA STREET
SANTA PAULA, CA 93060

JULIE LATSHAW, CITY CLERK
DAN SINGER, CITY MANAGER
MONICA CASTILLO, CITY ATTORNEY

## CITY COUNCIL REGULAR MEETING

You are invited to participate in all Regular City Council meetings. Agendas are posted in the front of Santa Paula City Hall, 970 Ventura Street, Santa Paula, 72 hours in advance of the scheduled meetings. The City Council's regular meetings start at 6:30 p.m. the first and third Wednesday of each month in the City Hall Council Chambers located at 970 Ventura Street in Santa Paula. Special and Closed Sessions vary by date and time.

**HOW TO PARTICIPATE IN PERSON DURING THE MEETING:** If you wish to speak at a City Council meeting, please fill out a ***Public Comment Form*** noting your name and address and submit the form to the City Clerk. Include the Agenda item number, when appropriate. ***Public comments are limited to 3 minutes.***

1. ***Items Not on the Agenda*:** If you wish to discuss an item which is not scheduled on the Agenda, you may address the City Council during *Public Comment*. Please realize that due to the limitations placed on the City Council by provisions of the *California Government Code*, the City Council ordinarily cannot take action on any item that is not on the agenda. Because of these restrictions, expect that matters that you identify during public comment may be referred to staff or considered on a future agenda.
2. ***Agenda Items:*** Items being considered by the City Council may appear on the Consent Calendar, as an Action Item, or as a Public Hearing. Public comments on each type of item are handled differently, as explained below:
    a. For items appearing on the Consent Calendar, please submit a Public Comment Form before the Council takes action on the Consent Calendar. Items that receive a Public Comment Form may be pulled from the Consent Calendar by the Mayor and discussed separately by the City Council.
    b. For items appearing as an Action Item, the Mayor will announce the Agenda item and request the staff report, the staff member responsible will give a brief summary of the report; the City Council will have an opportunity to ask questions of staff; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); and the City Council will discuss the item and then take appropriate action.
    c. For items on which a Public Hearing is scheduled, the Mayor will open the public hearing and receive the staff report; members of the public will be given an opportunity to comment on the item and ask additional questions (all members of the public should speak directly into the microphone at the speaker's platform); the City Council will discuss the item; and the Mayor will close the public hearing after City Council action.

**HOW TO PARTICIPATE BEFORE THE MEETING:** Members of the public are encouraged to submit email correspondence on any agenda item by sending an email to cityclerk@spcity.org. All public correspondence received by 3:00 p.m. (PT) on the meeting date will be provided to the legislative body before the meeting. Public Comments received after 3:00 p.m. will be provided to the legislative body the next day.

Your Participation in this meeting is in the public domain; meetings are cablecast; minutes of this meeting will reflect your participation in this meeting and are posted on the city's website.

***PLEASE NOTE:*** *Be advised that if you bring a legal challenge to an action, you may be limited to raising only those issues you or someone else raised at the meeting described in this Agenda, or in written correspondence delivered to the City Council at or before the meeting. Any action is subject to the ninety-day time period set forth in Code of Civil Procedure § 1094.6.*

*In compliance with the **Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the City Clerk at (805) 933-4208. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35, 102-35.104 ADA Title II). Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office.*

**HOW TO VIEW ON YOUR TELEVISION, COMPUTER, OR MOBILE DEVICE:** Watch from home live on the local Channel 10, or view the live feed on the city website at the following link: https://www.spcity.org/523/Public-Meeting-Agendas
NOTE: Special and Closed Sessions are not recorded and not available on Channel 10 or live feed on the city website.

**REGULAR MATTERS - COUNCIL CHAMBERS**

1. **CALL TO ORDER**
   REMINDER: in order to minimize distractions during public meetings, all personal communication devices should be turned off or put in a non-audible mode.

2. **INVOCATION**

3. **FLAG SALUTE**

4. **ROLL CALL**

5. **CLOSED SESSION REPORT - Special Meeting October 15, 2025 and Special Meeting November 5, 2025**

6. **PUBLIC COMMENT**
   At this time, members of the public may comment on any item not appearing on the agenda that is within the subject-matter jurisdiction of the City Council. A Public Comment Form must be submitted to the City Clerk prior to the beginning of the Public Comment period in order to be recognized to speak. Individuals submitting Public Comment Forms after the beginning of the Public Comment period will not be allowed to speak at this time, but may be recognized to speak by the Mayor at the conclusion of the meeting. Individual Councilmembers may briefly respond to Public Comments or ask questions for clarification. The City Council may direct the City Manager to report to the City Council on the item at a later meeting. For items appearing on the Agenda, the public will be invited to make comments at the time the item comes up for City Council consideration. If a member of the public wishes to address a Consent Calendar item, please submit a Public Comment Form for that item. It may then be discussed separately by the Council, and the public will be invited to make comments at that time. At all times, please use the microphone and write your name and address on the Public Comment Form provided.

7. **PRESENTATIONS**

   7.A ATHEN'S 2025 RECYCLING ALL-STAR AWARDS

   7.B **POLICE DEPARTMENT REPORT**

**RECOMMENDATION:**
Receive and File Police Department Report

Prepared by Don Aguilar, Police Chief

7.C MEASURE T OVERSIGHT COMMITTEE YEAR END PRESENTATION

## 8. CITY COUNCIL REPORTS

## 9. CITY MANAGER REPORTS

## 10. CONSENT CALENDAR

Background information has been provided to the City Council on all matters listed under the Consent Calendar and these items are considered to be routine by the City Council and are normally approved by one motion. If discussion is requested by a Councilmember on any item, or a member of the public wishes to comment on an item, that item may be removed from the Consent Calendar for separate action.

10.A **APPROVAL OF MINUTES**

- **City Council Special Meeting September 3, 2025**
- **City Council Regular Meeting September 3, 2025**
- **City Council Special Meeting September 8, 2025**
- **City Council Special Meeting September 11, 2025**
- **City Council Special Meeting September 17, 2025**
- **City Council Regular Meeting September 17, 2025**
- **City Council Special Meeting October 1, 2025**
- **City Council Regular Meeting October 1, 2025**
- **City Council Special Meeting October 14, 2025**
- **City Council Special Meeting October 15, 2025**
- **City Council Regular Meeting October 15, 2025**

**RECOMMENDATION:**
Staff recommends Council approve minutes.

10.B **SECOND READING AND ADOPTION OF ORDINANCE NO. 1350 AMENDING CHAPTERS 16.200 (ADMINISTRATION – GENERAL PROVISIONS), 16.202 (APPLICATIONS, PROCESSING, FILING AND FEES), 16.204 (PUBLIC HEARINGS), 16.206 (APPEALS AND REVOCATIONS), 16.208 (DEVELOPMENT CODE AMENDMENTS), 16.210 (ZONE CHANGE), 16.212 (GENERAL PLAN AMENDMENTS), 16.214 (AGRICULTURAL PRESERVE AND LAND CONSERVATION CONTRACTS), 16.216 (SPECIFIC PLANS), 16.218 (CONDITIONAL USE PERMITS), 16.220 (VARIANCES), 16.222 (MINOR MODIFICATIONS), 16.224 (ZONING CLEARANCE), 16.227 (ACCESSORY DWELLING UNITS), 16.228 (TEMPORARY USE PERMIT), 16.230 (HOME OCCUPATION PERMIT), 16.234 (DEVELOPMENT AGREEMENTS), 16.236 (ANNEXATIONS), 16.237 (81 ACRE INITIATIVE IMPLEMENTATION), AND 16.238 (SITE DEVELOPMENT PERMIT) OF TITLE XVI: DEVELOPMENT CODE OF THE SANTA PAULA MUNICIPAL CODE IN ORDER TO**

## CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 15061(B)(3) OF THE PUBLIC RESOURCES CODE

**RECOMMENDATION:**

Staff recommends that the City Council conduct the second reading of and adopt Ordinance No. 1350, entitled "An Ordinance amending Chapters 16.200 (Administration – General Provisions), 16.202 (Applications, Processing, Filing and Fees), 16.204 (Public Hearings), 16.206 (Appeals and Revocations), 16.208 (Development Code Amendments), 16.210 (Zone Change), 16.212 (General Plan Amendments), 16.214 (Agricultural Preserve and Land Conservation Contracts), 16.216 (Specific Plans), 16.218 (Conditional Use Permits), 16.220 (Variances), 16.222 (Minor Modifications), 16.224 (Zoning Clearance), 16.227 (Accessory Dwelling Units), 16.228 (Temporary Use Permit), 16.230 (Home Occupation Permit), 16.234 (Development Agreements), 16.236 (Annexations), 16.237 (81 Acre Initiative Implementation), and 16.238 (Site Development Permit) of Title XVI Development Code of the Santa Paula Municipal Code in order to correct inconsistencies, outdated language and formatting and finding the Action to be Statutorily Exempt from CEQA under Section 15061(B)(3) of the Public Resources Code"

10.C **2025 HOLIDAY PARADE REQUEST FOR FEE WAIVER**

**RECOMMENDATION:**

Staff recommends City Council:

1. Waive and sponsor up to 50% of the costs for City services for the 2025 Santa Paula Holiday Parade.

10.D **SOLAR-POWERED STREET LIGHT PILOT PROJECT (SSLPP) FUNDING & RELEASE OF RFB AUTHORIZATION**

**RECOMMENDATION:**

Staff recommends that the City Council:

Authorize the use of $150,000 in Measure T funds recommended by the Measure T Committee for the Solar-Powered Street Light Pilot Project (SLPP).

10.E **PURCHASE OF CRAFCO SUPER SHOT 125 DIESEL CRACKSEAL TRAILER**

**RECOMMENDATION:**

Staff recommends that the City Council:

Authorize the purchase of one (1) Crafco Super Shot 125 Diesel Crackseal Trailer for use in the City's pavement maintenance program through Sourcewell, a cooperative purchasing program, for a total cost of $79,497.13.

10.F **PURCHASE OF A GRACO THERMOLAZER AND DTC 1000LB PREMELTER**

**RECOMMENDATION:**

Staff recommends that Council:

1. Authorize purchase of one (1) Graco Thermolazer 200TC Thermal Plastic Application Machine and one (1) DTC 1000lb Premelter through Sourcewell, a cooperative purchasing program, for a total cost of $83,158.38.

10.G **RATIFICATION OF SPECIFIED SECTIONS OF VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NO. 34**

**RECOMMENDATION:**

Staff recommends that the City Council

1. Adopt Resolution No. 7596 ratifying Article 3, Section 903; Article 3, Appendix B; and Article 4, Section 604.11 as set forth in Ventura County Fire Protection District (VCFPD) Ordinance No. 34.

## 11. PUBLIC HEARING

- Verification of posting notice by City Clerk
- Declaration of conflicts (if any)
- Declaration of ex parte contacts (if any)
- Open public hearing
- Staff presentation
- Public comments
- Close public hearing
- Discussion and action

11.A **ORDINANCE NO. 1349 ADOPTING BY REFERENCE THE CALIFORNIA BUILDING STANDARDS CODE, 2025 EDITION (CALIFORNIA CODE OF REGULATIONS, TITLE 24), THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE**

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Open the public hearing, receive comment, close the public hearing.
2. Adopt Ordinance No. 1349, entitled "An Ordinance of the City Council of the City of Santa Paula amending Sections 150.001, 150.015, 150.025, 150.045, 150.055, 150.075, 150.085, 150.150, 150.160, 150.170, 150.180, 150.190, and adding 150.200 and 150.210, of Chapter 150 of the Santa Paula Municipal Code to adopt by reference the California Building Standards Code, 2025 Edition, (California Code of Regulations, Title 24) including the 2025 California Administrative Code; Volumes 1 and 2 of the 2025 California Building Code; the 2025 California Residential Code including Appendices AH Patio Covers, AJ Existing

Structures, and AX Swimming Pool Safety Act; the 2025 California Electrical Code; the 2025 California Mechanical Code; the 2025 California Plumbing Code including Appendix M Peak Water Demand Calculator; the 2025 California Energy Code; the 2025 California Wildland-Urban Interface Code; the 2025 California Historical Building Code; the California Existing Building Code; the 2025 California Green Building Standards Code; the 2025 California Referenced Standards Code; the 2024 International Property Maintenance Code; and the 2024 International Swimming Pool and Spa Code"

**Presented by: James Mason, Community & Economic Development Director**

## 12. ACTION ITEMS

### 12.A AGREEMENT WITH THE SANTA PAULA CHAMBER OF COMMERCE

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Review the proposed engagement agreement with the Chamber of Commerce, and
2. Authorize the City Manager to enter into a professional services agreement with the Chamber of Commerce for fiscal year 2025-26.

**Presented by:** City Manager Dan Singer

### 12.B 2025 CITY COUNCIL & LEGISLATIVE BODY MANUAL OF PROCEDURAL GUIDELINES

**RECOMMENDATION:**

Staff recommends the City Council:

1. Adopt Resolution No. 7593 approving the "Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Santa Paula"

**Presented by: Monica Castillo, City Attorney**

### 12.C 2024/2025 YEAR END FISCAL REPORT & Q1 FY 2025/26 UPDATE

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt the recommended budget adjustments as noted in the fiscal impacts of this report.

**Presented by**: Finance Director Christy Ramirez

## 13. ITEMS FOR FUTURE AGENDAS

### 13.A FUTURE AGENDA ITEMS

**RECOMMENDATION:**

Staff recommends City Council review future agenda items.

## 14. CLOSED SESSION

## 15. ADJOURNMENT

State of California )-

County of Ventura )- ss

City of Santa Paula )-

I declare under penalty of perjury that I posted this City Council Agenda on the bulletin board near the front door of City Hall, 970 Ventura Street, Santa Paula, California.

On_____at_____Signed:_____

Julie Latshaw

City Clerk

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Donald Aguilar, Police Chief

Subject: POLICE DEPARTMENT REPORT

Date: November 5, 2025

Agenda Item: 7.B

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## RECOMMENDATION:

Receive and File Police Department Report

Prepared by Don Aguilar, Police Chief

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## BACKGROUND:

For providing progress in several aspects of the Police Department, it is important to provide Department updates to the City Council.

## ANALYSIS:

In the past, the Chief of Police has provided reports to the City Council, highlighting key areas such as crime statistics, trends, grants status', dispatch response, achievements, and noteworthy events. Commander Starna will present this update to the Council.

- 2025 Crime Statistics will be presented
- An update on sworn and civilian training over the reporting period will be given
- Provide Department project upgrades Status - Police Station Construction and Records (RMS) and Dispatch (CAD) implementation
- Review the progress and staffing of the Department
- Recruitment in progress - Lateral Police Officer, Entry Level Officer, Administrative Analyst, Property/Evidence Room Technician, Part-Time Police Cadet
- Announce the recent Department employee milestone accomplishments - Officer of the Year, Employee of the Quarter
- Report on Youth Community Engagement will be provided
- Review the progress of our emergency preparedness
- Employee and Supervisor Meetings & Training
- Announce upcoming Police Department related events

## STRATEGIC PLAN:

The quarterly report provides a metric for Strategic Plan Goal C, Public Safety & Emergency Preparedness

**FISCAL IMPACTS:**

None

**OPTIONS:**

**ATTACHMENTS:**

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Julie Latshaw, City Clerk

Subject: APPROVAL OF MINUTES

- City Council Special Meeting September 3, 2025
- City Council Regular Meeting September 3, 2025
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- City Council Regular Meeting October 1, 2025
- City Council Special Meeting October 14, 2025
- City Council Special Meeting October 15, 2025
- City Council Regular Meeting October 15, 2025

Date: November 5, 2025

Agenda Item: 10.A

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**RECOMMENDATION:**

Staff recommends Council approve minutes.

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**BACKGROUND:**

An account of all proceedings of the Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available. Unless requested by a majority of the quorum, the minutes may be approved without reading.

**ANALYSIS:**

None.

**STRATEGIC PLAN:**

This item is not a goal or objective in the City Council's two-year Strategic Plan, however, the Minutes shall constitute the official record of the Legislative Body.

**FISCAL IMPACTS:**

There are no fiscal impacts for this item.

**OPTIONS:**

None.

**ATTACHMENTS:**

2025.09.03 City Council Regular Minutes.pdf
2025.09.03 City Council Special Minutes.pdf
2025.09.08 City Council Special Minutes.pdf
2025.09.11 City Council Special Minutes.pdf
2025.09.17 City Council Regular Minutes.pdf
2025.09.17 City Council Special Minutes.pdf
2025.10.01 City Council Regular Minutes.pdf
2025.10.01 City Council Special Minutes.pdf
2025.10.14 City Council Special Minutes.pdf
2025.10.15 City Council Special Minutes.pdf
2025.10.15 City Council Regular Minutes.pdf

**CITY OF SANTA PAULA**
**City Council Regular Meeting**
**September 3, 2025, 6:30 PM**
**MINUTES**

## REGULAR MATTERS - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 6:32 P.M.

### 2) INVOCATION

Chaplain Kay Wilson-Bolton provided the Invocation.

### 3) FLAG SALUTE

Council Member Crosswhite led the flag salute.

### 4) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, and Gabriela Ornelas

Members Absent: Leslie Cornejo

### 5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported no reportable actions taken on the following:
CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE §54957.6 - City Representatives: City Manager Dan Singer, Finance Director Christy Ramirez, and Human Resources Administrator Lorena Alvarez; Employee Organizations: Community Services Officer Association; Professional & Supervisory Association; Service Employee International Union, Local 721 (SEIU); and
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to government Code § 54956.9(d)(1) - Fred and Elaine Malzacher - Revocable Trust v. The City of Santa Paula; Ventura County Superior Court Case No. 56-2021-00552735-CU-TT-VTA

### 6) PUBLIC COMMENT

Joseph Garcia spoke on the mission of Brite.

Richard Abbot regarding traps and left LA Times article.

Richard Rudmin spoke on Aviation Center activities.

Mrs. Lebron spoke in support of SPIRIT.

Casandra Teofilia spoke for Romona Gonzales in support of SPIRIT.

Daisy Vasquez spoke in support of SPIRIT.

Maria Sanchez spoke in support of SPIRIT.

Daisy Rodriguez spoke in support of SPIRIT.

Constance spoke in support of Ad Hoc Committee on Immigration.

Marie Aguirre spoke in support of SPIRIT.

Ramona Gonzalez spoke in support of SPIRIT.

Connie Leshin spoke in support of SPIRIT.

Cheryl Douglas spoke in support of SPIRIT.

## 7) PRESENTATIONS

7.A) CALIFORNIA 175TH BIRTHDAY PROCLAMATION

Mayor Chavez presented the California 175th Birthday Proclamation.

7.B) MAYOR'S RECOGNITION AWARDS - FUTURE FARMERS OF AMERICA FAIR WINNERS

Tabled to next meeting.

7.C) 805 UNDOCUFUND - IMMIGRANT RAPID RESPONSE

Primitiva Hernandez, Director of 805 Undocufund - Immigrant Rapid Response, provided a presentation on undocumented immigrants.

Laura Espinosa was called to speak in support of 805 Undocufund - Immigrant Rapid Response,

Carolyn Bjerke spoke in support of 805 Undocufund - Immigrant Rapid Response, asking for funding.

Susana Canales-Barron spoke in support of 805 Undocufund.

7.D) VENTURA COUNTY TRANSPORTATION COMMISSION (VCTC) - SHORT RANGE TRANSIT PLAN (SRTP) PRESENTATION

Claire Grasty, Transit Director, presented a presentation on Ventura County Transportation Commission (VCTC) - Short Range Transit Plan (SRTP).

7.E) FINANCE DEPARTMENT REPORT

Finance Director Christy Ramirez presented the Finance Department report January 2025 - August 2025.

7.F) ANNUAL AUDIT PRESENTATION

Veronica Hernandez with Rogers, Anderson, Malody & Scott, CPA, presented a presentation on the Annual Audit for FY 23/24.

## 8) CITY COUNCIL REPORTS

Councilmember Crosswhite:
Attended Ventura Council of Governments; Athens Ad Hoc; Southern California Association of Governments meetings; Ventura County Regional Energy Alliance; and Clean Power Alliance.

Councilmember Ornealas:
Attended Labor Day Parade.

Mayor Chavez:
Attended 4th of July event; Chamber Mixer at Parque 1055; Sisters Asian Eatery opening; Blue Ribbon committee; Youth Apprenticeship Readiness Accelerator (Yara) graduation; Labor Day Parade; and Finance Committee.

Vice Mayor Juarez:
No reportable activities.

## 9) CITY MANAGER REPORTS

Attended the Labor Day Parade; and spoke on Emergency projects

## 10) CONSENT CALENDAR

10.A) ANNUAL AUDIT - FY 23/24

10.B) ADVANCED WATER TREATMENT FACILITY PROJECT - RECOMMENDED SHORT-LIST OF PREQUALIFIED CONTRACTORS

10.C) WATER ENTERPRISE PURCHASE OF FORD F150 LIGHTNING EV TO COMPLY WITH CARB ADVANCED CLEAN FLEETS REGULATIONS

10.D) 2025-2027 MEMORANDUM OF UNDERSTANDING WITH THE SUPERVISORY & PROFESSIONAL ASSOCIATION

10.E) WATER ENTERPRISE PURCHASE OF 2025 VERMEER CV573SGT HYDRO EXCAVATOR TRAILER VIA SOURCEWELL COOPERATIVE CONTRACT

10.F) PECK ROAD WATER MAIN REPAIR PROJECT

10.G) VENTURA COUNTY FIRE PROTECTION DISTRICT LEASE (UNION OIL BUILDING LOT)

Motion: Approve 10) CONSENT CALENDAR items 10B - 10G
Moved by Jenny Crosswhite, seconded by Carlos Juarez

Vote: Motion carried 4-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas

Item 10.A was pulled for a future meeting.

## 11) PUBLIC HEARING

11.A) INTRODUCTION OF ORDINANCE NO. 1347 AMENDING CHAPTERS 16.42 (PERFORMANCE STANDARDS) AND 16.44 (FENCES, WALLS, AND HEDGES) OF THE SANTA PAULA MUNICIPAL CODE IN ORDER TO CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 15061(b)(3) AND 15168(c)(2) OF THE PUBLIC RESOURCES CODE.

City Attorney Monica Castillo presented this item.
Mayor Chavez opened the public hearing. With no public comments, the public hearing was closed.

Motion: Postpone referring the ordinance back to the Planning Commission to consider amendments.
Moved by Carlos Juarez, seconded by Jenny Crosswhite

Vote: Motion carried 4-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas

## 12) ACTION ITEMS

12.A) CONSIDERATION OF A TWO-YEAR INVESTMENT IN HOUSING TRUST FUND VENTURA COUNTY

Management Analyst Caesar Hernandez presented this item.

Mary Anne Krause provided information on the Housing Trust Fund.

Zuleth Lucero was called to speak on the rental housing costs.

Motion: Approve Authorizing a budget allocation of $100,000 per year as part of an investment in Housing Trust Fund Ventura County for FY 2025-2026 and FY 2026-2027 for a total of $200,000 allocation from the city's Affordable Housing Trust Fund (General Ledger No.219-5-9039-502).
Moved by Jenny Crosswhite, seconded by Gabriela Ornelas

Vote: Motion carried 4-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas

12.B) CONSIDERATION OF A CITY COUNCIL AD HOC COMMITTEE ON IMMIGRATION

City Manager Dan Singer presented this item.

Nicole Sanchez was called to speak in support of an ad hoc committee.

Gabriela Gomez was called to speak in support of an ad hoc committee on immigration.

Zuleth Lucero was called to speak in support of an ad hoc committee on immigration.

Mary Ann Krause was called to speak in support of an ad hoc committee on immigration.

Amalia Ochoa was called to speak in support of an ad hoc committee on immigration.

Fabiola Gomez was called to speak in support of an ad hoc committee on immigration.

Nicole Sanchez was called to speak in support of an ad hoc committee on immigration.

Motion: Approve the establishment of the Council's Ad Hoc Committee on Immigration, appointing Councilmember Crosswhite and Councilmember Ornelas to serve on the Committee; and adopt as amended Resolution No. 7588, establishing the Ad Hoc Committee on Immigration.
Moved by Pedro A Chavez, seconded by Gabriela Ornelas

Vote: Motion carried 4-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas

## 13) ITEMS FOR FUTURE AGENDAS

13.A) FUTURE AGENDA ITEMS

Councilmember Crosswhite discussed a Memorandum of Understanding for use of laborers hiring hall. Council was in consensus to bring on agenda in October.

Mayor Chavez discussed bringing for discussion on amending Mobile Home Rent Control Ordinance. Council was in consenses of a workshop.

Tiffany Orr was called to speak in support of amending mobile home park ordinance.

Victor Partida was called to speak in support of amending the mobile home park ordinance.

Angel Garza was called to speak in support of amending the mobile home park ordinance.

Lina Partida was called to speak in support of amending the mobile home park ordinance.

Maria Cardenas was called to speak in support of amending the mobile home park ordinance.

Daniel Melendez was called to speak in support of amending the mobile home park ordinance.

**14) CLOSED SESSION**

**15) ADJOURNMENT**

Mayor Chavez adjourned the meeting at 9:50 P.M.

ATTEST:

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Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Special Meeting**
**September 3, 2025, 5:30 PM**
**MINUTES**

## SPECIAL MEETING - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 5:30 p.m.

### 2) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, and Gabriela Ornelas

Members Absent: Leslie Cornejo

### 3) PUBLIC COMMENT

None.

### 4) CLOSED SESSION

4.A) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE §54957.6 - City Representatives: City Manager Dan Singer, Finance Director Christy Ramirez, and Human Resources Administrator Lorena Alvarez; Employee Organizations: Community Services Officer Association; Professional & Supervisory Association; Service Employee International Union, Local 721 (SEIU).

4.B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to government Code § 54956.9(d)(1) - Fred and Elaine Malzacher - Revocable Trust v. The City of Santa Paula; Ventura County Superior Court Case No. 56-2021-00552735-CU-TT-VTA

Council recessed to closed session.

### 5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported there was no reportable action taken.

### 6) ADJOURNMENT

Mayor Chavez adjourned the meeting at 6:20 p.m.

ATTEST:

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Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Special Meeting**
**September 8, 2025, 8:00 AM**
**MINUTES**

## SPECIAL MEETING - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 8:05 a.m.

### 2) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, and Gabriela Ornelas

Members Absent: Leslie Cornejo

Council member Ornelas was absent at time of roll call, arriving at 8:06 a.m.

### 3) PUBLIC COMMENT

None.

### 4) CLOSED SESSION

4.A) Conference with Legal Counsel – Initiation of Litigation (as Amicus Curiae) – Pursuant to Government Code Section § 54956.9(d)(4); Case Name: Newsom, et al. v. Trump, et al., 25-3727, (9th Cir. Jun 12, 2025)

Council recessed to closed session.

### 5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported City Council unanimously directed the City Attorney to join as Amicus Curiae.

### 6) ADJOURNMENT

Mayor Chavez adjourned the meeting at 8:34 a.m.

ATTEST:

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Special Meeting**
**September 11, 2025, 8:00 AM**
**MINUTES**

## 2) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, and Gabriela Ornelas

Members Absent: Leslie Cornejo

## SPECIAL MEETING - COUNCIL CHAMBERS

## 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 8:02 a.m.

## 3) PUBLIC COMMENT

None.

## 4) CLOSED SESSION

4.A) Conference with Legal Counsel – Initiation of Litigation (as Amicus Curiae) – Pursuant to Government Code Section § 54956.9(d)(4); Case Name: Vasquez Perdomo, et al. v. Noem, et al., 25-4312, (9th Cir. 2025)

Council recessed to closed session.

## 5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported City Council unanimously directed the City Attorney to join as Amicus Curiae.

## 6) ADJOURNMENT

Mayor Chavez adjourned the meeting at 8:31 a.m.

ATTEST:

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Regular Meeting**
**September 17, 2025, 6:30 PM**
**MINUTES**

## REGULAR MATTERS - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 6:35 P.M.

### 2) INVOCATION

Father Tom provided the invocation.

### 3) FLAG SALUTE

Vice Mayor Juarez led the flag salute.

### 4) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, and Leslie Cornejo

### 5) CLOSED SESSION REPORT

Council recessed into closed session on item 5A in the special meeting agenda, Conference with legal counsel anticipated litigation pursuant to government code 5456.9 D4 with the initiation of litigation for one case and items 5B conference with real property negotiators pursuant to Government Code 54956.8 for Property address at 160 South Palm Santa Paula California the agency negotiator with James Mason Community economic development director with negotiating parties involving the city of Santa Paula and Farmers Irrigation company, City Attorney reported no action taken

### 6) PUBLIC COMMENT

Richard Rudman was called to speak on upcoming events.

Nicole Sanchez was called to speak in support of immigration.

Angel Garza was called to speak on 400 Mobile Estates updates.

Amalia Ochoa was called to speak on immigration.

Nidia Bello was called to speak on ICE activities in the city, requesting funding to lead to results to help.

## 7) PRESENTATIONS

7.A) SCOUTING AMERICA RECOGNITION - SANTA PAULA TROOP 304

Mayor provided recognition to Scouting America - Santa Paula Troop 304.

7.B) VENTURA COUNTY MUSEUM CHANGES IN OPERATIONS

Elena Brokaw provided a presentation on the Ventura County Museum changes in operations.

7.C) NATIONAL HISPANIC HERITAGE MONTH PROCLAMATION

Mayor Chavez presented National Hispanic Heritage Month Proclamation to Elvia Hernandez.

7.D) CAUSE SANTA PAULA - PRESENTATION

Chris Gabrielle presented a presentation on CAUSE Santa Paula.
Amalia Ochoa spoke on CAUSE and fighting for justice.

7.E) CALIFORNIA DEPARTMENT OF INSURANCE

Not available for presentation.

7.F) VENTURA COUNTY FIRE DEPARTMENT REPORT

Fire Chief Joe Williams provided the Ventura County Fire Department Report.

## 8) CITY COUNCIL REPORTS

Councilmember Ornelas:
Attended the Immigration Ad Hoc Committee meeting.

Vice Mayor Juarez:
Attended the Limoneira Directors lunch; closed session on upcoming employee survey; met with the Mobile Home Rent control to discuss dates of a workshop; Santa Paula Unified School District Building and Construction Academy; Cruise Night; and Senior Advisory Committee.

Councilmember Cornejo:
Attended the Property Business Improvement District meeting; Youth Apprentice Readiness Accelerator (Yara) graduation; and mural dedication at

the Community Center.

Councilmember Crosswhite:
Attended the Limoneira Directors lunch; Santa Paula Unified School District Building and Trades grand opening; Housing Trust Fund of Ventura County's dinner; several Southern California Association of Governments meetings; Clean Power Alliance; Local Agency Formation Commission meeting; and Ventura County Transportation Commission.

**9) CITY MANAGER REPORTS**

**10) CONSENT CALENDAR**

10.A) APPROVAL OF MINUTES

City Council Special Meeting June 18, 2025
City Council Regular Meeting June 18, 2025
City Council Special Meeting June 30, 2025

10.B) JULY 2025 WARRANTS AND CERTIFICATIONS

10.C) AUGUST 2025 WARRANTS AND CERTIFICATIONS

10.D) REVISED SALARY SCHEDULE RESOLUTION FOR FY 2025-2026 AND FY 2026-2027

10.E) ANNUAL AUDIT - FY 23/24

10.F) SCHOOL RESOURCE OFFFICER CONTRACT WITH SANTA PAULA UNIFIED SCHOOL DISTRICT

Prepared by: Police Chief Don Aguilar

10.G) CITY LEASE AGREEMENT WITH THE MENDOCINO RAILWAY FOR USE OF 200 NORTH 10TH STREET (TRAIN DEPOT) FOR OFFICE PURPOSES

Motion: Approve 10) CONSENT CALENDAR with edits to 10G
Moved by Carlos Juarez, seconded by Jenny Crosswhite

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

**11) PUBLIC HEARING**

11.A) PROJECT NO. 2025-CDP-01: APPROVAL OF A CONDITIONAL USE PERMIT, DESIGN REVIEW, AND VESTING TENTATIVE TRACT MAP NO. 6114 FOR A CONDOMINIUM PROJECT AT 895 FAULKER ROAD

Assistant Planner Anna Arroyo presented this item

Mayor Chavez opened the public hearing.

Gabriella Vignone was called to speak reading letter from Elena Broka as a public comment, urging to adopt resolution.

Dania was called to speak interested in the property becoming retail.

Carlos Espinosa was called to speak expressing concerns of no parking and large volume of traffic. Would prefer retail on the property.

Jerry Marquez was called to speak expressing concern that there is no parking available for this project and it will create a large volume of traffic.

Mayor Chavez closed the public hearing.

Motion: Approve Adoption of City Council Resolution No. 7568 approving Project No. 25-CDP-01, a Conditional Use Permit to allow for the development of 213 attached condominiums, Design Review, and Vesting Tentative Tract Map No. 6114 at property located at 895 Faulkner Road, subject to the conditions of approval, and adopting an Addendum to the 2040 General Plan Final EIR.
Moved by Pedro A Chavez, seconded by Leslie Cornejo

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

11.B) PROJECT NO. 2025-CI-07: AN ORDINANCE AMENDING CHAPTERS 16.52 SWIMMING POOLS, 16.56 AMUSEMENT ARCADES, 16.58 ALCOHOLIC BEVERAGE SALES, 16.60 CHILD DAY CARE FACILITIES, 16.62 ASSEMBLY HALLS, 16.64 COMMUNITY CARE FACILITIES, 16.66 DRIVE-THROUGH FACILITIES, 16.68 NEWRACKS, 16.70 RECYCLING FACILITIES, 16.72 SERVICE STATIONS, 16.74 VENDING MACHINES, 16.75 PROHIBITION ON INDUSTRIAL HEMP CULTIVATION, 16.76 YARD AND GARAGE SALES, 16.77 ELECTRIC VEHICLE CHARGING SYSTEMS; STREAMLINED PERMITTING, 16.78 EMERGENCY SHELTERS, 16.79 REGULATION OF CANNABIS ACTIVITIES, 16.80 SUBDIVISION REGULATIONS, 16.85 CONDOMINIUMS AND CONVERSIONS, 16.96 GRADING PERMITS, 16.97 GRADING REGULATION, 16.98 HILLSIDE GRADING PRACTICES, 16.99 DRAINAGE, EROSION, AND DUST CONTROL, 16.100 GENERAL PROVISIONS, 16.102 PERMIT AND RECLAMATION PLAN, 16.104 REGULATIONS FOR OPERATION OF SURFACE MINE, 16.106 GROWTH MANAGEMENT, 16.108 TRANSPORTATION DEMAND MANAGEMENT, AND 16.110 NONCONFORMITIES OF THE SANTA PAULA MUNICIPAL CODE IN ORDER TO CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 15061(B)(3) OF THE PUBLIC RESOURCES CODE

Mayor Chavez opened the public hearing. With no public comments, the public hearing was closed.
City Attorney Monica Castillo presented this item.

Motion: Approve Waiving the first reading by title only, and introduce Ordinance No. 1348, entitled “An Ordinance Amending Chapters 16.52 Swimming Pools, 16.56 Amusement Arcades, 16.58 Alcoholic Beverage Sales, 16.60 Child Day Care Facilities, 16.62 Assembly Halls, 16.64 Community Care Facilities, 16.66 Drive-Through Facilities, 16.68 Newsracks, 16.70 Recycling Facilities, 16.72 Service Stations, 16.74 Vending Machines, 16.75 Prohibition On Industrial Hemp Cultivation, 16.76 Yard And Garage Sales, 16.77 Electric Vehicle Charging Systems; Streamlined Permitting, 16.78 Emergency Shelters, 16.79 Regulation Of Cannabis Activities, 16.80 Subdivision Regulations, 16.85 Condominiums And Conversions, 16.96 Grading Permits, 16.97 Grading Regulation, 16.98 Hillside Grading Practices, 16.99 Drainage, Erosion, And Dust Control, 16.100 General Provisions, 16.102 Permit And Reclamation Plan, 16.104 Regulations For Operation Of Surface Mine, 16.106 Growth Management, 16.108 Transportation Demand Management, And 16.110 Nonconformities Of The Santa Paula Municipal Code In Order To Correct Inconsistencies, Outdated Language And Formatting And Finding The Action To Be Statutorily Exempt From CEQA Under Section 15061(B)(3) Of The Public Resources Code
Moved by Gabriela Ornelas, seconded by Carlos Juarez

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

## 12) ACTION ITEMS

12.A) TELEGRAPH ROAD WIDENING AND ROUNDABOUT UPDATE

Sam Potts with MNS and City Engineer Robert Woodward provided a presentation on the Telegraph Road widening and roundabout update.

12.B) MOBILE HOME RENT REVIEW COMMISSION COMPENSATION

Chris Gabriele was called to speak asking to have transcript and court reporters at hearings.

Community Development Director James Mason presented this item.
Council directed staff to return with a resolution to adopt compensation at $100 per meeting.

## 13) ITEMS FOR FUTURE AGENDAS

13.A) FUTURE AGENDA ITEMS

## 14) ADJOURNMENT

Mayor Chavez Adjourned the meeting at 10:25 P.M.

ATTEST:

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Special Meeting**
**September 17, 2025, 4:30 PM**
**MINUTES**

## SPECIAL MEETING - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 4:35 p.m.

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Leslie Cornejo, and Gabriela Ornelas

### 2) ROLL CALL

Councilmember Ornelas was not present at time of roll call, arriving at 4:43 p.m.

### 3) PUBLIC COMMENT

None.

### 4) ORDER OF BUSINESS

4.A) COUNCIL PROCEDURAL GUIDELINES UPDATE STUDY SESSION

Council discussed changes to the Council Procedural Guidelines, providing staff with feedback.

### 5) CLOSED SESSION

5.A) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Pursuant to Government Code § 54956.9(d)(4) – Initiation of litigation: Cases 1

5.B) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE § 54956.8 - Property: 160 S. Palm, Santa Paula, California, 93060; Ventura County APN: 105008017, Lot area: 1.94 acres; Agency Negotiator: James Mason, Community and Economic Development Director; Negotiating Parties: City of Santa Paula and Farmers Irrigation Company, Inc; Under Negotiation: Price and Terms of Payment

Council recessed to closed session.

**6) CLOSED SESSION REPORT**

City Attorney Monica Castillo reported there was no reportable action taken.

**7) ADJOURNMENT**

Mayor Chavez adjourned the meeting at 6:30 p.m.

ATTEST:

_____

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Regular Meeting**
**October 1, 2025, 6:30 PM**
**MINUTES**

## REGULAR MATTERS - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 6:31 P.M.

### 2) INVOCATION

Deacon Al Guilin provided the Invocation.

### 3) FLAG SALUTE

City Attorney Monica Castillo led the flag salute.

### 4) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Leslie Cornejo, and Gabriela Ornelas

### 5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported that there are no reportable actions taken on the following:
5.A) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE §54957.6

### 6) PUBLIC COMMENT

Ronald Arruejo was called to speak inviting council to the upcoming Philipino Americans Fiesta.

Gabrielle Holguin was called to speak regarding traffic safety.

### 7) PRESENTATIONS

7.A) MAYOR'S RECOGNITION AWARDS - FUTURE FARMERS OF AMERICA FAIR WINNERS

Postponed.

7.B) PARKS & RECREATION DEPARTMENT ACTIVITY REPORT

Parks & Recreation Director Gregory Barnes provided a presentation on the Parks & Recreation Department Activities May through August 2025.

7.C) PUBLIC WORKS - APRIL THROUGH JULY ACTIVITY REPORT

Public Works Director Dale Goodman provided a presentation on the Public Works Department Activities April through July 2025.

## 8) CITY COUNCIL REPORTS

Councilmember Ornealas:
Announced Ad Hoc Immigration discussions starting.

Councilmember Crosswhite:
Announced the Ad Hoc Immigration discussions have started; announced the October 11th E-waste and hazardous household waste drop off at Corporation Street; attended Southern California Association of Governments workshop; Southern California Association of Governments executive committee meeting; Clean Power Alliance Board Retreat; California Council of Governments; Santa Paula high school partnership night; and Ventura County Centennial College presentation.

Councilmember Cornejo:
Attended Santa Paula Unified School District appreciation event; Ventura Regional Sanitation District; Ventura Council of Governments.

Vice Mayor Juarez:
Attended Ventura County Economic Development; Santa Paula Unified School District appreciation event; announced Senior Advisory's seeking 5th member: and Friday October 3rd is the last cruise night of the season

## 9) CITY MANAGER REPORTS

City Manager Dan Singer:
Announced Impacts to the community with the Federal shutdown.
Attended Annual League of Cities Hellen Putman Award; and announced there are a number of openings of committee and commissions.

## 10) CONSENT CALENDAR

10.A) PURCHASE OF PRE-FABRICATED RESTROOM FOR TEAGUE PARK

10.B) APPROVE A THIRD AMENDMENT TO MEMORANDUM OF UNDERSTANDING (MOU) WITH SPUSD & A CONTRACT WITH ALL CITY MANAGEMENT SERVICES (ACMS) FOR CROSSING GUARD SERVICES

10.C) AGREEMENT WITH OAKRIDGE LANDSCAPE, INC. FOR CITYWIDE LANDSCAPE AND RESTROOM MAINTENANCE SERVICES

10.D) 2025-2027 MEMORANDUM OF UNDERSTANDING WITH THE COMMUNITY SERVICES OFFICERS ASSOCIATION

10.E) PROJECT NO. 2025-CI-07: AN ORDINANCE AMENDING CHAPTERS 16.52 SWIMMING POOLS, 16.56 AMUSEMENT ARCADES, 16.58 ALCOHOLIC BEVERAGE SALES, 16.60 CHILD DAY CARE FACILITIES, 16.62 ASSEMBLY HALLS, 16.64 COMMUNITY CARE FACILITIES, 16.66 DRIVE-THROUGH FACILITIES, 16.68 NEWRACKS, 16.70 RECYCLING FACILITIES, 16.72 SERVICE STATIONS, 16.74 VENDING MACHINES, 16.75 PROHIBITION ON INDUSTRIAL HEMP CULTIVATION, 16.76 YARD AND GARAGE SALES, 16.77 ELECTRIC VEHICLE CHARGING SYSTEMS; STREAMLINED PERMITTING, 16.78 EMERGENCY SHELTERS, 16.79 REGULATION OF CANNABIS ACTIVITIES, 16.80 SUBDIVISION REGULATIONS, 16.85 CONDOMINIUMS AND CONVERSIONS, 16.96 GRADING PERMITS, 16.97 GRADING REGULATION, 16.98 HILLSIDE GRADING PRACTICES, 16.99 DRAINAGE, EROSION, AND DUST CONTROL, 16.100 GENERAL PROVISIONS, 16.102 PERMIT AND RECLAMATION PLAN, 16.104 REGULATIONS FOR OPERATION OF SURFACE MINE, 16.106 GROWTH MANAGEMENT, 16.108 TRANSPORTATION DEMAND MANAGEMENT, AND 16.110 NONCONFORMITIES OF THE SANTA PAULA MUNICIPAL CODE IN ORDER TO CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 15061(B)(3) OF THE PUBLIC RESOURCES CODE

10.F) SANTA MARIA INDUSTRIAL PARK TRACT 5428 DEVELOPER REIMBURSEMENT

10.G) SR 150 CROSSWALK IMPROVMENTS PROJECT BID RESULTS

10.H) AMENDMENT NO. 5 TO VRSD CONTRACT NO. 19-005 REGARDING EMERGENCY MILL ST. SEWER MAIN REPLACEMENT

10.I) TRANSPORTATION DEVELOPMENT ACT, LOCAL TRANSPORTATION FUND, APPORTIONMENT FOR FISCAL YEAR 2025/2026

Motion: Approve 10) CONSENT CALENDAR
Moved by Jenny Crosswhite, seconded by Carlos Juarez

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Leslie Cornejo, Gabriela Ornelas

**11) <u>PUBLIC HEARING</u>**

11.A) <u>APPROVAL OF RESOLUTION NO. 7589 FORMALLY ADOPTING THE CITY'S FEMA-APPROVED LOCAL HAZARD MITIGATION PLAN, AS PART OF THE VENTURA COUNTY MULTI-JURISDICTIONAL</u>

HAZARD MITIGATION PLAN, AND AMENDING THE HAZARD AND PUBLIC SAFETY ELEMENT OF THE 2040 GENERAL PLAN TO REFLECT THIS ADOPTION AND REQUIRED LANGUAGE, AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA

Mayor Chavez opened the public hearing, with no public comments the public hearing was closed.
Planning Manager Tom Tarantino presented a presentation.

Motion: Approve the adoption of the proposed Resolution is statutorily exempt from review under the California Environmental Quality Act ("CEQA") under Public Resources Code Section 15183.
Adopt Resolution No. 7589 formally adopting the City's Federal Emergency Management Agency-approved Local Hazard Mitigation Plan, as part of the Ventura County Multi-Jurisdictional Hazard Mitigation Plan, and amending the Hazard and Public Safety Element ('Safety Element') of the City of Santa Paula 2040 General Plan to reflect this adoption and required language.
Moved by Leslie Cornejo, seconded by Jenny Crosswhite

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Leslie Cornejo, Gabriela Ornelas

**12) ACTION ITEMS**

12.A) JOINT SANTA PAULA, FILLMORE, VENTURA COUNTY ONE-YEAR AGREEMENT FOR OPERATIONAL FUNDING OF THE SPIRIT OF SANTA PAULA HARVARD NAVIGATION CENTER FOR FISCAL YEAR 2025/2026

Community Development Director James Mason presented this item. A redline copy of the agreement was provided to Council on the Dias.

Adopt with recommendations of changing "will" to "may" or "a goal"

Motion: Approve authorizing the City Manager to execute an agreement, substantially in the form attached, with the County of Ventura and the City of Fillmore to share operational costs for the Spirit of Santa Paula Harvard Shelter, located at 1498 East Harvard Boulevard.

Authorize the City Manager to make non-monetary edits to the agreement as necessary to conform with the version approved by the City of Fillmore City Council and County Board of Supervisors, provided such changes do not create undue hardship for the city. And the requested recommendations of changing "will" to "may" or "a goal".
Moved by Jenny Crosswhite, seconded by Carlos Juarez

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Leslie Cornejo, Gabriela Ornelas

12.B) DESIGNATION OF VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE & EXPO - OCTOBER 8-

10, 2025

Motion: Approve nominating voting delegate as Mayor Pedro Chavez and alternate delegate as Vice Mayor Carlos Juarez to participate in the 2025 League of California Cities Annual Conference.
Moved by Carlos Juarez, seconded by Jenny Crosswhite

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Leslie Cornejo, Gabriela Ornelas

## 13) ITEMS FOR FUTURE AGENDAS

13.A) FUTURE AGENDA ITEMS

## 14) ADJOURNMENT

Mayor reported, The Ventura County Airport Commission Control Board has extended the *Old Vehicle Buyback Program,* residents can receive $2,000 for turning in operational 2003 or older vehicles. There's also an upcoming gas-powered lawn equipment exchange program that will offer vouchers toward new equipment. The third quarter of the year has concluded, and the mayors written report will be provided by October 15th summarizing city progress and activities. A reminder to the public about respectful behavior and responsible use of social media, accusations without facts can harm trust and community unity. Mayor Chavez emphasized that Santa Paula's strength lies in its connection, respect, and shared commitment to serving one another.

Mayor Chavez adjourned the meeting at 9:00 p.m.

ATTEST:

_____
Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Special Meeting**
**October 1, 2025, 5:00 PM**
**MINUTES**

## SPECIAL MEETING - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 5:00 p.m.

### 2) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Leslie Cornejo, and Gabriela Ornelas

Councilmember Ornelas was absent at time of roll call, arriving at 5:07 p.m.

### 3) PUBLIC COMMENT

None.

### 4) ORDER OF BUSINESS

4.A) COUNCIL PROCEDURAL GUIDELINES UPDATE STUDY SESSION

City Attorney Monica Castillo provided an update of prior changes made. Council provided staff with further direction.

### 5) CLOSED SESSION

5.A) CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE §54957.6 - City Representatives: City Manager Dan Singer, Finance Director Christy Ramirez, and Human Resources Administrator Lorena Alvarez; Employee Organizations: Professional & Supervisory Association and Unrepresented Employees: Executive Management

Council recessed to closed session.

### 6) CLOSED SESSION REPORT

City Attorney Monica Castillo reported there was no reportable action taken.

## 7) ADJOURNMENT

Mayor Chavez adjourned the meeting at 6:30 p.m.

ATTEST:

_____

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Special Meeting**
**October 14, 2025, 4:30 PM**
**MINUTES**

## SPECIAL MEETING - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 4:31 p.m.

### 2) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, and Leslie Cornejo

Councilmember Ornelas was absent at time of roll call, arriving at 4:36 p.m.

### 3) PUBLIC COMMENT

None.

### 4) ORDER OF BUSINESS

4.A) COMMISSION/COMMITTEE/BOARD INTERVIEWS

Council interviewed applicants for the Parks and Recreation Youth, Parks and Recreation Commission, Planning Commission, and Senior Advisory Committee.

### 5) ADJOURNMENT

Mayor Chavez adjourned the meeting at 6:45 p.m.

ATTEST:

_____
Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Special Meeting**
**October 15, 2025, 5:00 PM**
**MINUTES**

## SPECIAL MEETING - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 5:00 p.m.

### 2) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, and Leslie Cornejo

### 3) PUBLIC COMMENT

None.

### 4) CLOSED SESSION

4.A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code § 54957(b)(1), Title: City Manager

Council recessed to closed session.

### 5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported there was no reportable action taken.

### 6) ADJOURNMENT

Council recessed to the City Council Regular meeting at 6:30 p.m.
Council reconvened closed session at 10:20 p.m.
Mayor Chavez adjourned the meeting at 11:15 p.m.

ATTEST:

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**City Council Regular Meeting**
**October 15, 2025, 6:30 PM**
**MINUTES**

## REGULAR MATTERS - COUNCIL CHAMBERS

### 1) CALL TO ORDER

Mayor Chavez called the meeting to order at 6:41 p.m.

### 2) INVOCATION

Rev. Maddie Sifantus provided the Invocation.

### 3) FLAG SALUTE

Councilmember Ornelas led the flag salute.

### 4) ROLL CALL

Members Present: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, and Leslie Cornejo

### 5) CLOSED SESSION REPORT

City Attorney Monica Castillo reported there was no reportable actions taken on the following:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION Pursuant to Government Code § 54957(b)(1), Title: City Manager

### 6) PUBLIC COMMENT

Daniel Melendez was called to speak in support of ordinance workshop on rent review for the 400 Mobile Estate.

Humberto Cancino was called to speak in support of ordinance workshop on rent review for the 400 Mobile Estates.

Maria Cancino was called to speak in support of ordinance workshop on rent review for the 400 Mobile Estates.

Giselle Valdovinos was called to speak in support of ordinance workshop on rent review for the 400 Mobile Estate.

Mauricio Cruz was called to speak in support of ordinance workshop on rent review for the 400 Mobile Estate.

Cytlalli Salgado was called to speak read letter from resident in support of ordinance workshop on rent review for the 400 Mobile Estate.

## 7) PRESENTATIONS

7.A) MAYOR'S RECOGNITION AWARDS - FUTURE FARMERS OF AMERICA FAIR WINNERS

Pulled

7.B) SHORT RANGE TRANSIT PLAN OUTREACH

Claire Grasty, Director of Public Transit, provided an update on the Short Range Transit Plan Outreach.

7.C) COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT QUARTERLY REPORT

Community Development Director James Mason provided the Community and Economic Development Department Quarterly Report.

## 8) CITY COUNCIL REPORTS

Councilmember Crosswhite:
Attended the boards, commission and committee interviews; Ventura County Transportation Commission meeting; Collaboration meeting between Southern California Association of Governments and Kern Council of Governments; Ad-Hoc immigration committee; League of California Cities Conference; and announced the City received a Helen Putnam Award.

Councilmember Cornejo:
Attended the boards, commission and committee interviews; League of California Cities Conference; Harding Park advisory board quarterly meeting; Athen's Services electronic recycling event; and the Ventura County Fair received the costal project award for the surfers point project.

Councilmember Ornelas:
Attended the boards, commission and committee interviews; and League of California Cities Conference.

Vice Mayor Juarez:
Attended the boards, commission and committee interviews; met with Mayor Chavez and staff about internal communications; League of California Cities Conference; Barbra Webster School 100-year anniversary; Announced fire disaster response; and accepted the Helen Putnam Award, along with Mayor Chavez.

Mayor Chavez:
Accepted the Helen Putnam Award, along with Vice Mayor Juarez.

## 9) CITY MANAGER REPORTS

City Manager Dan Singer:
Attended the League of California Cities Annual Conference; Measure R Committee; and Taste of Santa Paula event.

## 10) CONSENT CALENDAR

10.A) SEPTEMBER 2025 WARRANTS AND CERTIFICATIONS

10.B) APPROVAL OF MINUTES

City Council Special Meeting July 2, 2025
City Council Regular Meeting July 2, 2025
City Council Special Meeting July 9, 2025
City Council Special Meeting August 6, 2025
City Council Regular Meeting August 6, 2025
City Council Special Meeting August 19, 2025

10.C) MEASURE T BUDGET ALLOCATION FOR FALL 2025 PAVING PROJECT

10.D) RETROACTIVE COUNCIL APPROVAL FOR ENGINE REPLACEMENT OF CHEVROLET COLORADO PICKUP (UNIT 283)

Motion: Approve 10) CONSENT CALENDAR
Moved by Jenny Crosswhite, seconded by Leslie Cornejo

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

## 11) PUBLIC HEARING

11.A) PUBLIC HEARING TO CONSIDER AND APPROVE A RESOLUTION TO APPROVE THE FULL COST ANALYSIS OF USER FEES PREPARED BY WILLDAN FINANCIAL SERVICES AND AMEND AND AUGMENT THE CITY OF SANTA PAULA FEE SCHEDULE

This item was presented by Finance Director Christy Ramirez. Priti Patel with Willdan was available by zoom for questions.

Mayor Chavez opened the public hearing. With no public comments, the public hearing was closed.

Motion: Approve as amended Staff recommends that the City Council approve Resolution No. 7595 approving the full cost analysis of user fees prepared by Willdan Financial Services and amend and augment the City of Santa Paula Fee Schedule, effective January 1, 2026, with the following amendments: The fees shall be increased on the first day of every other July thereafter; every two years unless directed otherwise

by city council or contrary to law, the fees shall be increased by the immediately prior calendar year's annual average CPI. the adjustments will be based on CPI and will be reviewed during the regular budget process.
Moved by Carlos Juarez, seconded by Leslie Cornejo

Vote: Motion carried 4-1
Yes: Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo
No: Pedro A Chavez

11.B) INTRODUCTION OF ORDINANCE NO. 1350 AMENDING CHAPTERS 16.200 (ADMINISTRATION – GENERAL PROVISIONS), 16.202 (APPLICATIONS, PROCESSING, FILING AND FEES), 16.204 (PUBLIC HEARINGS), 16.206 (APPEALS AND REVOCATIONS), 16.208 (DEVELOPMENT CODE AMENDMENTS), 16.210 (ZONE CHANGE), 16.212 (GENERAL PLAN AMENDMENTS), 16.214 (AGRICULTURAL PRESERVE AND LAND CONSERVATION CONTRACTS), 16.216 (SPECIFIC PLANS), 16.218 (CONDITIONAL USE PERMITS), 16.220 (VARIANCES), 16.222 (MINOR MODIFICATIONS), 16.224 (ZONING CLEARANCE), 16.227 (ACCESSORY DWELLING UNITS), 16.228 (TEMPORARY USE PERMIT), 16.230 (HOME OCCUPATION PERMIT), 16.234 (DEVELOPMENT AGREEMENTS), 16.236 (ANNEXATIONS), 16.237 (81 ACRE INITIATIVE IMPLEMENTATION), AND 16.238 (SITE DEVELOPMENT PERMIT) OF TITLE XVI: DEVELOPMENT CODE OF THE SANTA PAULA MUNICIPAL CODE IN ORDER TO CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 15061(B)(3) OF THE PUBLIC RESOURCES CODE

This item was presented by City Attorney Monica Castillo.
Mayor Chavez opened the public hearing. With no public comments, the public hearing was closed.

Motion: Approve as amended Waive the first reading by title only, and introduce Ordinance No. 1350, entitled “An Ordinance amending Chapters 16.200 (Administration – General Provisions), 16.202 (Applications, Processing, Filing and Fees), 16.204 (Public Hearings), 16.206 (Appeals and Revocations), 16.208 (Development Code Amendments), 16.210 (Zone Change), 16.212 (General Plan Amendments), 16.214 (Agricultural Preserve and Land Conservation Contracts), 16.216 (Specific Plans), 16.218 (Conditional Use Permits), 16.220 (Variances), 16.222 (Minor Modifications), 16.224 (Zoning Clearance), 16.227 (Accessory Dwelling Units), 16.228 (Temporary Use Permit), 16.230 (Home Occupation Permit), 16.234 (Development Agreements), 16.236 (Annexations), 16.237 (81 Acre Initiative Implementation), and 16.238 (Site Development Permit) of Title XVI Development Code of the Santa Paula Municipal Code in order to correct inconsistencies, outdated language and formatting and finding the Action to be Statutorily Exempt from CEQA under Section 15061(B)(3) of the Public Resources Code”, with amendments.
Moved by Jenny Crosswhite, seconded by Carlos Juarez

Vote: Motion carried 5-0

Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

## 12) ACTION ITEMS

12.A) APPOINTMENT TO COMMISSIONS AND COMMITTEES

This item was presented by Julie Latshaw, City Clerk.

Motion: Approve appointment Lorena Long to the Parks & Recreation Youth for a term of one year 10/15/2025-10/15/2026.
Moved by Pedro A Chavez, seconded by Leslie Cornejo

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

Motion: Approve appointment Brady Mang to the Parks & Recreation Commission for a term of three years 10/15/2025-10/15/2028.
Moved by Leslie Cornejo, seconded by Jenny Crosswhite

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

Motion: Approve appointment Vanessa Olmos to the Parks & Recreation Commission for a term of three years 10/15/2025-10/15/2028.
Moved by Leslie Cornejo, seconded by Jenny Crosswhite

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

Motion: Approve appointment David Ross to the Planning Commission for one partial term starting 10/15/2025 and ending on 05/02/2027.
Moved by Carlos Juarez, seconded by Gabriela Ornelas

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

Motion: Approve appointment Sylivia Delossantos-Rasey to the Senior Advisory Committee for a term of Two years 10/15/2025-10/15/2027.
Moved by Leslie Cornejo, seconded by Jenny Crosswhite

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

Motion: Approve appointment Veronica Giron-Stone to the Senior Advisory Committee for a term of Two years 10/15/2025-10/15/2027.
Moved by Leslie Cornejo, seconded by Jenny Crosswhite

Vote: Motion carried 5-0

Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

12.B) INTRODUCTION OF ORDINANCE NO. 1349 ADOPTING BY REFERENCE THE CALIFORNIA BUILDING STANDARDS CODE, 2025 EDITION (CALIFORNIA CODE OF REGULATIONS, TITLE 24), THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE

Motion: Approve Introduce and waive first reading of Ordinance No. 1349, entitled:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING SECTIONS 150.001, 150.015, 150.025, 150.045, 150.055, 150.075, 150.085, 150.150, 150.160, 150.170, 150.180, 150.190, AND ADDING 150.200 AND 150.210, OF CHAPTER 150 OF THE SANTA PAULA MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA BUILDING STANDARDS CODE, 2025 EDITION, (CALIFORNIA CODE OF REGULATIONS, TITLE 24) INCLUDING THE 2025 CALIFORNIA ADMINISTRATIVE CODE; VOLUMES 1 AND 2 OF THE 2025 CALIFORNIA BUILDING CODE; THE 2025 CALIFORNIA RESIDENTIAL CODE INCLUDING APPENDICIES AH PATIO COVERS, AJ EXISTING STRUCTURES, AND AX SWIMMING POOL SAFETY ACT; THE 2025 CALIFORNIA ELECTRICAL CODE; THE 2025 CALIFORNIA MECHANICAL CODE; THE 2025 CALIFORNIA PLUMBING CODE INCLUDING APPENDIX M PEAK WATER DEMAND CALCULATOR; THE 2025 CALIFORNIA ENERGY CODE; THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE; THE 2025 CALIFORNIA HISTORICAL BUILDING CODE; THE CALIFORNIA EXISTING BUILDING CODE; THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2025 CALIFORNIA REFERENCED STANDARDS CODE; THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE; and Schedule a public hearing to consider adopting the proposed Ordinance at the City Council's regular meeting of November 5, 2025; Direct the City Clerk to publish a summary of the proposed Ordinance and provide notice of the public hearing twice at least 14 days before the public hearing at which the proposed Ordinance is to be considered for adoption.
Moved by Carlos Juarez, seconded by Leslie Cornejo

Vote: Motion carried 5-0
Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

12.C) CONSIDERATION OF RESOLUTIONS ESTABLISHING COMPENSATION FOR MEMBERS OF THE PLANNING COMMISSION AND MOBILE HOME RENT COMMISSION

Motion: Approve Resolution No. 7591 the Mobile Home Rent Review Commission and Resolution No. 7594 the Planning Commission, approving the compensation structure as amended.
Moved by Leslie Cornejo, seconded by Jenny Crosswhite

Vote: Motion carried 5-0

Yes: Pedro A Chavez, Carlos Juarez, Jenny Crosswhite, Gabriela Ornelas, Leslie Cornejo

## 13) ITEMS FOR FUTURE AGENDAS

13.A) FUTURE AGENDA ITEMS

## 14) ADJOURNMENT

Adjourning the Regular meeting, Council reconvened back to closed session at 10:20 p.m.

ATTEST:

_____

Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Monica Castillo, City Attorney

Subject: SECOND READING AND ADOPTION OF ORDINANCE NO. 1350 AMENDING CHAPTERS 16.200 (ADMINISTRATION – GENERAL PROVISIONS), 16.202 (APPLICATIONS, PROCESSING, FILING AND FEES), 16.204 (PUBLIC HEARINGS), 16.206 (APPEALS AND REVOCATIONS), 16.208 (DEVELOPMENT CODE AMENDMENTS), 16.210 (ZONE CHANGE), 16.212 (GENERAL PLAN AMENDMENTS), 16.214 (AGRICULTURAL PRESERVE AND LAND CONSERVATION CONTRACTS), 16.216 (SPECIFIC PLANS), 16.218 (CONDITIONAL USE PERMITS), 16.220 (VARIANCES), 16.222 (MINOR MODIFICATIONS), 16.224 (ZONING CLEARANCE), 16.227 (ACCESSORY DWELLING UNITS), 16.228 (TEMPORARY USE PERMIT), 16.230 (HOME OCCUPATION PERMIT), 16.234 (DEVELOPMENT AGREEMENTS), 16.236 (ANNEXATIONS), 16.237 (81 ACRE INITIATIVE IMPLEMENTATION), AND 16.238 (SITE DEVELOPMENT PERMIT) OF TITLE XVI: DEVELOPMENT CODE OF THE SANTA PAULA MUNICIPAL CODE IN ORDER TO CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 15061(B)(3) OF THE PUBLIC RESOURCES CODE

Date: November 5, 2025

Agenda Item: 10.B

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**RECOMMENDATION:**

Staff recommends that the City Council conduct the second reading of and adopt Ordinance No. 1350, entitled “An Ordinance amending Chapters 16.200 (Administration – General Provisions), 16.202 (Applications, Processing, Filing and Fees), 16.204 (Public Hearings), 16.206 (Appeals and Revocations), 16.208 (Development Code Amendments), 16.210 (Zone Change), 16.212 (General Plan Amendments), 16.214 (Agricultural Preserve and Land Conservation Contracts), 16.216 (Specific Plans), 16.218 (Conditional Use Permits), 16.220 (Variances), 16.222 (Minor Modifications), 16.224 (Zoning Clearance), 16.227 (Accessory Dwelling Units), 16.228 (Temporary Use Permit), 16.230 (Home Occupation Permit), 16.234 (Development Agreements), 16.236 (Annexations), 16.237 (81 Acre Initiative Implementation), and 16.238 (Site Development Permit) of Title XVI Development Code of the Santa Paula Municipal Code in order to correct inconsistencies, outdated language and formatting and finding the Action to be Statutorily Exempt from CEQA under Section 15061(B)(3) of the Public Resources Code”

**BACKGROUND:**

The Municipal Code has not undergone a comprehensive update since November 17, 1997. Since then, amendments have been adopted as needed to respond to changes in state law, sometimes resulting in internal inconsistencies within the Code and operational challenges.

Recognizing the need for a Code overhaul, one of the objectives City Council placed in the City's 2023-2025 Two-Year Strategic Plan (Goal G, Objective 2) is to review the City's Municipal Code to reduce irrelevant code sections and update the Development Code. This goal was also identified as a mid-level priority (2 out of 1-3) in the Citygate Associates report dated June 19, 2024 recommending that the City review development codes and state laws to update policies and procedures for discretionary planning approvals, licenses and permits.

On May 9, 2024, the City Council and Planning Commission held a joint study session for a presentation on the comprehensive Municipal Code update, where they were asked to select one of three ways to approach the Municipal Code update. Option 3 was selected, directing staff and the City Attorney's office to begin with the Development Code (Title XVI) and simultaneously go through the other titles. Since then, this Council has reviewed and approved several sizable batches of code updates.

On April 2, 2025, the City Council adopted Ordinance No. 1343, amending Chapters 160 (Development Impact Fees), 16.01 (Enactment and Applicability), 16.03 (Administration and Enforcement), and 16.05 (Definitions).

On June 4, 2025, the City Council adopted Ordinance No. 1345, amending Chapters 16.07 (Establishment of Zones), 16.09 (Open Space Zones), 16.11 (Agricultural Zones), 16.21 (Industrial Zones), and 16.27 (Airport Zones).

On July 2, 2025, the City Council adopted Ordinance No. 1346, amending Chapters 16.13 (Residential Zones), 16.15 (Commercial Zones), 16.23 (Institutional Zones), 16.25 (Airport Zones), 16.29 (Railroad Overlay Zone), 16.31 (Planned Development Overlay Zone), 16.33 (Historic Landmark Overlay Zone), 16.34 (Historical Property Agreements), 16.35 (Housing Opportunities Overlay Zone), 16.40 (General Property Development Standards). Excluded from the ordinance were primary dwelling unit standards (Section 16.13.030) and the City's inclusionary housing ordinance (Section 16.13.400 et seq.) for further consideration by the Planning Commission.

On October 1, 2025, the City Council adopted Ordinance No. 1348 amending Chapters 16.52 (Swimming Pools), 16.56 (Amusement Arcades), 16.58 (Alcoholic Beverage Sales), 16.60 (Child Day Care Facilities), 16.62 (Assembly Halls), 16.64 (Community Care Facilities), 16.66 (Drive-Through Facilities), 16.68 (Newsracks), 16.70 (Recycling Facilities), 16.72 (Service Stations), 16.74 (Vending Machines), 16.75 (Prohibition on Industrial Hemp Cultivation), 16.76 (Yard and Garage Sales), 16.77 (Electric Vehicle Charging Systems; Streamlined Permitting), 16.78 (Emergency Shelters), 16.79 (Regulation of Cannabis Activities), 16.80 (Subdivision Regulations), 16.85 (Condominiums and Conversions), 16.96 (Grading Permits), 16.97 (Grading Regulation), 16.98 (Hillside Grading Practices), 16.99 (Drainage, Erosion, and Dust Control), 16.100 (General Provisions), 16.102 (Permit and Reclamation Plan), 16.104 (Regulations for Operation of Surface Mine), 16.106 (Growth Management), 16.108 (Transportation Demand Management), and 16.110 (Nonconformities). Amendments included

rewording of former Section 16.74.010, renumbered Section 16.36.010, to better describe vending machines that serve customers from a building's exterior (e.g. water stores), and deletion of "Director" from the definitions in former Section 16.80.020, renumbered Section 16.42.020 due its redundancy.

On October 15, 2025, the City Council introduced Ordinance No. 1350 amending Chapters 16.200 (Administration – General Provisions), 16.202 (Applications, Processing, Filing and Fees), 16.204 (Public Hearings), 16.206 (Appeals and Revocations), 16.208 (Development Code Amendments), 16.210 (Zone Change), 16.212 (General Plan Amendments), 16.214 (Agricultural Preserve and Land Conservation Contracts), 16.216 (Specific Plans), 16.218 (Conditional Use Permits), 16.220 (Variances), 16.222 (Minor Modifications), 16.224 (Zoning Clearance), 16.227 (Accessory Dwelling Units), 16.228 (Temporary Use Permit), 16.230 (Home Occupation Permit), 16.234 (Development Agreements), 16.236 (Annexations), 16.237 (81 Acre Initiative Implementation), and 16.238 (Site Development Permit). Ordinance No. 1350 is returning to tonight's meeting for second reading and adoption.

**ANALYSIS:**

Renumbering & References

The revisions to Chapters 16.200 (Administration – General Provisions), 16.202 (Applications, Processing, Filing and Fees), 16.204 (Public Hearings), 16.206 (Appeals and Revocations), 16.208 (Development Code Amendments), 16.210 (Zone Change), 16.212 (General Plan Amendments), 16.214 (Agricultural Preserve and Land Conservation Contracts), 16.216 (Specific Plans), 16.218 (Conditional Use Permits), 16.220 (Variances), 16.222 (Minor Modifications), 16.224 (Zoning Clearance), 16.227 (Accessory Dwelling Units), 16.228 (Temporary Use Permit), 16.230 (Home Occupation Permit), 16.234 (Development Agreements), 16.236 (Annexations), 16.237 (81 Acre Initiative Implementation), and 16.238 (Site Development Permit) are a result of the City-initiated Municipal Code amendment. These Chapters were identified to contain inconsistencies, outdated language and/or formatting errors. The sequencing of the Chapters is being amended for consistency with other changes made earlier.

Evidence of Noticing

Current Section 16.204.020(C) has been revised so that notice of a public hearing sign must be posted 10 days instead of 11 days before the hearing to align with the City’s other noticing practices, e.g., postcards, newspapers, etc.

Time Limit for Implementing Conditional Use Permit

Current Section 16.218.090(B) has been changed from allowing a lapsed Conditional Use Permit to be renewed for a single one-year period to two continuous one-year periods.

Minor Modifications

Current Section 16.222.010(B)(1)(b) was amended to clarify permissible minor modifications for automobile parking space configurations (e.g., tandem parking, 3-car garages, etc.).

Section 16.226 (Design Review) was originally included in the notice for this set of code

updates, however, staff determined there are significant revisions to this section requiring additional public input. This section will thus be heard a later public meeting.

An amendment to Chapter 16.218 (Conditional Use Permits) proposed a new section to authorize the Director to grant a 'Minor Conditional Use Permit' for minor changes related to use permits, planned development permits, variances, and similar actions granted by the City Council, the Planning Commission or the Director. However, staff determined further revisions were needed for the proposed section, and the proposal was pulled from consideration at the October 15, 2025 meeting. The concept of a Minor Conditional Use Permit or like approval will thus be considered at a later public hearing.

With the exception of the foregoing proposed amendments, substantive amendments to these chapters recommended by the Planning Commission will return to Council at a future meeting.

**STRATEGIC PLAN:**

Reviewing the City's municipal code for updates and to reduce irrelevancy directly relates to 2025-2027 Strategic Goal F.1 *Operational Excellence/Municipal Code.*

**FISCAL IMPACTS:**

There are no direct fiscal impacts from this code update.

**OPTIONS:**

In addition to the recommended action, the City Council has available to it the following alternative options:

1. Do not adopt proposed Ordinance No. 1350.

**ATTACHMENTS:**

A - CC Ordinance No. 1350 - SPMC Batch 7 Updates
B - Chapter 16 Text - Dev Code 7 Update

**ORDINANCE NO. 1350**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING CHAPTERS 16.200 ADMINISTRATION – GENERAL PROVISIONS, 16.202 APPLICATIONS, PROCESSING, FILING AND FEES, 16.204 PUBLIC HEARINGS, 16.206 APPEALS AND REVOCATIONS, 16.208 DEVELOPMENT CODE AMENDMENTS, 16.210 ZONE CHANGE, 16.212 GENERAL PLAN AMENDMENTS, 16.214 AGRICULTURAL PRESERVE AND LAND CONSERVATION CONTRACTS, 16.216 SPECIFIC PLANS, 16.218 CONDITIONAL USE PERMITS, 16.220 VARIANCES, 16.222 MINOR MODIFICATIONS, 16.224 ZONING CLEARANCE, 16.227 ACCESSORY DWELLING UNITS, 16.228 TEMPORARY USE PERMIT, 16.230 HOME OCCUPATION PERMIT, 16.234 DEVELOPMENT AGREEMENTS, 16.236 ANNEXATIONS, 16.237 81 ACRE INITIATIVE IMPLEMENTATION, AND 16.238 SITE DEVELOPMENT PERMIT OF TITLE XVI DEVELOPMENT CODE OF THE SANTA PAULA MUNICIPAL CODE IN ORDER TO CORRECT INCONSISTENCIES, OUTDATED LANGUAGE AND FORMATTING AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 15061(b)(3) OF THE PUBLIC RESOURCES CODE**

The City Council of the City of Santa Paula does ordain as follows:

**WHEREAS,** the City of Santa Paula ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS,** the City of Santa Paula wishes to protect and preserve the quality of life throughout the City, through effective land use and planning; and

**WHEREAS,** the City initiated a Municipal Code update in order to bring the entire code up to date, clarify appropriate uses within the City, and align with current State law; and

**WHEREAS**, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate standards that guide how land can be used and developed within cities; and

**WHEREAS,** Santa Paula Municipal Code ("SPMC") Chapters 16.200 Administration – General Provisions, 16.202 Applications, Processing, Filing and Fees, 16.204 Public Hearings, 16.206 Appeals and Revocations, 16.208 Development Code Amendments, 16.210 Zone Change, 16.212 General Plan Amendments, 16.214

Agricultural Preserve and Land Conservation Contracts, 16.216 Specific Plans, 16.218 Conditional Use Permits, 16.220 Variances, 16.222 Minor Modifications, 16.224 Zoning Clearance, 16.227 Accessory Dwelling Units, 16.228 Temporary Use Permit, 16.230 Home Occupation Permit, 16.234 Development Agreements, 16.236 Annexations, 16.237 81 Acre Initiative Implementation, and 16.238 Site Development Permit, were reviewed by staff and identified to contain inconsistencies, outdated language, and/or conflicts with current state law; and

**WHEREAS,** on September 23, 2025 the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

**WHEREAS,** on October 15, 2025 the City Council held a duly-noticed public hearing to consider the proposed Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the proposed Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

**WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

**SECTION 1.** Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the City Council.

**SECTION 2.** CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA"), because it has no potential of resulting in a physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**SECTION 3:** General Plan and Development Objectives. Pursuant to SPMC § 16.208.030(C), the City Council has reviewed the Planning Commission's recommendation, and finds that the proposed amendments are consistent with the objectives of Title 16 of the SPMC, the General Plan, and development policies of the City as follows:

A. The proposed code amendment is consistent with the objectives, policies, general land uses, and programs of the Santa Paula General Plan (2040), as described in Section 4.A. below.

B. The purpose of Chapter 16.208 *Development Code Amendments* is to allow for amendment to the Development Code in recognition of the fact that physical, economic, and other conditions in the City may change over time. The proposed amendments to Chapters 16.200 Administration – General Provisions, 16.202 Applications, Processing, Filing and Fees, 16.204 Public Hearings, 16.206 Appeals and Revocations, 16.208 Development Code Amendments, 16.210 Zone Change, 16.212 General Plan Amendments, 16.214 Agricultural Preserve and Land Conservation Contracts, 16.216 Specific Plans, 16.218 Conditional Use Permits, 16.220 Variances, 16.222 Minor Modifications, 16.224 Zoning Clearance, 16.227 Accessory Dwelling Units, 16.228 Temporary Use Permit, 16.230 Home Occupation Permit, 16.234 Development Agreements, 16.236 Annexations, 16.237 81 Acre Initiative Implementation, and 16.238 Site Development Permit, recognize these changing conditions by removing inconsistencies and outdated terms, updating definitions, and aligning with the adopted General Plan and applicable state law.

**SECTION 4:** Development Code Amendment Findings. Pursuant to SPMC §16.208.050, the City Council makes the following required findings of fact:

A. *The proposed code amendment is consistent with the goals, policies, and objectives of the General Plan.* The proposed amendment is part of larger effort to update the Santa Paula Municipal Code. The proposed amendment is largely administrative in nature intended to remove inconsistencies, typographical errors, and outdated terms in the Development Code. Nothing in the proposed amendment would create an inconsistency with the goals, policies and objectives of the 2040 General Plan.

B. *The proposed code amendment will not adversely affect surrounding properties.* The proposed amendment will not adversely affect surrounding properties because the amendments are largely administrative in nature intended to logically renumber and remove inconsistencies and outdated terms and cross-references in the Development Code. It does not permit a particular project and does not affect zoning or land uses.

C. *The proposed code amendment promote public health, safety, and general welfare and serves the goals and purposes of Title 16*. The public health, safety, and general welfare will be promoted by more logical numbering for ease of use and removal of inconsistencies, typographical errors, and outdated terms in the Development Code.

**SECTION 5.** Code Amendment. Chapters 16.200, 16.202, 16.204, 16.206, 16.208, 16.210, 16.212, 16.214, 16.216, 16.218, 16.220, 16.222, 16.224, 16.227, 16.228, 16.230, 16.234, 16.236, 16.237, and 16.238 of the Santa Paula Municipal Code are hereby amended and restated to read in their entirety as provided in Exhibit “A,” attached hereto and incorporated herein by reference.

**SECTION 6.** Effective Date. This Ordinance takes effect 30 days after its adoption.

**SECTION 7.** Publication. The City Clerk is directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

**SECTION 8.** Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at 970 E. Ventura Street, Santa Paula, California 93060.

**SECTION 9.** Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

(Continues on next page)

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Santa Paula, at a regular meeting of the City Council held on the ____ day of _____, 2025 by the following vote:

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**

**CITY OF SANTA PAULA**:

_____
Pedro A. Chavez, Mayor

**ATTEST**:

_____
Julie Latshaw, City Clerk

**APPROVED AS TO FORM:**

**BEST BEST & KRIEGER LLP**

_____
Monica Castillo, City Attorney

# EXHIBIT A

(follows this page)

## CHAPTER 16.54 ADMINISTRATION - GENERAL PROVISIONS

Section


16.54.010 Purpose and intent

16.54.020 Type of review procedures in effect

16.54.030 Review bodies established

16.54.040 Purpose and responsibilities of the hearing bodies


### 16.54.010 PURPOSE AND INTENT.

This Chapters 16.54 through 16.72 (Administration of the Development Code) establishes the regulations for the effective and efficient implementation of the Santa Paula Development Code (Title 16 of the Municipal Code). Chapters 16.54 through 16.72 contain the procedures for discretionary review of development applications, criteria for acceptance of applications for discretionary actions, and general standards for processing of applications. The provisions of Chapters 16.54 through 16.72 provide for a system of development review that is open to the public and responsive to the needs of the community.

### 16.54.020TYPE OF REVIEW PROCEDURES IN EFFECT.

Table 54-1 outlines the types of review procedures in effect in Santa Paula.

### 16.54.030 REVIEW BODIES ESTABLISHED.

(A) The City Council and Planning Commission will serve as hearing bodies in the City of Santa Paula.

(B) The City Council will be established as set forth in Title III, Chapter 30 of the Santa Paula Municipal Code.

(C) The Planning Commission will be established as set forth in Title III, Chapter 32 of the Santa Paula Municipal Code.

**TABLE 54-1**

**Hearing Bodies And Responsibilities**

| Type of Application | Director(a) | | Planning Commission(b) | | City Council |
|---|---|---|---|---|---|
| | Authority to Approve or Deny | Advisory to Planning Comm. or City Council | Authority to Approve or Deny (c) | Advisory to City Council (c) | Final Authority (c) |
| Agricultural Preserves & Land Consv. (See Ch. 16.61) | | X | | | X |
| Annexation (See Ch. 16.72) | | X | | X | X (d) |
| Conditional Use Permit (See Ch. 16.63) | | X | X | | |
| Design Review (See Ch. 16.67) | X | | | | |
| Development Agreement (See Ch. 16.71) | | X | | X | X |

**TABLE 54-1**

**Hearing Bodies And Responsibilities**

| Type of Application | Director(a) | | Planning Commission(b) | | City Council |
|---|---|---|---|---|---|
| | Authority to Approve or Deny | Advisory to Planning Comm. or City Council | Authority to Approve or Deny (c) | Advisory to City Council (c) | Final Authority (c) |
| Development Code Text Amendment (See Ch. 16.58) | | X | | X | X |
| General Plan Amendment (See Ch. 16.60) | | X | | X | X |
| Home Occupation Permit (See Ch. 16.70) | X | | | | |
| Lot Line Adjustment (See Ch. 16.80) | X | | | | |
| Minor Modification (See Ch. 16.65) | X | | | | |
| Parcel Map (See Ch. 16.80) No dedication of land Dedication or offer of dedication of land | X | X | | | X |
| Planned Development Permit (See Ch. 16.31) | | X | X | | |
| Reversion to Acreage (See Ch. 16.80) | | X | | | X |
| Second Unit Permit (See Ch. 16.68) | X | | | | |
| Specific Plan (See Ch. 16.62) | | X | | X | X |
| Temporary Use Permit (See Ch. 16.69) | X | | | | |
| Tract Map (See Ch. 16.80) Tentative Map Final Map | | X | | X | X |
| Tree Removal Permit (See Sec. 156.584) | X | | | | |
| Variance (See Ch. 16.64) | | X | X | | |
| Zone Change (See Ch. 16.59) | | X | | X | X |
| Zoning Clearance (See Ch. 16.66) | X | | | | |

Notes:

(a) All decisions of the Director are appealable to the Planning Commission.

(b) All decisions of the Planning Commission are appealable to the City Council.

(c) Public Hearing Required.

(d) Subject to approval by LAFCO.

### 16.54.00 PURPOSE AND RESPONSIBILITIES OF THE HEARING BODIES.

(A) *City Council*. The City Council will act as the final arbiter to interpret and to ensure enforcement of the provisions of this Title 16, subject to the rules of conduct and responsibilities established by city ordinances. The City Council will be responsible for conducting the public hearings set forth in Table 54-1.

(B) *Planning Commission*.

(1) The Planning Commission's responsibilities and duties with respect to the implementation and interpretation of this Title 16 will be as follows:

(a) Those responsibilities and duties described in the state planning, zoning, and development laws contained in Cal. Gov't Code §65100 et seq.

(b) Such duties as may be designated by the City Council.

(2) The Planning Commission will be responsible for conducting the public hearings set forth in Table 54-1, pursuant to the provisions of Chapter 16.56 (Public Hearings) of this Title 16.

(C) *Director*. The Director will have the authority to approve certain discretionary permits, as set forth in Table 54-1. The Director may designate a city staff member to act on the Director's behalf.

## CHAPTER 16.55: APPLICATIONS, PROCESSING, FILING, AND FEES

Section


16.55.010 Application materials

16.55.020 Requirements for complete application

16.55.030 Application review and processing

16.55.040 Concurrent applications

16.55.050 Environmental review

16.55.060 Fees

16.55.070 Performance security

16.55.080 Application denial - Reapplication

16.55.090 Concurrent expiration of permits


### § 16.55.010 APPLICATION MATERIALS.

(A) Any person or authorized representative desiring a permit or approval required by this Title 16 shall file an application with the Director or the designee.

(B) The Director shall prescribe the form in which applications shall be made permits and approvals pursuant to this Title 16. The Director may prepare and provide blank forms for such purpose and may prescribe the type of information to be submitted in the application by the applicant.

(C) Information required as part of an application shall, at a minimum, include:

(1) The names, addresses, and telephone numbers of the property owner and applicant;

(2) Proof of ownership;

(3) A letter of authorization from the property owner, if the applicant is other than the owner; and

(4) Address and legal description of the properties involved.

(D) An application for a variance, planned development permit, conditional use permit, or design review approval shall be accompanied by a description of the proposed use or project and the information required on the submittal requirements list available in the Planning Department.

(E) For applications requiring a public hearing as a scheduled matter, the applicant shall submit a list of all persons or agents owning properties within a 300-foot radius from the exterior boundaries of the subject property, or as required by law. Such list shall be accompanied by copies of all Ventura County Assessor's maps used in preparing the list, and an affidavit certifying that the list is true and correct and has been obtained from the most recent assessment role of the Ventura County Assessor no longer than 90 days prior to the filing of the application.

(F) For applications for projects involving the use of hazardous materials, the handling of solid waste, or alcohol sales and service, the applicant shall submit a list of all persons or agents owning properties within a 1,000-foot radius from the exterior boundaries of the subject property. Such list shall be accompanied by copies of all Ventura County Assessor's maps used in preparing the list and an affidavit certifying that the list is true and correct and has been obtained from the most recent assessment role of the Ventura County Assessor no longer than 90 days prior to the filing of the application.

(G) The Director may waive the filing of one or more of the items listed in subparagraph (D) above or may require other pertinent information to be submitted.

(H) The accuracy of all information submitted shall be the responsibility of the applicant.

(I) In the event that delays are encountered in the processing of an application, the list of surrounding property owners shall be updated to be no older than 90 days prior to the scheduled hearing date.

**§ 16.55.020 REQUIREMENTS FOR COMPLETE APPLICATION.**

No application shall be processed until it has been deemed complete by the Director or the designee. No application shall be deemed complete until all required information is provided in the required quantity and format.

**§ 16.55.030 APPLICATION REVIEW AND PROCESSING.**

(A) Within 30 days after receiving an application for a development project, the Director shall determine in writing whether an application is complete. Such a determination shall be transmitted immediately to the applicant at the address indicated on the application form.

(B) If an application is determined to be incomplete, the Director shall specify those parts of the application that are incomplete, and shall indicate the manner in which they can be made complete.

(C) After the Director has accepted an application as complete, the Director shall not subsequently request of an applicant any new or additional information that was not required as part of the application originally determined to be complete.

(D) The Director may in the course of processing an application, require the applicant to clarify, amplify, correct, or otherwise supplement the information required for the original application.

(E) Termination of incomplete application. Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. An extension to this six-month period may be granted by the Director on written request by the applicant showing good cause.

**§ 16.55.040 CONCURRENT APPLICATIONS.**

Whenever more than one permit or approval is required for a proposed development project or use, all applications shall be filed and processed concurrently. All such related applications shall be reviewed in accordance with the procedures set forth for the application requiring the highest level of review.

**§ 16.55.050 ENVIRONMENTAL REVIEW.**

All applications deemed complete in accordance with Title 16 of this Code and, if applicable, General Plan Sections III(F) or III(G), require environmental review in accordance with the requirements of the California Environmental Quality Act (Public Resources Code §21000 et seq.) and the regulations promulgated thereunder (14 Cal. Code of Regulations §15000 et seq.).

(Ord. 1104, passed 7-19-04; Am. Ord. 1188, passed 2-19-08)

**§ 16.55.060 FEES.**

(A) Each applicant for a land use action authorized by this Title 16 shall pay those fees and costs as established by resolution of the City Council.

(B) At any time prior to final action on any application filed pursuant to this Title 16, the applicant, by written request filed with the Planning Department or with the City Council, if action by the Planning Department has been completed thereon, may withdraw the application and terminate further consideration thereof.

(C) Where such written request has been filed and the application withdrawn, the applicant may file a proper claim for refund of any fee paid for the filing of such application. Upon approval of the claim by the Director, the City Council may order the refund of such fee less any costs the Council may determine to have been incurred by the city incidental to action or proposed action on the application.

(D) Application for refund of fees shall be made in the manner and on the form prescribed for refund authorized by the California Government Code.

**§ 16.55.070 PERFORMANCE SECURITY.**

(A) Whenever a Variance, Planned Development Permit, or Conditional Use Permit is granted by the Planning Commission or the City Council upon any condition or limitation, or for a limited period of time, the Commission or Council may require the applicant to furnish security in the form of money or a surety bond in an amount fixed by the Commission or Council to ensure compliance with the conditions and limitations, including the limitation of time, upon which the Variance, Planned Development Permit, or Conditional Use Permit is granted.

(B) Every such bond shall be a penalty bond in a form satisfactory to the City Attorney, payable to the City of Santa Paula, and conditioned upon compliance with the conditions and limitations, including the limitation of time, upon which such Variance, Planned Development Permit, or Conditional Use Permit is granted.

(C) Upon the breach of any condition or limitation, including the limitation of time, upon which the Variance, Planned Development Permit, or Conditional Use Permit is granted, the money or the bond furnished as security shall be forfeited to the city, and such money or the money collected on any such bond shall be paid into the general fund of the City of Santa Paula.

**§ 16.55.080 APPLICATION DENIAL - REAPPLICATION.**

(A) Whenever an application or portion of an application has been denied or revoked and the denial or revocation becomes final, no new application for the same or similar request may be accepted within one year of the date of the denial, unless the Director finds that the conditions surrounding the application have sufficiently changed to warrant a new application.

(B) For the purpose of this section, “changed conditions” shall mean a substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

**§ 16.55.090 CONCURRENT EXPIRATION OF PERMITS.**

(A) The grantee of a permit or variance shall be given a time limit as specified in this Title 16 to establish a right to use the permit or variance. Failure to exercise the right within the specified time limit shall render the permit or variance null and void.

(B) Should a property be granted with more than one permit or variance, or combination thereof, failure to exercise the right of any permit or variance within the specified time limit shall cause the concurrent expiration of all permits or variances associated with the property.

## CHAPTER 16.56: PUBLIC HEARINGS

Section


16.56.010 Noticing

16.56.020 Evidence of notice

16.56.030 Failure to send notice

16.56.040 Hearing procedures


### § 16.56.010 NOTICING.

(A) For applications requiring a public hearing before the Planning Commission, such hearings shall be set by the Director. For applications requiring a public hearing before the City Council, such hearings shall be set by the City Clerk.

(B) In all cases, the first hearing shall be held within 60 days of the date on which the application has been deemed as complete, unless a longer time is required to accommodate environmental review under the provisions of the California Environmental Quality Act.

(C) Notice of the time and place of public hearings shall be given at least ten calendar days before the public hearing, as provided in this Chapter 16.56. Such notice shall include a general description of the matter to be considered and a general description of the area affected.

(1) Notice of any public hearing to consider any proposed amendment to this Title 16 or any general plan amendment shall be published at least once in a newspaper of general circulation, published and circulated in the City of Santa Paula.

(2) Notice of any public hearing to consider an annexation, Planned Development permit, Variance, Conditional Use Permit, tentative map, specific plan or Development Agreement shall be:

(a) Mailed or delivered to all persons including businesses, corporations, or other public or private entities owning real property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the proposed land use application as such owners and their addresses are shown on the current assessment roll of the Ventura County Assessor;

(b) Published at least once in a newspaper of general circulation, published and circulated in the city; and

(c) Posted in conspicuous places on the property affected, in accordance with City Council Resolution 3404.

(3) Notice of any public hearing to consider any use involving the use of hazardous materials, the handling of solid waste, or off-site alcohol sales must be:

(a) Mailed or delivered to all persons including businesses, corporations, or other public or private entities owning real property within a radius of 1,000 feet of the exterior boundaries of the property which is the subject of the proposed land use application as such owners and their addresses are shown on the current assessment roll of the Ventura County Assessor;

(b) Published at least once in a newspaper of general circulation, published and circulated in the city; and

(c) Posted in conspicuous places on and in the near vicinity of the property affected, in accordance with City Council Resolution 3404.

(D) Where application is made for a change of zone, the Director or the Planning Commission shall have the discretion to include in the notice of hearing on such application, notice that the Planning Commission will consider classification of other than that for which application is made.

### § 16.56.020 EVIDENCE OF NOTICING.

When notice of a hearing is given pursuant to this Chapter 16.56, the following documentation shall be deemed sufficient to serve as proof that such notice was given:

(A) *Publication*. When notice is given by publication, an affidavit of publication by the newspaper in which the publication was made.

(B) *Mailing*. When notice is given by mail or other delivery, an affidavit or proof of mailing/delivery must be made, showing, at a minimum, the date or dates of mailing/delivery and the list of persons and groups to which the mailing/delivery was made. Failure to send notice to any property owner whose address is not on the most recent roll of the Ventura County Assessor shall not invalidate any of the proceedings.

(C) *Site sign posting*. When notice is posted on a property, an affidavit certifying that a notice of public hearing sign was posted on the project site must be completed at least 11 days prior to the date of the public hearing. The affidavit must also include a picture of the sign with each date change.

### § 16.56.030 FAILURE TO SEND NOTICE.

Failure to send notice to any property owner whose address is not on the most recent roll of the Ventura County Assessor shall not invalidate any of the proceedings.

### § 16.56.040 HEARING PROCEDURES.

(A) *Hearing body review.*

(1) At the public hearing, the authorized hearing body shall review the application and any pertinent materials submitted with the application, and any report prepared by the Director, the City Engineer, or other city staff based on city staff's investigation of the application.

(2) The hearing body shall cause such investigation of facts on an application set for hearing, including an analysis of precedent cases, to provide all necessary information to assure action on each case consistent with the purpose of this Title 16 and with previous similar applications. Investigations may be made by members of the City Council, the Planning Commission, or city staff.

(B) *Right of persons to comment.*

(1) During any public hearing, the applicant for the subject application shall have the following rights:

(a) The right to be represented;

(b) The right to provide testimony; and

(c) The right to present evidence.

(2) All other persons shall have the right to comment on any relevant aspect of the application under consideration.

(C) *Action of hearing body and continuance of hearings*. Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue, or take under advisement the subject of the public hearing.

If the action is taken to continue or take the matter under advisement, before adjournment or recess the person presiding at such public hearing shall publicly announce the time and place to which the hearing will be continued. No further notice shall be required.

(D) *Effect of action*. The decision of the hearing body shall be considered final unless a decision is appealed pursuant to Division 1, Chapter 16.57 (Appeals and Revocations) of this Title 16. In all cases, the City Council shall represent the final authority.

## CHAPTER 16.57: APPEALS AND REVOCATIONS

Section


**Division 1: Appeals**

16.57.010 Jurisdiction and authorization

16.57.020 Time limit for filing an appeal

16.57.030 Stay of proceedings

16.57.040 Form for filing

16.57.050 Processing of appeals

16.57.060 Review by City Council

16.57.070 Findings

16.57.080 Noticing requirements

**Division 2: Revocations**

16.57.070 Right of revocation

16.57.080 Procedures

16.57.090 Findings


### DIVISION 1: APPEALS

### § 16.57.020 JURISDICTION AND AUTHORIZATION.

(A) *Appeal of Director actions*. All actions and decisions of the Director authorized by this Title 16 may be appealed to the Planning Commission. All such appeals must be filed in writing with the Planning Commission Secretary.

(B) *Appeal of City Engineer and Building Official actions*. All actions of the City Engineer and Building Official authorized by this Title 16 may be appealed to the Planning Commission. All such appeals must be filed in writing with the Planning Commission Secretary.

(C) *Appeal of Planning Commission actions*. All actions and decisions of the Planning Commission authorized by this Title 16 may be appealed to the City Council. All such appeals must be filed in writing with the City Clerk.

(D) *Persons eligible to file an appeal*. Any person may appeal a decision or action of the Director, City Engineer, Building Official, or Planning Commission in accordance with the terms of this Division 1 of Chapter 16.57.

### § 16.57.030 TIME LIMIT FOR FILING AN APPEAL.

All appeals must be filed within 10 calendar days of the date of the rendering of the decision. If the tenth day occurs on a holiday or weekend, the appeal period is extended to the next city workday. No appeal can be accepted after the appeal period expires.

### § 16.57.040 STAY OF PROCEEDINGS.

The timely filing of an effective appeal or the timely adoption by the City Council of an order of review stays a decision to which the appeal or order of review relates, pending a review of the matter.

### § 16.57.050 FORM FOR FILING.

(A) All appeals must be submitted in writing on a form to be provided by the city. The appeal must specifically state the grounds for the appeal and specifically state instances in which the reviewing official or body erred in reaching the determination.

(B) An appeal fee must be paid concurrent with filing of the appeal in accordance with the fee schedule established by City Council resolution.

### § 16.57.060 PROCESSING OF APPEALS.

Within 14 calendar days upon receipt of an appeal, the Planning Commission Secretary (in the case of an appeal of a Director, City Engineer, or Building Official decision) or the City Clerk (in the case of an appeal of a decision by the Planning Commission) must set the matter for public hearing.

### § 16.57.070 REVIEW BY CITY COUNCIL.

Notwithstanding any other provision of this Division 1, the City Council may, by majority vote of its total membership and at any time before a Planning Commission decision becomes final, issue an order for a de novo review of a Planning Commission decision. Such an order must be entitled an “order of review.” The City Council may, by resolution, adopt policies and procedures for implementing this section.

### § 16.57.080 FINDINGS.

All actions to affirm, reverse, or modify in whole or part any decision of the Director, City Engineer, Building Official, or Planning Commission must be made by resolution stating the findings for the affirmation, reversal, or modification.

### § 16.57.090 NOTICING REQUIREMENTS

Notice of time and place of a public hearing for an appeal must be given pursuant to Chapter 16.56 of this Title 16.

## DIVISION 2: REVOCATIONS

### § 16.57.070 RIGHT OF REVOCATION.

Upon determination that there has been a violation of the terms or conditions of any permit or approval granted under this Title 16; or if a determination is made that a permit or approval was obtained by deception or fraud, or represents a public nuisance; or the use subject to the approval no longer exists; or the permit or approval has not been activated in accordance with the terms of this Title 16, the Director shall have the authority to initiate revocation proceedings.

### § 16.57.080 PROCEDURES.

(A) The Director shall schedule a hearing before the Planning Commission for the purpose of considering revocation of the permit or approval. In the case where the Planning Commission’s original action consisted of a recommendation to the City Council, the Planning Commission’s action on the

revocation shall also consist of a recommendation to the City Council, and the City Council shall have the authority to revoke the permit or approval.

(B) At least 30 days prior to the revocation hearing, the permittee subject to the revocation hearing shall be given written notice of the city's intent to conduct the hearing. The notice to the permittee shall be served either in person or by registered mail, return receipt requested.

(C) At least ten calendar days prior to the revocation hearing, public notice of the hearing shall be given in the same manner as was required for the original permit or approval.

(D) At the hearing, the Director shall present evidence supporting the motion for permit or approval revocation. The owner of the property, use, or business subject to the hearing shall be given the opportunity to present reasons why the permit or approval shall not be revoked.

(E) The public shall be given the opportunity for comment.

(F) The Planning Commission or City Council shall make a decision regarding the revocation based upon the information presented at the hearing and shall within 20 days of the hearing make findings and report its decision in writing. A copy of the decision shall be mailed via certified mail, or similar method providing proof of delivery, to the party whose permit is being revoked.

### § 16.57.090 FINDINGS.

Prior to revoking a permit or an approval adopted under this Development Code, the following findings must be made:

(A) The permit or approval was obtained by deception or fraud;

(B) The permit or approval represents a public nuisance;

(C) The use subject to the approval no longer exists; or

(D) The permit or approval has not been activated in accordance with the terms of this Title 16.

## CHAPTER 16.58: DEVELOPMENT CODE AMENDMENTS

Section


16.58.010 Purpose and intent

16.58.020 Initiation

16.58.030 Proceedings – Planning Commission

16.58.040 Proceedings – City Council

16.58.050 Findings required


### § 16.58.010 PURPOSE AND INTENT.

In recognition of the fact that physical, economic, and other conditions in the city may change over time, provisions are hereby made to allow for amendments to the Development Code text in accord with the procedures outlined in this Chapter 16.58. All such Development Code text amendments shall be adopted in the manner in which other city ordinances are adopted.

### § 16.58.020 INITIATION.

Amendments to this Development Code may be initiated by:

(A) An application by an owner or agent of such owner seeking an amendment, supplement to, or change of the regulations prescribed for his property or the reclassification of his property;

(B) The application of a person authorized to exercise the power of eminent domain;

(C) The Director;

(D) The Planning Commission; or

(E) The City Council.

**§ 16.58.030 PROCEEDINGS - PLANNING COMMISSION.**

(A) A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings).

(B) At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed Development Code text amendment is consistent with the objectives of this Title 16, the General Plan, and development policies of the city.

(C) The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application.

(D) The Commission's resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.

(E) A proposed amendment to the Development Code that is not consistent with the General Plan may not be recommended or adopted until the General Plan is amended to eliminate such inconsistency. Such a General Plan amendment and any development proposal relying on the amendment shall be considered concurrently.

**§ 16.58.040 PROCEEDINGS - CITY COUNCIL.**

(A) Upon receipt of a Planning Commission resolution recommending approval or denial of a Development Code text amendment, the City Clerk shall set the matter for hearing before the City Council, notice of which shall be given as prescribed in Chapter 16.56 (Public Hearings) of this Title 16.

(B) At the hearing, the City Council shall review the Commission's recommendation and receive evidence as to how or why the proposed Development Code text amendment is consistent with the objectives of this Title 16, the General Plan, and development policies of the city.

(C) If the Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 40 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.

(D) The Council shall order the amendment of this Title 16 or deny the application or recommendation for the amendment by a majority vote of the City Council.

(E) Following the decision of the City Council ordering amendment of this Title or denying the application or recommendation for the amendment, the city shall give notice of said decision in writing to the applicant at the address shown on the application and to the Planning Commission.

**§ 16.58.050 FINDINGS REQUIRED.**

The City Council shall be required to make the following findings of fact before approving a Development Code text amendment:

(A) That the proposed Development Code text amendment is consistent with the goals, policies, and objectives of the General Plan; and

(B) That the proposed Development Code text amendment will not adversely affect surrounding properties; and

(C) That the proposed Development Code text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 16.

## CHAPTER 16.59: ZONE CHANGE

Section


16.59.010 Purpose and intent

16.59.020 Initiation

16.59.030 Proceedings – Planning Commission

16.59.040 Proceedings – City Council

16.59.050 Findings required


### § 16.59.010 PURPOSE AND INTENT.

In recognition of the fact that physical, economic, and other conditions in the city may change over time, provisions are hereby made to allow for amendments to the zoning map in accord with the procedures outlined in this Chapter 16.59. All such zone changes shall be adopted in the manner in which other city ordinances are adopted.

### § 16.59.020 INITIATION.

Amendments to the zoning map may be initiated by:

(A) An application by an owner or agent of such owner seeking an amendment, supplement to, or change of, the regulations prescribed for his property or the reclassification of his property;

(B) The application of a person authorized to exercise the power of eminent domain;

(C) The Director;

(D) The Planning Commission; or

(E) The City Council.

### § 16.59.030 PROCEEDINGS - PLANNING COMMISSION.

(A) A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings).

(B) At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed zone change is consistent with the objectives of this Title 16, the General Plan, and development policies of the city.

(C) The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application.

(D) The Commission’s resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.

(E) A proposed zone change that is not consistent with the General Plan may not be recommended or adopted until the General Plan is amended to eliminate such inconsistency. Such a

General Plan amendment and any development proposal relying on the amendment shall be considered concurrently.

### § 16.59.040 PROCEEDINGS - CITY COUNCIL.

(A) *Denial of a zone change*. Upon receipt of a Planning Commission resolution recommending denial of a zone change, the City Clerk shall place the Commission's resolution on the City Council agenda as a receive-and-file item. The Commission's decision shall be considered final and no further action by the Council will be required unless an appeal is filed within ten calendar days of the Commission's decision in accordance with the provisions of Chapter 16.57 (Appeals and Revocations) of this Title 16, or unless the Council chooses to set the matter for hearing.

(B) *Approval of a zone change*.

(1) Upon receipt of a Planning Commission resolution recommending approval of a zone change, the City Clerk shall set the matter for hearing before the City Council, notice of which shall be given as prescribed in Chapter 16.56 (Public Hearings) of this Title 16.

(2) At the hearing, the City Council shall review the Commission's recommendation and receive evidence as to how or why the proposed zone change is consistent with the objectives of this Title 16, the General Plan, and development policies of the city.

(3) If the Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 40 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.

(4) The Council shall order the zone change to be enacted or deny the application or recommendation for the zone change by a majority vote of the City Council.

(5) Following the decision of the City Council ordering enactment of the zone change requested by this application or recommendation by the Planning Commission for denial of the zone change, the city shall give notice of the decision to the applicant in writing at the address shown on the application and to the Planning Commission.

(Ord. 1104, passed 7-19-04)

### § 16.59.050 FINDINGS REQUIRED.

The City Council shall be required to make the following findings of fact before approving a zone change:

(A) That the proposed zone change is consistent with the goals, policies, and objectives of the General Plan; and

(B) That the proposed zone change will not adversely or significantly impact surrounding properties; and

(C) That the proposed zone change promotes public health, safety, and general welfare and serves the goals and purposes of this Title 16.

## CHAPTER 16.60: GENERAL PLAN AMENDMENTS

Section

16.60.010 Purpose and intent

16.60.020 Initiation

16.60.030 Proceedings – Planning Commission

16.60.040 Proceedings – City Council

16.60.050 Findings required

### § 16.60.010 PURPOSE AND INTENT.

This Chapter 16.60 is established pursuant to Cal. Gov't Code 65358 to allow for amendment from time to time of the city's General Plan.

### § 16.60.020 INITIATION.

(A) Applications to amend the General Plan text or maps may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Director may request proof of ownership or authorization to apply prior to the acceptance of any application.

(B) In the case of a proposed amendment to the General Plan land use policy map, if the property for which the amendment is proposed is in more than one ownership, the majority of owners or their authorized agents shall be required to sign the application.

(C) The City Council or the Planning Commission may initiate an application to amend the General Plan.

(D) No more than four General Plan amendments may be initiated in any one calendar year. Applications by members of the public for such amendments will be considered by the City Council in March, June, September and December of each calendar year. All applications will be processed individually until being forwarded to the City Council. Applications may be combined as necessary to comply with the limited number of times amendments may be considered under state law. The Planning Commission or City Council may initiate an amendment at any time provided the number of amendments to any element of the general plan shall not exceed that allowed by state law.

### § 16.60.030 PROCEEDINGS - PLANNING COMMISSION.

(A) A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings).

(B) At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Title 16, the balance of the General Plan, and development policies of the city.

(C) The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application. A majority vote of the entire Planning Commission is required to recommend approval or approval with modifications.

(D) The Commission's resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for public hearing before the City Council.

### § 16.60.040 PROCEEDINGS - CITY COUNCIL.

(A) Upon receipt of a Planning Commission resolution, the City Clerk shall set the matter for hearing before the City Council as provided for in Chapter 16.56 (Public Hearings) of this Title 16.

(B) At the hearing, the City Council shall review the Commission's recommendation and may receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Title 16, the balance of the General Plan, and development policies of the city.

(C) The City Council shall act to approve or deny the application. A majority vote of the entire Council is required to amend the General Plan. The Council's action to amend the General Plan shall be by formal resolution.

(D) If the City Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 45 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.

### § 16.60.050 FINDINGS REQUIRED.

Before approving, or conditionally approving, a General Plan amendment, the City Council must make the following findings:

(A) That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;

(B) That the proposed amendment is consistent with the other goals, policies, and objectives of the General Plan;

(C) That the proposed amendment does not conflict with provisions of this Code;

(D) In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties; and

(E) Whether the amendment requires voter approval in accordance with either General Plan Section III(F) (the SOAR Initiative) or General Plan Section III(G) (the 81 Acre Initiative). Amendments requiring voter approval cannot become effective without an affirmative vote from a majority of registered voters at a regular or special election.

## CHAPTER 16.61: AGRICULTURAL PRESERVE AND LAND CONSERVATION CONTRACTS

Section


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**§ 16.61.010 PURPOSE.**

This chapter is adopted pursuant to the city's police powers, as set forth in the California Constitution, and in accordance with the California Land Conservation Act of 1965 for the purpose of establishing the procedural and substantive requirements to implement the Act.

(Ord. 1108, passed 6-21-04)

**§ 16.61.020 DEFINITIONS.**

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meanings stated in the Act.

***ACT*** means the California Land Conservation Act of 1965, also known as the Williamson Act, set forth at Cal. Gov't Code §51200 et seq.

***AGRICULTURAL COMMODITY*** has the same meaning as Cal. Gov't Code 51201 (a): any and all plant and animal products produced in California for commercial purposes.

***AGRICULTURAL USE*** has the same meaning as Cal. Gov't Code 51201(b): the use of the land for the purpose of producing an agricultural commodity for commercial purposes.

***COMPATIBLE USE*** means any use determined by the city to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. ***COMPATIBLE USE*** includes agricultural use, recreational use or open- space use unless Council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter or the Act.

***CONTRACTED LAND*** means real property restricted by a land conservation contract pursuant to the Act and this chapter. INCIDENTAL means related to or supporting the primary agricultural, open space or recreational use of the land.

***NONPRIME AGRICULTURAL LAND*** means any land capable of sustaining a commercial agricultural use that is not prime agricultural land.

***OPEN-SPACE USE*** has the same meaning as Cal. Gov't Code 51201(o).

***PRIME AGRICULTURAL LAND*** has the same meaning as Cal. Gov't Code 51201 (c).

***RECREATIONAL USE*** has the same meaning as Cal. Gov't Code 51201(n).

**§ 16.61.030 RELATIONSHIP TO OTHER LAWS.**

If there is any irreconcilable conflict between any provisions of this chapter and any federal or state law, the federal or state law prevails. Any provision of this chapter that is more stringent than federal or state law is intended to supplement, not conflict with, federal or state law and to apply unless a court of law conclusively determines that the provision is preempted.

### § 16.61.040 CRITERIA FOR ESTABLISHING, DISESTABLISHING OR ALTERING AGRICULTURAL PRESERVES.

All of the following criteria apply to the establishment, disestablishment or alteration of an agricultural preserve, whether initiated by the city or a land owner:

(A) Each agricultural preserve must contain at least 100 contiguous acres of land unless the City Council finds that a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area and that such preserve is consistent with the city's general plan and zoning regulations.

(B) The use of any land within an agricultural preserve that is subject to a land conservation contract must be restricted by zoning that is compatible with the agricultural, open space or recreational use. Such zoning restrictions include appropriate minimum parcel sizes consistent with the Act and this chapter.

(C) All agricultural preserves must comply with the city's general plan and zoning regulations.

### § 16.61.050 LAND OWNER PROPOSALS TO ESTABLISH, DISESTABLISH OR ALTER AN AGRICULTURAL PRESERVE.

(A) A landowner whose property is devoted to agricultural, open space or recreational use, but is not within an established agricultural preserve, may apply to have the property included in a new or existing agricultural preserve. To initiate this process, the land owner must file an application with the City Clerk on a form prepared by the City Manager or designee.

(B) A landowner whose property is included in an agricultural preserve and who wishes to have that property excluded from an agricultural preserve may apply to disestablish or alter the boundaries of the agricultural preserve in which the property is located to exclude the property. To initiate this process, the land owner must file an application prepared by the City Manager, or designee, with the City Clerk.

(C) Any application submitted pursuant to this section must be accompanied by a payment of all applicable fees prescribed by City Council resolution.

(D) Within 30 days of receiving a complete application, the Director, or designee, will prepare a report for City Council consideration regarding whether the landowner's proposal meets the Act's requirements. The City Council will consider the report during a public hearing held in accordance with this chapter.

(E) No application submitted pursuant to this section will be approved by the City Council unless it meets all of the criteria in this chapter and the Act.

### § 16.61.060 NOTICE AND HEARING REQUIREMENTS.

(A) A noticed public hearing will be held before any final action is taken to establish, disestablish or alter the boundary of any agricultural preserve.

(B) Notice of the public hearing to establish or alter an agricultural preserve must be provided as follows:

(1) By publication pursuant to Cal. Gov't Code 6061;

(2) By written, mailed notice at least two weeks before the hearing to the Ventura County Local Agency Formation Commission;

(3) By written, mailed notice at least two weeks before the hearing to any city within one mile of the exterior boundaries of the agricultural preserve proposed to be established, disestablished or altered;

(4) By written, mailed notice to the applicant; and

(5) If land under contract is to be removed from an agricultural preserve or a preserve disestablished that contains land under contract, notice must be given in compliance with Cal. Gov't Code 51232.

### § 16.61.070 RECORDING REVISED AGRICULTURAL PRESERVE MAP.

Whenever an agricultural preserve is established, disestablished or altered, the City Clerk will file the adopted resolution and a map showing all of the city agricultural preserves, as revised, with the County Recorder.

### § 16.61.080 APPLICATION PROCESS AND FEES - CONSERVATION CONTRACTS.

(A) A land owner whose property is devoted to agricultural, open space or recreational use and is within an agricultural preserve may file an application with the city clerk on a form prepared by the Director, or designee, to restrict the owner's land by a land conservation contract. An application must be accompanied by all of the following:

(1) All applicable fees as prescribed by City Council resolution; and

(2) A land conservation contract in a form prepared by the City Attorney and approved by the City Council for the particular use (agricultural, open space or recreational) with notarized signatures of all land owners.

(B) The city may request additional information from the land owner during the application review process to facilitate a thorough and timely review of the application.

(C) Applications to simultaneously rescind a land conservation contract and reenter into a new contract restricting the use of the land pursuant to the Act or any other state law will be considered where authorized by state law.

### § 16.61.090 REPORT TO CITY COUNCIL.

(A) Upon receipt of an application for a land conservation contract, the City Clerk will transmit a copy of the completed application to the Director.

(B) The Director, or designee, will prepare a report for City Council consideration regarding whether the land subject to the proposed land conservation contract meets the criteria in the Act and this chapter for such a contract.

### § 16.61.100 CRITERIA FOR EVALUATING LAND CONSERVATION CONTRACT APPLICATIONS.

(A) No application for a land conservation contract will be approved unless all of the following criteria are met:

(1) Each parcel affected by the proposed contract is at least 10 acres in size in the case of prime agricultural land and 40 acres in size in the case of nonprime agricultural land or land in open space or recreational use;

(2) All parcels affected by the proposed contract are currently being used primarily for agricultural, open space or recreational use; and

(3) There are no other existing or permitted uses or development on the land that would significantly displace or interfere with the agricultural, open space or recreational use of the land.

(B) Even if all of the above criteria are met, the City Council may, in its discretion, choose not to approve the application.

### § 16.61.110 RECORDING OF CONTRACTS.

The City Clerk must record any executed land conservation contract with the County Recorder within 20 days after it is fully executed.

### § 16.61.120 GENERAL.

The use and development of all land affected by a land conservation contract must at all times comply with the Act, this chapter, the terms of the land conservation contract, and any other applicable state or local law, regulation or ordinance.

### § 16.61.130 COMPATIBLE USES - AGRICULTURAL USE CONTRACTS.

(A) All use or development of any contracted land for agricultural use must comply with the following criteria:

(1) The proposed use or development must be compatible with and not significantly compromise the long-term productive agricultural capability of any contracted land within the agricultural preserve, including the land upon which the use or development is proposed to occur;

(2) The proposed use of development will not significantly displace or impair current or reasonably foreseeable agricultural operations on the land upon which the use or development is proposed to occur. A use or development that significantly displaces agricultural operations on the land upon which the use or development is proposed to occur may, in the city's discretion, be deemed compatible if the uses or development relate directly to the production of commercial agricultural products on that parcel or nearby parcels (e.g., harvesting, processing or shipping of locally produced commercial agricultural products).

(3) The proposed use or development will not substantially interfere with the agricultural use of the land upon which the use or development is proposed to occur;

(4) The portion of the parcel to remain in agricultural use must be capable of sustaining a commercially viable agricultural use. For prime agricultural land, at least ten acres must remain devoted to agricultural use. For nonprime agricultural land, at least 40 acres must remain devoted to agricultural use;

(5) The proposed use or development will not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population in the area;

(6) The proposed use or development does not constitute a residential subdivision; and

(7) The proposed use or development complies with all other federal, state and local laws, regulations and ordinances, including the city's general plan and this code.

(B) An agricultural preserve may contain land other than agricultural land, but within two years of the effective date of any contract on land within the preserve, the use of any land within the preserve and not under contract must be restricted by zoning (including minimum parcel sizes that are consistent with the Act) in such a way as not to be incompatible with the agricultural use of the lands limited by contract within the preserve.

(C) All permitted uses set forth in this code for the agricultural zone (A-1) are deemed compatible with agricultural use if all of the criteria in this section are also met.

### § 16.61.140 COMPATIBLE USES - OPEN SPACE USE CONTRACTS.

(A) All use or development of any contracted land for open space use must comply with all of the following criteria:

(1) The proposed use or development must be compatible with and not significantly compromise the agricultural, open space or recreational value of any contracted land within the agricultural preserve, including the land upon which the use or development is proposed to occur;

(2) The portion of the parcel to remain in open space must be at least 40 acres;

(3) The proposed use or development does not constitute a residential subdivision;

(4) The proposed use or development complies with all other federal, state and local laws, regulations and ordinances, including the city general plan and municipal code.

(B) All permitted uses set forth in this code for the open space zone (O) are deemed compatible with open space use if all of the criteria in this section are also met.

### § 16.61.150 COMPATIBLE USES - COMPATIBLE USE DETERMINATION.

(A) Before undertaking any development or use on contracted land that is not the primary use (agricultural or open space) for which the land conservation contract for the property was approved, the land owner must apply for and obtain a compatible use determination. The land owner must file an application with the Director on a form prepared for this purpose, accompanied by a fee in an amount prescribed by resolution of the City Council.

(B) The Director will determine whether the proposed use or development is compatible with the land conservation contract for the property, using the criteria established in Cal. Gov't Code 51238.1 and any applicable provisions of this code.

(C) The Director's decision may be appealed to the Planning Commission by any interested person. Any appeal must be filed within 15 days of the decision and must be accompanied by payment of an appeal fee in an amount prescribed by City Council resolution.

### § 16.61.160 GENERAL PROVISIONS.

A land conservation contract may only be terminated in a manner consistent with state law and this chapter.

### § 16.61.170 NOTICE OF NONRENEWAL.

(A) If either the landowner or the city desires in any year not to renew a land conservation contract, the nonrenewing party must serve written notice of nonrenewal of the contract upon the other party before the annual nonrenewal date of the contract. A notice of nonrenewal served by the land owner must be addressed to the City Clerk and be filed or postmarked at least 90 days before the annual renewal date of the contract, and must be accompanied by a fee in an amount established by City Council resolution. A notice of nonrenewal served by the city will be mailed to the address shown on the latest assessment roll for the property, and must be postmarked at least 60 days before the annual renewal date of the contract.

(B) If no notice of nonrenewal is filed in compliance with these deadlines, the contract will be automatically renewed for another year.

(C) If a notice of nonrenewal is filed after the application deadline, the notice will be deemed to apply to the next annual renewal period.

(D) If a land owner objects to a contract nonrenewal initiated by the city applicable to the owner's land, the owner may file a written protest with the City Clerk. The City Council may, in its discretion, withdraw the notice of nonrenewal at any time before the contract's annual renewal date.

(E) During November of each calendar year, the City Clerk will provide a report to the City Council identifying all nonrenewal requests received pursuant to this section.

(F) The City Clerk will record all notices of nonrenewal with the County Recorder within 20 days after serving or receiving a notice of nonrenewal.

### § 16.61.180 CONTRACT CANCELLATION.

Any petition to cancel a land conservation contract must be filed with the City Clerk. The petition will be processed in accordance with the Act.

### § 16.61.190 CONTRACT COMPLIANCE MONITORING.

The City Manager, or designee, is authorized to investigate any potential land conservation contract violations. If an investigation concludes that a likely contract violation exists, the City Attorney may prosecute such violations in accordance with Cal. Gov't Code §15250 or 51251, and this code.

### § 16.61.200 CONTRACT VIOLATIONS.

Land conservation contract violations include, without limitation, the following:

(A) Construction of a commercial, industrial or residential building that is not allowed by this chapter or the contract;

(B) Construction of a commercial, industrial or residential building that is not related to an agricultural or compatible use where the total area of all of the building or buildings exceeds 2,500 square feet for all property subject to any contract or all contiguous property subject to a contract or contracts owned by the same landowner or landowners.

### § 16.61.210 JUDICIAL RELIEF.

(A) In addition to any other remedies provided by state law or this chapter, if the city determines that a land conservation contract has or is being violated, the City Attorney is authorized to bring an action on the city's behalf for an appropriate remedy.

(B) An owner of contracted land may bring an action to enforce a land conservation contract covering any land within one mile of the owner's contracted land.

(C) Nothing in this chapter is intended to limit a court's ability to grant any relief or issue any order that it deems appropriate in its discretion, including without limitation specific performance or injunctive or equitable relief.

## CHAPTER 16.62: SPECIFIC PLANS

Section

16.62.010 Purpose and intent

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16.62.030 Pre-application conference required
16.62.040 Preparation and content
16.62.050 Proceedings - Planning Commission
16.62.060 Proceedings - City Council
16.62.070 Findings required
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### § 16.62.010 PURPOSE AND INTENT.

The city recognizes that certain parcels in Santa Paula may benefit from focused planning efforts whereby infrastructure, land use relationships, land use intensities, and public service needs can be carefully examined and planned in a comprehensive manner. The Specific Plan provides a mechanism to carry out such planning efforts. The purpose of this Chapter 16.62 is to establish uniform procedures and guidelines for Specific Plans prepared pursuant to Cal. Gov't Code Title 7, Division 1, Chapter 3, Article 8.

### § 16.62.020 INITIATION.

(A) A Specific Plan application may be initiated by a majority of the property owners in the area of a proposed Specific Plan.

(B) The City Council or Planning Commission may initiate an application for a Specific Plan.

### § 16.62.030 PRE-APPLICATION CONFERENCE REQUIRED.

A pre-application conference with the Director is required prior to the formal submission of a Specific Plan application. The purpose of the meeting is to review with the applicant the city's requirements for specific plan content, applicable policies, infrastructure needs, and other information as determined by the Director.

### § 16.62.040 PREPARATION AND CONTENT.

In addition to a formal application completed pursuant to Chapter 16.55 (Applications, Processing, Filing, and Fees), the applicant shall:

(A) Submit a draft Specific Plan containing text and diagrams that specify the following in detail:

(1) A boundary survey map of the property. A tentative subdivision map may be substituted if the applicant proposes to subdivide the property.

(2) Topography of the property and the preliminary proposed finished grade shown at contour intervals of five feet or less.

(3) The gross land area of the proposed development, the present zoning classification of the proposed development, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.

(4) A general land use map setting forth the proposed uses of all sections or areas within the subject property and the approximate acreage of each.

(5) An accompanying report setting forth the land use regulations that constitute the standards of development designed to govern those sections or areas specified in the Specific Plan.

These standards shall contain definitions and information concerning the requirements for building site coverage, building heights, building setbacks, off-street parking, vehicular access, signing, lighting, storage, screening, landscaping, conservation, utilization of natural resources, and other information which the Director shall require to insure compliance with the purposes of this Development Code.

(6) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(B) Include a statement in the Specific Plan indicating that the Plan is either:

(1) Consistent with the Santa Paula General Plan; or

(2) Will be consistent with the Santa Paula General Plan if amended to provide for this particular plan. A statement as to how the proposed zone change and General Plan amendment will further the goals and objectives of the city's General Plan shall be included.

(C) Include any other information as may be required by the Director to permit complete analysis and appraisal of the proposed Specific Plan.

### § 16.62.050 PROCEEDINGS - PLANNING COMMISSION.

(A) A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings).

(B) At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed Specific Plan is consistent with the objectives of this Title 16, the General Plan, and development policies of the city.

(C) The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application. A majority vote of the entire Planning Commission is required to recommend approval or approval with modifications.

(D) The Commission's resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for public hearing before the City Council.

### § 16.62.060 PROCEEDINGS - CITY COUNCIL.

(A) Upon receipt of a Planning Commission resolution, the City Clerk shall set the matter for hearing before the City Council as provided for in Chapter 16.56 (Public Hearings) of this Title 16.

(B) At the hearing, the City Council shall review the Commission's recommendation and may receive evidence as to how or why the proposed Specific Plan is consistent with the objectives of this Title 16, the General Plan, and development policies of the city.

(C) The City Council shall act to approve or deny the application. A majority vote of the entire Council is required to approve a Specific Plan. The Council's action to approve a Specific Plan shall be by ordinance.

(D) If the City Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 45 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.

### § 16.62.070 FINDINGS REQUIRED.

Prior to approving a Specific Plan, the City Council shall make the findings:

(A) That the proposed Specific Plan or amendment promotes public health, safety, and general welfare, and serves the goals and purposes of this Title 16;

(B) That the proposed Specific Plan or amendment is consistent with the goals, policies, and objectives of the General Plan; and

(C) That the proposed Specific Plan or amendment will not adversely affect surrounding properties.

### § 16.62.080 AMENDMENTS TO AN APPROVED SPECIFIC PLAN.

(A) An approved Specific Plan may be amended in the same manner required for initial applications for a Specific Plan, as set forth in this Chapter 16.62.

(B) No application for a Specific Plan amendment will be accepted unless accompanied by a development proposal for all or a portion of the area included within the proposed amendment area.

(C) The city may initiate amendments to any portion of a Specific Plan. In the case of such a city- initiated amendment, no associated project is required.

(D) The following changes to a Specific Plan shall require a Specific Plan amendment:

(1) Changes to the text or maps other than the addition of information that does not change the effect of any regulation.

(2) Changes in any Specific Plan boundary.

(3) Increase or decrease in the specified density for any area.

(4) Changes in standards or regulations, including landscaping and design standards.

## CHAPTER 16.63: CONDITIONAL USE PERMITS

Section


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16.63.070 Conditional Use Permit attached to the property

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16.63.090 Time limit for implementing Conditional Use Permit


### § 16.63.010 PURPOSE AND INTENT.

(A) The city recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding

uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. The Conditional Use Permit is provided for this purpose.

(B) To ensure consistency with land use regulations and compatibility with surrounding properties, conditional uses require special consideration. The Planning Commission is empowered to grant and deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of such permit.

(C) Applications for Conditional Use Permits may be submitted only for those uses specified as allowable conditional uses in the applicable zone district, unless the Director makes a preliminary finding that the proposed uses are similar to a listed use. A Conditional Use Permit is not a substitute for a zone change or Development Code text amendment.

### § 16.63.020 INITIATION.

(A) An application for a Conditional Use Permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Director may request proof of ownership or authorization to apply prior to the acceptance of any application.

(B) An application shall be filed pursuant to the provisions of Chapter 16.55 (Applications, Processing, Filing, and Fees) of this Title 16.

### § 16.63.030 PROCEEDINGS.

(A) *Director investigation*. The Director or the designee shall investigate the application and proposal, and shall prepare a report outlining facts and a recommendation relating to the application. The report shall be provided to the Planning Commission prior to any scheduled public hearing on the application.

(B) *Planning Commission proceedings*.

(1) A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings) of this Title 16.

(2) At the public hearing, the Planning Commission shall review the application and proposal and receive evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in 16.63.040 (Required Findings).

(3) The Planning Commission shall act to approve, conditionally approve, or deny the application.

(4) The decision of the Planning Commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Chapter 16.57 (Appeals and Revocations) of this Title 16.

### § 16.63.040 REQUIRED FINDINGS.

(A) The Planning Commission may approve and/or modify a Conditional Use Permit in whole or in part, with or without conditions, provided that all of the following findings of fact are made:

(1) The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general convenience or welfare of the neighborhood or the community;

(2) The characteristics of the proposed use are not unreasonably incompatible with the types of use permitted in the surrounding areas;

(3) The proposed use is consistent with the objectives, policies, general land uses, and programs of the Santa Paula General Plan; and

(4) The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

(B) Additional findings shall be made for specific uses as required by Chapters 16.25 through 16.38 (Standards for Specific Land Uses) of this Title 16.

(C) In determining the presence of conditions specified in subsection 16.63.040(A) above, the Planning Commission or, on appeal, the City Council, shall consider the following factors:

(1) Possible damage or nuisance from noise, glare, smoke, odor, fumes, dust, or vibration;

(2) Possible hazard to persons or property from explosion, contamination, or fire; and

(3) Possible hazard or inconvenience caused by unusual volume or character of traffic.

### § 16.63.050 ADDITIONAL FINDINGS FOR SPECIFIED USES.

(A) This section shall apply only to the uses identified in this section. This section shall not invalidate any Conditional Use Permit for an operating facility, but shall be complied with prior to issuance of a building permit for all projects for which no building permit has been issued upon the effective date of this provision.

(B) In addition to findings required in subsection 16.63.040(A), the Planning Commission shall find that the proposed use does not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations. Such findings must be made for the following uses:

(1) Solid waste facilities, as defined in Cal. Pub. Res. Code 40194.

(2) Auto wrecking or salvage yards.

(3) Yards for the disposal and/or salvage of demolition or construction waste.

(4) Recycling facilities.

(5) Incinerators of any type.

### § 16.63.060 CONDITIONS OF APPROVAL.

(A) In granting a Conditional Use Permit, the Planning Commission may impose such conditions as it deems necessary to ensure that the public health, safety, and general welfare are protected and that the proposed operation is not a detriment to the community.

(B) All conditions shall be binding upon the applicant, heirs, successors, or assignees and shall restrict the construction, location, maintenance, and use of all land within the development.

(C) A deed restriction may be recorded with the County Recorder of Ventura County, as approved by the City Attorney, regarding the conditions of this section and other requirements of the Conditional Use Permit.

### § 16.63.070 CONDITIONAL USE PERMIT ATTACHED TO THE PROPERTY.

A Conditional Use Permit that is valid and in effect and granted pursuant to the provisions of this Title 16 shall be valid only on the property for which it was granted and shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

### § 16.63.080 SUSPENSION AND REVOCATION.

The Director shall have the authority to initiate proceedings to suspend or revoke a Conditional Use Permit pursuant to provisions set forth in Division 2 of Chapter 16.57 (Appeals and Revocations) of this Title 16.

### § 16.63.090 TIME LIMIT FOR IMPLEMENTING CONDITIONAL USE PERMIT.

(A) The grantee of a Conditional Use Permit shall have one year from the effective date of the permit to establish a right to use the permit; otherwise, the Conditional Use Permit shall lapse and become void. For the purposes of this section, such a right shall be established if either:

(1) A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the Conditional Use Permit was approved; or

(2) In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the Conditional Use Permit was approved; or

(3) In the event no building permit or certificate of occupancy is required, the site for which the Conditional Use Permit was approved is occupied and used for the permitted purpose; or

(4) Prior to the date on which the Conditional Use Permit will elapse, the grantee files an application to renew the permit pursuant to subsection (B) below.

(B) A Conditional Use Permit subject to lapse may be renewed for two continuous one-year periods, provided that the application for renewal is filed with the Planning Department prior to the expiration date, pursuant to the provisions of Chapter 16.65 (Minor Modifications) of this Title 16. Additional renewals shall require a public hearing before the Planning Commission.

(C) The Planning Commission may grant or deny an application for renewal of a Conditional Use Permit. As part of its action, the Commission may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the Conditional Use Permit and surrounding properties.

(D) If any Conditional Use Permit fails to be actively exercised for a continuous 180-day period, the permit shall lapse and become void.

## CHAPTER 16.64: VARIANCES

Section


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16.64.050 Variance attached to the property

16.64.060 Revocation

16.64.070 Time limit for implementing variance

### § 16.64.010 PURPOSE AND INTENT.

(A) The Variance procedure is provided pursuant to Cal. Gov't Code 65906 to grant relief from Development Code provisions when, because of special circumstances applicable to a property, including size, shape, topography, location, or surroundings, the strict application of this Development Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification. In such case, a Variance may be granted to allow the following:

(1) A reduction or variance in setback regulations; parking; and/or loading requirements; front, side, or rear yard regulations; height regulations; or commercial screening wall requirements;

(2) A change in the required location of accessory buildings and uses;

(3) A reduction or variation in area regulations including limitations in the area covered by accessory buildings; or

(4) A modification or elimination of the utility service undergrounding requirements.

(B) Variances shall not be granted to authorize a use or activity on a property that is not otherwise expressly authorized by the provisions of this Development Code governing that property. A Variance is not a substitute for a zone change, Development Code text amendment, or Conditional Use Permit.

(C) Financial hardship in and of itself does not represent grounds on which to file a Variance application to gain relief from Development Code provisions.

### § 16.64.020 INITIATION.

(A) An application for a Variance may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Director may request proof of ownership or authorization to apply prior to the acceptance of any application.

(B) An application shall be filed pursuant to the provisions of Chapter 16.55 (Applications, Processing, Filing, and Fees) of this Title 16.

(C) In addition to the application filing requirements established in Chapter 16.55, the applicant shall file a statement of the precise nature of the Variance requested and the practical difficulty or unnecessary physical hardship that would result from the strict or literal interpretation of this ordinance, together with any other data pertinent to the application and the making of requisite findings.

### § 16.64.030 PROCEEDINGS.

(A) *Director investigation*. The Director shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application. The report shall be provided to the Planning Commission prior to any scheduled public hearing on the application.

(B) *Planning Commission proceedings*.

(1) A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings) of this Title 16.

(2) At the public hearing, the Planning Commission shall review the application and proposal and receive evidence concerning the proposed Variance and the conditions that make compliance with specific provisions of this Development Code difficult.

(3) The Planning Commission shall act to approve, conditionally approve, or deny the application.

(4) The decision of the Planning Commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Chapter 16.57 (Appeals and Revocations) of this Title 16.

### § 16.64.040 REQUIRED FINDINGS.

In granting a Variance, the Planning Commission must make all of the following findings:

(1) That the strict or literal interpretation and application of this Title 16 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Title 16, or would deprive applicants of privileges granted to others in similar circumstances; and

(2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zone; and

(3) That the granting of such Variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone; and

(4) That the granting of such Variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and

(5) That the granting of such Variance will not create any inconsistency with any objective contained in the General Plan.

### § 16.64.050 VARIANCE ATTACHED TO THE PROPERTY.

A Variance that is valid and in effect and granted pursuant to the provisions of this Title 16 shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

### § 16.64.060 REVOCATION.

The Director shall have the authority to initiate proceedings to suspend or revoke a Variance pursuant to provisions set forth in Division 1, Chapter 16.57 (Appeals and Revocations) of this Title 16.

### § 16.64.070 TIME LIMIT FOR IMPLEMENTING A VARIANCE.

(A) The grantee of a Variance shall have one year from the effective date of the approval to establish a right to use the approval; otherwise, the Variance shall lapse and become void. For the purposes of this section, such a right shall be established if either:

(1) A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the Variance was approved; or

(2) In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the Variance was approved; or

(3) In the event no building permit or certificate of occupancy is required, the site for which the Variance was approved is occupied in accordance with the Variance; or

(4) Prior to the date on which the Variance will elapse, the grantee files an application to renew the permit pursuant to subsection (B) below.

(B) A Variance subject to lapse may be renewed for a single one-year period, pursuant to the provisions of Chapter 16.65 (Minor Modifications) of this Title 16,and provided that the application for renewal is filed with the Planning Department prior to the expiration date. Additional renewals shall require a public hearing before the Planning Commission.

(C) The Planning Commission may approve or deny an application for renewal of a Variance. As part of its action, the Commission may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the Variance and surrounding properties.

## CHAPTER 16.65: MINOR MODIFICATIONS

Section


16.65.010 Purpose and intent

16.65.020 Initiation

16.65.030 Proceedings

16.65.040 Findings

16.65.050 Approval attached to the property

16.65.060 Revocation

16.65.070 Time limit for using Minor Modification approval


### § 16.65.010 PURPOSE AND INTENT.

(A) *Intent*. The Minor Modification procedure is established to grant minor relief from development standards, under limited circumstances, when the granting of such relief will provide for better design and function of the structure, or addition to a structure, proposed.

(B) *Applicability*.

(1) For the purposes of this Chapter 16.65, a Minor Modification application shall be filed whenever any one of the following deviations from the provisions of this Title 16 is proposed to allow:

(a) A modification of distance or area regulations not exceeding:

i. Twenty percent of the required front, side, rear, or courtyard distances or other open space requirements;

ii. Twenty percent of the height limitations for antennas; or

iii. Ten percent of the lot coverage requirement.

(b) A modification of automobile parking space configurations (e.g. tandem parking, 3-car garages) or requirements whereby a reduction of not more than 10% of the required spaces is proposed.

(c) In compliance with §16.23.040, when it can be demonstrated that the parking demand will be reduced by one or more methods, including, but not limited to carpools/vanpools, varied work shifts, company owned buses, etc., parking may be reduced by not more than 50%.

(d) A modification of private usable open space requirements.

(e) Additions to structures that are nonconforming as to side yard, rear yard, or lot coverage, provided that the additions meet the requirements of this Title 16.

(f) Walls, hedges, or fences to exceed the height limits established in Chapter 16.22 (Fences, Walls, and Hedges) of this Title 16 and to permit them to be located within setback areas where consistent with safety and neighborhood appearance.

(g) To allow a single extension of time not to exceed one year of a current permit or variance where the use is not in conflict with the adopted general plan, has not been prohibited by the Planning Commission, and is not of a controversial nature.

(2) Modifications in excess of those cited in subparagraph (1) above shall require a Variance pursuant to Chapter 16.64 (Variances) of this Title 16.

### § 16.65.020 INITIATION.

(A) An application for a Minor Modification may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Director may request proof of ownership or authorization to apply prior to the acceptance of any application.

(B) In addition to the application filing requirements established in Chapter 16.55 (Applications, Processing, Filing, and Fees), the applicant shall file a statement of the precise nature of the Minor Modification requested and reasons for the request.

### § 16.65.030 PROCEEDINGS.

(A) *Director investigation*. The Director or his designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate.

(B) *Notice of receipt of application and comment period*. Upon five days of deeming the application complete pursuant to the provisions of 16.55.030 of this Title 16, the Director shall mail or deliver notice of the application to all persons, including businesses, corporation, or other people or private entities owning real property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the application. Said notice shall describe the proposed application and invite persons to comment in writing on the application. The notice shall provide for a 10-day comment period, commencing upon the delivery or mailing of said notice.

(C) *Director action.*

(1) Following the 10-day public comment period, and upon considering all communications received, the Director may:

(a) Render a decision to approve, approve with conditions, or deny the Minor Modification application;

(b) Continue the matter for a specified time to allow for further investigation; or

(c) Decline to make a decision on the basis that the matter requires consideration by the Planning Commission.

(2) The Director shall notify the applicant and appropriate public officials of the decision.

(3) Any applicant, interested person, or public official may appeal any decision of the Director regarding a Minor Modification to the Planning Commission in accord with the procedures set forth in Chapter 16.57 (Appeals and Revocations) of this Title 16.

### § 16.65.040 FINDINGS.

A Minor Modification application shall not be granted unless all of the following findings can be made:

(A) Modification is needed to allow property to be used in a more beneficial manner; and

(B) Modification would not be detrimental to public health, safety, or general welfare or to surrounding property owners or the community; and

(C) The granting of the application is compatible with the surrounding neighborhood and would not impair the character of the neighborhood in which it is located.

(D) The Minor Modification is consistent with the objectives, goals, and policies of the Santa Paula General Plan and intent of the zoning regulations.

### § 16.65.050 APPROVAL ATTACHED TO THE PROPERTY.

A Minor Modification that is valid and in effect and granted pursuant to the provisions of this Title 16 shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

### § 16.65.060 REVOCATION.

The Director shall have the authority to initiate proceedings to suspend or revoke a Minor Modification pursuant to provisions set forth in Chapter 16.57 (Appeals and Revocations) of this Title 16.

### § 16.65.070 TIME LIMIT FOR USING MINOR MODIFICATION APPROVAL.

(A) The grantee of a Minor Modification shall have one year from the effective date of the approval to establish a right to use the approval; otherwise, the approval shall lapse and shall become void. For the purposes of this section, such a right shall be established if either:

(1) A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the Minor Modification was approved; or

(2) In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the Minor Modification was approved; or

(3) In the event no building permit or occupancy is required, the site for which the Minor Modification was approved is occupied; or

(4) Prior to the date on which the Minor Modification will elapse, the grantee files an application to renew the permit pursuant to subsection (B) below.

(B) A Minor Modification approval subject to lapse may be renewed for a single one-year period, provided that the application for renewal is filed with the Planning Department prior to the expiration date. Minor Modifications granted for time extensions (16.65.010 (B)(1)(f)) shall not be eligible for Minor Modification renewal.

(C) The Director may approve or deny an application for renewal of a Minor Modification. As part of the action, the Director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the Minor Modification and surrounding properties.

## CHAPTER 16.66: ZONING CLEARANCE

Section


16.66.010 Purpose and intent

16.66.020 Applicability

16.66.030 Proceedings

16.66.040 Record of decision


### § 16.66.010 PURPOSE AND INTENT.

The Zoning Clearance procedure is established as a mechanism to verify that a proposed land use complies with the use regulations applicable to the zoning district in which the subject property is located.

### § 16.66.020 APPLICABILITY.

Prior to the issuance of a business license or a building, grading, or other construction permit for a proposed use for which no discretionary land use permit is required by this Title 16, the applicant must obtain a Zoning Clearance from the Planning Department and any other city department with jurisdiction over the subject use.

### § 16.66.030 PROCEEDINGS.

(A) The Director or designee shall determine whether the proposed use complies with the land use regulations of this Title 16. Written findings and recommendations shall be provided to city staff responsible for permit issuance. Where the Director or designee determines that the proposed use fails to comply with the regulations of this Title 16, no permit shall be issued.

(B) Other city departments with jurisdiction over the subject use shall review the subject application for compliance with applicable regulations. Written findings and recommendations shall be provided to city staff responsible for permit issuance.

### § 16.66.040 RECORD OF DECISION.

Where no other authorization is required, a request for Zoning Clearance shall be filed on the forms provided by the Planning Department.

## CHAPTER 16.67: DESIGN REVIEW

Section


16.67.010 Purpose and intent

16.67.020 Applicability

16.67.030 Design Review Committee

16.67.040 Plans and drawings to be submitted

16.67.050 Proceedings

16.67.060 Effective date of decision

16.67.070 Time limit for implementing design review approval

## § 16.67.010 PURPOSE AND INTENT.

The design review process is established to:

(A) Promote orderly, attractive, and harmonious development throughout Santa Paula;

(B) Recognize neighborhood character and environmental limitations in development;

(C) Ensure that the design and exterior architectural treatment of proposed structures complement the design or exterior architectural treatment of existing structures in the immediate neighborhood and do not conflict with existing development in any manner that would cause a substantial depreciation of property values in the neighborhood; and

(D) Promote the general welfare by preventing establishment of uses or erection of structures having qualities which would not meet the specific intent clauses or performance standards of this Title 16, or which are not properly related to their sites, surroundings, traffic circulation, or environmental setting.

(E) Assure conformance with the provisions of this Title 16 and in particular, for conformance with the design, land use regulations and development standards set forth in Chapters 16.04 through 16.38 and the Design Review Guidelines set forth in City Council Resolution 5298.

## § 16.67.020 APPLICABILITY.

(A) The provisions of this chapter shall apply to all development requiring a building permit, including:

(1) Any commercial or industrial development.

(2) Multi-family residential projects.

(3) Second units (a.k.a. granny flats)

(4) Single-family homes that are reviewed concurrently with a tentative subdivision map.

(5) Single-family homes including manufactured homes being moved onto an existing lot.

(6) Carports.

(7) Signs, pursuant to Chapter 16.24.

(8) Fences or walls on commercially or industrially zoned property.

(9) Development of any structures intended for educational (as allowed by state law), institutional, or similar purposes.

(10) Habitable accessory structures.

(B) Exceptions to the application of this Chapter 16.67 include:

(1) Single-family homes on existing residentially zoned legal lots.

(2) Additions to single-family homes on residentially zoned legal lots.

(3) Non-habitable accessory structures other than carports on single-family residential lots.

(4) Interior modifications to a building or structure that do not result in a change to the exterior appearance of the building or structure.

(C) For any development proposal requiring a discretionary permit, design review shall be conducted in conjunction with the discretionary permit application.

### § 16.67.030 DESIGN REVIEW COMMITTEE.

(A) A Design Review Committee, comprised of the Director or designee, City Engineer or designee, and representatives from the City Building and Safety, Fire and Police Departments, is hereby established for the purpose of conducting design review.

(B) The Design Review Committee shall be responsible for reviewing relevant applications for conformance with the provisions of this Title 16 and in particular, for conformance with the design, land use regulations and development standards set forth in Chapters 16.04 through 16.38 and the Design Review Guidelines set forth in City Council Resolution 5298.

(C) In performing design review, the Committee shall be guided by the statement of purpose set forth in 16.67.010 (Purpose and Intent) above. Further, the Committee shall work to bar the unsightly, the inharmonious, the monotonous, and the hazardous to ensure that proposed improvements will not impair the desirability of investment or occupancy nearby. However, originality in site planning, architecture, landscaping, and graphic design shall not be suppressed.

(D) Review by the Committee shall include exterior design, materials, textures, colors, means of illumination, landscaping, grading, signs, ingress/egress, parking, and other improvements to ensure that adverse aesthetic and environmental impacts on and surrounding the site are minimized.

### § 16.67.040 PLANS AND DRAWINGS TO BE SUBMITTED.

In addition to meeting of the other application requirements of this Development Code, projects subject to design review shall be required to have the following materials submitted to the Planning Department:

(A) A site plan, drawn to scale, showing the proposed location of structures and other improvements, including, where appropriate, driveways, pedestrian walkways, off-street parking areas, landscaped areas, fences, and walls. The site plan shall indicate the locations of off-street parking areas, including entrances and exits, and the direction of traffic flow into and out of off-street parking areas.

(B) A landscaped plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained on the site; the location and design of landscaped areas and the varieties and sizes of plant materials to be planted therein; and other landscape features, including irrigation system.

(C) Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surface materials and colors shall be specified.

(D) Accurate scale drawings of all signs indicating sign size, material, color, and illumination, if any.

(E) Grading and drainage plans may be required by the City Engineer.

(F) Such other data required on the Planning Department Instructions for Submitting Applications for the Design Review Committee to ensure that the purposes of this section are satisfied.

### § 16.67.050 PROCEEDINGS.

(A) *Application completeness*. Within 30 days of the date the application is submitted, the Director shall make a determination on application completeness.

(B) *Twenty-one-day public comment period*. Upon determination of application completeness, notice of project proposal is:

(1) Mailed or delivered to all persons including businesses, corporations, or other public or private entities owning real property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the proposed land use application as such owners and their addresses are shown on the current assessment roll of the Ventura County Assessor;

(2) Published at least once in a newspaper of general circulation, published and circulated in the city; and

(3) Posted in conspicuous places on the property affected, in accordance with City Council Resolution 3404.

(C) *Design Review Committee*. Within 30 days of application completeness, the Design Review Committee shall act to review public comments, and approve, conditionally approve, or disapprove the plans and drawings, or shall request the applicant to make revisions. Failure of the Committee to act within 30 days shall be deemed approval of the application, unless the applicant consents in writing to an extension of time.

(D) *Decision*. The Director or designee shall render the decision and notify the applicant of the decision in writing.

(E) *Appeal period*. Within ten calendar days of the date of the rendering of the decision, the decision may be appealed to the Planning Commission.

### § 16.67.060 EFFECTIVE DATE OF DECISION.

The effective date of the Committee's decision shall be the date indicated on the city document delivered to the applicant informing the applicant of the Committee's decision.

### § 16.67.070 TIME LIMIT FOR IMPLEMENTING DESIGN REVIEW APPROVAL.

(A) A Design Review approval shall be implemented within one year from the effective date of the approval to establish a right to use the approval. The approval shall lapse and become void after that one year unless either:

(1) A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which Design Review approval was granted; or

(2) Prior to the date on which Design Review approval will lapse, the permittee files a written request to renew the Design Review permit pursuant to subsection (B) below; or

(3) Associated Planning permits that have a longer expiration period are obtained at the same time as Design Review approval, in which case the later expiration date shall be observed.

(B) A Design Review approval subject to lapse may be renewed for a maximum one-year period, provided that a written request for renewal is filed with the Planning Department prior to the expiration date, pursuant to the provisions of Chapter 16.65 (Minor Modifications).

(C) The Director may approve or deny an application for renewal of a Design Review approval. As part of the action, the Director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the project and surrounding properties.

## CHAPTER 16.68: ACCESSORY DWELLING UNITS

Section

16.68.010 Accessory dwelling units

## § 16.68.010 ACCESSORY DWELLING UNITS.

(A) *Purpose*. The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Cal. Gov't Code §65852.2 and 65852.22.

(B) *Effect of conforming*. An ADU or JADU that conforms to the standards in this section will not be:

(1) Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

(2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

(3) Considered in the application of any local ordinance, policy, or program to limit residential growth.

(4) Required to correct a nonconforming zoning condition, as defined in subsection (C)(7) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Cal. Health and Safety Code 17980.12.

(C) *Definitions*. As used in this section, terms are defined as follows:

(1) ***ACCESSORY DWELLING UNIT*** or ***ADU*** means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

(a) An efficiency unit, as defined by Cal. Health and Safety Code 17958.1; and

(b) A manufactured home, as defined by Cal. Health and Safety Code 18007.

(2) ***ACCESSORY STRUCTURE*** means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) ***COMPLETE INDEPENDENT LIVING FACILITIES*** means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

(4) ***EFFICIENCY KITCHEN*** means a kitchen that includes all of the following:

(a) A cooking facility with appliances.

(b) A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

(5) ***JUNIOR ACCESSORY DWELLING UNIT*** or ***JADU*** means a residential unit that satisfies all of the following:

(a) It is no more than 500 square feet in size.

(b) It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.

(c) It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.

(d) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.

(e) It includes an efficiency kitchen, as defined in subsection (C)(4) above.

(6) ***LIVING AREA*** means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(7) ***NONCONFORMING ZONING CONDITION*** means a physical improvement on a property that does not conform with current zoning standards.

(8) ***PASSAGEWAY*** means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

(9) ***PROPOSED DWELLING*** means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) ***PUBLIC TRANSIT*** means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) ***TANDEM PARKING*** means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(D) *Approvals*. The following approvals apply to ADUs and JADUs under this section:

(1) *Building permit only*. If an ADU or JADU complies with each of the general requirements in subsection (E) below, it is allowed with only a building permit in the following scenarios:

(a) Converted on single-family lot: One ADU as described in this subsection (D)(1)(a) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and

ii. Has exterior access that is independent of that for the single-family dwelling; and

iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

iv. The JADU complies with the requirements of Cal. Gov't Code 65852.22.

(b) Limited detached on single-family lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (D)(1)(a) above), if the detached ADU satisfies each of the following limitations:

i. The side- and rear-yard setbacks are at least four feet.

ii. The total floor area is 800 square feet or smaller.

iii. The peak height above grade does not exceed the applicable height limit in subsection (E)(2) below.

(c) Converted on multifamily lot: One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (D)(1)(c), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25% of the existing multifamily dwelling units.

(d) Limited detached on multifamily lot: No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:

i. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.

ii. The peak height above grade does not exceed the applicable height limit provided in subsection (E)(2) below.

(2) *ADU permit*.

(a) Except as allowed under subsection (D)(1) above, no ADU may be created without both a building permit and an ADU permit in compliance with the standards set forth in subsections (E) and (F) below.

(b) The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU permit processing fee is determined by the Director and approved by the City Council by resolution.

(3) *Process and timing.*

(a) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

(b) The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:

i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

ii. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

(c) If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (D)(3)(b) above.

(d) A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

(E) *General ADU and JADU requirements*. The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

(1) *Zoning*.

(a) An ADU or JADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential, commercial or mixed-use zone.

(b) An ADU or JADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

(2) *Height*.

(a) Except as otherwise provided by subsections (E)(2)(b) and (E)(2)(c) below, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling

unit may not exceed 16 feet in height. Alternatively, an ADU in compliance with the underlying zone setbacks is permitted to use the underlying zone height regulations.

(b) A detached ADU that does not meet the setbacks of the underlying zone may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in 21155 of the Cal. Public Resources Code. The ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch that is aligned with the roof pitch of the primary dwelling unit. Alternatively, an ADU that meets the requirements of this subsection (E)(2)(b) that complies with the underlying zone setbacks is permitted to use the underlying zone height regulations.

(c) A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height unless it meets the setback requirements of the underlying zone, except as provided in subsection (E)(2)(b) above.

(d) An ADU that is attached to the primary dwelling and does not meet the setbacks of the underlying zone may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(d) may not exceed two stories.

(e) For purposes of this subsection (E)(2), height is measured above existing legal grade to the peak of the structure.

(3) *Fire sprinklers*.

(a) Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

(b) The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary

dwelling.

(4) *Rental term*. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.

(5) *No separate conveyance*. An ADU or JADU may be rented, but, except as otherwise provided in Cal. Gov't Code 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

(6) *Septic system*. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

(7) *Owner occupancy*.

(a) As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

(8) *Building & safety.*

(a) *Must comply with building code*. Subject to subsection (E)(8)(b) below, all ADUs and JADUs must comply with all local building code requirements.

(b) *No change of occupancy*. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or building and safety officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (E)(8)(b) prevents the city from changing the

occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

(F) *Specific ADU requirements*. The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) above.

(1) *Maximum size.*

(a) The maximum size of a detached or attached ADU subject to this subsection (F) is 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two or more bedrooms.

(b) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50% of the floor area of the existing primary dwelling.

(c) Application of other development standards in this subsection (F), such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (F)(1)(b) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

(2) *Setbacks*.

(a) An ADU that is subject to this subsection (F) must conform to a 20- foot front-yard setback, subject to subsection

(F)(1)(c) above.

(b) An ADU that is subject to this subsection (F) must conform to 4-foot side- and rear-yard setbacks.

(c) No setback is required for an ADU that is subject to this subsection (F) if the ADU is constructed in the same location and to the same dimensions as an existing structure.

(3) *Lot coverage*. No ADU subject to this subsection (F) may cause the total lot coverage of the lot to exceed the underlying zone, subject to subsection (F)(1)(c) above.

(4) *Minimum open space*. No ADU subject to this subsection (F) may cause the total percentage of open space of the lot to fall below the underlying zone, subject to subsection (F)(1)(c) above.

(5) *Passageway*. No passageway, as defined by subsection (C)(8) above, is required for an ADU.

(6) *Parking*.

(a) No off-street parking spaces are required for any new or converted ADU.

(b) *No replacement*. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

(7) *Architectural requirements*.

(a) The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

(b) The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

(c) The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

(d) The ADU must have an independent exterior entrance, apart from that of the primary dwelling.

(e) Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

(f) All windows and doors in an ADU that are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

(8) *Landscape requirements*. Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:

(a) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24" box size plant shall be provided for every ten linear feet of exterior wall.

(b) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed.

(c) All landscaping must be drought-tolerant.

(9) *Historical protections*. An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

(G) *Fees*. The following requirements apply to all ADUs that are approved under subsections (D)(1) or (D)(2) above.

(1) *Impact fees*.

(a) No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (G) (1), "impact fee" means a "fee" under the Mitigation Fee Act (Cal. Gov't Code 66000(b)) and a fee under the Quimby Act (Cal. Gov't Code 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

(b) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).

(2) *Utility fees*.

(a) If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

(b) Except as described in subsection (G)(2)(a), converted ADUs on a single-family lot that are created under subsection (D)(1)(a) above are not required to have a new or separate utility connection directly between the ADU and the utility, nor is a connection fee or capacity charge required.

(c) Except as described in subsection (G)(2)(A), all ADUs that are not covered by subsection (G)(2)(B) require a new, separate utility connection directly between the ADU and the utility.

i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

ii. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

(H) *Nonconforming Zoning Code conditions, Building Code violations, and unpermitted structures*.

(1) *Generally*. The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

(2) *Unpermitted ADUs* constructed before 2018.

(a) *Permit to legalize*. As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:

i. The ADU violates applicable building standards, or

ii. The ADU does not comply with the state ADU law (Cal. Gov't Code 65852.2) or this ADU ordinance.

(b) *Exceptions*:

i. Notwithstanding subsection (H)(2)(a) above, the city may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.

ii. Subsection (H)(2)(A) above does not apply to a building that is deemed to be substandard in accordance with Cal. Health and Safety Code 17920.3.

(I) *Nonconforming ADUs and discretionary approval*. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections (A) through (H) of this section may be allowed by the city with a conditional use permit, in accordance with all other applicable provisions of this title.

## CHAPTER 16.69: TEMPORARY USE PERMIT

Section

16.69.010 Purpose and intent

16.69.020 Initiation

16.69.030 Proceedings

16.69.040 Conditions of approval

16.69.050 Bonds may be required

16.69.060 Specific conditions for Specific Uses

16.69.070 Signage for temporary events

### § 16.69.010 PURPOSE AND INTENT.

(A) The Temporary Use Permit is established to allow certain uses to operate for limited, defined periods at locations on private property throughout the city, provided the uses are regulated so as to avoid adverse impacts on the neighborhoods in which they occur.

(B) Temporary Use Permit applications may only be considered for properties located within zoning districts where such temporary uses are permitted. The land use regulations contained in Chapters 16.04 through 16.16 (Zones, Land Use Regulations, and Development Standards) of this Title 16 indicate where such conditions apply.

### § 16.69.020 INITIATION.

An application for a Temporary Use Permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Director may request proof of ownership or authorization to apply prior to the acceptance of any application.

### § 16.69.030 PROCEEDINGS.

(A) An application for a Temporary Use Permit shall be submitted no less than 14 days prior to the proposed first day of the event.

(B) Upon acceptance of a Temporary Use Permit application as complete, the Director or the designee shall review the application for conformance with the provisions of this Title 16. No public hearing shall be required, unless determined appropriate by the Director, in accordance with section (D) below. Based on this review, the Director shall act to approve, conditionally approve, or deny the application.

(C) Within ten days of receiving a completed application, the Director or designee shall issue a statement of decisions and findings. The statement shall recite, among other things, the facts and reasons for granting or denying the application.

(D) The Director shall have the option to refer the application to the Planning Commission for disposition of the request.

### § 16.69.040 CONDITIONS OF APPROVAL.

(A) In granting a Temporary Use Permit, the Director may impose conditions on a use to include, but not be limited to:

(1) Number of days the event can occur;

(2) Hours of operation;

(3) Location or placement of temporary walls or fences;

(4) Type, size and number of signs;

(5) Lighting;

(6) Noise, including live entertainment, music or use of amplifying equipment;

(7) Traffic circulation, ingress, and egress; or

(8) Other conditions deemed necessary to protect the public health, safety, and general welfare.

(B) Specific uses and activities listed in 16.69.060 below shall be subject to the conditions specified for that use or activity.

### § 16.69.050 BONDS MAY BE REQUIRED.

Prior to the issuance of a Temporary Use Permit, the city may require a cash bond to be deposited with the city for the purpose of defraying the costs of enforcement and property damage repair or cleanup by the city, in the event the permittee fails to do so. The amount of cash bond shall be established by the Director or Planning Commission in the permit conditions of approval.

### § 16.69.060 SPECIFIC CONDITIONS FOR SPECIFIC USES.

(A) *General*. Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use and shall thereafter be used only in accordance with the requirements of the zone district in which the site is located.

(B) *Temporary structures and enclosures*. Temporary structures and enclosures, including camping tents and framed vehicle covers, are prohibited except as part of a festival, party or event for duration not to exceed ten consecutive days.

(C) *Art and craft shows and exhibits*. A Temporary Use Permit for outdoor art and craft shows and exhibits, or any similar use is subject to the following condition:

(1) Outdoor art and craft shows and exhibits shall be limited to 15 days of operation or exhibition at any one location within any 90-day period.

(2) The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the city.

(3) A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

(D) *Construction office, real estate office or caretaker mobile home*. A Temporary Use Permit for a construction office, real estate office, temporary caretaker mobile home, or any similar use is subject to the following condition:

(1) Such office or residence shall only be permitted on the site of an active construction project.

(2) Only one construction office, one real estate office or one temporary caretaker residence shall be permitted on a site.

(3) A building permit is required to install such structures.

(4) Such office or residence shall be removed upon issuance of an occupancy permit for the primary permitted use.

(E) *Carnivals, circuses, fairs, and similar uses*. A Temporary Use Permit for a carnival, circus, fair, or any similar use is subject to the following conditions:

(1) Adequate vehicular and pedestrian access shall be provided.

(2) Adequate off-street parking shall be provided.

(3) All noise, dust, and other objectionable elements shall be abated.

(4) Animals that cause excessive noise, odor, or disturbing elements shall not be permitted on the premises.

(5) The site shall be cleaned and restored within one week of termination of the use.

(6) The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the city.

(7) A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

(F) *Christmas tree, pumpkin, flower and similar seasonal outdoor sales*. A Temporary Use Permit for a seasonal outdoor sale is subject to the following conditions:

(1) A temporary seasonal sales facility shall not be open for business more than a total of 40 days during any one calendar year.

(2) A permitted temporary seasonal sales facility shall not engage in the sale of any merchandise not directly associated with the specific holiday for which the sale is being held.

(3) After the holiday, the facility shall be removed and the premises cleared of all debris and restored to at least as good a condition as existed prior to the establishment of the facility.

(4) A permitted temporary seasonal sales facility shall not be located within the public right of way, within the required handicapped access way, or on required parking for a property.

(5) The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the city.

(6) A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

(7) The Director may impose any other conditions deemed necessary to protect general health, welfare, and peace of the surrounding area.

(G) *Parking lot and other outdoor sales*.

(1) Parking lot and sidewalk sales, not to include automotive sales events as outlined under (H) below, shall be limited to one sale per calendar quarter and not more than four sales events per year are permitted outright on commercially zoned property, subject to the following conditions.

(a) Sponsored by an established, fixed business on the same property.

(b) The merchandise is normally sold by the business.

(c) Such events shall be limited to three consecutive days of operation for a regular weekend, or four consecutive days for any weekend that includes a national holiday.

(d) A Temporary Use Permit shall be required for more than four such events in a calendar year on a single property.

(2) A Temporary Use Permit for outdoor rummage sales, outdoor auctions and other outdoor sales, not to include parking lot and sidewalk sales as discussed above, is subject to the following conditions:

(a) Sponsored and operated by a local nonprofit organization or a business on the same property.

(b) Such events shall be limited to one sales event every six months.

(c) Such events shall be limited to three consecutive days of operation for a regular weekend, or four consecutive days for any weekend that includes a national holiday.

(d) The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the city.

(e) A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

(f) The Director may impose any other conditions deemed necessary to protect general health, welfare, and peace of the surrounding area.

(H) *Automotive sales events*. A Temporary Use Permit for an automotive sales event, to include a “tent” event for the sale of automobiles, trucks, motorcycles, trailers, recreational vehicles or boats, is subject to the following conditions:

(1) Automotive sales events shall be permitted only on sites that meet all of the following criteria:

(a) Commercially zoned property; and

(b) Site exceeds one acre in size; and

(c) Site has excess parking spaces available above the number of parking spaces required for the existing uses on the property, in accordance with Chapter 16.46 of this Title 16. The event shall not be located on any of the required parking spaces for the existing uses on the property, unless such use is not operating at the same time as the event.

(2) Automotive sales events shall be limited to no more than ten events in a calendar year on a single property, with a maximum of two such events on a single property within the same 30 day period.

(3) Such events shall be limited to three consecutive days of operation for a regular weekend, or four consecutive days for any weekend that includes a national holiday.

(4) A Conditional Use Permit shall be required for more than ten automotive sales events in a calendar year on a single property.

(5) The site layout for the event shall comply with current building and fire codes for the State of California and the City of Santa Paula, and shall be reviewed by the Building & Safety Department and Fire Department accordingly.

(6) The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the city.

(7) A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

### § 16.69.070 SIGNAGE FOR TEMPORARY EVENTS.

(A) Signage for temporary uses is permitted, provided such signage complies with regulations set forth in Chapter 16.24 (Signs) of this Title 16.

(B) All signage for a temporary use shall be removed within two days of the termination of the use.

## CHAPTER 16.70: HOME OCCUPATION PERMIT

Section

16.70.010 Purpose and intent
16.70.020 Initiation
16.70.030 Proceedings
16.70.040 Prohibited home occupations
16.70.050 Conditions of approval
16.70.060 Home occupation performance standards
16.70.070 Fines and penalties

### § 16.70.010 PURPOSE AND INTENT.

(A) The city recognizes that an occupant of a residential property has a limited right to conduct non-obtrusive business from a residence, and that the average neighbor generally will prefer to have that business conducted in such a fashion that neighbors are unaware of its existence. This chapter is established to allow such home occupations to exist, provided the residential character of residential neighborhoods is maintained and further provided safeguards are established to prevent the use of home

occupations from transforming the use of a residence into a commercial use or a residential neighborhood into a commercial one.

(B) Home occupations encourage and promote efforts to reduce traffic congestion and the generation of pollutants by allowing and recognizing changing work environments, including telecommuting and work-at-home options. Such businesses are allowed in the city subject to the regulations of this chapter.

### § 16.70.020 INITIATION.

(A) An application for a home occupation permit may be initiated by any occupant of the residence. For rental property, written authorization for the proposed use must be given by the property owner or the property owner's representative.

(B) An application must be filed pursuant to the provisions of Chapter 16.55 (Applications, Processing, Filing, and Fees) of this Title 16.

(C) A business license tax must be paid pursuant to Chapter 110 of the Municipal Code.

### § 16.70.030 PROCEEDINGS.

(A) The establishment of a home occupation within any residential dwelling unit will be regulated by a one-time application and fee.

(B) An application for a home occupation permit must be submitted to the Planning Department on forms supplied by the Department. The applicant must provide information required by the application and any additional information requested by the Planning Department to assist in the review of the permit request.

(C) The application must be referred to the Director or appointed designee for review and to determine compliance with the provisions of this chapter. The Director or designee will have the authority to consult with other city departments regarding the proposed application. As part of the application review an inspection by the Building and Safety Department will be conducted.

(D) Within ten days of receiving a completed application, the Director will act to approve, approve with conditions, or deny the application. Any decision of the Director may be appealed to the Planning Commission pursuant to Chapter 16.57 (Appeals and Revocations) of this Title 16.

(E) The dwelling in which the home occupation is being conducted shall be open for inspection to city personnel, at reasonable times during normal business hours, for the purpose of inspecting to determine whether or not the conditions of this section are being complied with.

### § 16.70.040 PROHIBITED HOME OCCUPATIONS.

The following uses, either by operation or nature, are not incidental to or compatible with residential activities and shall not be permitted as home occupations:

(A) Adult businesses including escort services, massage parlors and the making of adult movies.

(B) Animal boarding, breeding or grooming facilities.

(C) Automotive and other vehicle repair (body or mechanical) upholstery, painting or storage.

(D) Barber or beauty shop.

(E) Carpentry or cabinet making.

(F) Firearms/weapons dealerships.

(G) Retail sales.

(H) Welding or machine operation.

(I) Any other use, as determined by the Director not to be incidental to or compatible with residential activities.

### § 16.70.050 CONDITIONS OF APPROVAL.

The Director or appointed designee will have the authority to impose conditions on a home occupation permit to ensure compliance with the intent of this Title 16, including compliance with the performance standards contained in 16.70.060 below.

### § 16.70.060 HOME OCCUPATION PERFORMANCE STANDARDS.

(A) Home occupations are uses that do not interrupt or interfere with the general nature or residential character of the residential neighborhood in which they are located.

(B) All permitted home occupations must comply with the following performance standards:

(1) A home occupation business must be clearly incidental to the residential use of the property, and the dwelling unit must be the principal residence of the home occupation business owner.

(2) Home occupations cannot generate pedestrian or vehicular traffic beyond that considered normal within the surrounding residential district.

(3) A home occupation must be conducted within a dwelling unit, or within an approved accessory structure. Accessory buildings used for home occupations must comply with the provisions of this Code, cannot contain kitchen facilities, and may only be located within single-family residential zones.

(4) Not more than 25% of the existing square footage of a dwelling unit up to a maximum of 500 square feet may be used for the home occupation business.

(5) The operation of a home occupation cannot interfere with the maintenance of any required parking spaces, including spaces required to be provided within a garage.

(6) The appearance of the dwelling or accessory structure within which the home occupation is conducted cannot be altered (for example, but without limitation, by using color, materials, construction, lighting, signs, sounds, noises, vibrations, or equipment displays) to make it recognizable as serving a nonresidential use.

(7) The home occupation permit applicant and other persons who use the dwelling as their primary residence may be involved in the home occupation use. All residents involved in the home occupation use must be listed on the application. In addition, one nonresident employee or independent contractor, whether paid or not for their services, may be involved in the home occupation use on the property provided that there is only one such person on the premises between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. Off-street parking must be available on the site for the nonresident employee. Home occupations conducted within an accessory structure on the site are limited to resident employees only.

(8) If the business employs other persons whose work activities are performed off the premises, such individuals are not allowed to gather or congregate on the premises in connection with a home occupation.

(9) The home occupation permit is valid only for the person to whom it is issued and is void when that person moves from the dwelling unit or discontinues or alters the business so that the

information provided on the application is no longer valid. Property owner's are required to sign the home occupation permit application. Home occupation permits must be renewed every five years.

(10) A maximum of two home occupation permits may be issued for any residence. However, the limitations set forth in the performance standards are applied singularly not cumulatively.

(11) No direct retail or wholesale sales may be conducted on the premises of any home occupation.

(12) Up to four customers or visitors related to the home occupation are allowed daily, during the hours of 8:00 a.m. and 8:00 p.m., provided that the home occupation does not generate vehicle traffic beyond that considered characteristic of the surrounding residential district. Personal service uses involving the instruction or tutoring of an individual may be allowed subject to approval by the Director, if the use is in keeping with the stated intent of the section and not determined to be potentially detrimental to the residential character of the neighborhood.

(13) Deliveries or pick-ups made by a courier or delivery service as part of the home occupation are limited to two a day.

(14) Only one vehicle with a capacity not exceeding three-quarter ton may be used directly or indirectly in connection with a home occupation. No commercial vehicles may be used as part of the home occupation. Off-street parking must be provided for any vehicle used in connection with the home occupation.

(15) No signs identifying or advertising the home occupation business may be posted on the property, on other nearby residential properties, or on the public right-of-way.

(16) No merchandise or products can be visible from outside the residence or accessory structure.

(17) No newspaper or other advertising is allowed which identifies the address of the residence as a place of business.

(18) Outdoor storage, display of merchandise, products, materials, supplies or operations are prohibited on the premises.

(19) Activities conducted and equipment or material used cannot change the fire safety or occupancy classification of the premises. The use cannot employ the storage of pesticides, explosives, flammable, or hazardous materials, or waste of any kind brought onto the property as part of the occupation.

(20) No use of utilities or community facilities is permitted beyond that normal to the use of the property for residential purposes.

(21) No refuse or trash can be generated in quantities or types not normally associated with residential uses.

(22) No equipment or process can be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises. In the case of electrical interference, no equipment or process can be used that creates visual or audible interference upon any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

### § 16.70.070 FINES AND PENALTIES.

A permittee who violates any of the performance standards listed in 16.70.050 above or any permit conditions may be subject to fines as established by resolution of the City Council and/or permit revocation pursuant to the provisions of Chapter 16.57 of this Title 16.

## CHAPTER 16.71: DEVELOPMENT AGREEMENTS

Section


16.71.010 Purpose and intent
16.71.020 Initiation
16.71.030 Applicability
16.71.040 Contents of Development Agreement
16.71.050 Proceedings - Planning Commission
16.71.060 Proceedings - City Council
16.71.070 Findings and adoption
16.71.080 Recordation
16.71.090 Amendment or cancellation
16.71.100 Periodic review
16.71.110 Separate procedure
16.71.120 Effect of Development Agreement
16.71.130 Construction


### § 16.71.010 PURPOSE AND INTENT.

(A) *Purpose*. The purpose of a Development Agreement is to ensure to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with clearly stated policies, rules and regulations, and subject to specified conditions of approval. Development Agreements also ensure that all conditions of approval, including the construction of off-site improvements made necessary by such land developments, will proceed in an orderly and economical manner to the benefit of the city.

(B) *Intent*. This Chapter 16.71 is enacted to achieve the maximum utilization of public and private resources in the development process, and ensure, to the extent feasible, that appropriate measures to enhance and protect the environment of the city are reached.

### § 16.71.020 INITIATION.

Pursuant to Cal. Gov't Code 65865, any person having a legal or equitable interest in real property for the development of such property, or any person acting as the authorized agent for such property owner, may apply to the city for a Development Agreement. Applications must be filed pursuant to the provisions of Chapter 16.55 (Applications, Processing, Filing, and Fees) of this Title 16.

### § 16.71.030 APPLICABILITY.

The City Council finds that it may be in the city's best interest to enter into a Development Agreement when a project is to:

(A) Be phased over a period of years;

(B) Receive a density bonus;

(C) Consist of 20 residential units or more;

(D) Occupy more than two acres;

(E) Be a project subject to development approval pursuant to this Title 16;

(F) Involve the amendment of the General Plan of the city;

(G) Involve the formation of any assessment, benefit, maintenance, or special benefit district, or for the installation of required or necessary on-site or off-site improvements or infrastructure;

(H) Involve mitigation measures imposed upon a development project as a consequence of the approval of an environmental impact report in which such mitigation measures are a condition as a mechanism for eliminating or reducing environmental impacts; or

(I) Proceed upon a determination by the City Council to be in the best interests of the city.

### § 16.71.040 CONTENTS OF DEVELOPMENT AGREEMENT.

(A) All draft and final Development Agreements must contain the following information:

(1) The duration of the Agreement;

(2) The permitted uses of the property;

(3) The density or intensity of permitted uses;

(4) The maximum height and size of proposed buildings; and

(5) Provisions for reservation or dedication of lands for public purposes.

(B) The Development Agreement may also contain the following information:

(1) Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such conditions, terms, provisions, and requirements do not prevent development of land for the purposes and level of use set forth in the Agreement.

(2) Requirements that construction be commenced within a specified time period, and that the project or any phase thereof be completed within a specified time frame.

### § 16.71.050 PROCEEDINGS - PLANNING COMMISSION.

(A) Upon receiving a Development Agreement application, the Director will make a determination as to whether the application is complete. If deemed incomplete, the application will be returned to the applicant for further information. In deemed complete, the Director will review the application and determine the additional requirements necessary to complete the Agreement.

(B) The Director will prepare a report outlining facts and recommendations relative to the application. The report will be provided to the Planning Commission prior to any scheduled public hearing on the application.

(C) A public hearing before the Planning Commission will be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings).

(D) The Planning Commission will make a recommendation to the City Council to approve, approve with modifications, or deny the Development Agreement application.

(E) As part of its recommendation to the City Council, the Planning Commission may recommend use of a Development Agreement as a method of implementing or providing standards and criteria for any development approval so long as the development meets the applicability requirements set forth in this Chapter 16.71.

### § 16.71.060 PROCEEDINGS - CITY COUNCIL.

(A) A public hearing before the City Council will be noticed and conducted pursuant to the provisions of Chapter 16.56 (Public Hearings) of this Title 16.

(B) At the hearing, the City Council will consider the Planning Commission's recommendation together with any additional public testimony, and may approve, disapprove, or modify any recommendation of the Planning Commission. If public testimony is presented on an issue that was not considered by the Planning Commission, the City Council may refer the issue back to the Planning Commission for further hearings and recommendations.

### § 16.71.070 FINDINGS AND ADOPTION.

(A) *Findings required*. When acting to approve a Development Agreement application, or approve in modified form, the City Council will be required to make the following findings on the Agreement:

(1) The proposed Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plans;

(2) The proposed Agreement is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is or will be located;

(3) The proposed Agreement will promote public convenience, general welfare, and good land use practice;

(4) The proposed Agreement will not adversely affect the orderly development of property or the preservation of property values; and

(5) The proposed Agreement will promote and encourage the development of the proposed project.

(B) *Adoption by ordinance*. If the City Council approves the Development Agreement, it will do so by adoption of an ordinance. The city may enter into the Agreement after the ordinance approving the Development Agreement takes effect.

### § 16.71.080 RECORDATION.

Within ten calendar days after the city enters into the Development Agreement, the City Clerk will record the Agreement with the Ventura County Recorder. If the parties to the Agreement or their successors in interest amend or cancel the Agreement as provided in 16.71.090 of this Chapter 16.71, or if the city terminates or modifies the Agreement as provided in 16.71.090 of this Chapter 16.71 for failure of the applicant to comply in good faith with the terms or conditions of the Agreement, the City Clerk will record notice of such action with the County Recorder.

### § 16.71.090 AMENDMENT OR CANCELLATION.

(A) *Initiation of amendment or cancellation*. Any Development Agreement may be canceled or amended by mutual consent of the parties.

(B) *Procedures*.

(1) *Cancellation or modification by mutual consent*. Any proposal to cancel or modify a Development Agreement will be heard and determined in accordance with the procedures specified by this Chapter 16.71 for approval of a Development Agreement.

(2) *Cancellation by city*. If, at any time during the term of a Development Agreement, it is found that the party to the Agreement has not complied with the terms and conditions of the Development Agreement, a public hearing will be held by the City Council at which time the party to the Agreement will be given the opportunity to demonstrate otherwise. The burden of proof will be upon the party to the Agreement to show compliance by substantial evidence. If such compliance is not shown, the

City Council may either cancel the Development Agreement, or continue the Agreement on such terms and conditions as it may consider appropriate under the circumstances.

(C) *Rights of the parties after cancellation or termination*.

(1) In the event that a Development Agreement is canceled or otherwise terminated, unless otherwise agreed, all rights of the party to the Agreement or successors in interest under the Development Agreement will terminate.

(2) Any and all benefits, including money or land, received by the city will be retained by the city.

(3) Notwithstanding the above provisions, any termination of a Development Agreement will not revoke a valid building permit previously issued by the city for any improvement authorized by the Development Agreement. All such completed or completing uses will, to the extent possible, be deemed nonconforming uses, and will be subject to the nonconforming use provisions of this Title 16.

### § 16.71.100 PERIODIC REVIEW.

(A) *Time for and initiation of review*. The city will review all Development Agreements once every 12 months after the city enters into such Agreements.

(B) *Applicant's submission*. Between 45 and 60 days prior to the yearly anniversary of the date a Development Agreement was entered into, the party to the Agreement or successors in interest will submit evidence to the Director of good-faith compliance with the Agreement and will notify the Director in writing that such evidence is being submitted to the city pursuant to the periodic review requirements of this section. Said notification will be accompanied by a processing fee as specified in the city's fee schedule.

(C) *Findings of compliance*. If the party to the Agreement or successors in interest has complied with the terms of the Development Agreement, a finding of compliance will be issued, which may be recorded by the Party to the Agreement or successors in interest with the Ventura County Recorder.

(D) *Finding of noncompliance*. If, on the basis of substantial evidence, it is found that the party to the Agreement or successor in interest has not complied with the terms of the Development Agreement, the party to the Agreement or successor in interest will be notified in writing of the grounds of noncompliance. A reasonable time period will be specified in which the party to the Agreement or successor in interest must comply. If the party to the Agreement or successor in interest does not comply within the time limits prescribed, the Development Agreement will be subject to cancellation pursuant to 16.71.090 of this Chapter 16.71.

(E) *Appeal of determination*. Upon the payment of the required fee, any interested person may file an appeal of the issuance of a finding of compliance, or notice of noncompliance, to the City Council within ten calendar days after the date of issuance or notice.

### § 16.71.110 SEPARATE PROCEDURE.

The Development Agreement process set forth in this Chapter 16.71 will be separate from other land use planning procedures. If so specified in the Development Agreement, it will constitute an approval pursuant to such planning procedures as if separately enacted under city planning ordinances or resolutions.

### § 16.71.120 EFFECT OF DEVELOPMENT AGREEMENT.

When approved, the Development Agreement and any development control maps and all notations, references, and regulations that are a part of the Development Agreement will be part of the Development Agreement ordinance. Development control maps include, but are not limited to, regulations intended to carry out any plan respecting location or type of activities; height, bulk, siding, or design of structures; location or design of open areas; and landscaping and other comparable regulations.

### § 16.71.130 CONSTRUCTION.

This Chapter 16.71 and any subsequent Development Agreement will be read together. With respect to any Development Agreement enacted under this Chapter 16.71, any provision of such a Development Agreement that is in conflict with this Chapter 16.71 will be void. Unless otherwise provided by the Development Agreement, the city's rules, regulations, and official policies governing permitted uses of land, governing density, and governing design, improvement construction standards and specifications applicable to development of the property subject to a Development Agreement will be those City rules, regulations, and official policies in force at the time of the approval, or modification, of the Development Agreement by the City Council; provided, however, that the party to the Agreement or successor in interest is subject to all increases in city- imposed fees, dedication requirements, and charges with respect to subsequent applications for development and construction within the property subject to a Development Agreement.

## CHAPTER 16.72: ANNEXATIONS

Section


16.72.010 Purpose and intent
16.72.020 Relationship to other laws
16.72.030 Definitions
16.72.040 Initiation
16.72.050 Annexation procedures
16.72.060 Pre-application conference required
16.72.070 Preparation and content
16.72.080 School agreement
16.72.090 Infrastructure improvement description
16.72.100 Planning Commission review and action
16.72.110 City Council review and action
16.72.120 City Council findings required
16.72.130 Proceed to LAFCO


### § 16.72.010 PURPOSE AND INTENT.

This chapter is established in accordance with the Cortese-Knox Local Government Reorganization Act of 2000 (Cal. Gov't Code §56000 et seq.) to address annexations, reorganizations, consolidations and similar procedures of the city.

### § 16.72.020 RELATIONSHIP TO OTHER LAWS.

Any provision of this chapter that is more stringent than federal or state law is intended to supplement, not conflict with, federal or state law and to apply unless a court of law conclusively determines that the provision is preempted. Nothing in this section precludes the city from establishing the time limits for completion of the annexation proceedings and initiation of project requiring such approvals, provided such time limits are authorized by law.

### § 16.72.030 DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter.

***ACT*** means the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Cal. Gov't Code §56000 et seq.), and any subsequently adopted amendments or successor statutes. Unless specified otherwise, all citations in this chapter to an unspecified code are to the California Government Code;

***CEQA*** means, collectively, the California Environmental Quality Act (Cal. Pub. Res. Code §§21000, et seq.) the regulations promulgated thereunder (14 Cal. Code of Regs. §15000, et seq., the "CEQA Guidelines"), and the city's Environmental Guidelines;

***LAFCO*** means the Ventura Local Agency Formation Commission.

***LCA CONTRACT*** means a contract entered into pursuant to the California Land Conservation Act (Cal. Gov't Code §51200 et seq.)

***CURB BOUNDARY*** means a City Urban Restriction Boundary established in accordance with the Santa Paula General Plan.

### § 16.72.040 INITIATION.

(A) Annexation applications with the city may be initiated by:

(1) An application by an owner or agent of such owner seeking an annexation of property to the city's jurisdiction;

(2) The application of a public agency authorized to exercise the power of eminent domain; or

(3) The City Council.

(B) An application must be filed in accordance with this Code.

### § 16.72.050 ANNEXATION PROCEDURES.

Annexations, reorganizations, consolidations and similar procedures must be processed in accordance with the provisions of the Act.

### § 16.72.060 PRE-APPLICATION CONFERENCE REQUIRED.

A pre-application conference with the Director, or designee, is required before the formal submission of an annexation application. During the pre-application conference, the Director, or designee, will review with the applicant the city's requirements for application content; anticipated plans, reports, and studies required for the annexation application; applicable policies; infrastructure needs; and other information determined by the Director. In addition, the Director will inform the applicant whether a Specific Plan, Development Agreement, or other, similar, discretionary approval is required for a proposed annexation.

### § 16.72.070 PREPARATION AND CONTENT.

As part of an annexation application, the applicant must provide the following:

(A) An application for pre-zoning;

(B) If applicable, an application for a zone change;

(C) Proof of ownership, legal description, and proof of consent or dissent to the application of all persons with an ownership interest in the real property proposed for annexation;

(D) An identification of LCA contracts; CURB boundary amendments; Sphere of Influence boundary adjustments; or other applicable property restrictions that may be required for annexation;

(E) Boundary map, prepared by a civil engineer or licensed surveyor, in accordance with the requirements of the Ventura County Surveyor's Office. At a minimum, a boundary map submitted to the city must contain the following information:

(1) A sufficient legal description of the land to define the boundaries of the proposed annexation of land.

(2) The date, north arrow, and scale.

(3) The name and address of the property owner(s), and the civil engineer or licensed surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor and the names and addresses of all operators of the utility systems of the subdivision.

(4) The existing topography of land proposed to be annexed using contour intervals as follows: One foot when the slope of the ground is less than 5%; two feet when the slope of the ground is between 5% and 10%; five feet when the slope of the ground is between 10% and 25%; and ten feet when the slope of the ground is greater than 25%.

(5) The approximate location and outline to scale of each building or structure on each property proposed for annexation. Each building shown must be identified by street address or other identifying feature, and include a notation on whether each building, structure, fence, wall, or land use will be retained.

(6) The locations of any existing water wells and septic tanks, and descriptions of the proposed source of water supply and the proposed method of sewage disposal.

(7) The width, purpose, and approximate location of all easements or rights-of-way, whether public or private, within and adjacent to the annexation.

(8) The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse and existing flood control district channels within one-half mile of the exterior boundaries of the proposed annexation.

(9) Through the application review process, the City Engineer or Director may require that additional information be included on the map to provide important or necessary disclosures or other information;

(F) A fiscal impact analysis unless the annexation application is for public facilities, public open space and parkland, and island annexations under five acres;

(G) Any memorandum of understanding with public school districts ("School Agreement") affected by the proposed annexation as required by this chapter unless the proposed annexation includes public facilities, public open space and parkland, and island annexations under five acres;

(H) Identification of any geologic hazards;

(I) A written commitment to transfer or otherwise dedicate to the city, at an appropriate time following the effective date of the annexation, all water rights associated with the property;

(J) If required, a Specific Plan in conformance with this Code; and

(K) All applicable LAFCO fees.

### § 16.72.080 SCHOOL AGREEMENT.

Before applying for annexation, an applicant must enter into a School Agreement with each impacted public school district that addresses all issues associated with a proposed project including, without limitation, any capital costs associated with new or expanded school facilities.

### § 16.72.090 INFRASTRUCTURE IMPROVEMENT DESCRIPTION.

The annexation application must include a complete description of the proposed source, distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the annexation and needed to support the land uses. Such information may be provided on a tentative map if a subdivision is proposed.

### § 16.72.100 PLANNING COMMISSION REVIEW AND ACTION.

(A) A complete annexation application will be considered by the Planning Commission at a public hearing.

(B) By resolution, the Planning Commission may recommend that the City Council approve, approve with modifications, or deny a proposed annexation application.

(C) A proposed annexation inconsistent with the General Plan may not be recommended or adopted until the General Plan is amended to eliminate such inconsistency. Such a General Plan amendment and any development proposal relying on the amendment must be considered concurrently with the annexation application.

### § 16.72.110 CITY COUNCIL REVIEW AND ACTION.

(A) After receiving a Planning Commission resolution, the City Clerk will set the matter for a public hearing before the City Council.

(B) Following the public hearing, the City Council will, by resolution, approve, conditionally approve, or deny the proposed annexation application along with any other discretionary approvals required for a proposed annexation.

(C) If an application is approved, the City Council will direct the City Manager or designee to forward the annexation application to LAFCO for approval.

### § 16.72.120 CITY COUNCIL FINDINGS REQUIRED.

The City Council must make the following findings before approving an annexation:

(A) That the proposed annexation is consistent with the goals, policies, and objectives of the General Plan;

(B) That the proposed annexation will not adversely or significantly impact surrounding properties;

(C) That the proposed annexation promotes public health, safety, or general welfare and serves the goals and purposes of this Code;

(D) That the city has sufficient capacity and ability for providing all city services upon annexation, or within a reasonable time of annexation; and

(E) That the proposed annexation will pay for itself and will not bring any fiscal or economic burden onto the city. The City Council may deny annexation applications for projects which fail to demonstrate in the fiscal impact analysis that projected annual total revenues generated by the project will equal or exceed the projected annual aggregate costs for municipal services.

### § 16.72.130 PROCEED TO LAFCO.

(A) Upon City Council approval of the proposed annexation, the City Manager or designee will file a certified copy of the City Council resolution and application for reorganization with LAFCO, in accordance with the provisions of the Act and LAFCO rules.

(B) The city will oppose any annexation application filed with LAFCO that did not obtain approval in conformance with this chapter.

## CHAPTER 16.73: 81 ACRE INITIATIVE IMPLEMENTATION

Section


16.73.010 Purpose

16.73.020 Administration of chapter

16.73.030 Definitions

16.73.040 Applicability

16.73.050 Exemptions

16.73.060 Environmental assessment

16.73.070 One vote required

16.73.080 Sunset Clause


### § 16.73.010 PURPOSE.

This chapter implements Section III(G) of the Santa Paula General Plan by establishing specific procedures and parameters needed to approve proposed development projects comprising 81 or more acres in size. The voters of the city adopted Measure L6, the “Citizens Advocating Responsible Expansion Initiative,” on November 7, 2006 which amended the Land Use Element of the General Plan. This chapter is intended to clarify the law to avoid needless confusion, duplication of effort, and uncertainty for persons seeking city approvals for large development projects and for city officials responsible for enforcing applicable law.

### § 16.73.020 ADMINISTRATION OF CHAPTER.

The City Manager, or designee, is authorized to implement this chapter in a manner consistent with the California Constitution and other applicable law including, without limitation, Section III(G) of the Santa Paula General Plan.

### § 16.73.030 DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth in the Initiative (as defined below) or, if neither set forth in the Initiative or this chapter, other provisions of this Code.

(A) ***CEQA*** means the California Environmental Quality Act (Public Resources Code §21000, et seq.) and the regulations promulgated thereunder (14 Cal. Code of Regulations §15000, et seq.).

(B) ***CURB*** means the City Urban Restriction Boundary regulated by Section III(F), and graphically depicted in Figure LU-4a, of the Santa Paula General Plan.

(C) ***DATE OF DETERMINATION*** means the date upon which an application for development is deemed complete in accordance with this Code.

(D) ***DENSITY*** means the one of the following:

(1) For residential development, density is the total number of permanent residential dwelling units per acre of land, exclusive of all existing public streets and rights-of-way.

(2) For commercial development, density is the total gross area of all buildings on a lot divided by the lot area (known as floor area ratio) or the total square feet designated by the General Plan or this Code for a particular lot area.

(E) ***DEVELOPMENT*** means any activity which requires a discretionary or ministerial permit to construct commercial, industrial, institutional, or residential structures. ***DEVELOPMENT*** also includes the term “land use designation” as defined by this chapter.

(F) ***GPA*** means an amendment to the Santa Paula General Plan.

(G) ***INTENSIFICATION OF USE*** means a GPA seeking to increase density or land use intensity (or both) that is subject to the Initiative and this chapter.

(H) ***INITIATIVE*** means Measure L6 as enacted by voters on November 7, 2006, and certified by Resolution No. 6358 on December 4, 2006, as codified by Ordinance No. 1188, adopted on February 19, 2008.

(I) ***LAND USE DESIGNATION*** means a designation set forth in the Santa Paula General Plan Land Use Map (Figure LU-5) and defined by Santa Paula General Plan Table LU-7 or such other land use proposed by an application for a GPA and not previously identified in the General Plan.

(J) ***LAND USE INTENSITY*** means those urbanized land uses identified in General Plan Table LU-7 under the column captioned “Principal Use Development Intensity/Density.” Land use intensity does not include non-urbanized uses such as agricultural, open space, recreational, golf, or mining.

(K) ***PLANNING AREA*** means real property located within the city’s jurisdictional boundaries, its approved Sphere of Influence, and such additional areas that are identified by the Santa Paula General Plan and other applicable law.

(L) ***SOAR*** means Section III(F) of the Santa Paula General Plan, added by Measure I as enacted by voters on November 7, 2000, and certified by Resolution No. 5407, adopted on December 4, 2000.

### § 16.73.040 APPLICABILITY.

The Initiative and this chapter apply to any application for a development which meets all of the following criteria:

(A) The application seeks an Intensification of Use;

(B) The proposed Intensification of Use would regulate either:

(1) A development entirely located upon real property that constitutes 81 or more contiguous acres; or

(2) A development located on real property which is contiguous to other land for which the City Council previously approved an Intensification of Use within the five calendar years preceding the date of determination when all of the real property regulated by the previously approved and proposed Intensification of Use equals 81 or more contiguous acres;

(C) The real property affected by the proposed Intensification of Use is located within the Planning Area;

(D) The 81 or more contiguous acres of real property are found by the City Council, based upon substantial evidence, to be:

(1) Part of, or substantially related to, a development previously approved by the City Council;

(2) Completely owned by the same person or persons; or

(3) Separately owned by persons who are part of a joint venture, or similar cooperative enterprise, who are jointly seeking development approvals for a single or multiple developments.

### § 16.73.050 EXEMPTIONS.

Notwithstanding anything to the contrary, the Initiative and this chapter do not apply to an Intensification of Use required by California law mandates including, without limitation, Government Code 65588, if the Intensification of Use would affect only real property located completely within the city's jurisdictional boundaries as they exist on the date of determination.

### § 16.73.060 ENVIRONMENTAL ASSESSMENT.

GPAs subject to the Initiative and this chapter require environmental review in accordance with 16.55.050. If required by CEQA, a final environmental impact report must be certified before the City Council can consider placing a GPA on the ballot in accordance with Elections Code 9222.

### § 16.73.070 ONE VOTE REQUIRED.

To reconcile the Initiative with SOAR requirements; to implement both SOAR and the Initiative; and to facilitate voter understanding of ballot measures, the City Council can take the following actions regarding an application for Intensification of Use:

(A) The City Council can deem an application which requires voter approval to both change the CURB and approve an Intensification of Use as a single GPA requiring one ballot measure for voter consideration;

(B) When voters previously approved a CURB change in accordance with SOAR which also included an Intensification of Use in the ballot measure, and an application for development does not propose an additional Intensification of Use, then the City Council can approve a GPA upon its own authority.

### § 16.73.080 SUNSET CLAUSE.

This chapter is repealed and will become ineffective on December 31, 2025, unless a later adopted initiative measure approved by the voters at the general election before or in November, 2025 deletes or extends the effective date of the Initiative.

## CHAPTER 16.74: SITE DEVELOPMENT PERMIT

Section


16.74.010 Purpose
16.74.020 Definitions
16.74.030 Fees
16.74.040 Administration by Director
16.74.050 Initiation
16.74.060 General application requirements
16.74.070 Proceedings
16.74.080 Action by the Director
16.74.090 Findings
16.74.100 Permit appeal and revocation
16.74.110 Compliance with SDP
16.74.120 Timeliness
16.74.130 Action in writing
16.74.140 Final determination


### § 16.74.010 PURPOSE.

(A) The purpose of a SDP is to provide for the administrative review of detailed development plans for a proposed use. Uses that require a SDP are characterized by having a relatively low potential for adverse impacts on the subject site or surrounding community.

(B) A SDP is a plan for development and must include the following:

(1) A description of the use(s) and operating characteristics.

(2) A plot plan showing the location of all uses.

(3) Supplementary exhibits, as necessary, to show other information which may be required such as building elevations, landscaping, and grading.

(4) Conditions of approval.

### § 16.74.020 DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter:

***DIRECTOR*** – Means the Director or Director's designee.

***SDP*** - Means a site development permit regulated by this chapter.

**§ 16.74.030 FEES.**

Persons applying for a permit under this chapter must pay a permit fee established by City Council resolution.

**§ 16.74.040 ADMINISTRATION BY DIRECTOR.**

The Director will administer this chapter, including, without limitation, acting on all applications for a permit required by this chapter.

**§ 16.74.050 INITIATION.**

An application for a SDP may be initiated by any person who is able to demonstrate a legally vested real property interest in the real property affected by a proposed application. The authorized agent of any such person may also initiate an application. The Director may request proof of ownership or authorization to apply before accepting any application.

**§ 16.74.060 GENERAL APPLICATION REQUIREMENTS.**

Applications for a permit required by this chapter must be filed with the Planning Department; be in a form and contain the information prescribed by the Director; and be accompanied by the permit fee required by this chapter.

**§ 16.74.070 PROCEEDINGS.**

(A) Unless the Director determinates otherwise, issuing a SDP is an administrative determination by the Director without the need for a public hearing.

(B) Upon acceptance of a SDP application as complete, the Director must review the application for conformance with the provisions of this Title 16. Based on this review, the Director must act to approve, conditionally approve, or deny the application.

(C) Within 30 days of receiving a completed application, the Director must issue a statement of decisions and findings. The statement must recite, among other things, the facts and reasons for granting or denying the application.

**§ 16.74.080 ACTION BY THE DIRECTOR.**

The Director or, if applicable, the Planning Commission, may take one of the following actions:

(A) *Approval*. There are no conditions or requirements other than those specified by the application. After the date of final determination, the proposed project may be developed in compliance with the SDP issued by the Director.

(B) *Disapproval*. When a SDP application is disapproved, an application for the same project on the same property cannot thereafter be accepted for a period of one year from the date of final determination, except that the Director may specify that, if the action is due to details or technical issues, this time limit does not apply. This limitation is not applicable to other discretionary permits.

(C) *Conditional approval*. Any application may be approved subject to conditions the Director deems necessary for compliance with city, state and federal regulations related to the protection of general health, welfare, and safety of the surrounding area. After the date of final determination, the

proposed project may be developed in compliance with the SDP issued by the Director along with applicable conditions of approval.

(D) *Withdrawal*. With the concurrence of or at the request of the applicant, any a permit application may be withdrawn. When an application is withdrawn, such action is effective immediately and is not subject to appeal. Thereafter, such application is null and void and the property must have the same status as if no application had been filed.

**§ 16.74.090 FINDINGS.**

The Director must make all the following findings to issue a SDP:

(A) *CEQA*. The SDP complies with the California Environmental Quality Act.

(B) *General Plan*. The proposed use or project conforms with the General Plan.

(C) *Zoning*. The proposed use or project conforms with the zoning regulations in this code.

(D) *Development standards*. The SDP complies with Chapter 16.40 of this code.

**§ 16.74.100 PERMIT APPEAL AND REVOCATION.**

A SDP may be appealed or revoked pursuant to Chapter 16.57 of this code.

**§ 16.74.110 COMPLIANCE WITH SDP.**

Establishment, maintenance and operation of the use or uses proposed by the application must comply with the information and specifications shown on the SDP.

**§ 16.74.120 TIMELINESS.**

If the Director does not take action within one year from the date the application is deemed complete, such application is considered to be approved. However, the applicant may request an extension of time up to 120 days. This time limit period is not applicable with regard to the time in which the Planning Commission or, if applicable, the City Council may act on an appeal.

**§ 16.74.130 ACTION IN WRITING.**

The determination on each application, including any required findings and any other reasons that serve to explain the determination, and all conditions of approval, must be in writing. A copy of the written determination must forwarded to the applicant following the date of final determination and is made available, at cost, to any person desiring a copy of such determination.

**§ 16.74.140 FINAL DETERMINATION.**

The determination of the Director is effective 15 days after the date the decision is made and after all appeals, if any, are resolved.

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Greg Barnes, Parks and Recreation Director

Subject: 2025 HOLIDAY PARADE REQUEST FOR FEE WAIVER

Date: November 5, 2025

Agenda Item: 10.C

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## RECOMMENDATION:

Staff recommends City Council:

1. Waive and sponsor up to 50% of the costs for City services for the 2025 Santa Paula Holiday Parade.

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## BACKGROUND:

The Santa Paula Holiday Parade has been a long-time family tradition which kicks off the holiday season in our community. Over the past several years, Council has approved waiving 50% of in-kind services for the Holiday Parade to cover the costs associated with street closures and police services. Last year, Council approved a similar request to sponsor up to 50% of the costs for City services for the 2024 Holiday Parade.

Previous years costs for city services:

2024 - $9,762
2023 - $6,054
2022 - $5,961

Santa Paula Municipal Code §115.007(D) authorizes the City Council to waive fees for non-profit groups that are holding events requiring City services and resources. Fee waivers are functionally equivalent to City sponsorship of such events.

## ANALYSIS:

In October 2025, the Santa Paula Chamber of Commerce submitted a request for the City to consider waiving up to 50% of city fees related to this year's event. Last year’s parade, which took place in the evening, brought thousands of people to the downtown making a positive sales impact for several of our downtown businesses. Additionally, the parade attracts people from all over the region to our downtown Santa Paula businesses and restaurants.

Upon receipt of the application, staff circulated it to the applicable City departments in order to obtain estimated costs for City services. Below are the estimated costs for 2025:

- $346 Application/Special Event Permit Fee
- $245 Encroachment Permit Fee
- $4,636 Public Works estimated costs
- $3,472 Police Services estimated costs

Total estimated costs for City Services: $8,101 (does not include permit/application or encroachment permit fees)

In hopes of City support, the Santa Paula Chamber of Commerce is respectfully requesting the City of Santa Paula sponsor the event by providing in-kind services/sponsorship of the event up to 50% of total costs.

Should Council approve the in-kind sponsorship request, the estimated remaining costs for which the Chamber of Commerce would be responsible for would be $4,054 (excluding application and permit fees).

**STRATEGIC PLAN:**

This item is not directly related to the City Council's two-year strategic goals. However, staff believes it supports Section E. Arts, Culture and Entertainment, representing the community's history and core values.

**FISCAL IMPACTS:**

The event sponsors are requesting the partnership with the City of Santa Paula to help absorb the costs of street closures and police services. The estimated value of the in-kind donations would be approximately $4,054 in unrecognized revenue to the city.

Each department would be responsible for absorbing these costs as part of their 2025-2026 approved budget.

**OPTIONS:**

City Council has the alternative options to staff's recommendation:

1. Support the event as a sponsor for a specific amount of in-kind services for the 2025 event as opposed to a percentage of costs.

2. Provide alternate direction to staff.

**ATTACHMENTS:**

EXHIBIT A: 2025 Holiday Parade Waiver Request.pdf

# EXHIBIT A

## Parade Fee Waiver Request
## Chamber of Commerce

**Mission:** ***"The Santa Paula Chamber of Commerce fosters a thriving community by connecting our members to resources, advocating for businesses, and promoting economic vitality."*** **Vision:** ***"Our vision is that Santa Paula is recognized as a special place to live, work, and visit. Our vibrant economy and community connection makes us a leader in Ventura County."***

## 75th ANNUAL SANTA PAULA HOLIDAY PARADE

SANTA PAULA CHAMBER OF COMMERCE
PO BOX 1
Santa Paula, CA  93061

October 13, 2025

Dear City of Santa Paula and City Council Members,

The Santa Paula Holiday Parade is a cherished community tradition that brings our town together to celebrate the heart, pride, and cultural richness that make Santa Paula shine. As we celebrate our **75th annual parade**, we honor the generations who built this tradition and welcome neighbors from near and far to join in the joy, unity, and holiday spirit that define our community.

This year the Santa Paula Chamber of Commerce is partnering with the Santa Paula Optimist Club to produce the Holiday Parade on Friday, November 28 at 7pm. The following parade coordination plan details the responsibilities of both organizations. A joint planning committee has already been established and is meeting regularly to coordinate logistics and ensure a safe, festive, and successful event.

In support of this long-standing community celebration, we respectfully request that the City Council consider **waiving up to 50% of the service fees** associated with the 2025 Holiday Parade.

Thank you for your continued partnership and support in keeping this treasured Santa Paula tradition thriving for future generations. If you have any questions please contact Tracy Hanna at 805-208-6296 or Ron Merson at 805-816-7891.

Warm regards,

Tracy Hanna
Board of Directors Secretary
Santa Paula Chamber of Commerce
santapaulatradingco@gmail.com

# 75th Annual Santa Paula Holiday Parade Coordination Plan

## Parade Date: November 28, 2025

### Executive Summary

This proposal establishes a collaborative partnership between the Santa Paula Chamber of Commerce (COC) and the Santa Paula Optimist Club for the coordination and execution of the City Holiday Parade scheduled for November 28, 2025. Given current staffing limitations at the Chamber, this partnership leverages the strengths of both organizations to ensure a successful community event.

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# Chamber of Commerce Responsibilities

**Permits & Legal**

- Secure all necessary permits from the City (to be completed by outgoing ED before departure)
- Maintain current insurance coverage for the event

**Event Leadership**

- Select Grand Marshal (typically Citizen of the Year; alternative candidates to be identified)
- Final approval authority on parade decisions

**Marketing & Promotion**

- Manage promotion and advertising efforts
- Coordinate with Ron Merson for promotional support as needed

## Responsibilities Requiring Optimist Club Coordination

**Physical Infrastructure** *(Chamber to fund, Optimist Club to coordinate)*

- Arrange for stage and sound systems through DSR Audio
- Provide parade banner and coordinate installation on Main Street
- Coordinate physical logistics with City Parks and Rec assistance when available

**Judging**

- Arrange for judges
- Invite Chamber members to participate as judges

## Additional Support Areas

### Parade Day Operations

- Provide additional volunteers as available
- Coordinate with Parks & Recreation and City Corps for supplemental staffing

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# Optimist Club Responsibilities

## Pre-Parade Coordination

### Application Management

- Receive all submitted applications by November 22, 2025
- Organize parade line-up based on applications
- Create announcer script from application information
- Process any late applications with appropriate adjustments

**Awards & Materials** *(Chamber to fund, Optimist Club to coordinate)*

- Provide awards and car signs for parade participants
- Work with Management Fellow on design and production

## Parade Day Setup (November 28)

### Physical Preparation

- Mark line-up position numbers on streets (morning of parade)
- Provide radios and safety vests for street operations
- Coordinate with Parks & Rec to provide lighting at key places
- Set up weather protection at the stage as needed

## Parade Day Operations

### Participant Management

- Staff check-in duties at the Gazebo (Optimist members + recruited volunteers)
- Supervise entry line-up on streets (Optimist members + recruited volunteers)
- Provide parade starter at 7th and Main Streets
- Provide announcer assistant at Davis and Main Streets

### Post-Parade

- Contact FFA for manure clean-up if equestrians participate (COC to provide $100 donation to FFA)

# 75th Annual Santa Paula Holiday Parade Coordination Plan

### Coordination Support

- Ron Merson to provide action plan at committee meeting
- Assist with promotional efforts as requested
- Perform additional duties as mutually agreed upon

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## Joint Responsibilities

### Volunteer Recruitment

- Recruit volunteers to help with the parade execution on November 28, 2025

### Committee Structure

- Establish a Holiday Parade Planning Committee
- Chamber representation: Richard Rudman, Tracy Hanna and Management Fellow (when available)
- Optimist Club representation: Ron Merson and designated members
- Schedule regular coordination meetings leading up to the event

### Communication

- Maintain open communication channels between organizations
- Share updates on volunteer availability and capacity changes
- Coordinate on any deviations from this plan due to staffing changes

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## Critical Success Factors

### Staffing Acknowledgments

- Chamber capacity is contingent on Management Fellow availability and potential interim ED hire
- Chamber volunteer capacity will decrease as retail holiday season approaches
- Optimist Club proposal requires approval by Executive meeting (10/6) and General membership (10/13)

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# 75th Annual Santa Paula Holiday Parade Coordination Plan

## Timeline & Next Steps

**Immediate Actions**

- **October 6, 2025**: Optimist Club Executive Board vote on proposal
- **October 10, 2025:** Holiday parade committee meeting
- **October 13, 2025**: Optimist Club General membership vote on proposal
- **Holiday Parade Committee Meeting Dates:**
  - 10/22 @ 9:30
  - 11/10 @ 9:30
  - 11/17 @ 9:30
  - 11/24 @ 9:30

**Pre-Parade Milestones**

- **Before ED departure**: City permits secured
- **October 14:** Social media marketing and promotion campaign launch
- **October 17:** Press release announcing the parade, the Grand Marshal and application instructions
- **November 10:** Second press release with additional parade details
- **November 22**: Application deadline
- **November 28**: Holiday Parade execution

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## Conclusion

This partnership model allows both organizations to contribute their strengths while acknowledging current limitations. The Chamber provides oversight, funding, and promotional expertise, while the Optimist Club delivers operational coordination and volunteer manpower. Success depends on continued communication, flexibility, and commitment from both organizations to serve the community through this cherished annual tradition.

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dale Goodman, Public Works Director

Subject: SOLAR-POWERED STREET LIGHT PILOT PROJECT (SSLPP) FUNDING & RELEASE OF RFB AUTHORIZATION

Date: November 5, 2025

Agenda Item: 10.D

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## RECOMMENDATION:

Staff recommends that the City Council:

Authorize the use of $150,000 in Measure T funds recommended by the Measure T Committee for the Solar-Powered Street Light Pilot Project (SLPP).

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## BACKGROUND:

At the June 4, 2025 Council Meeting the Council considered options for replacement of streetlights on 8th Street between Harvard and Main with solar powered, decorative poles and fixtures, selected a light style, and authorized staff to move forward with request for final quotes . Public Works staff put together bid documents, and then learned that the project had not been funded in the 2025-27 Budget. Staff was instructed to find money somewhere in the Roads Budget or PMP funding. During this effort, the City Manager made staff aware the Measure T Committee had approximately $350,000 in uncommitted funds which they might be willing to commit to the Solar-Powered Street Light Pilot Project (SLPP). At the Committee's October meeting, the Public Works Director presented the SSLPP to the Committee, and requested $140,000 for the project. They liked what they saw, and recommended that Council authorize $150,000 for the project utilizing one-time surplus fund balance from Measure T.

## ANALYSIS:

Staff has been looking at lower-cost, solar-powered lighting alternatives. Preliminary quotes for a pilot project to light 8$^{th}$ Street with 14 solar-powered fixtures on 14' poles come in just under $120,000.

Each pole will be black, powder-coated, aluminum with a decorative base. The upper part of the pole will have a wrap-around solar panel, which will produce energy whenever the sun is above the horizon. The controller and battery pack will be inside the pole and will be accessible through a secure service panel. Illumination will be provided by a low-power consuming LED fixture, inside an acorn.

The balance of the funding will pay for installation by a qualified contractor, which is a matter

of preparing an approved footing with anchor bolts, standing up the pole & bolting it to the footing, attaching the fixture, and turning it on. Onboard controls will turn on the lights at dusk and turn them off at dawn. Because the installation work is estimated to cost less than $50,000, staff will conduct an informal bid process in accordance with the City's purchasing policies and applicable public contracting requirements.

**STRATEGIC PLAN:**

The Project supports the currently adopted Strategic Plan in achieving the following goals:

**Infrastructure, Transportation & Mobility**

***Goal:*** Green Initiatives - Explore funding opportunities and partnerships to implement Energy Efficiency projects, solar, and electric vehicle (EV) technologies.

**FISCAL IMPACTS:**

| Capital Project | Account | Amount |
|---|---|---|
| SSLPP - Equipment & Installation | 104-5-9402-660 | $150,000.00 |
| **total** | | **$150,000.00** |

**OPTIONS:**

The Council has the following available alternative option to Staff's recommendation:

1. Choose to not authorize the recommended funding from Measure T or the release of the Request for Bids (RFB) for the pilot project equipment.

**ATTACHMENTS:**

8th Street Solar Lighting RFB

**CITY OF SANTA PAULA**

**REQUEST FOR BIDS**
**TO PROVIDE SOLAR-POWERED STREET LIGHTING POLES AND FIXTURES NECESSARY TO PROPERLY LIGHT SOUTH 8TH ST. BETWEEN MAIN ST. AND HARVARD BLVD.**

**BIDS ARE DUE: Not later than 3:00 P.M. December 5, 2025, at the City Clerk's office at 970 E. Ventura Street, Santa Paula, CA 93060.**

The City of Santa Paula (City) is requesting quotes from qualified companies to provide all solar-powered street lighting equipment necessary to properly light 8th St., from Main St. to Harvard Blvd. The Request for Quotes (RFB) is enclosed. The RFB provides an introduction, schedule, City background, deliverables, and evaluation criteria among other information.

Bidding Instructions are addressed in the Attachment to the RFB.

**City of Santa Paula**

**REQUEST FOR BIDS**

**TO PROVIDE SOLAR-POWERED STREET LIGHTING POLES AND FIXTURES NECESSARY TO PROPERLY LIGHT SOUTH 8TH ST. BETWEEN MAIN ST. AND HARVARD BLVD. QUOTE MUST INCLUDE A LIGHTING DIAGRAM FOR THE 1260' x 45' ROAD SEGMENT TO DEMONSTRATE PLACEMENT OF FIXTURES AND COVERAGE. PACKAGE MUST INCLUDE EVERYTHING NECESSARY FOR CITY PERSONNEL, OR A THIRD PARTY, TO PERFORM PROPER INSTALLATION AND STARTUP OF THE SYSTEM.**

**Notice Inviting Sealed Bids**

**The City of Santa Paula is accepting sealed bids in the City Clerk's office, 970 Ventura St., Santa Paula, California 93060, until 3:00 P.M. on:**

**December 5, 2025**

At which time they shall be publicly opened. Bids shall not be accepted after that time.

The bids are for a solar street lighting package, including poles, fully integrated solar panels, batteries, light fixtures, controllers, anchor bolts, footing details and construction, anchor-bolt installation template, and anything else necessary for the proper construction of the contemplated improvement, as indicated on the project plans, in the City of Santa Paula.

The terms and conditions for bidding on the project are described below.

Bid Instructions

All questions relating to interpretation of this RFB must be submitted in writing at least seven (7) calendar days before the bid deadline and responses shall be in the form of written addenda to the RFB. Questions may be sent via electronic mail, facsimile, or mail to the attention of Dale Goodman, Public Works Department, at P.O. Box 569, Santa Paula, CA 93061, or FAX (805) 933-8794, or dgoodman@spcity.org. Questions submitted after this time shall not be responded.

All bids must include three (3) copies, and be submitted in a sealed package or envelope listing the following information on the outside: 'RFB Title: 8th St. Solar Powered Street Lighting Project'.

Introduction

The City of Santa Paula has a very old street light system throughout most of the City. Some areas, including the area to be addressed in this pilot program, have no functional street lighting at all. The City is interested in the use of solar-powered lighting equipment to shorten the installation period, reduce costs, and reduce the City's carbon footprint. A good deal of time has gone into researching the pros and cons of the various solar lighting options, and the City Council has requested design options that have solar panels fully integrated in wrap-around style with the pole, rather than those with panels that are separately located above or adjacent to the light fixture.

Lighting Diagram

Bidders must provide a lighting diagram and calculations demonstrating adequate coverage of the 1260' x 45' street/sidewalk area.

Specifications

- Pole 13'x5" dia. Aluminum
- Fixture Acorn w/ Hat
- Base 24" Vintage
- Solar Array Minimum 300W
- Lighting Minimum 40W LED @ 150 lumens per watt
- Battery Minimum 24V – 70AH Lithium Ion 1.8KWH (12+ year life)
- Controller Smart MPPT Solar Charge Controller/Regulator
- Lighting Controls Bluetooth Monitoring

Contract Time

Contract time for delivery of the entire lighting package is 90 calendar days after award of contract.

Project Schedule

The installation project is expected to be completed during the Spring of 2026.

Deliverables

The deliverables shall consist of:

> All poles, bases, solar panels, batteries, light fixtures, controllers, anchor bolts, footing diagram, anchor-bolt spacing template, and anything else necessary for the proper installation and successful startup of the street lighting system, in this pilot project area.

Delivery will be to the City's Corporate Yard, located at:

City of Santa Paula
Public Works Department
903 Corporation St.
Santa Paula, CA 93060

Engineer's Opinion of Probable Cost

The Engineer's estimated cost range for this project is $100,000-$135,000.

City Background

The City is located 65 miles northwest of Los Angeles and 14 miles east of Ventura and the coastline of the Pacific Ocean. The City is the geographical center of Ventura County, situated in the rich agricultural Santa Clara River Valley. The City is surrounded by rolling hills and rugged mountain peaks in addition to orange, lemon and avocado groves. In fact, the City is referred to as the "Citrus Capital of the World."

The City was incorporated on April 22, 1902, as a general law city. The City Council is made up of five members, elected at-large, serving four-year terms. The Mayor is selected for a one-year term from among the members of the City Council. The City operates under a council-manager form of government. The City Council appoints the City Manager and City Attorney. The City Clerk and City Treasurer are elected and serve four-year terms.

The City covers an area of 5.4 square miles and has a population of 30,556, as of January 1, 2014, based on estimates from the State of California. The square miles will change slightly with the recent annexation of property to the East of Santa Paula. The City delivers municipal services through six departments- Administration (City Council, City Manager, City Attorney, City Clerk, Personnel, Risk Management, Information Technology, Mobile Home Rent Review and California Oil Museum), Community Services (Community Center, Recreation, Parks, Senior Services, Cable Television, Buildings and Grounds Maintenance), Finance

(City Treasurer, Utility Billing and Payments, Accounting and Payroll), Fire (Fire Emergency Services and Building-Code Enforcement), Police, Public Works (Streets, Water, Wastewater, Solid Waste, Transit and Engineering). Wastewater, Transit and Solid Waste services are provided under contract. Library services in Santa Paula are provided by the Blanchard/Santa Paula Library District.

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dale Goodman, Public Works Director

Subject: PURCHASE OF CRAFCO SUPER SHOT 125 DIESEL CRACKSEAL TRAILER

Date: November 5, 2025

Agenda Item: 10.E

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## RECOMMENDATION:

Staff recommends that the City Council:
Authorize the purchase of one (1) Crafco Super Shot 125 Diesel Crackseal Trailer for use in the City's pavement maintenance program through Sourcewell, a cooperative purchasing program, for a total cost of $79,497.13.

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## BACKGROUND:

The City's Public Works Department - Road Division performs ongoing maintenance activities to extend the life of city streets and minimize costly resurfacing needs. One of the most effective preventative maintenance methods available is crack sealing, which prevents water infiltration and subsequent pavement deterioration.
Currently, the City contracts for crack sealing services. This approach limits flexibility, increases costs, and delays completion of small-scale repairs.
The Crafco Super Shot 125 diesel Crackseal Trailer provides an efficient, high-capacity, and self-contained solution for performing crack sealing operations in-house.

## ANALYSIS:

The **Crafco Super Shot 125 Diesel Crackseal Trailer** is high-performance, oil-jacked melter/applicator unit designed for the safe and efficient heating and application of rubberized crack sealant material.

**Key Equipment Features:**

- 125 gallon material capacity with fast heat-up time for extended operation.
- Diesel-powered burner system with thermostatic temperature controls for consistent performance.
- Oil jacked melter design for uniform heating and reduced risk of material scorching.
- Pump and wand application system for precise, continuous sealant delivery.
- Fully trailer-mounted and towable by existing City vehicles.

**Operational Benefits:**

- **Improved Pavement Longevity:** Timely crack sealing prevents moisture from infiltrating the subbase, significantly extending pavement life.
- **Cost Efficiency:** In-house operation reduce dependency on outside contractors, saving

on mobilization and service fees
- **Increased Productivity:** The 125 gallon capacity allows for more material application per shift, minimizing downtime for reheating and refilling.
- **Enhanced Safety and Control:** Diesel powered operation and thermostatic controls improve worker safety and material consistency.
- **Year-round Maintenance Capability:** Enables City crews to address pavement cracks promptly throughout the year.

The Crafco Super Shot 125 Diesel Crackseal Trailer would be purchased under a contract obtained through Sourcewell, a cooperative purchasing program. Santa Paula's Municipal Code § 41.11 allows for cooperative purchasing to be utilized in place of the formal bid process. To do so, the purchasing agent must identify a cooperative purchasing program administered by a government-oriented entity, or; a local, state, or federal governmental agency, and when in the city's best overall interests, may enter into a contract for the purchase of supplies and general services awarded through such a cooperative purchasing program. City Council consent is required for such arrangements where the estimated value of the supplies or general services exceed $50,000. Because the purchase is over $50,000, staff requests City Council's consent to the purchase.

## STRATEGIC PLAN:

The Project supports the currently adopted Strategic Plan in achieving the following goals: Infrastructure, Transportation & Mobility
Goal: Maintain and develop the City's infrastructure to be safe, sustainable, innovative and cost-efficient.

## FISCAL IMPACTS:

Staff solicited and received a Sourcewell quote from Crafco (Sourcewell ID 050625-CFC) for the purchasing one (1) Crafco Super Shot 125 Diesel Crackseal Trailer, which is within the adopted budget of $80,000 for this purchase.

**Table 1:** Funding Source

| Fund | Account No. | Amount |
|---|---|---|
| Equipment - New | 108-5-5022-610 | $79,497.13 |

## OPTIONS:

The Council has the following available alternative option:
Continue contracting for crack sealing services. This would save the cost of purchase, but would result in higher unit costs, vendor scheduling delays, and reduced flexibility for small or emergency repairs.

## ATTACHMENTS:

102425 Crafco Super Shot 125 Diesel Crackseal Trailer Invoice.pdf

CRAFCO® INC
AN ERGON COMPANY

**SOURCEWELL CONTRACT #050625-CFC**

BBBQ69492-01

6165 W. Detroit St.
Chandler, AZ 85226
(602) 276-0406 (800) 528-8242
FAX: (480) 940-0313

**Date Quoted** 10/21/2025
**Expiration Date** 12/31/2025

| **Quote To:** | Account Code: 930820 | **Ship To:** | Account Code: 930820 |
|---|---|---|---|
| **CITY OF SANTA PAULA CA**<br>**Joe Byrum**<br>PO BOX 569<br>SANTA PAULA, CA 93061<br>US | | CITY OF SANTA PAULA CA<br>PO BOX 569<br>SANTA PAULA, CA 93061<br>US | |
| **Phone:** | | | |
| **Fax:** | | Joe Byrum | |
| **Email:** | joebyrum@spcity.org | | joebyrum@spcity.org |

**Project Title:** **Supershot 125D**

**Start Date:** 10/21/2025
**Effective Dates:** 10/21/2025 TO 12/31/2025
**Terms:** NET 30
**F.O.B.:** PPD- ADD FREIGHT

**Ship Via:** Truck/Common Carrier
**Sales Group:** SRC- SOURCEWELL
**Quoted By:** Gary Lewis
**Sales Office:** WR2- Jay Carter

**Estimated Time to Ship After Receipt of Order:**

**Customer:** **CITY OF SANTA PAULA CA** Quote Number BBBQ69492-01
**Project Title:** **Supershot 125D** Date 10-21-25

***SALES TAX EXEMPT CERTIFICATE MUST BE PROVIDED AT THE TIME OF ORDER OR SALES TAX WILL BE ADDED TO YOUR ORDER***

| Part # | Description | Unit | Qty. | Contract Price | Ext. Price |
|---|---|---|---|---|---|
| 43600-SRC | SUPERSHOT 125 DIESEL | EA | 1 | $63,450.0000 | $63,450.0000 |
| 20014-SRC | 3" PINTLE HITCH | EA | 1 | $126.4000 | $126.4000 |
| 20120-SRC | 18" HITCH EXTENSION | EA | 1 | $524.0000 | $524.0000 |
| 24086-SRC | LOCKABLE BATTERY BOX SUPERSHOT/EZ | EA | 1 | $236.0000 | $236.0000 |
| 24516S-SRC | WORKLIGHTS, ARROWBAR, STROBE, CLASS 1 | EA | 1 | $3,436.0000 | $3,436.0000 |
| 24190K-SRC | OVERNIGHT HEATER 110V W/ US PLUG | EA | 1 | $352.0000 | $352.0000 |
| 26058-SRC | 10# FIRE EXTINGUISHER (MUST ORDER 26059 TO MOUNT) | EA | 1 | $236.0000 | $236.0000 |
| 26059-SRC | FIRE EXTINGUISHER BRACKET | EA | 1 | $84.0000 | $84.0000 |
| 26119-SRC | 3/8" SAFETY HOOK W/ LATCH (2 REQUIRED) | EA | 2 | $58.0000 | $116.0000 |
| 43416-SRC | GRAVITY FEED KIT | EA | 1 | $284.0000 | $284.0000 |
| 43549-SRC | SPARE TIRE KIT (SINGLE AXLE) | EA | 1 | $548.0000 | $548.0000 |
| 45599-SRC | ENGINE COVER/TIER 2-INSULATED | EA | 1 | $1,700.0000 | $1,700.0000 |
| 38700N-SRC | DRIVER ALERT SYSTEM, COMPLETE KIT | EA | 1 | $780.0000 | $780.0000 |
| 27114-AZ03 | TIP ADAPTER RVA | EA | 1 | $43.7500 | $43.7500 |
| 27115-AZ03 | SHROUD, TIP ADAPTER RVO | EA | 1 | $43.7500 | $43.7500 |
| 50270-AZ03 | DUCK BILL VALVE W/SLOT REV.B | EA | 1 | $19.7500 | $19.7500 |
| 27120-AZ03 | DISK 3 INCH SWIVEL RV A | EA | 1 | $107.7500 | $107.7500 |
| 27130-AZ03 | DISK, 4" SWIVEL RA | EA | 1 | $129.6500 | $129.6500 |



We value your business.

| | | | |
|---|---|---|---|
| **Customer:** | **CITY OF SANTA PAULA CA** | Quote Number | BBBQ69492-01 |
| **Project Title:** | **Supershot 125D** | Date | 10-21-25 |

***SALES TAX EXEMPT CERTIFICATE MUST BE PROVIDED AT THE TIME OF ORDER OR SALES TAX WILL BE ADDED TO YOUR ORDER***

| Part # | Description | Unit | Qty. | Contract Price | Ext. Price |
|---|---|---|---|---|---|

| | |
|---|---|
| **Sales Tax** | $6,680.08 |
| **Shipping** | $600.00 |
| **Contract Total** | $79,497.1300 |

COMMENTS:

Training will be provided on the day of delivery.

Warranty: 2 Years

For questions contact Gary Lewis at 619-994-9995 or Gary.Lewis@crafco.com

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dale Goodman, Public Works Director

Subject: PURCHASE OF A GRACO THERMOLAZER AND DTC 1000LB PREMELTER

Date: November 5, 2025

Agenda Item: 10.F

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## RECOMMENDATION:

Staff recommends that Council:

1. Authorize purchase of one (1) Graco Thermolazer 200TC Thermal Plastic Application Machine and one (1) DTC 1000lb Premelter through Sourcewell, a cooperative purchasing program, for a total cost of $83,158.38.

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## BACKGROUND:

The Streets Division of Public Works is responsible for maintaining all roadway marking throughout the community to ensure safe and efficient traffic operations. Currently, pavement markings are applied using conventional traffic paint, which requires frequent reapplication due to weathering and wear.

To improve marking durability and visibility, staff proposes transitioning to thermoplastic pavement marking using a Graco ThermoLazer system supported by a DTC 1000lb Premelter. This equipment will allow in-house crews to apply long-lasting marking quickly and efficiently.

## ANALYSIS:

Thermoplastic is a proven, high-performance pavement marking material that offers significant advantages over traditional paint applications.

**Benefits of Using Thermoplastic:**

- **Durability:** Thermoplastic markings typically last three to five times longer than painted lines, reducing maintenance frequency and long-term costs.
- **Visability and Safety:** Embedded glass beads provide enhanced retro-reflectivity, improving nighttime and we-weather visibility for motorists and pedestrians.
- **Cost Efficiency:** While the initial material cost is higher, the greatly extended wear-life results in lower overall expenses.
- **Operational Efficiency:** Thermoplastic cures within minutes, allowing roads to reopen to traffic quickly, thus minimizing traffic disruptions.
- **Environmental Advantages:** Thermoplastic materials are lead-free and low in volatile organic compounds (VOCs), contributing to the City's environmental and sustainability goals.

- **Versatility:** The equipment can be used for various applications, including lane lines, crosswalks, arrows, bike lanes, and specialty markings.
- **Equipment Compatibility:** The combination of the Graco ThermoLazer and DTC Premelter provides reliable heating, melting, and application performance, ensuring consistent results and efficient workflow for field crews.

Adopting this technology will allow the Streets Division to perform high-quality pavement marking in-house, providing greater control over scheduling, quality, and costs.
The Graco ThermoLazer system and DTC 1000lb Premelter would be purchased under a contract obtained through Sourcewell, a cooperative purchasing program. Santa Paula's Municipal Code § 41.11 allows for cooperative purchasing to be utilized in place of the formal bid process. To do so, the purchasing agent must identify a cooperative purchasing program administered by a government-oriented entity, or; a local, state, or federal governmental agency, and when in the city's best overall interests, may enter into a contract for the purchase of supplies and general services awarded through such a cooperative purchasing program. City Council consent is required for such arrangements where the estimated value of the supplies or general services exceed $50,000. Because the purchase is over $50,000, staff requests City Council's consent to the purchase.

## STRATEGIC PLAN:

The Project supports the currently adopted Strategic Plan in achieving the following goals: Infrastructure, Transportation & Mobility
Goal: Maintain and develop the City's infrastructure to be safe, sustainable, innovative and cost-efficient.

## FISCAL IMPACTS:

Staff solicited and received a Sorcewell quote from Crafco (Sourcewell ID 050625-CFC) for the purchase one (1) Graco Thermolazer system, and one (1) DTC 1,000lb Premelter. This purchase is within the adopted budget of $97,000 for this item.

**Table 1:** Funding Source

| Fund | Account No. | Amount |
|---|---|---|
| Equipment - New | 108-5-5022-610 | $83,158.38 |

## OPTIONS:

Council has the following available alternatives options to staff's recommendation:

1. **Continue using paint-based pavement markings.** No initial investment. Costs, quality, and durability will remain the same.
2. **Contract Thermoplastic Services to and Outside Vendor.** No initial investment. Significantly higher unit costs, and scheduling issues. No ability to respond quickly to emergent needs.
3. **Postpone Purchase and Reassess in Future Budget Cycle.** Purchase at a later date will likely result in higher capital cost for equipment.

## ATTACHMENTS:

102425 Graco Thermolazer & DTC 1000lb Premelter.pdf

CRAFCO® INC
AN ERGON COMPANY
6165 W. Detroit St.
Chandler, AZ 85226
(602) 276-0406 (800) 528-8242
FAX: (480) 940-0313

# QUOTE # BBBQ76767

Date Quoted 10/20/2025
EXPIRATION DATE 12/31/2025

***Due to extreme market volatility of raw materials, quotes are reviewed and revised after 30 days. Products ordered for shipment after the expiration date on this quote will be adjusted to the price in the quote valid at the time of the shipment.***

| **Quote To:** | Account Code: 930820 | **Ship To:** | Account Code: |
|---|---|---|---|

**CITY OF SANTA PAULA CA**
**Joe Byrum**
PO BOX 569
SANTA PAULA, CA 93061
US
**Mobile:**
**Phone:**
**Fax:**
**Email:** joebyrum@spcity.org

**Project Title:** **Graco Thermolazer & DTC 1000lb Premelter**

**Bid Date:**
**Bid Number:**
**Project Start Date:** 10/20/2025
**Ship Before:** 12/31/2025
**Quote Effective Dates:** 10/20/2025 TO 12/31/2025

**Terms:** NET 30
**F.O.B.:** PPA- Delivered; freight includ
**Ship Via:** Truck/Common Carrier
**Sales Group:**
**Quoted By:** Gary Lewis
**Sales Office:** WR2- Jay Carter

**Estimated Time to Ship After Receipt of Order:**

| **Customer:** | **CITY OF SANTA PAULA CA** | Quote Number | BBBQ76767 |
|---|---|---|---|
| **Project Title:** | **Graco Thermolazer & DTC 1000lb Premelter** | Date | 10-20-25 |

***SALES TAX EXEMPT CERTIFICATE MUST BE PROVIDED AT THE TIME OF ORDER OR SALES TAX WILL BE ADDED TO YOUR ORDER***

| Part # | Description | Unit | Qty. | Quote Price | Ext. Price |
|---|---|---|---|---|---|
| 17A335-SRC | ThermoLazer 200TC with 6"/15cm FlexDie® | EA | 1 | $10,795.0000 | $10,795.0000 |
| 16Y320 | FlexDie Kit, 4" (10cm) | EA | 1 | $1,268.2400 | $1,268.2400 |
| 16Y326 | FlexDie Kit, 8" (20cm) | EA | 1 | $1,490.5900 | $1,490.5900 |
| 16Y207 | FlexDie Kit, 12" (30cm) | EA | 1 | $1,721.1800 | $1,721.1800 |
| 16Y835 | Replacement 200lb.Kettle Kit | EA | 1 | $2,380.0000 | $2,380.0000 |
| TPM-1000 | Thermoplatic Premelter 1000lb. Dual w/Diesel Powerpack | EA | 1 | $58,462.5000 | $58,462.5000 |

| | | | |
|---|---|---|---|
| **Customer:** | **CITY OF SANTA PAULA CA** | Quote Number | BBBQ76767 |
| **Project Title:** | **Graco Thermolazer & DTC 1000lb Premelter** | Date | 10-20-25 |

***SALES TAX EXEMPT CERTIFICATE MUST BE PROVIDED AT THE TIME OF ORDER OR SALES TAX WILL BE ADDED TO YOUR ORDER***

| Part # | Description | Unit | Qty. | Quote Price | Ext. Price |
|---|---|---|---|---|---|

| | |
|---|---|
| **Sub Total** | $76,117.5100 |
| **Sales Tax** | $7,040.87 |
| | $83,158.3800 |

***Due to extreme market volatility, all prices and availability are subject to change without notice, all quotes to be confirmed at time of order and subject to inventory status.***

**BABA (Buy American Build American) Compliance Certificates must be requested prior to shipment.**

COMMENTS:

For questions contact Gary Lewis at 619-994-9995 or Gary.Lewis@crafco.com

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: James Mason, Community & Economic Development Director

Subject: RATIFICATION OF SPECIFIED SECTIONS OF VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NO. 34

Date: November 5, 2025

Agenda Item: 10.G

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## RECOMMENDATION:

Staff recommends that the City Council

1. Adopt Resolution No. 7596 ratifying Article 3, Section 903; Article 3, Appendix B; and Article 4, Section 604.11 as set forth in Ventura County Fire Protection District (VCFPD) Ordinance No. 34.

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## BACKGROUND:

Every three years, the State of California adopts a new edition of the California Fire Code as part of the California Building Standards Code (Title 24). Local fire protection districts and cities are required to either adopt the new code or maintain alignment with the latest standards through local adoption and ratification.

The City of Santa Paula receives fire protection services through the Ventura County Fire Protection District (VCFPD or District). The District may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code.

On October 14, 2025, the Ventura County Board of Supervisors, acting as the governing body of the VCFPD, adopted Ordinance No. 34, thereby establishing the 2025 Ventura County Fire Code (Article 3) and the Ventura County Wildland-Urban Interface Code (Article 4). The ordinance adopts by reference the 2025 California Fire Code and 2025 California Wildland-Urban Interface Code, along with more stringent local standards tailored to Ventura County's climatic, geological, and topographical conditions, as authorized under Health and Safety Code §13869.7 and Government Code §50022.2.

VCFPD's amendments establishing more stringent standards are found in Article 3, Section 903; Article 3, Appendix B; and Article 4, Section 604.11 of VCFPD Ordinance No. 34 and require City ratification. All other sections of the ordinance contain no modifications to building standards and are therefore not required to be ratified. Those sections were adopted under

the authority granted to the Fire District's Board of Directors, in accordance with Health and Safety Code § 13869, on October 14, 2025 and will become effective throughout the Fire District's jurisdictional boundaries on January 1, 2026, including within the City of Santa Paula.

**ANALYSIS:**

VCFPD Ordinance No. 34 continues and expands upon the County's prior local amendments, most recently established under VCFPD Ordinance No. 32 (2022). The local amendments to state building standards proposed for ratification are those included in the following locations:

- Article 3, Section 903: Fire Protection Systems: Expanded requirements for automatic sprinkler systems, fire alarms, and early detection systems across more occupancy types.
- Article 3, Appendix B: Fire Flow Requirements: Revised fire flow standards based on building use and hazard classification.
- Article 4, Section 604.11: Defensible Space and Fuel Modification: Expands requirements for combustible fencing in Zone 0 within Wildland-Urban Interface (WUI) zones.

California law requires that when a local fire agency adopts standards more stringent than those in the State Building Standards Code, as the District has done here, the agency must prepare supporting findings based on local climatic, geological, or topographical conditions. These findings, as adopted by the Board of Supervisors in Ventura County Resolution No. 25-116, are included as Attachment C.

To be enforceable within the City of Santa Paula, the City Council must formally ratify the foregoing provisions and transmit its determination to the VCFPD. The City must then file a copy of the VCFPD's findings and the adopted ordinance with HCD and transmit a copy of the ratifying resolution to the District within 15 days of adoption.

**STRATEGIC PLAN:**

Alignment with current State fire codes and maintaining consistency with regional wildfire mitigation standards directly correlates with 2025-2027 City Council Strategic Plan Section C - *Public Safety & Emergency Preparedness*.

**FISCAL IMPACTS:**

There is no direct fiscal impact associated with this action. Implementation and enforcement of the adopted standards will continue under the existing service agreement with the Ventura County Fire Department. Any additional plan review or inspection costs will be recovered through established permit fees.

**OPTIONS:**

As alternatives to staff's recommendation, the City Council may:

1. Decline adopt Resolution No. 7569. This option is not recommended, as it would create inconsistency with regional standards and could impact the City's ability to enforce current fire-safety regulations.

2. Modify the proposed adoption by introducing local amendments specific to Santa Paula. Any modification would require new findings and additional documentation to be submitted to the State.

**ATTACHMENTS:**

A - CC Resolution No. 7569 VC Fire Ordinance Ratification
B - Ventura County Fire Protection District Ordinance No. 34 (2025 Fire Code).pdf
C - Ventura County Resolution 25-116 for Fire District Findings.pdf
D - Summary of Major 2025 Fire Code Updates.pdf
E - Ventura County Analysis of Amendments

# ATTACHMENT A

**RESOLUTION NO. 7569**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA RATIFYING ARTICLE 3, SECTION 903; ARTICLE 3 APPENDIX B; AND ARTICLE 4, SECTION 604.11 AS SET FORTH IN VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NO. 34 PERTAINING TO BUILDING FIRE-SAFETY STANDARDS WITHIN THE JURISDICTIONAL BOUNDARIES OF THE CITY**

The City Council of the City of Santa Paula does resolve as follows:

**SECTION 1.** The City Council finds and declares that:

A. The City of Santa Paula lies within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

B. The VCFPD has responsibility for fire protection within said jurisdictional boundaries.

C. On October 14, 2025, the Ventura County Board of Supervisors, acting as the governing body of the Ventura County Fire Protection District, adopted Ordinance No. 34, thereby adopting the Ventura County Fire Code and the Ventura County Wildland-Urban Interface Code. The ordinance adopts by reference the 2025 California Fire Code together with Appendix Chapters D and P, portions of the 2024 International Fire Code, portions of the 2025 California Wildland-Urban Interface Code, portions of the 2024 International Wildland-Urban Interface Code, and portions of Title 19 of the California Code of Regulations, along with local amendments tailored to Ventura County's climatic, geological, and topographical conditions, as authorized under California Health and Safety Code §13869.7 and Government Code §50022.2.

D. The City Council desires to ratify Article 3, Section 903; Article 3, Appendix B; and Article 4, Section 604.11 of VCFPD Ordinance No. 34, allowing for uniform standards and enforcement within City limits.

**SECTION 2.** Ratification of Specified Sections of VCFPD Ordinance No. 34. Pursuant to Health and Safety Code §13869.7(c), the City Council of the City of Santa Paula hereby ratifies, without modification, the sections of VCFPD Ordinance No. 34 in Recital D.

**SECTION 3.** Building Official Direction. Pursuant to Health and Safety Code §13869.7(c), the Building Official is directed to transmit a copy of this Resolution to the Ventura County Fire District within 15 days of its adoption and file a copy of the Resolution, the Ordinance, and the District's findings with the California Department of Housing and Community Development.

**SECTION 4.** Delegation to District Chief. Pursuant to Health and Safety Code §13869.7(h)(1)(A), the City Council hereby delegates enforcement of the Ventura County Fire Code and Wildland-Urban Interface Code to the District Chief, or his or her authorized representative.

**SECTION 5.** Superseded Code. Prior resolutions in conflict with this Resolution are, to the extent of such conflict, superseded. Additionally, this Resolution's ratification of the Ventura County Wildland-Urban Interface Code will supersede the City's adoption by reference of the California Wildland Urban Interface Code under City Ordinance No. 1349.

PASSED AND ADOPTED this 5th day of November 2025.

_____
Pedro A. Chavez, Mayor

ATTEST:

_____
Julie Latshaw, City Clerk

APPROVED AS TO FORM:

_____
Monica Castillo, City Attorney

APPROVED AS TO CONTENT:

_____
Dan Singer, City Manager

**VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 34**

AN ORDINANCE OF THE VENTURA COUNTY FIRE PROTECTION DISTRICT REPEALING ORDINANCES NO. 29 AND 32, AND ADOPTING BY REFERENCE THE 2025 CALIFORNIA FIRE CODE TOGETHER WITH APPENDIX CHAPTERS D AND P, PORTIONS OF THE 2024 INTERNATIONAL FIRE CODE, PORTIONS OF THE 2025 CALIFORNIA WILADLAND-URBAN INTERFACE CODE, PORTIONS OF THE 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, AND PORTIONS OF TITLE 19 OF THE CALIFORNIA CODE OF REGULATIONS, WITH ADDITIONS, DELETIONS AND AMENDMENTS THERETO.

The Board of Directors of the Ventura County Fire Protection District (Fire District) ordains as follows:

## ARTICLE 1 - ADOPTION OF THE VENTURA COUNTY FIRE CODE AND VENTURA COUNTY WILDLAND-URBAN INTERFACE CODE

**1.1 Findings.** The Board of Directors finds the following:

1. Every three years the State of California adopts a new fire and wildland-urban interface code, as part of the California Building Standards Code, which becomes effective within the jurisdiction of the Ventura County Fire Protection District 180 days after publication by the California Building Standards Commission.

2. The International Fire Code has been published and adopted, as amended, by the California Building Standards Commission into the California Code of Regulations as Title 24, Part 9, titled the California Fire Code.

3. The International Wildland-Urban Interface Code has been published and adopted, as amended, by the California Building Standards Commission into the California Code of Regulations as Title 24, Part 7, titled the California Wildland-Urban Interface Code.

4. The Fire District may establish more restrictive standards reasonably necessary to provide fire protection for life and property because of local climatic, geological, or topographical conditions pursuant to California Health and Safety Code Section 13869.7.

5. The Fire District has established more restrictive standards that are contained within Article 3, Section 903, Article 3, Appendix B, and Article 4 Section 604.11 of this ordinance.

6. Findings supporting the more restrictive buildings standards made by the Fire District shall be filed with the California Department of Housing and Community Development pursuant to California Health and Safety Code Section 13869.7.

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In addition, the findings shall be on file with the Ventura County Clerk of the Board.

**1.2 Purpose.** The purpose of this ordinance is to adopt the items outlined in Section 1.4 of this ordinance to govern the safeguarding of life and property from fire, explosion hazards and hazardous conditions and to regulate the issuance of permits and collection of fees.

**1.3 Authority.** This ordinance is adopted pursuant to California Health and Safety Code Sections 13869, 13869.7, 17958.7, and 18941.5 which allow a fire protection district to adopt modifications or changes to the California Fire Code and the California Wildland-Urban Interface Code that are reasonably necessary because of local climatic, geological, and topographical conditions.

**1.4 Adoption.** Article 3 of this ordinance shall be known as the "Ventura County Fire Code", and may be cited as such. Article 4 of this ordinance shall be known as the "Ventura County Wildland-Urban Interface Code", and may be cited as such. Together they will be referred herein as "this Code".

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or hazardous materials, those certain portions of the referenced codes and ordinances specified in the subsections below except such portions as are hereinafter added, deleted, modified or amended by Article 3 and Article 4 of this Code are hereby adopted by reference as the Ventura County Fire Code and Ventura County Wildland-Urban Interface Code respectively pursuant to Section 13869 et seq. of the California Health and Safety Code, and are incorporated as fully as if set out at length herein.

**1.4.1** The specified portions adopted by the California State Fire Marshal and designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 9 known as the 2025 California Fire Code published by the International Code Council, together with Appendix Chapters D and P.

**1.4.2** The specified portions of the California Code of Regulations Title 19, Division 1 known as the "Regulations of the State Fire Marshal" designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 9 known as the 2025 California Fire Code published by the International Code Council.

**1.4.3** The specified portions of the 2024 International Fire Code not adopted as part of the California Fire Code by the California State Fire Marshal as published in the 2025 California Fire Code by the International Code Council with the exception of those deleted portions that are designated in Table 1.4.3 of this Code.

**1.4.4** The specified portions adopted by the California State Fire Marshal and designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 7 known as the 2025 California Wildland-Urban Interface

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Code published by the Internation Code Council, together with Appendix Chapter A, with exception of Chapter 5.

**1.4.5** The specified portions of the 2024 International Wildland-Urban Interface Code not adopted as part of the California Wildland-Urban Interface Code by the California State Fire Marshal as published in the 2025 California Wildland-Urban Interface Code by the International Code Council with the exception of those deleted portions that are designated in Table 1.4.4 of this Code.

**TABLE 1.4.3 – Portions of the International Fire Code deleted**

| Section | Deleted |
|---|---|
| 104.8.1 | x |
| 105.5.34 | x |
| 202 – Mobile Food Preparation Vehicles Definition | x |
| Section 308.1.5 | x |
| Section 308.1.5.1 | x |
| 503.1.1 – 503.6 | x |
| 805.1 | x |
| 4106 | x |
| Appendix A | x |
| Appendix E | x |
| Appendix F | x |
| Appendix G | x |
| Appendix I | x |
| Appendix J | x |
| Appendix K | x |
| Appendix L | x |
| Appendix M | x |

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**TABLE 1.4.4 – Portions of the International Wildland-Urban Interface Code deleted.**

| Section | Deleted |
|---|---|
| 104.8.1 | x |
| Chapter 3 | x |
| Chapter 4 | x |
| Chapter 5 | x |
| 603.2.1 | x |
| 603.2.2 | x |
| 603.2.3 | x |
| 604.4.1 | x |
| 604.4.2 | x |
| A104.10 | x |
| Appendix B | x |
| Appendix C | x |
| Appendix D | x |
| Appendix E | x |
| Appendix F | x |
| Appendix G | x |
| Appendix H | x |
| Appendix I | x |

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**1.5 Filing with the Clerk of the Board.** Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors of the County of Ventura (County), and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

**1.6 Copies of Code for sale to the public.** Copies of this Code and other Fire District ordinances adopted by reference shall be made available in the offices of the Fire Code Official for examination. The public may purchase copies of this Code and other Fire District ordinances adopted by reference at a price not to exceed the actual cost thereof to the Fire District or the County, plus a reasonable handling charge as established by the Fire Code Official or Clerk of the Board. Each of the codes adopted by reference are available for purchase from the publishers of those codes.

## ARTICLE 2 - REPEAL OF CONFLICTING ORDINANCES

**2.1 Repeal.** Fire District Ordinances No. 29 and 32 are hereby repealed in their entirety on the effective date of this Ordinance.

**2.2 References to prior code.** Unless superseded and expressly repealed, references

in Ventura County Fire Protection District forms, documents and regulations to the chapters and sections of the former Ventura County Fire Code, 2022, shall be construed to apply to the corresponding provisions contained within the Ventura County Fire Code, 2025. To the extent there is or may be any conflict with or ambiguity by any provisions found in prior ordinances of the Ventura County Fire Protection District, the provisions of this Ordinance shall control.

## ARTICLE 3 - AMENDMENTS TO THE 2025 CALIFORNIA FIRE CODE AND THE 2024 INTERNATIONAL FIRE CODE

**3.1 Amendments.** All chapters, sections, and other headings shall be those of the California Fire Code and the International Fire Code as delineated in the 2025 California Fire Code; California Code of Regulations, Title 24, Part 9 published by the International Code Council. Generally, each numbered portion of these codes, such as Section 109.3, is deemed to be a separate section. An amendment as specified below to such a numbered portion amends only that section and does not, by omission or reference, delete any other section such as Section 109.3.1.

**3.1.1** The 2025 California Fire Code (CFC) and the 2024 International Fire Code (IFC) are amended and changed in the following respects:

### CHAPTER 1

### DIVISION II – SCOPE AND ADMINISTRATION

Section 101.1 is amended to read as follows:

**101.1 Title.** Article 3 of this ordinance shall be known as the "Ventura County Fire Code," may be cited as such, and will be referred to herein as "this Code."

Section 102.7 is amended to read as follows:

**102.7 Referenced codes and standards.** The codes and standards referenced in this Code shall be those that are listed in Article 3, Chapter 80, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Article 3, Sections 102.7.1 and 102.7.2. Where references are made to the California, International or Uniform version of a particular code, those references shall mean the California version of the code adopted under the California Buildings Standards Code unless otherwise specified.

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Section 103.1 is amended to read as follows:

**103.1 General.** The Fire Prevention Bureau is established within the jurisdiction under the direction of the fire chief. The function of the Bureau shall be the implementation, administration, and enforcement of the provisions of this code.

Section 104.6 is amended to read as follows:

**104.6 Notices and orders.** The Fire Code Official is authorized to issue such notices or orders as are required to affect compliance with this Code in accordance with Article 3, Section 113 and California Health & Safety Code Sections 13870 and 13872.5.

Section 104.6.1 is added to read as follows:

**104.6.1 Citations.** The Fire Code Official and his or her authorized representatives shall have the authority to issue citations for violations of this Code in accordance with Article 3, Section 113, Appendix U and California Health & Safety Code Section 13872.

Section 104.8 is amended to read as follows:

**104.8 Liability.** The Fire Code Official or any authorized representative and each member of the board of appeals, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to Persons or property as a result of any act or omission in the discharge of such duties. The Fire District shall defend and indemnify the Fire Code Official or any authorized representative or member of the board of appeals against any suit brought against such Person because of such act or omission performed by such Person in the enforcement of any provision of this Code or other pertinent laws or ordinances implemented through the enforcement of this Code.

It is the intent of the Board of Directors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any service rendered in connection with or pursuant to its terms by Fire District or County officers, inspectors, agents or employees is intended to be nor shall be construed against the Fire District or any of its officers, inspectors, agents, or employees as the basis for any express or implied warranty or guarantee to any Person relative to or concerning any Structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits because any Structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other

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standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any Person owning, operating, or controlling any Building or Structure for any damages to Persons or property caused by defects, nor shall the Fire District or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this Code.

Section 104.8.1 is deleted.

Section 105.1.7 is added to read as follows:

**105.1.7 Sale or delivery without permit.** No Person shall sell, deliver or cause to be delivered, any hazardous commodity to any Person not in possession of a valid permit when such permit is required by the provisions of this Code.

Section 105.3.3 is amended to read as follows:

**105.3.3 Occupancy and use, prohibited before approval.** The Building or Structure shall not be occupied prior to the Fire Code Official issuing a permit that indicates that applicable provisions of this Code have been met. No appliance, device, equipment, or system shall be operated or used until the installation has been approved and permitted by the Fire Code Official and all applicable provisions of this Code have been met. It shall be the duty of both the permit applicant and his or her contractor to cause the work to remain accessible and exposed for inspection purposes.

Section 105.5.36 is amended to read as follows:

**105.5.36 Open Burning.** An operational permit is required for kindling or maintaining Open Burning. Instructions and stipulations of the permit shall be adhered to.

**Exception:** Recreational Fires (See Article 4, Section A104.7 for permit requirements in Wildland-Urban Interface areas)

Section 105.5.54 is amended to read as follows:

**105.5.54 Miscellaneous combustible compost, composting, green waste, mulch, organic processing and yard waste.** An operational permit is required to store in any Building or upon any premises, in excess of 200 cubic yards gross volume of combustible composting, green waste, mulch, organic processing, yard waste, or similar Combustible Material. See Article 3, Section 2808.

**Exception:** On-site storage for normal agricultural operation in conformance with Article 3, Section 2808.1.1.

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Section 106.1 is amended to read as follows:

**106.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Except as otherwise determined by the Fire Code Official, plans for the construction, alteration, repair, or conversion of Buildings or portions thereof which are classified as high-rise Buildings, Use Groups A, E, H, I, L and R occupancies, except Group R-3 occupancies, shall be submitted for review prior to obtaining a building permit. The Fire Code Official shall check for compliance with state and local laws and regulations that relate to fire and life safety.

**Exception:** The Fire Code Official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

Section 108.2 is amended to read as follows:

**108.2 Schedule of fees**. Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the latest Fire District Fee Schedule as established by the Board of Directors.

Section 108.4 is amended to read as follows:

**108.4 Work commencing before permit issuance.** A Person who commences any work, activity or operation regulated by this Code before obtaining the necessary permits and or approvals shall be subject to an investigation fee in accordance with Article 3, Section 108.4.1.

Section 108.4.1 is added to read as follows:

**108.4.1 Investigation fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code and shall in no case be less than the minimum fees required by the latest Fire District Fee Schedule. The payment of such investigation fee shall not exempt any Person from compliance with all applicable provisions of this Code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Sections 108.7 through 108.7.3 are added to read as follows:

**108.7 Delinquent fees**. The following shall apply to any delinquent fee due, including fees assessed under Article 4 of this ordinance:

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**108.7.1 Penalties.** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month more than 15 Days after the due date. The penalty shall not exceed fifty percent (50%) of the original fee due.

**108.7.2 Interest.** In addition to penalties provided by this Section, delinquent fees will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from the due date.

**108.7.3 Legal means.** The Fire District may use all legal means to collect any past due fees should a permitee or property owner fail to pay the fine in a timely manner.

Section 112.1 is amended to read as follows:

**112.1 Board of Appeals established.** In order to hear and decide appeals of orders or decisions made by the Fire Code Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals. The County Executive Officer shall provide staff services for the board. The Board of Appeals shall be appointed by the Fire District's Board of Directors and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official.

Section 112.2 is amended to read as follows:

**112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent or better method of protection or safety is proposed, with the exception of the provisions dealing with the abatement of combustible and flammable materials in Article 4 of this ordinance. The board shall have no authority to waive the requirements of this Code or state law or interpret the administration of this Code. The board also shall have no authority to hear appeals regarding opinions provided to other governmental agencies by Fire District personnel (e.g., on projects currently under review by a planning commission, city council, board of supervisors, etc.).

Section 112.3 is amended to read as follows:

**112.3 Members and qualifications.** The Board of Appeals shall consist of five members who are residents of the County of Ventura: a Fire Department member (not employed by the Fire District), a Licensed Architect, a Licensed Engineer, a Licensed General Contractor, and a member of the public at large. Each member must be qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or fire protection systems and are not employees of the Fire District.

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Section 112.4 is amended to read as follows:

**112.4 Finality.** The Fire Code Official shall take immediate action in accordance with the decision of the board. The Board of Appeals' decision shall be final, except in the case of appeals from other governmental entities. Such entities may appeal any adverse Board of Appeals' decision to the Fire District's Board of Directors.

Section 113.4 is amended to read as follows:

**113.4 Violation penalties.** Persons who violate a provision of this Code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or any directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, and from which violation no appeal has been taken, or who fail to comply with any order affirmed or modified by the Board of Appeals within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be subject to the criminal sanctions set forth in Health and Safety Code Section 13871. Each numbered portion of this Code, such as Section 109.3, is deemed to be a separate section. In addition, the Fire Code Official may use the provisions of Article 3, Appendix U, Administrative Citations. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All violators shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each Day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Sections 113.5 through 113.5.5 are added to read as follows:

**113.5 Notice of intent to record notice of noncompliance and recordation of notice of noncompliance.** Whenever the Fire Code Official determines that any work or use has been done without the required permit or has not been completed in accordance with the requirements of this Code, the Fire Code Official may post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall describe the property, shall set forth the non-complying conditions, and shall inform the owner(s) that the Fire Code Official may record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeals.

**113.5.1** If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeals, the Fire Code Official may record a Notice of Noncompliance unless the Fire Code Official determines that the non-complying conditions have been corrected in accordance with the Board of Appeals' decision.

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**113.5.2** If a timely appeal is filed with the Board of Appeals and the Board finds that the non-complying conditions have not been corrected and need to be corrected, the Fire Code Official shall record a Notice of Noncompliance.

**113.5.3** Under either 113.5.1 or 113.5.2 above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall describe the property, shall set forth the non-complying conditions, and shall state that the property owner(s) have been notified.

**113.5.4 Release.** If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected or removed, the Fire Code Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release of Notice of Noncompliance shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the non-complying conditions have been corrected or removed.

**113.5.5 Fee.** A fee as set forth in the latest Fire District Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

## CHAPTER 2

## DEFINITIONS

Section 202 is amended to include the following definitions in addition to the definitions found therein not inconsistent herewith:

**SECTION 202 – DEFINITIONS**

**AGRICULTURAL LAND.** Property with a zoning designation of Agricultural Exclusive (AE) or Coastal Agricultural (CA). This term is further defined within the Ventura County Ordinance Code Division 4, Chapter 7, Article 1, Section 4701.

**APPLICATION (LAND APPLICATION).** The spreading of compostable material, compost, or mulch on land at the end user location.

**BONFIRE.** Open Burning utilized for ceremonial purposes and not classified as a Recreational Fire.

**BREEZEWAY.** A roofed open passage connecting two Buildings.

**BUILDING, EXISTING.** A Building erected prior to the adoption of this Code, or one

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for which a legal building permit has been issued.

**BUILDING, NEW.** A Building erected after the adoption of this Code and for which a legal building permit has been issued.

**CARPORT.** An automobile shelter entirely open on at least two sides.

**CHIPPING AND GRINDING OPERATION.** Any activity where compostable material is mechanically reduced (chipped or ground) and where such activity is subject to regulatory compliance by any regulation or standard, whether or not a solid waste permit is required.

**CITEE.** Means the Person(s) to whom a Fire Code Official issued an administrative citation pursuant to Article 3, Appendix U.

**COMBUSTIBLE MATERIAL.** Includes seasonal and recurrent weeds, stubble, brush, dry grass, dry leaves, mulch, manure, tumbleweeds, rubbish, recyclable material, litter or flammable materials of any kind, including petroleum-based products.

**COMPOST AND COMPOSTABLE MATERIAL.** Any organic material that when accumulated is capable of rapid decomposition and generating temperatures of at least 122-degrees Fahrenheit.

**CONTAMINANTS.** Pieces of non-compostable solid waste that includes, but not limited to, paper, plastics, metals, glass, clothing, painted or treated wood, plywood and other similar materials.

**CRITICAL FIRE WEATHER.** As determined by the Fire Code Official, a set of weather conditions (usually a combination of low relative humidity, warmer temperatures and/or high winds) favorable to the ignition and the effect of which on fire behavior makes control of a fire difficult and threatens fire fighter and public safety. This includes “Red Flag Warnings” and “Fire Weather Watches” as issued by the National Weather Service.

**DAY.** Means calendar, not business, Day.

**DISPOSAL.** The final deposition of solid waste onto property. Disposal includes, but is not limited to, the following activities:

a) Application of mulch exceeding an average of twelve (12) inches in total depth, except as provided for in Section 4704 (d)(2) of the Ventura County Ordinance Code.

b) Application of mulch in which the mulch contains contaminants that exceed 0.1% of the total volume of mulch at the time of application.

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c) Storing or stockpiling of compostable material onto land for a combined period of time greater than six (6) months, or agricultural and green material for twelve (12) months on prime agricultural land as defined in Government Code Section 51201, unless the Regional Water Quality Control Board, in consultation with the Resource Management Agency Environmental Health Division, makes a written finding that the material may remain within the operations area for a period of time greater than specified.

**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.

**FIRE APPARATUS ACCESS ROAD.** A roadway that provides fire apparatus access from a fire station or other staging area to a facility, Building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, access roadway and driveway. This road may provide ingress and egress for both the fire department and the general public during emergency events and normal use.

**FIRE-FLOW.** The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure (PSIR), that is available for firefighting. Fire-flow also includes the required storage duration as required by this appendix or the adopted Water Works Manual.

**GREENHOUSE.** A Group U agricultural Building used for the growing of plants. It shall include other Structures also known as hothouses, cold frames and other similar specialty categories. It shall include construction materials of glass, rigid plastic, flexible plastic, masonry, wood, metal and concrete.

**GROSS SQUARE FEET.** The sum of all areas on all floors of a Building included within the outside faces of its exterior walls. Gross Square Feet is used in determining automatic fire sprinkler retro-fit requirements for Group R-3 Occupancies, inclusive of attached garages.

**HAZARDOUS FIRE AREA (HFA).** Is land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion and includes any location within 500 feet of a forest or brush, grass, or grain covered land, exclusive of small individual lots or Parcels of land located outside of a brush, forest, or grain covered area. Such areas are designated

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by the Fire Code Official. The Fire Code Official is authorized to utilize, as references, the definition of Wildland-Urban Interface (WUI), State SRA FHSZ maps, LRA FHSZ Maps designated pursuant to California Government Code, Sections 51175 through 51189, and the International Wildland-Urban Interface Code. Areas classified as a Hazardous Fire Area are designated as a WUI area for purposes of this code.

**HEARING OFFICER.** The Fire District's Fire Marshal, or designee, will select the Hearing Officer for the administrative citation hearing.

**HELISPOT.** A site used for helicopter landings and take-offs during emergency operations.

**HORIZONTAL PROJECTION.** Any roofed projection intended for shelter or occupancy and constructed as a roof assembly or floor/ceiling assembly above. Horizontal Projection may include awnings, canopies, marquees, patio covers, covered porches, balconies, eaves, eave overhangs, roofed overhangs, Breezeways, covered decks, etc.

**MULCH.** Compostable material limited to landscape waste and crop production byproducts consisting of leaves, grass clippings, woods, yard trimmings, wood waste, branches and stumps, and whole plants/trees, that have been mechanically reduced in size, whether composted or not. For the purposes of Article 4 of this ordinance , Mulch also includes shredded or ground combustible petroleum or synthetic products.

**OPEN BURNING.** The burning of solid-fuel materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open Burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, barbeques used for cooking or the use of portable outdoor fireplaces. For the purpose of this definition a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

**PARCEL.** A portion of land of any size, the area of which is depicted on or described by a tentative map, final map, parcel map, instrument of conveyance or determined by the assessor's maps and records and which may be identified by an assessor's parcel number whether or not any Buildings are present.

**PERSON.** An individual, a natural Person, heirs, executors, administrators or assigns, and also includes a firm, partnership whether general or limited, company, corporation, unincorporated association, union or organization, cooperative and trust, its or their successors or assigns, or the agent of any of the aforesaid. It shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

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**PUBLIC NUISANCE.** The presence of Combustible Material on a Parcel that the Fire Code Official determines creates a fire hazard is a public nuisance.

**RECREATIONAL FIRE.** Open Burning where the fuel being burned is not contained in a portable outdoor fireplace, or barbeque used for cooking and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

**RECYCLABLE MATERIAL.** Any type of material that would otherwise become solid waste but, instead, is or may be recycled, as defined in the Public Resources Code Section 40180 as "recycle" and shall include material that is commingled or source separated, including compostable materials.

**REVIEWING OFFICER.** The Fire Code Official's representative assigned to conduct initial requests for review of an administrative citation.

**RUBBISH (TRASH).** Combustible and noncombustible waste materials, including residue from the burning of coal, wood, coke or other Combustible Material, paper, rags, cartons, tin cans, metals, mineral matter, glass crockery, dust, garbage, construction debris and discarded household appliances.

**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**TEMPORAY USE.** Unless otherwise specified within this Code, Temporary Use, when allowed, shall not exceed a period of 180 Days in a 12-month period.

## CHAPTER 3

## GENERAL REQUIREMENTS

Section 301.3 is added to read as follows:

**301.3 Fire hazard.** No Person operating any occupancy subject to these regulations shall permit any fire hazard to exist on premises under their control or fail to take immediate action to abate a fire hazard when requested to do so by the Fire Code Official.

Section 304.1.3 is amended to read as follows:

**304.1.3 Vegetation.** Weeds, grass, vines, or other growth that is capable of being ignited and endangering life and property, shall be cut down and removed by the owner or occupant of the parcel. The Fire Code Official may determine such condition to be a Public Nuisance and use the provisions for notice, abatement and collection of

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costs as provided by Article 4 of this ordinance. Vegetation clearance requirements in Wildland-Urban Interface (WUI) areas, and any other Parcels determined a Public Nuisance by the Fire Code Official shall be in accordance with Article 4 of this ordinance.

Section 304.1.5 is added to read as follows:

**304.1.5 Unlawful disposal.** Every Person who places, deposits or dumps Combustible Material on a Parcel whether or not the Person owns such Parcel, or whether or not the Person so places, deposits or dumps on such Parcel with the consent of the owner thereof, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

Section 307.1 is amended to read as follows:

**307.1 General.** A Person shall not kindle or maintain or authorize to be kindled or maintained any Open Burning unless conducted and approved in accordance with Article 3, Sections 307.1.1 through 307.5. For Open Burning in WUI areas see Article 4, Sections 105.2, A104.7.1, and A104.7.2.

Section 307.1.1 is amended to read as follows:

**307.1.1 Prohibited Open Burning.** The Fire Code Official may prohibit Open Burning and the use of portable outdoor fireplaces when atmospheric conditions or local circumstances make such fires hazardous.

Section 307.1.2 is added to read as follows:

**307.1.2 Prohibited burning of rubbish.** The Open Burning of rubbish is prohibited.

**Exceptions:**

1. Materials authorized by Ventura County Air Pollution Control District Rule 56
2. Rubbish from food preparation in a campfire at approved designated campsites

Section 307.1.3 is added to read as follows:

**307.1.3 Prohibited open fires.** Open Burning and other outdoor fires are not allowed on any public street, sidewalk, or against or adjacent to any public bulkhead or other public Structure.

Section 307.1.4 is added to read as follows:

**307.1.4 Responsibility.** The Fire District is not responsible for damages to property or to the general public resulting from Open Burning authorized by this Code. Responsibility rests with the Person responsible for setting and maintaining the fire as specified in the California Health and Safety Code Sections 13007 through 13009.

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Section 307.2 is amended to read as follows:

**307.2 Permit required.** A permit shall be obtained from the Fire Code Official in accordance with Article 3, Section 105.5 for Open Burning prior to kindling a fire for recognized silvicultural or range or wildfire management practices, prevention or control of disease or pests, or a Bonfire. Application for such permits shall only be accepted by and permits issued to the owner or authorized agent of the land on which the fire is to be kindled.

Section 307.3 is amended to read as follows:

**307.3 Extinguishment authority.** When Open Burning or the use of a portable outdoor fireplace creates or adds to a hazardous situation, or a required permit for Open Burning has not been obtained, the Fire Code Official is authorized to extinguish or order the extinguishment of the fire.

Section 307.4 is amended to read as follows:

**307.4 Location from Structures.** For other than Recreational Fires, the location for Open Burning shall be not less than 50 feet (15 240 mm) from any Structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any Structure.

**Exceptions:**

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a Structure
2. The minimum required distance from a Structure shall be 25 feet (7620 mm) where the plie size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height

Section 307.4.1 is amended to read as follows:

**307.4.1 Bonfires.** A Bonfire shall not be conducted within 50 feet (15 240 mm) of a Structure or Combustible Material. Conditions that could cause a fire to spread to within 50 feet (15 240 mm) of a Structure or Combustible Material shall be eliminated prior to ignition. Provisions shall be maintained to prevent injury to people.

Section 307.4.2 is amended to read as follows:

**307.4.2 Recreational Fires.** Recreational Fires shall not be located within 25 feet (7620 mm) of a Structure or Combustible Material. Conditions that could cause a fire to spread to within 25 feet (7620 mm) of a Structure or Combustible Material shall be eliminated prior to ignition.

**Exceptions:**

1. For Recreational Fires in approved containers the minimum required distance shall be 15 feet (4572 mm)

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2. For Recreational Fires in approved containers at one and two-family dwellings, the separation requirements shall be in accordance with requirements for portable outdoor fireplaces.

Section 307.4.3 is amended to read as follows:

**307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufactures instructions and shall not be operated within 15 feet (3048 mm) of a Structure or Combustible Material. The burning of rubbish shall be prohibited in outdoor fireplaces.

**Exception:** Portable outdoor fireplaces used at one and two-family dwellings

Section 308.1 is amended to read as follows:

**308.1 General.** Open flame, fire and burning on all premises shall be in accordance with Article 3, Sections 308.1.1 through 308.4.1 and other applicable sections of this Code. For open flame, fire and burning in WUI areas, see Article 4, of this ordinance.

Section 308.1.5 is deleted.

Section 308.1.5.1 is deleted.

Section 308.1.7 is amended to read as follows:

**308.1.7 Sky lanterns.** The ignition and launching of sky lanterns is prohibited.

**Exception:** When approved by the Fire Code Official, sky lanterns may be used when necessary for religious or cultural ceremonies and adequate safeguards have been taken. Sky lanterns shall be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

Section 308.2 is amended to read as follows:

**308.2 Permits required.** Permits shall be obtained from the Fire Code Official in accordance with Article 3, Section 105.5 prior to engaging in the following activities involving open flame, fire and burning:

1. Use of a torch or flame-producing device to remove paint from a Structure.
2. Use of open flame, fire or burning in connection with Group A or E occupancies.

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Section 315.1 is amended to read as follows:

**315.1 General.** Storage shall be in accordance with Article 3, Sections 315.2 through 315.6. Outdoor pallet storage shall be in accordance with Article 3, Sections 315.2, 315.7, and Article 4 of this ordinance.

**Exception:** Wood and wood composite pallets stored outdoors at pallet manufacturing and recycling facilities and complying with Article 3, Section 2810.

Section 315.7 is amended to read as follows:

**315.7 Outdoor pallet storage.** Pallets stored outdoors shall comply with Article 3, Sections 315.7 through 315.7.7. Pallets stored within a building shall be protected in accordance with Chapter 32. Storage of pallets associated with pallet manufacturing and recycling facilities shall be in accordance with Article 3, Section 2810.

Section 315.7.8 is added to read as follows:

**315.7.8 Fire Apparatus Access Roads.** Fire Apparatus Access Roads shall be provided around all outdoor pallet storage areas in accordance with Article 3, Appendix D.

Section 317.1 is amended to read as follows:

**317.1 General.** Vegetative roofs and landscaped roofs shall comply with Sections 1505 and 1507.15 of the California Building Code and be installed and maintained in accordance with Article 3, Sections 317.2 through 317.4 and Article 4, Section 604.

Section 321.1 is amended to read as follows:

**321.1 Artificial combustible vegetation on roofs and near Buildings.** Artificial combustible vegetation exceeding 6 feet (1829 mm) in height and permanently installed outdoors within 5 feet (1524 mm) of a Building or on the roof of a Building shall comply with Article 3, Section 807.4.1. The placement of artificial combustible vegetation shall also comply with Article 3, Sections 806.3 and 807.4.2, and Article 4, Section 604.

**Exception:** Artificial decorative vegetation located more than 30 feet (9144 mm) from the exterior wall of a Building.

Section 324 is added to read as follows:

**SECTION 324 – COMBUSTIBLE MATERIALS SUBJECT TO SPONTANEOUS IGNITION**

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**324.1 General.** Combustible Materials, as defined in Article 3, Section 202, subject to spontaneous ignition, including mulch, manure, recyclable materials, are governed by Article 3, Sections 324 and 2808, and Article 4.

**324.2 Prevention of ignition.** Materials shall be stored, handled, treated or monitored as necessary and in such a manner as to prevent ignition.

**324.3 Provisions for extinguishment.** The owner or Person responsible for such materials shall provide the necessary means to extinguish a fire should ignition occur. Piles of such materials shall be arranged in such a manner as not to exceed the capability of resources available to the owner or Person responsible for such materials to extinguish a fire in any single pile before it can spread to another pile or any other combustible fuels. Access for firefighting apparatus shall be provided when required by the Fire Code Official.

**324.4 Location.** When materials are located in, upon or adjoining any WUI area, clearance between such materials and any other from combustible vegetation shall be maintained in accordance with Article 3, Section 2808 and Article 4 for Buildings.

Section 325 is added to read as follows:

**SECTION 325 – SPECIAL HAZARDS, NOT OTHERWISE SPECIFIED**

**325.1 General.** Any process that utilizes materials not normally considered to be hazardous, but that in combination, or when electricity, pressure, heat or any other external source is applied to them, creates a product (or by-product) that may itself cause serious harm or damage to life, health, the environment or property, must be reported to the Fire Code Official and any and all appropriate agencies for review and approval prior to receiving and engaging in any use of the process.

**325.2 Written report.** The manufacture, storage, transfer and disposal of such material(s), which shall be designated as a “Special Hazard”, shall be fully explained in writing to the satisfaction of the Fire Code Official and any agency with authority over the process or use of such materials.

**325.3 Safety.** The Fire Code Official may utilize provisions of this Code and other recognized standards for the classification of any hazard that the process most resembles. Any recommendations and/or requirements to render the operation safe(r) shall be complied with prior to receiving a Certificate of Occupancy and permission to operate the process.

**325.4 Modifications.** Any future additions, expansions or alterations to the process and any information submitted with respect to such modifications, must be reviewed and approved by the Fire Code Official prior to such process, as modified, being initiated.

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**325.5 Non-hazardous materials.** Those precursor materials not considered to be hazardous that are used in the process are not subject to this section.

**325.6 Reporting.** Any business that uses such processes shall complete the "Business Plan" form as prescribed by Section 25500 et seq. of the California Health and Safety Code and shall submit a copy to the Fire Code Official before initiating use of any such process.

## CHAPTER 5

## FIRE SERVICE FEATURES

Section 503.1 is amended to read as follows:

**503.1 Where required.** Fire Apparatus Access Roads shall be provided and maintained in accordance with Article 3, Appendix D.

## CHAPTER 9

## FIRE PROTECTION SYSTEMS

Section 903.1.2 is added to read as follows:

**903.1.2 Concurrent permits.** Additions or modifications where the application for a building permit is submitted prior to the final inspection of any previously issued building permit(s) shall require the installation of an automatic fire sprinkler system throughout the entire Structure when the area of the addition or modification of all open permits combined with the new application exceed the exceptions listed under Article 3, Section 903.2.

Section 903.1.3 is added to read as follows:

**903.1.3 Maintenance of area separation walls.** Area separation walls used to create fire areas less than 5,000 square feet of floor area (5,000 Gross Square Feet for Group R-3 Occupancies) in Buildings constructed under the original accepted building permit application dated prior to November 1, 2002, shall be maintained with no openings as approved. If the approved area separation walls are not maintained, the affected fire areas, as determined by the Fire Code Official, shall be retrofitted with an approved automatic fire sprinkler system.

Section 903.1.4 is added to read as follows:

**903.1.4 Change of use.** Any change of use of a Group U Occupancy, that reclassifies to a new occupancy classification that would not have been exempt from

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fire sprinklers due to existing size, use, fire-flow, access requirements, or distance to a fire station under a previous Fire District Ordinance in effect at the time the building permit was issued, shall provide fire sprinklers within the Existing Building. Allowance in Article 3, Section 903.2 item number 2 shall not apply. This section does not limit the requirements for fire sprinklers for the new occupancy classification under the current California Building and Fire Codes.

Section 903.2 is amended to read as follows:

**903.2 Where required.** Notwithstanding the provisions of Article 3, Sections 903.1.1 through 903.1.4 and 903.2.1 through 903.2.21 an approved automatic fire sprinkler system shall be installed in Buildings and Structures as follows:

1. An automatic fire sprinkler system shall be installed in all New Buildings.

   Exceptions:

   A. Group U Occupancies when approved by the Fire Code Official.

   B. Small agricultural produce stands as defined and constructed in accordance with the current edition of the Ventura County Building Code (VCBC) which comply with all of the following:

      1. Floor area of the Structure does not exceed 400 square feet

      2. Separated from other Buildings a minimum of 30 feet

   C. Picnic and lunch shelter Structures which comply with all of the following:

      1. Use is defined as a Group A-2 or A-3 Occupancy by the Building Department

      2. Shall not exceed 1,500 square feet of floor area for an A-2 Occupancy or 4,500 square feet for an A-3 Occupancy

      3. Separated from other Buildings a minimum of 30 feet

      4. Only picnic tables and chairs are located underneath the shelter

      5. Shall not have any enclosed space underneath the shelter covering

      6. Shall be located at grade level around the entire shelter

      7. Open on all sides from finished grade to a height of 10 feet above finished grade

      8. Structural columns and other architectural features may not obstruct more than 10% of the opening length around the

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Structure

9. Shall have no obstructions that will hinder egress within 10 feet of the exterior perimeter of the shelter for a distance of 75% of the opening length around the shelter

10. A food preparation surface area may be located along one opening, but shall not obstruct more than 20 feet or 10% of the opening length, whichever is less

11. May be constructed of any materials allowed by the California Building Code (CBC)

12. Any roof covering shall be non-combustible if not an open trellis style shelter

D. S-2 Carport Structures which comply with all of the following:

1. Buildings or Structures shall be freestanding and legally separated from all other Buildings or uses

2. Building shall be constructed of non-Combustible Materials

3. Fire apparatus access shall extend to within 25 feet of all portions of the interior of the Carport as measured by an approved route around the exterior of the Building or Structure

2. An approved automatic fire sprinkler system shall be installed in Buildings or Structures with additions as determined by the following:

A. Additions to legally existing Group R-3 Occupancies, inclusive of attached Group U Occupancies where the addition is both greater than 1,000 square feet and greater than 50% of the existing legal Gross Square Feet of the Structure

B. All occupancies other than Group R-3, where an addition is greater than 25% of the legally existing floor area of the Structure

Exception: Group U Occupancies when approved by the Fire Code Official

C. Where additions to Existing Buildings or Structures increase the allowable area beyond that permissible in Article 3, Sections 903.2.1 through 903.2.21 for non-sprinklered Buildings

3. Change of use shall require fire sprinklers in accordance with Article 3, Sections 903.2.1 through 903.2.21.

4. Moblie homes, manufactured homes, and multi-family manufactured homes with up to two dwelling units that are manufactured in accordance with Title 25 of the California Code of Regulations.

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Section 903.3.1.2.3 is amended to read as follows:

**903.3.1.2.3 Attics.** Attic protection shall be provided as follows:

1. Attics shall be protected by an automatic fire sprinkler system.

   **Exceptions:**

   1.1. Attics constructed with only noncombustible materials.

   1.2. Attics constructed with only fire-retardant-treated wood complying with Section 2303.2 of the California Building Code.

   1.3. Attics filled with noncombustible insulation.

2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.

3. Attics that are used for storage or intended for living purposes shall be protected by an automatic fire sprinkler system.

## CHAPTER 12

## ENERGY SYSTEMS

Section 1205.5.1 is amended to read as follows:

**1205.5.1 Vegetation control.** A clear, brush-free area shall be required around the perimeter of the ground-mounted photovoltaic arrays in accordance with Article 4, Section 604.7.4. A maintained vegetative surface or a non-combustible base, approved by the Fire Code Official, shall be installed and maintained under the photovoltaic arrays and associated electrical equipment installations.

## CHAPTER 28

## LUMBER YARDS AND AGRO-INDUSTRIAL, SOLID BIOMASS AND WOODWORKING FACILITIES

Section 2801.1 is amended to read as follows:

**2801.1 Scope.** The storage, manufacturing and processing of solid biomass

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feedstock, timber, lumber, plywood, veneers, compost, compostable material, mulch, and agro-industrial byproducts shall be in accordance with this chapter and with the requirements of the Ventura County Wildland-Urban Interface Code.

Section 2802.1 is amended to read as follows:

**2802.1 Definitions.** The following terms are defined in Article 3, Chapter 2:

**AGRO-INDUSTRIAL.**
**AGRICULTURAL LAND.**
**APPLICATION.**
**BIOMASS.**
**CHIPPING AND GRINDING OPERATION.**
**COLD DECK.**
**COMPOST AND COMPOSTABLE MATERIAL.**
**CONTAMINANTS.**
**DISPOSAL.**
**FINES.**
**HOGGED MATERIALS.**
**MULCH.**
**PLYWOOD AND VENEER MILLS.**
**RAW PRODUCT.**
**RECYCABLE MATERIAL.**
**SOLID BIOFUEL.**
**SOLID BIOMASS FEEDSTOCK.**
**STATIC PILES.**
**TIMBER AND LUMBER PRODUCTION FACILITIES.**

Section 2808 is amended to read as follows:

**SECTION 2808 – STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIAL, FINES, COMPOST, COMPOSTABLE MATERIAL, MULCH, SOLID BIOMASS FEEDSTOCK, RAW PRODUCT AND COMBUSTIBLE YARD WASTE AND RECYCLE MATERIAL**

Section 2808.1 is amended to read as follows:

**2808.1 General.** The storage and processing of wood chips, hogged materials, fines, compost, compostable material, mulch, solid biomass feedstock, raw product and combustible yard waste produced from yard waste, debris and recycling facilities shall comply with Article 3, Section 2808, the Ventura County Ordinance Code and State and Federal Regulations. Where any conflict occurs with the requirements of this chapter and other Laws, Regulations, Rules and Codes, the most restrictive application shall apply, unless prohibited by Law.

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Section 2808.1.1 is added to read as follows:

**2808.1.1 Compost, compostable material, mulch, combustible yard waste, and recyclable material.** Storage, processing and application of compost, compostable material, mulch, combustible yard waste, and recyclable material shall be as approved and required by the Fire Code Official.

Section 2808.1.2 is added to read as follows:

**2808.1.2 Other materials.** Materials other than compost, compostable material, mulch, combustible yard waste, and recyclable material shall comply with Article 3, Sections 2808.2 to 2808.10.

Section 2808.3 is amended to read as follows:

**2808.3 Size of piles.** Piles shall not exceed 15 feet (4572 mm) in height, 50 feet (15 240 mm) in width and 100 feet (30 480 mm) in length. Stackable products shall not be stacked in excess of 15 feet (4572 mm) in height, 25 feet (7620 mm) in width and 100 feet (30 480 mm) in length.

Section 2808.6 is amended to read as follows:

**2808.6 Static pile protection.** Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. Records shall be kept on file at the facility and made available for inspection. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the Fire Code Official for review and approval.

Section 2808.10 is amended to read as follows:

**2808.10 Fire Protection Plan.** The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the Fire Code Official for review and approval. The plan shall include the following:

A. Scaled and dimensioned site plan indicating property lines, Buildings, access roads, fire hydrants, location of piles, and push out area. A 20 or 40 scale shall be used.

B. Available fire flow (if from purveyor) or location and size of water tanks (no purveyor).

C. Monitoring procedures for pile temperature and moisture content.

D. Fire suppression methods.

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E. Other procedure and methods to reduce fire within piles.

F. Methods to control contaminants and contaminant storage / disposal procedures.

G. Employee training.

H. Equipment and resources available on-site for fire prevention / suppression.

I. Thresholds for calling 911.

Section 2810 is amended to read as follows:

**SECTION 2810 – OUTDOOR STORAGE, MANUFACTURING, AND PROCESSING OF PALLETS AT PALLET MANUFACTURING AND RECYCLING FACILITIES**

Section 2810.1 is amended to read as follows:

**2810.1 General.** The outdoor storage, manufacturing, and processing of wood, wood composite, and other nonmetallic pallets at pallet manufacturing or recycling facilities shall comply with Article 3, Sections 2810.2 through 2810.12 and with the requirements of the Ventura County Wildland-Urban Interface Code.

Section 2810.7 is amended to read as follows:

**2810.7 Clearance to important buildings.** Stacks of pallets shall be stored in accordance with Article 3, Tables 315.7.6(1) and 315.7.6(2) or shall comply with Article 3, Section 2810.11.

Section 2810.7.1 is added to read as follows:

**2810.7.1 Distance to other combustibles.** Stacks of pallets shall be stored in accordance with Article 3, Section 315.7.6.2.

Section 2810.8.1 is added to read as follows:

**2810.8.1 Pallet pile stability and size.** Pallet stacks shall be arranged to form stable piles. Individual pallet piles shall not exceed 8,000 cubic feet (71 $m^3$) in volume.

Section 2810.9 is amended to read as follows:

**2810.9 Fire-flow.** Fire-flow requirements for the site shall be as specified in Article 3, Table 2810.9.

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Table 2810.9
REQUIRED FIRE-FLOW FOR OUTDOOR PALLET STORAGE

| Pallet Pile Size (cubic feet) | Minimum Fire-flow (gallons per minute) | Flow Duration (hours) |
|---|---|---|
| 0 – 2,500 | Not required | Not required |
| 2,501 – 124,000 | 2,000 | 2 |
| 124,001 and greater | 3,000 | 3 |

Section 2810.12 is added to read as follows:

**2810.12 Fire hydrants.** Fire hydrants shall be located within 300 feet (91 440 mm) of all portions of the pile.

Section 2810.13 is added to read as follows:

**2810.13 Fire Apparatus Access Roads.** Fire Apparatus Access Roads shall be provided in accordance with Article 3, Appendix D.

Section 2810.14 is added to read as follows:

**2810.14 Heat treatment chambers.** Heat treatment chambers used to treat finished products for pest eradication shall be installed per the manufacturer's specifications and shall comply with Article 3, Sections 2810.14.1 through 2810.14.3.

**2810.14.1 Distance to other combustibles.** Heat treatment chambers shall be separated from other Combustible Materials a minimum of 30 feet (9144 mm).

**2810.14.2 Fuel supply.** Fuel supply systems shall comply with Article 3, Section 603.

**2810.14.3 Above-ground fuel tanks.** Above-ground fuel tanks shall comply with Article 3, Chapters 57 and 61.

## CHAPTER 50

## HAZARDOUS MATERIALS – GENERAL PROVISIONS

Section 5003.14 is added to read as follows:

**5003.14 Enclosures.** Two means of access shall be provided when an enclosure is

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provided on three or more sides of a hazardous material container, tank or storage area. The two points of access shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the enclosure. Each access shall be a minimum of three feet in width. When provided, the method of locking or securing the enclosure shall be approved by the Fire Code Official.

## CHAPTER 56

## EXPLOSIVES AND FIREWORKS

Section 5601.1.3 is amended to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks, including those labeled as "Safe and Sane" as defined by California Code of Regulations Title 19, are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Article 3, Section 5604.

2. Manufacture, assembly and testing of fireworks as allowed in Article 3, Section 5605 *and Health and Safety Code Division 11.*

3. The use of fireworks for fireworks displays *pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions* as allowed in *Title 19, Division 1, Chapter 6 Fireworks reprinted in* Article 3, Section 5608 *and Health and Safety Code Division 11.*

4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks *and Health and Safety Code Division 11.*

Section 5601.7 is amended to read as follows:

**5601.7 Seizure.** The Fire Code Official or any law enforcement officer is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter or Title 19.

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## APPENDIX B

## VCFPD FIRE-FLOW REQUIREMENTS

Section B103.3 is amended to read as follows:

**B103.3 Areas without water supply systems.** For information regarding water supplies for fire-fighting purposes in rural areas in which adequate and reliable water supply systems do not exist, the Fire Code Official is authorized to utilize NFPA 1142 or the Ventura County Wildland-Urban Interface Code.

Section B103.4 is added to read as follows:

**B103.4 Inadequate water purveyors.** New Buildings and uses requiring a water demand, domestic and or fire-flow, shall not be permitted.

## APPENDIX C

## FIRE HYDRANT LOCATIONS AND DISTRIBUTION

Section C103.1 is amended to read as follows:

**C103.1 Hydrant spacing.** Fire Apparatus Access Roads and public streets providing required access to Buildings in accordance with Article 3, Appendix D shall be provided with one or more fire hydrants, as determined by Article 3, Section C102.1. Where more than one hydrant is required, the distance between required fire hydrants shall be in accordance with Article 3, Sections C103.2 and C103.3. When required by the Fire Code Official, additional fire hydrants above those required by Article 3, Section C102.1 shall be provided along a complex, development or subdivision perimeter streets to provide a water supply for wildland fires.

## APPENDIX D

## FIRE APPARATUS ACCESS ROADS

Appendix D is deleted and replaced to read as follows:

### SECTION D101 – ADMINISTRATION

**D101.1 Purpose.** The purpose of this appendix is to establish the minimum and cumulative design and maintenance standards for emergency fire access roads within the jurisdictional boundaries of the Ventura County Fire Protection District. These provisions permit emergency resources to respond to an incident in a safe and

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effective manner.

**D101.2 Scope.** The appendix shall apply to all Fire Apparatus Access Roads, whether public or private, located within the jurisdictional boundaries of the Ventura County Fire Protection District. It includes road design, signage, and marking requirements and provisions for enforcement.

The access requirements of this appendix are minimum requirements and are normally increased due to the cumulative effect of previously submitted, approved, or completed development within a given area. Public Road Standards allow for more restrictive limitations and shall apply when necessary. Deviations to the requirements of Appendix D may be allowed when approved by the Fire Code Official. Where a deviation is not approved, the Fire Code Official is authorized to apply the requirements of Section 104.2.3 or Section 104.2.4.1.

Access roads subject to the requirements of the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, as that section may be amended from time-to-time, shall comply with the most restrictive requirements. At the time of adoption of this ordinance, the requirements of this appendix are equal to or exceed the current requirements of the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2.

**D101.3 Local ordinances.** Nothing in this Code shall be considered as abrogating the provisions of any ordinance, resolution, rule, public road standard, or regulation of any local jurisdiction, provided that such provisions are equal to or more stringent than the minimum requirements of this Code. Where conflicts exist between this Code and the public road standards developed by a city or county, the most restrictive requirements shall apply.

**SECTION D102 – DEFINITIONS**

**D102.1 Definitions.** For the purpose of this appendix, the following terms are defined:

**ACCESS POINT(S).** The point or points along a Fire Apparatus Access Road where fire and emergency equipment is located within 150 feet of all portions of the grade level of a Building or Structure as measured along an approved route.

**ALL-WEATHER ACCESS ROAD.** A road capable of supporting a 20-ton vehicle after a 10-year storm as certified by a State of California registered civil engineer.

**DEAD-END.** A Road that has only one point of ingress/egress, including cul-de-sacs and looped roads.

**DRIVEWAY.** A private right-of-way serving not more than 2 residential Parcels, serving not more than 3 Group R-3 Dwelling Units per Parcel, and any number of

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accessory Structures per said Parcel.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more Persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EXISTING PARCEL.** Parcels, including those located in a State Responsibility Area (SRA), that were legally created and recorded prior to January 1, 1991.

**EXISTING ROAD.** Roads, including those located in a State Responsibility Area, that were legally constructed and recorded prior to January 1, 1991.

**FIRE LANE.** A Fire Apparatus Access Road developed to allow passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than a fire apparatus.

**LOCAL RESPONSIBILITY AREA (LRA).** Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district. See also State Responsibility Area (SRA).

**MOST WEATHER ROAD.** A Road capable of supporting a 20-ton vehicle during most weather conditions for firefighting or rescue operations.

**MULTIFAMILY BUILDING.** Any residential Building containing more than 2 Dwelling Units, including townhomes, or more than 5 guest rooms.

**OFF-SITE ACCESS.** An access Road that is outside the boundaries of the property being served.

**ON-SITE IMPROVEMENTS.** Road improvements within the boundaries of the proposed project site or subdivision, including parcel maps.

**OFF-SITE IMPROVEMENTS.** Road improvements outside the boundaries of the proposed project site or subdivision, including parcel maps.

**PRIMARY ACCESS.** A Road used routinely for access into an out of an area.

**ROAD.** Vehicular access, inclusive of Roadway Structures, that provide access to:

(a) more than two Parcels; or

(b) more than 3 Dwelling Units on a single Parcel; or

(c) any industrial or commercial occupancy or use; or

(d) any number of Multifamily Buildings.

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**ROADWAY.** Any surface designed, improved, or ordinarily used for vehicle travel. This is inclusive of both Roads and Driveways.

**ROADWAY STRUCTURES.** Bridges, culverts, and other appurtenant structures which supplement the Roadway bed of shoulders.

**SAME PRACTICAL EFFECT.** An exception or alternative with the capability of applying accepted fire suppression strategies and tactics, and provisions for firefighter safety and public safety, including all of the following:

(a) access for emergency fire equipment,

(b) safe civilian evacuation,

(c) signing that avoids delays in emergency equipment response,

(d) available and accessible water to effectively attack fire or defend a Structure from wildfire,

(e) fuel modification sufficient for civilian and firefighter safety.

**SECONDARY ACCESS.** A secondary Road used for access into an out of an area in which the construction requirement is the same as the Primary Access.

**SPEED BUMP.** A narrow raised section of pavement, 1-2 feet wide and over 3 inches in height at the center point, which provides for traffic calming and requires traffic speeds of less than 15 MPH to safely negotiate.

**SPEED HUMP.** A mildly tapered raised section of pavement, 8-10 feet wide and not higher than 3 inches at the center point, that provides for traffic calming which allows for traffic speeds of at least 15 MPH to safely negotiate.

**STATE RESPONSIBILTY AREA (SRA).** Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

**SUBDIVISION.** The division of a tract, lot or Parcel of land, into two or more lots, plats, sites, or other divisions of land. The legalization of a prior illegally created Parcel or lot, shall be deemed a “subdivision” for the purposes of this appendix.

**TRAFFIC LANE.** The portion of a Roadway that provides a single land of vehicle travel.

**TURNAROUND.** A Roadway, unobstructed by parking, which allows for a safe

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opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

**TURNOUTS.** A widening in a Roadway to allow vehicles to pass or emergency equipment to stage off the Roadway Traffic Lane.

**VERTICAL CLEARANCE.** The minimum clearance area above the Roadway to any overhead projection or obstruction.

**WILDLAND-URBAN INTERFACE (WUI).** A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the Fire Code Official to be at a significant risk from wildfires including Hazardous Fire Areas.

**SECTION D103 – GENERAL**

**D103.1 General.** Fire Apparatus Access Roads shall be provided and maintained in accordance with this appendix.

**D103.2 Fire apparatus access.** Fire Apparatus Access Roads, whether public or private, primary or secondary, shall provide for safe access for emergency equipment and civilian evacuation concurrently, and shall provide for unobstructed traffic circulation during a fire or other emergency.

**D103.3 Subdivisions.** Where the existing public or private access Road is deemed inadequate to serve a proposed Subdivision, the divider will be required to improve the existing public or private Road to an acceptable width and structural section as set forth in the conditions of approval. The divider shall prior to recordation of the record map, submit improvement plans, construct the improvements, or bond for the required access Road improvements, dedicate or acquire sufficient Road easement, pay the applicable fees and enter into an agreement to complete the improvements within a specified time frame. If access Road improvements are bonded, the require access improvements shall be installed prior to issuance of any building permit for a new Structure within the Subdivision. Where the proposed division is not adjacent to a public Road, Off-site Improvements and easements may be required in accordance with this appendix.

**D103.3.1 Secondary Access for Existing Roads and new Subdivisions.** Secondary Access, in accordance with this appendix, shall be provided where a new Subdivision of land is served from an existing Dead-End access Road that exceeds allowable Dead-End lengths as specified elsewhere in this appendix. Secondary Access shall be provided for the proposed Subdivision regardless of where the new Parcels take access along the existing Dead-End access Road. The intent is not to further increase the density on a Dead-End Road that exceeds the allowable Dead-End lengths.

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**D103.4 Additional Fire Apparatus Access Roads.** The Fire Code Official is authorized to require more than one Fire Apparatus Access Road based on the potential for impairment of a single access Road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

**D103.5 Distance measurements.** All specified or referenced distances are measured along the ground, unless otherwise stated. All lengths shall be measured from the edge of the Fire Apparatus Access Road surface at the intersection that begins the Fire Apparatus Access Road to the end of the Fire Apparatus Access Road surface at its farthest point.

**D103.6 Modifications.** When Fire Apparatus Access Roads cannot be installed due to practical difficulties, the Fire Code Official shall have the authority to grant modifications for individual cases, provided the Fire Code Official shall first find that special reasons make the strict application of this Code impractical and the modification is in compliance with the intent and purpose of this Code. The details of action granting such modification shall be recorded on the parcel deed.

**D103.7 Maintenance.** Fire Apparatus Access Roads shall be maintained throughout the life of the development it serves.

**D103.8 Obstructions.** Fire Apparatus Access Roads shall not be obstructed at any time.

**SECTION D104 – WHERE REQUIRED**

**D104.1 Where required.** Fire Apparatus Access Roads shall be provided for every facility, Building or Structure hereafter constructed or relocated.

**Exceptions:**

1. Additions to existing Group R-3 Buildings or Structures that do not exceed the Access Point(s) requirement of Sections D104.2.1 and D104.2.2.

2. Access for Group U occupancies shall be in accordance with the requirements of the Fire Code Official.

**D104.2 Access Point(s) to Buildings or Structures.**

**D104.2.1 Access Point(s) on Roads.** Roads shall be provided such that any portion of the exterior walls, at grade level, of a Building or Structure, is not more than 150 feet from a Road as measured by an approved route around the exterior of the Building or Structure.

**Exception:** The distance shall be permitted to be extended to 250 feet when the

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Building is protected by an automatic fire sprinkler system in accordance with NFPA 13, or NFPA 13D, and provided with an approved access walkway leading from the Roadway to the exterior openings around the Building or Structure.

**D104.2.2 Access Point(s) on Driveways.** Driveways serving Group R-3 occupancies shall be provided such that any portion of the exterior walls, at grade level, is not more than 150 feet from the Driveway(s) as measured by an approved route around the exterior of the Building or Structure.

**Exception:** The distance shall be permitted to be extended to 250 feet when the Building is protected by an automatic fire sprinkler system in accordance with NFPA 13D and provided with an approved access walkway leading from the Driveway to the exterior openings around the Building or Structure.

**D104.3 Roadway extensions.** Where Roadways extend beyond the Access Point(s), the extended Roadway shall comply with all requirements of the Fire Apparatus Access Roads.

**D104.4 Location.** Fire Apparatus Access Roads shall be constructed within the dedicated right-of-way, common area Parcels, or recorded access easements.

**D104.4.1 Maintenance agreements.** When private Fire Apparatus Access Roads or Driveways serves two (2) or more Parcels, provisions for maintenance of the access Road shall be assured by a permanent homeowners association or equivalent organization and a covenant running with the land establishing and setting forth the maintenance requirement shall be recorded on each Parcel. Such covenant running with the land shall also be placed upon multiple Parcels served by the same Fire Apparatus Access Roads that are under the same ownership.

**D104.4.2 Additional easements.** Private Driveways and required fire access Turnarounds serving 2 or more lots shall be located in a common area lot or easement. The common area lot or easement shall be a minimum of 5 feet wider than the required Driveway and Turnaround area widths (2-1/2 feet on each side). Signs prohibiting obstruction and parking along the common Driveway shall be posted at the discretion of the Fire Code Official.

**D104.5 Timing.** Fire Apparatus Access Roads shall be provided prior to and during the time of construction. See Section D113 of this appendix.

**D104.6 Gates/traffic calming across Fire Apparatus Access Roads.** Gate(s) and other traffic calming devices installed across Fire Apparatus Access Roads shall comply with the requirements in Section D111 of this appendix.

**D104.7 Parking.** Parking shall not be permitted within the required Fire Apparatus Access Roads and appurtenances, unless additional space is provided as outlined in this appendix.

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**D104.7.1 Restricted parking during Critical Fire Weather.** The Fire Code Official may designate certain Fire Apparatus Access Roads as "Restricted or No Stopping – Tow Away" zones during periods of Critical Fire Weather. Once such designation has been made, signs clearly depicting the designation shall be posted along such access Roads and notice of such designation shall be given to affected property owners.

**D104.8 Marking.** Where required by the Fire Code Official, approved signs or other approved notices or markings that include the words "NO PARKING – FIRE LANE – TOW AWAY" shall be provided for Fire Apparatus Access Roads to identify such Roads or prohibit the obstruction thereof. See Section D109 of this appendix.

**SECTION D105 – WIDTHS**

**D105.1 Road width.** Road widths shall be provided in accordance with the minimum requirements of the road standards of the jurisdiction in which the Road is to be constructed but not less than the dimensions indicated in Article 3, Table D105.1. Where there is no public road standard, Ventura County Public Road Standards shall apply.

**Table D105.1**

| Roads, Streets, Private Lanes | Minimum Improved Width | Parking |
|---|---|---|
| Two-Way Traffic[a] | 24 feet | No parking permitted |
| Two-Way Traffic | 32 feet | Parking permitted on (1) side |
| Two-Way Traffic | 36 feet | Parking permitted on (2) sides |

a Existing Parcels as defined in this appendix shall be permitted to be served by a Road width of not less than 20 feet. Where Existing Roads have been constructed, prior to issuance of a building permit, on an Existing Parcel, Roads shall be improved to 20 feet wide for a length equal to the property line frontage as approved by the Fire Code Official.

**D105.1.1 Public school buildings.** On-site access Roads shall be provided with a minimum 20-foot wide paved access. Buildings exceeding 30 feet in height shall provide a access Road in accordance with Section D107 of this appendix.

**D105.2 Driveway width.** The minimum clear width of a Driveway providing fire apparatus access shall be 15 feet.

**Exception:** When approved by the Fire Code Official, Driveway width can be reduced to not less than 12 feet in areas where full width cannot be installed due to topography or other natural obstructions. When Driveway widths are approved at less than 15 feet, all of the following shall be required:



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1. Automatic fire sprinklers shall be installed throughout all Structures, regardless of use, inclusive of bathrooms, closets, and combustible concealed spaces not otherwise required by NFPA 13D.

2. A minimum 14-foot unobstructed horizontal clearance shall be provided in SRA, and LRA Very High Fire Hazard Severity Zones.

3. A statement shall be recorded with the Ventura County Recorder as a public record and certified copy shall be provided to the Fire District prior to final occupancy. Recorded statement shall be the following: "The minimum required access has been modified due to topography or other natural obstructions. Emergency vehicle response may be delayed."

**SECTION D106 – ROADWAY DESIGN**

**D106.1 Public Roads.** All public Roads shall comply with public road standards for the jurisdiction in which the project is located unless a more restrictive requirement is indicated in this appendix.

**D106.2 Private Road design within cities.** Private Roads located within incorporated cities shall comply with public road standards for the jurisdiction in which the project is located. This includes paved widths and structural design. Curbs, gutters, and sidewalks shall be as determined by the public works or planning department having jurisdiction.

**D106.3 Road surface, construction and grade limitations.** Fire Apparatus Access Roads serving commercial, industrial, and multifamily occupancies shall have a structural cross section and surface complying with the public road standards for the jurisdiction in which the project is located.

**D106.3.1 Surfacing and construction.** All access Roads within the unincorporated areas and all Driveways shall have a structural cross section and surface complying with one of the following. Curbs, gutters, and sidewalks shall be as determined by the public works or planning department having jurisdiction.

1. Asphalt or concrete in accordance with public road standards.

2. On Driveways, an alternate surface certified by a registered civil engineer as an "All-Weather Access Road" based upon Standard R Value Analysis. A copy of the certification shall be provided to the Ventura County Fire Protection District's Fire Prevention Bureau and a statement that the access Road is an All-Weather Access Road shall be recorded on the parcel and shall be maintained by the property owner. Drainage and erosion controls shall be recommended by the registered civil engineer and shall be provided to and maintained by the property owner. Alternate surfacing will be acceptable on

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grades up to 10%. NOTE: Compacted dirt or base does not constitute an All-Weather Access Road.

**D106.3.2 Certification.** Alternate surfaced Roads as outlined in Section D106.3.1(b) of this appendix shall be certified by a registered civil engineer as being "All-Weather" based upon Standard R Analysis. A copy of the certification shall be provided to the Ventura County Fire Protection District's Fire Prevention Bureau and a statement recorded on the parcel deed that the access Road is an All-Weather Road and shall be maintained by the property owner. Drainage and erosion controls shall be recommended by the engineer and shall be provide and maintained.

**D106.3.3 Most Weather Road.** When in the opinion of, and approved by, the Fire Code Official, firefighting or rescue operations would not be unduly impaired during most weather conditions, private access Roads and Driveways requirements may be modified in areas subject to annual snowfall (i.e., Lockwood Valley) as follows and provided:

1. The Driveway and/or acc Road serving the single-family Dwelling area must conform to Fire District standards for width, grade, length, curve radius, vertical clearance, and be capable of supporting fire and rescue apparatus during most weather conditions.

2. Most weather access roads greater than 10% grade shall meet All-Weather surface requirements.

3. A statement is recorded with the Ventura County Recorder as a public record, indicating the Fire District's minimum fire access requirements is not provided to this Parcel and that emergency equipment may not be able to reach any Buildings on the Parcel during inclement weather. A certified copy shall be provided to the Fire District. The form shall be as approved by the Fire Code Official.

**D106.3.4 Fair weather crossings.** Existing crossings that do not exceed 1 foot depth of flow during a 10-year storm may be considered All-Weather if the surface of the crossing is concrete and has a history of withstanding normal flow. Existing crossings shall be certified by a registered civil engineer, and a copy of the engineer's report shall be provided to the Fire District. New crossings shall be designed by a registered civil engineer to be above the 10-year flow level, with documentation submitted to the Fire District for approval. Length of fair weather crossings shall not exceed 50 feet.

**D106.4 Bridges and elevated surfaces.** Where fire apparatus must cross over a bridge or elevated surface, the bridge or surface shall be constructed and maintained in accordance with AASHTO HB-17. Surfaces shall be designed for a live load sufficient to carry the imposed loads of not less than that required by HS-20 Loading.

**D106.4.1 Posting of load limits.** Load limit signs shall be posted at both entrances

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to bridges or Road accesses over a below-grade structure as required by the Fire Code Official. Load limit signs shall be constructed of weather resistant materials, posted in obvious locations and shall be maintained legible.

**D106.5 Shoulders.** Shoulders, if required, shall be compacted to a minimum 95% relative compaction. All-Weather surface is not required. For access widths that include shoulders, any parking areas shall be added to the outside edge of the required shoulder. If shoulders are provided, Fire Lane signs shall be posted if the shoulder is greater than four (4) feet in width, unless provisions for parking with additional 10-foot width have been provided (total shoulder of 14 feet or wider).

**D106.6 Vertical clearance.** Fire Apparatus Access Roads shall have a clear and unobstructed height of 13 feet 6 inches across the entire road width.

**D106.7 Vertical curve.** The vertical curve of a Road or Driveway shall not allow for transitions between grades that exceed 6% elevation change along any 10-foot section. These transitions shall include angle of approach, angle of departure, and high-centering of fire apparatus.

**D106.8 Grade limitations.** The grade for a Fire Apparatus Access Road shall not exceed that allowed by the public road standards for the jurisdiction in which the access Road is located. Where no limitation is provided in the public road standards, a maximum 16% grade shall be used. Maximum grade for commercial, industrial, and multifamily projects shall not exceed 10%.

**Exception:** The Fire Code Official shall be permitted to increase the grade limitations for Driveways to a maximum of 20%, not to exceed a maximum cumulative distance of 1,000 feet along the entire length of the Driveway.

**D106.9 Cross slope.** Fire Apparatus Access Roads shall be designed with a maximum cross slope of 5% on any section.

**D106.10 Horizontal turn radius.**

**D106.10.1 SRA, LRA Very High FHSZ, and HFA locations.** Fire Apparatus Access Roads shall have a minimum horizontal inside curve of 50 feet. When transitioning from one curve to another curve in the opposite direction, a recovery distance of not less than 80 feet shall be provided.

**D106.10.2 All other locations.** Horizontal turn radius shall be determined by the public road standards based upon street width and speed and no Road shall have a centerline horizontal turn radius curvature of less than 40 feet. When transitioning from one curve to another curve in the opposite direction, a recovery distance of not less than 80 feet shall be provided.

**D106.11 Turnarounds.**

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**D106.11.1 Turnaround required.** Turnarounds in accordance with Section D110 of this appendix shall be provided where Dead-End Roads and Driveways exceed 150 feet.

**Exception:** When all of the following exist, a Turnaround is not required:

1. The Road or Driveway does not exceed 250 feet in length,
2. No portion of the Road or Driveway exceeds 5% grade,
3. The Road width is not less than 20 feet and Driveway width is not less than 15 feet.
4. The inside turn radius of all turns is not less than 80 feet.

**D106.11.2 Road Turnaround location.** Turnarounds shall be located at the termination of the Road.

**D106.11.2.1 Additional Road Turnarounds.** Additional Turnaround shall be installed where Dead-End Roads serve Parcels zoned 5 acres or larger, at a maximum 1,320-foot intervals.

**D106.11.3 Driveway Turnaround location.** Turnarounds shall be located within 50 feet of each building served by the Driveway.

**Exception:** Driveways located in non-FHSZ or non-HFA areas shall have the Turnaround located within 150 feet of the Driveway termination.

**D106.11.3.1 Additional Driveway Turnarounds.** Additional Turnarounds shall be installed at 1/2 mile intervals where Dead-End Driveways exceed 1 mile in length.

**D106.12 Turnouts**

**D106.12.1 Existing Road Turnouts.** In addition to the required improvements specified in Table D105.1 of this appendix, Turnouts in accordance with Figure D110.5.3 of this appendix shall be provided, within the right-of-way or easement, on all Existing Roads where road width is less than 20 feet clear and road length are in excess of 300 feet as specified below:

1. At the midpoint of Roads less than 800 feet.
2. Every 400 feet on Roads greater than 800 feet.
3. Where fire hydrants are installed along the Road.

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**D106.12.2 Existing Road Turnout improvements.** It is the intent of Section D106.12.1 of this appendix to require Road improvements along an existing, legal, non-conforming Road when new Structures are constructed that will increase the amount of vehicle traffic. Where improvements are partial or incomplete, each new development shall continue the improvement of the access as approved by the Fire Code Official. This improvement shall be inclusive but not limited to new primary or secondary dwellings.

**D106.12.3 Additional Road Turnouts.** New Dead-End Roads exceeding 800 feet shall have Turnouts installed as follows:

1. One (1) Turnout at the midpoint of a Dead-End Road not exceeding 1,320 feet.

2. One (1) Turnout for each 1,320 feet of Road length, or portion thereof, when Dead-End Roads exceed 1,320 feet. Turnouts shall be spaced equal distance apart along the length of the Dead-End Road.

**D106.12.4 Driveway Turnouts.** Turnouts shall be provided in accordance with Section D110 of this appendix on all Driveways in excess of 300 feet as specified below:

1. At the midpoint of Driveways less than 800 feet.

2. Every 400 feet on Driveways greater than 800 feet.

3. Where drafting fire hydrants are installed along the Driveway.

**D106.12.5 Substitution for Driveway Turnouts.** Approved Turnarounds can be substituted for a Turnout where approved by the Fire Code Official.

**D106.12.6 Turnouts at fire hydrants.** Turnouts at fire hydrants shall not exceed a 5% grade on any portion of the Turnout.

## SECTION D107 – AERIAL APPARATUS ACCESS

**D107.1 General.** Aerial fire apparatus access shall be required when the vertical distance between any grade plane and the highest roof surface exceeds 30 feet. One aerial apparatus access road shall be provided per 50,000 square feet of building area.

**Exceptions:** Aerial fire apparatus access shall be not required when any of the following apply:

1. Non-accessible roofs with a pitch greater than 8:12 when the Building is protected by an automatic fire sprinkler system in accordance with NFPA 13.

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2. Limited architectural features such as canopies and towers without habitable floor space below the roof when the Building is protected by an automatic fire sprinkler system in accordance with NFPA 13.

**D107.2 Determination of height.** For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**D107.3 Width of aerial apparatus access.** Aerial apparatus access roads shall have a minimum unobstructed width of 30 feet, exclusive of shoulders.

**D107.4 Proximity to Building.** Required aerial apparatus access roads shall be located within a minimum of 15 feet and a maximum of 30 feet from the Building.

**D107.5 Position of aerial apparatus access.** Aerial apparatus access roads shall be positioned such that they are parallel to the entire side of the Building. The road shall be along the longest side of the Building, unless otherwise approved by the Fire Code Official.

**D107.6 Obstructions.** Obstructions between aerial apparatus access roads and the Buildings they serve shall be reviewed and approved by the Fire Code Official.

**D107.7 Overhead utilities.** Overhead utilities and power lines shall not be located along or within aerial apparatus access roads and shall not be permitted between aerial fire apparatus access roads and the Buildings they serve.

**D107.8 Trees.** Trees and other similar obstructions planted between the aerial apparatus access road and the Building shall comply with the following requirements:

1. Shall be spaced so there will be a minimum 30-foot separation between canopies at maturity.

2. Shall not be placed within 45 feet of the ends of a Building along the access.

**D107.9 Mitigation to aerial apparatus access roads.** The Fire Code Official is authorized to reduce the required width to not less than 24 feet when all of the following are provided:

1. Automatic fire sprinklers are installed throughout the Building in accordance with NFPA 13.

2. Fire sprinkler standpipes are provided on all floors and through to the roof.

3. Two or more roof access points are provided through 2-hour fire rated stair enclosures that are separated a distance not less than half of the diagonal of

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the Building.

## SECTION D108 – SECONDARY ACCESS

**D108.1 General.** Secondary Access required in other sections of this appendix shall comply with the requirements of Section D103, and D108.1 through D108.7.5.1 of this appendix.

**D108.2 Looped access.** Separate access Roads that come back to a single access location (choke point) are not acceptable and will be considered a Dead-End access.

**D108.3 No limitations of use.** Secondary Access Roads shall not be limited for emergency use only and shall permit the free passage for egress at all times without the use of a key, remote, or other special knowledge.

**D108.4 Construction of Secondary Access.** When Secondary Access is required, the width, grade, vertical and horizontal curves, and construction standards shall be the same as required for the Primary Access Road.

**D108.5 Separation of Primary and Secondary Access.** Primary and Secondary Access Roads shall be separated to ensure that both routes will not be obstructed by a single emergency. The minimum separation of Primary and Secondary Access Roads in SRA, LRA Very High FHSZ, and HFA locations shall be a minimum of 1,000 feet. Separation distance in all other locations shall be a minimum of 300 feet. A distance of ¼ to ½ mile may be required as determined by the Fire Code Official for LRA Very High and SRA Very High areas.

**D108.6 Separation determination point.** Separation shall be measured at the point in which each Road terminates at a location where a vehicle operator can choose two independent directions in which to travel.

**D108.7 When required.**

**D108.7.1 New Subdivisions of residential Group R-3 projects located in LRA non-very high FHSZ and non-HFA.**

**D108.7.1.1 Road length limitations, Dead-End Roads and Secondary Access.** The maximum length of Dead-End Roads shall not exceed the cumulative lengths established in this section. Where Dead-End Roads exceed length limitations listed below, new developments shall provide Secondary Access:

1. Dead-End Roads serving up to 20 Parcels and not more than 40 Dwelling Units shall not exceed 5,280 feet.

2. Dead-End Roads serving up to 30 Parcels and not more than 60 Dwelling Units shall not exceed 2,640 feet.

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3. All other Dead-End Roads shall not exceed 800 feet.

**D108.7.2 New Subdivisions of residential Group R-3 projects located in SRA, LRA very high FHSZ, and HFA.**

**D108.7.2.1 Road length limitations, Dead-End Roads and Secondary Access.** The maximum length of Dead-End Roads shall not exceed the cumulative lengths established in Table D108.7.2.1 of this appendix. Where Dead-End Roads exceed length limitations, developments shall provide Secondary Access.

**Table D108.7.2.1 [a,b]**

| Size of Parcel(s) Served | Length Limitation |
|---|---|
| Parcels zoned for less than one acre | 800 feet |
| Parcels zoned for 1 acre to 4.99 acres | 1,320 feet |
| Parcels zoned for 5 acres to 19.99 acres | 2,640 feet |
| Parcels zoned for 20 acres or larger | 5,280 feet |

a. All lengths shall be measured from the edge of the roadway surface at the intersection that begins the Road to the end of the Road surface at its furthest point.

b. Where a Dead-End Road crosses or serves areas of differing parcel sizes, requiring different length limits, the shortest allowable length shall apply, including measurement of Existing Dead-End Roads. See Section D103.3.1 of this appendix.

**D108.7.4 Multifamily projects.** Multifamily projects shall be provided with Secondary Access throughout the project with two separate and approved Fire Apparatus Access Roads, including Secondary Access to the site when any of the following occur:

1. Dead-End Roads shall not exceed 800 feet.

2. Dead-End Roads shall not serve more than 100 Dwelling Units or 200 guest rooms or combination thereof. Combination calculation shall utilize percentage of units (i.e. 50 Dwelling Units equals 50% and 100 guest rooms equals 50% for a total of 100%).

**D108.7.5 Commercial and industrial projects.**

**D108.7.5.1 Subdivisions.** Secondary Access shall be provided for Subdivisions with Dead-End access roads exceeding 800 feet.

**SECTION D109 – FIRE LANES**

**D109.1 General.** Fire Apparatus Access Roads and fire protection equipment shall comply with this section. Fire Apparatus Access Roads designated as Fire Lanes

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shall be posted with Fire Lane markings/signs in accordance with this section, Caltrans Traffic Manual and California Vehicle Code (CVC) Sections 22500.1 and 22658(a).

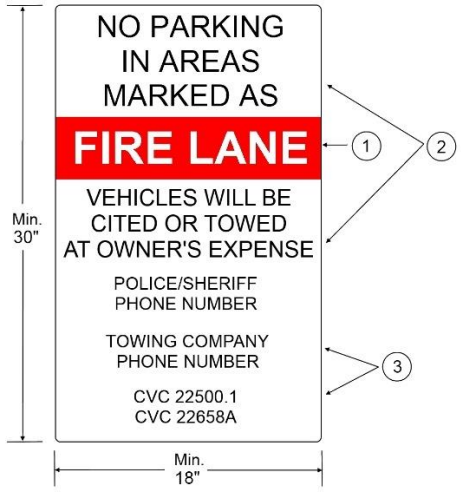
**D109.2 Vehicle code.** The Fire Code Official is authorized to use the provisions of the CVC for marking and enforcing Fire Lanes, including provisions for tow away zones, upon public and private Fire Apparatus Access Roads and Driveways.

**D109.3 Maintenance.** The means by which Fire Lanes are designated shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate readability and visibility.

**D109.4 Enforcement.** When properly posted, violating vehicles may be removed (towed) in accordance with CVC Section 22658, including any required notifications.

**D109.5 Fire Lane enforcement notification.** All entrances to properties with designated Fire Lanes shall be posted with signs as indicated in Figure D109.5 of this appendix.

**Figure D109.5**




1. The sign shall be of a durable material, securely mounted, facing the direction of travel and clearly visible to oncoming traffic entering the designated area.

2. The words “FIRE LANE” shall be white reflective lettering on a red background and no smaller than 4 inches in height.

3. Lettering shall be red on a white reflective background, no smaller than 2 inches in height.

4. The words “POLICE/SHERIFF” and the name of each towing company

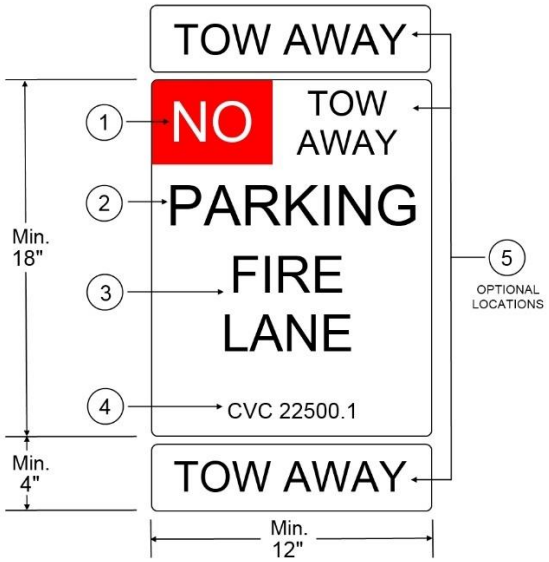
under written authorization agreement from the property owner to tow shall be placed on the sign. The respective telephone number for each shall be listed below their name. The applicable California Vehicle Code sections shall be listed. Lettering shall be red on a white reflective background and be no smaller than 1 inch in height.

**D109.6 Fire Lane identification.** Fire Lanes shall be posted with one of the following methods (some situations may not allow a choice):

1. Signs as indicated in Figure D109.6(a) of this appendix shall be placed along the length of the Fire Lane, every 150 feet or portion thereof. Each section and/or direction shall have at least one sign.

2. All curbing which outlines the Fire Lanes shall be painted red. White lettering reading “NO PARKING – FIRE LANE – TOW AWAY” shall be a minimum of 4 inches tall and placed every 50 feet or portion thereof. The lettering shall be placed on top of the curb and at least once on each section and/or direction as indicated in Figure D109.6(b) of this appendix.

**Figure D109.6(a)**




1. The word “NO” shall be a white reflective background, no smaller than 3-1/2 inches in height.

2. Lettering shall be red on a white reflective background, no smaller than 3 inches in height.

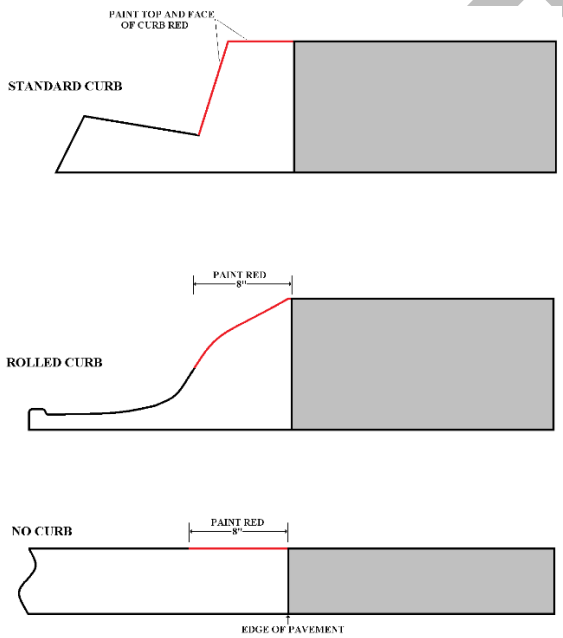
3. Lettering shall be red on a white reflective background, no smaller than 2-1/2 inches in height.

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4. Lettering shall be red on a white reflective background, no smaller than 1 inch in height.

5. The words “TOW AWAY” shall be in one of the three optional locations. The lettering shall be red on a white reflective background, no smaller than 2-1/2 inches in height.

**Figure D109.6(b)**




“NO PARKING – FIRE LANE – TOW AWAY” shall be painted on the top of the curb with white 4 inch high lettering every 50 feet or portion thereof.

**D109.7 Posting of Roads.** Roads shall be posted in accordance with Section D109.6 of this appendix as follows:

1. Roads less than 32 feet in clear width from curb face to curb face shall be posted on both side of the Road.

2. Roads 32 feet to 36 feet in clear width from curb face to curb face shall be posted on one side of the Road.

3. Aerial apparatus access roads less than 38 feet in clear width from curb face to curb face shall be posted on both sides of the Road.

4. Aerial apparatus access roads 38 feet to 44 feet in clear width from curb face to curb face shall be posted on one side of the Road.

5. Turnarounds as specified in Section D106.11 of this appendix.

**D109.8 Posting for fire protection equipment.** Fire protection equipment shall be posted in accordance with Section D109.6 as follows:

1. Fire hydrants located along Roads shall be posted for a distance of 5 feet in each direction from the center of the hydrant.

2. Fire department connections (FDC) along Roads shall be posted for a distance of 5 feet in each direction from the center of the FDC.

**D109.9 Plan review and approval of Fire Lanes.** A Fire Lane location plan review is required for all projects where New Buildings or additions to Existing Buildings are proposed and the project is not exempt from providing fire department access. Plans shall be submitted to the Fire District's Fire Prevention Bureau.

**SECTION D110 – TURNAROUNDS, TURNOUTS, AND 90 DEGREE TURNS**

**D110.1 General.** This section applies to the design and installation of access Turnarounds, Turnouts, and 90 degree turns within the jurisdiction of the Ventura County Fire Protection District (VCFPD).

**D110.2 Parking restricted.** No parking shall be permitted within the required components of this section unless additional spaces are provided, and parking is approved by the Fire Code Official.

**D110.3 Fire Lane signage.** Fire Lane signs shall be required as determined by the Fire Code Official.

**D110.4 Turnarounds.** Turnarounds required by other sections of this appendix shall be designed in accordance with Sections D110.4.1 and D110.4.2.

**D110.4.1 Turnaround maximum grade.** Turnarounds shall not have a grade greater than 5% in any direction.

**D110.4.2 Turnaround dimensions.** Turnarounds shall have dimensions equal to or greater than the examples in Figures D110.4.2(1) and D110.4.2(2). Where conditions do not allow an exact duplicate of one of these examples, alternate designs may be considered.

**D110.5 Turnouts.** Turnouts required by other sections of this appendix shall be designed in accordance with Sections D110.5.1 through D110.5.4.

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**D110.5.1 Turnout maximum grade.** Turnouts shall not have a grade greater than that allowed on the Fire Apparatus Access Roads they serve. Transitions between grades shall not exceed 6% and shall not interfere with the angle of approach, angle of departure, or high centering of fire apparatus.

**D110.5.2 Turnout location.** Turnouts shall be installed in locations determined elsewhere in this appendix for the Fire Apparatus Access Road they serve.

**D110.5.3 Turnout dimensions.** Turnouts shall have dimensions for the Fire Apparatus Access Roads they serve equal to or greater than the examples in Figure D110.5.3.

**D110.5.4 Turnouts at fire hydrants.** Turnouts located at fire hydrants shall not have a grade greater than 5% in any direction.

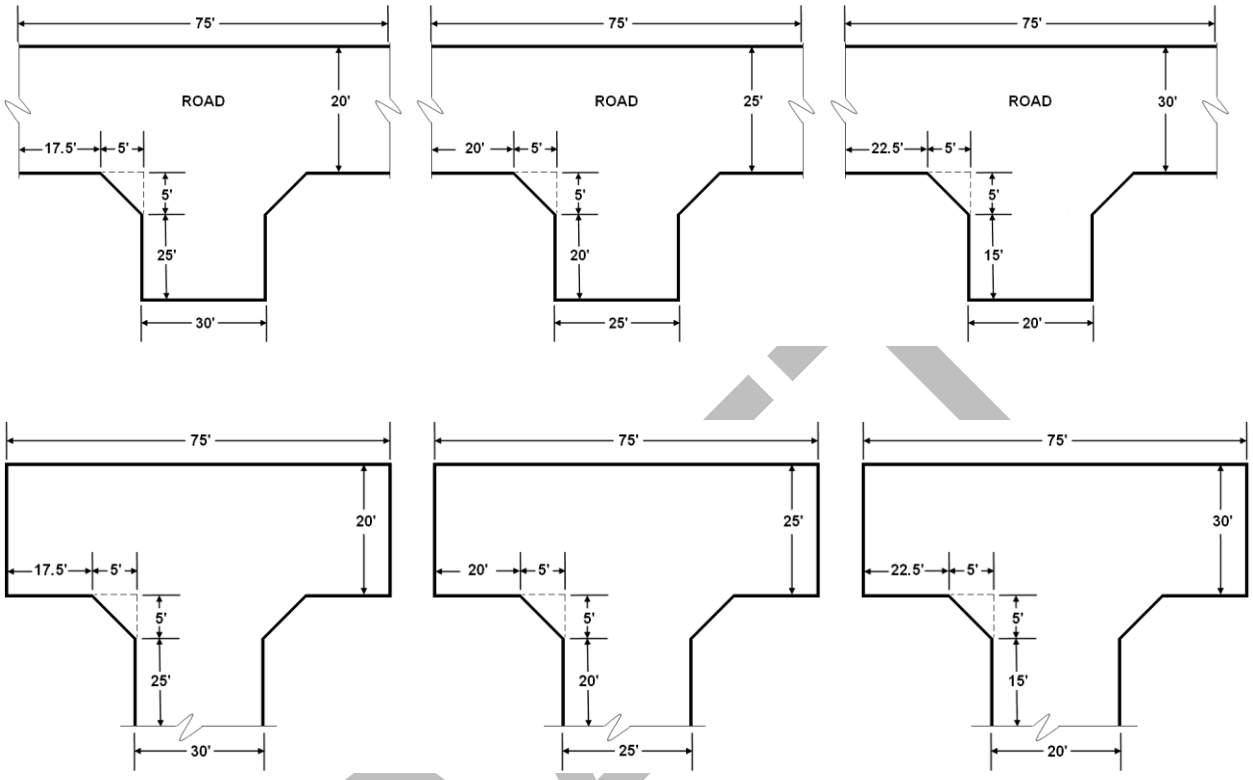
**D110.6 90 degree turns.** 90 degree turns shall be designed in accordance with Sections D110.6.1 through D110.6.2 of this appendix.

**D110.6.1 90 degree turn maximum grade.** 90 degree turns shall not have a grade greater than 5% in any direction.

**D110.6.2 90 degree turn dimensions.** 90 degree turns shall have dimensions equal to or greater than the examples in Figure D110.6.2 of this appendix. Where conditions do not allow an exact duplicate of one of these examples, alternate designs may be considered.

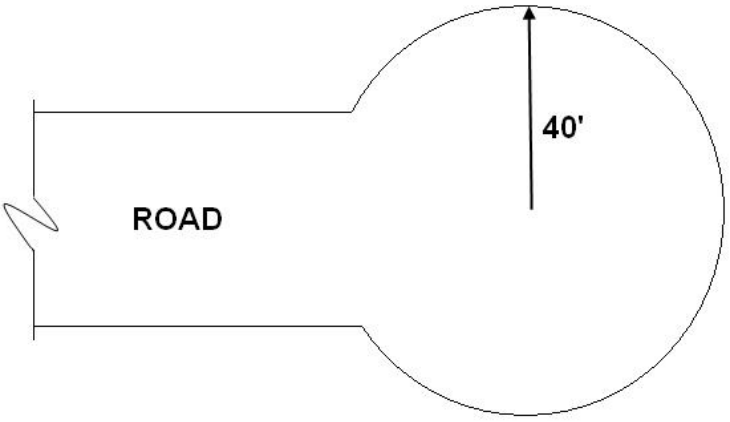
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**Figure D110.4.2(1)***



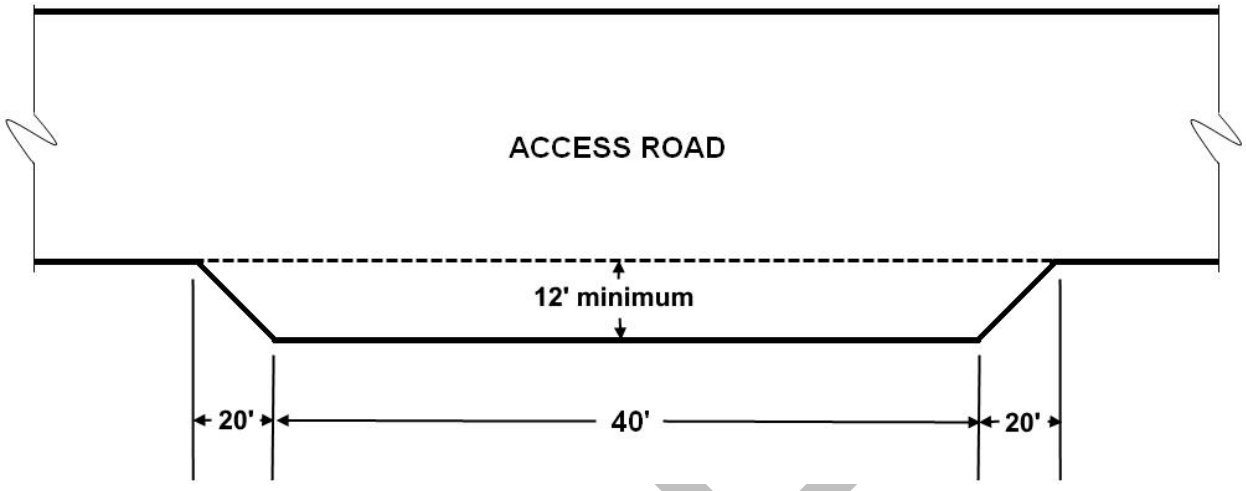

* No parking shall be permitted. Parking shall require an additional 8 feet to the traffic lane.

**Figure D110.4.2(2)***



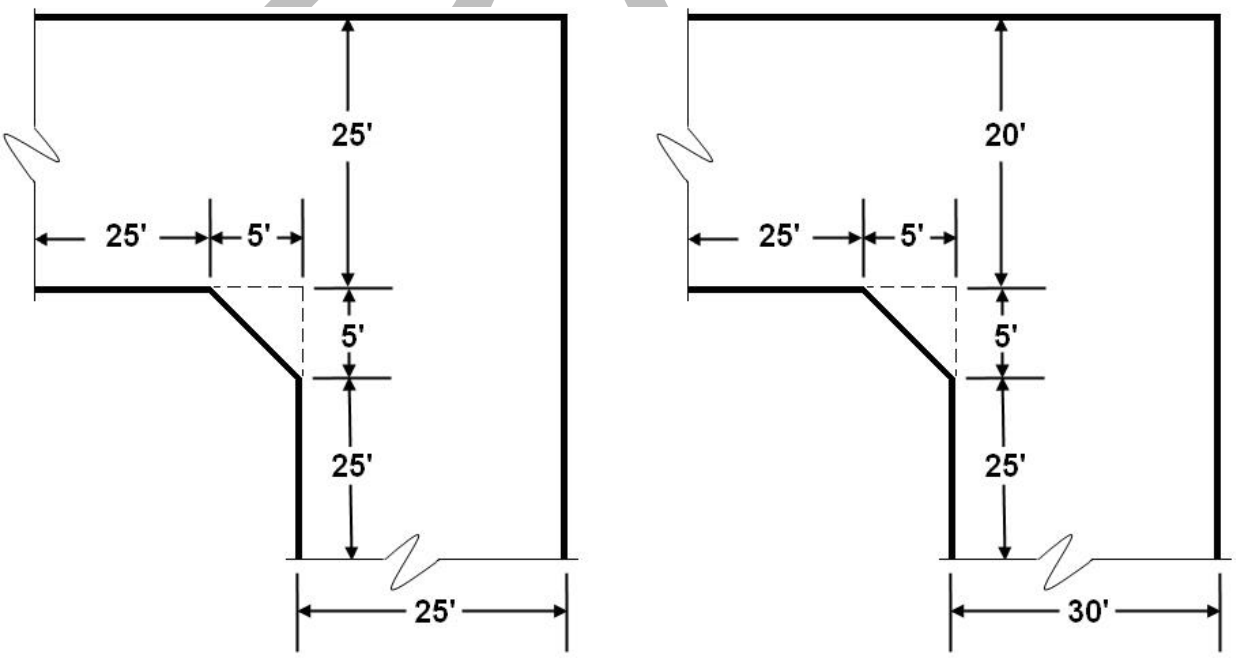

* No parking shall be permitted. Parking shall require a minimum 50-foot radius. A maximum 12-foot diameter island may be permitted at the center of the cul-de-sac bulb when off-street parking is provided.

**Figure D110.5.3***




* Existing Roads that are being improved in accordance with Section D106.12.1 of this appendix shall be improved to a minimum width of the Road easement up to a width of 24 feet.

**Figure D110.6.2**



## SECTION D111 – GATES AND TRAFFIC CALMING DEVICES

**D111.1 Gates general.** Gates shall be installed and maintained in an operative condition at all times in accordance with Sections D111.1 through D111.13 of this appendix.

**D111.2 Gates.** Gates across Fire Apparatus Access Roads shall not be limited to emergency exit only and shall provide for egress for all persons at all times without the use of keys, codes, remote controls, or special knowledge.

**D111.3 Gate permits required.** Scaled access plans shall be submitted to the Fire District for review and approval prior to the installation of ang gates across Fire Apparatus Access Roads. In addition to obtaining Fire District approval, a zoning clearance and building permit may also be required. It shall be the responsibility of the owner or owner's authorized agent to obtain all required permits and approvals prior to the installation of ang gates across Fire Apparatus Access Roads.

**D111.4 Gate inspections.** Prior to placing any gate into service, the responsible party shall request an inspection from the Fire Code Official.

**D111.5 Knox device.** All gates shall be equipped with a Knox Rapid Entry device installed in an approved location. Electric gates shall be equipped with a Knox key switch. Manual gates may be locked with a padlock or Knox padlock. Gates locked with a padlock shall be provided with a Knox key box with padlock keys inside. No other locks or latches shall be installed on gates.

**D111.6 Multiple gates.** There shall be no more than one (1) gate across Fire Apparatus Access Roads providing ingress and egress to an area.

**Exception:** Additional gates may be installed across Driveways when they do not unduly impair ingress or egress as approved by the Fire Code Official.

**D111.7 Gate interference.** Gates and other appurtenances shall be placed such that they do not interfere with the required turning radius and/or the use of fire protection equipment.

**D111.8 Driveway gates.** Gates across Driveways shall comply with Sections D111.1 through D111.8.6 and Sections D111.10 through D111.13 of this appendix.

**Exception:** Gates installed across a Driveway that is not part of the required fire department access are not required to comply with this section.

**D111.8.1 Driveway gate operation.** Gates across Driveways shall be permitted to be electrically or manually operated and may be of the swing or sliding type.

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**D111.8.2 Fail-safe.** Electrically operated gates shall operate with battery back-up or in “fail-safe” when electrical service is interrupted. “Fail-safe” shall allow for a gate to be opened manually under power loss.

**D111.8.3 Driveway gate easements.** All gate components shall be located within a recorded easement, including location of any gate in the open position when serving more than one (1) Parcel.

**D111.8.4 Driveway gate width.** Gates across Driveways shall have a clear width of not less than 15 feet.

**D111.8.5 Vehicle stacking.** Gates across Driveways located in the SRA or LRA Very High FHSZ shall be situated in accordance with public road standards but not less than 30 feet from an intersecting Road to allow safe vehicle stacking and shall open to allow a vehicle to stop without obstructing traffic on the Road.

**D111.8.6 Turnaround.** A Turnaround shall be provided at the gate when Driveway gates are located more than 150 feet from the intersecting Road.

**D111.9 Road gates.** Gates across Roads shall comply with Section D111.1 through D111.7 and Sections D111.9 through D111.13 of this appendix.

**D111.9.1 Road gate operation.** Gates shall be electrically operated and may be of the swing or sliding type.

**D111.9.2 Road gate exit loop.** An automatic exit loop shall be provided for all gates on the egress side of the gate. No gate shall require the use of a key, remote, or other device to egress.

**D111.9.3 Road gate battery back-up.** Gates shall be equipped with a battery back-up and in the event of a power failure, shall open and remain open until power is restored.

**D111.9.4 Road gate easements.** All gate components shall be located within recorded easements, including the location of any gate in the open position.

**D111.9.5 Road gate width.** Gates across Roads shall have a clear width of not less than 20 feet when serving two-way traffic and not less than 15 feet when serving one-way traffic. See Figure D111.9.5.

**D111.9.6 Vehicle stacking.** Gates across Roads shall be situated in accordance with public road standards but not less than 40 feet from an intersecting Road to allow safe vehicle stacking and shall open to allow a vehicle to stop without obstructing traffic on the Road.

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**D111.9.7 Turnaround.** Provisions for turning around vehicles shall be provided for when entry is denied.

**D111.10 Gate maintenance.** All gates and components shall be maintained in an operative condition at all times and shall be replaced or repaired when defective.

**D111.11 Maintenance responsibility.** Property owner(s) shall be responsible to maintain gates. Gates that are part of a tract development, residential planned development, or similar situation shall be maintained by the Owner's Association for the development or through a maintenance agreement between owners of all properties served by the gate. Maintenance agreements shall be in accordance with Section D104.4.1 of this appendix.

**D111.12 Battery testing.** Any gate required to have a battery back-up system shall have a semi-annual test of the system performed and a record kept on file.

**D111.13 Service records.** Service records shall be maintained on-site and are subject to review at the request of the Fire District.

**D111.14 Traffic calming devices.** Traffic calming devices shall be installed and maintained in accordance with the public road standards for the local jurisdiction in which the devices are to be installed. Where no public road standards exist for the local jurisdiction, the devices shall be installed in accordance with the Ventura County Road Standards.

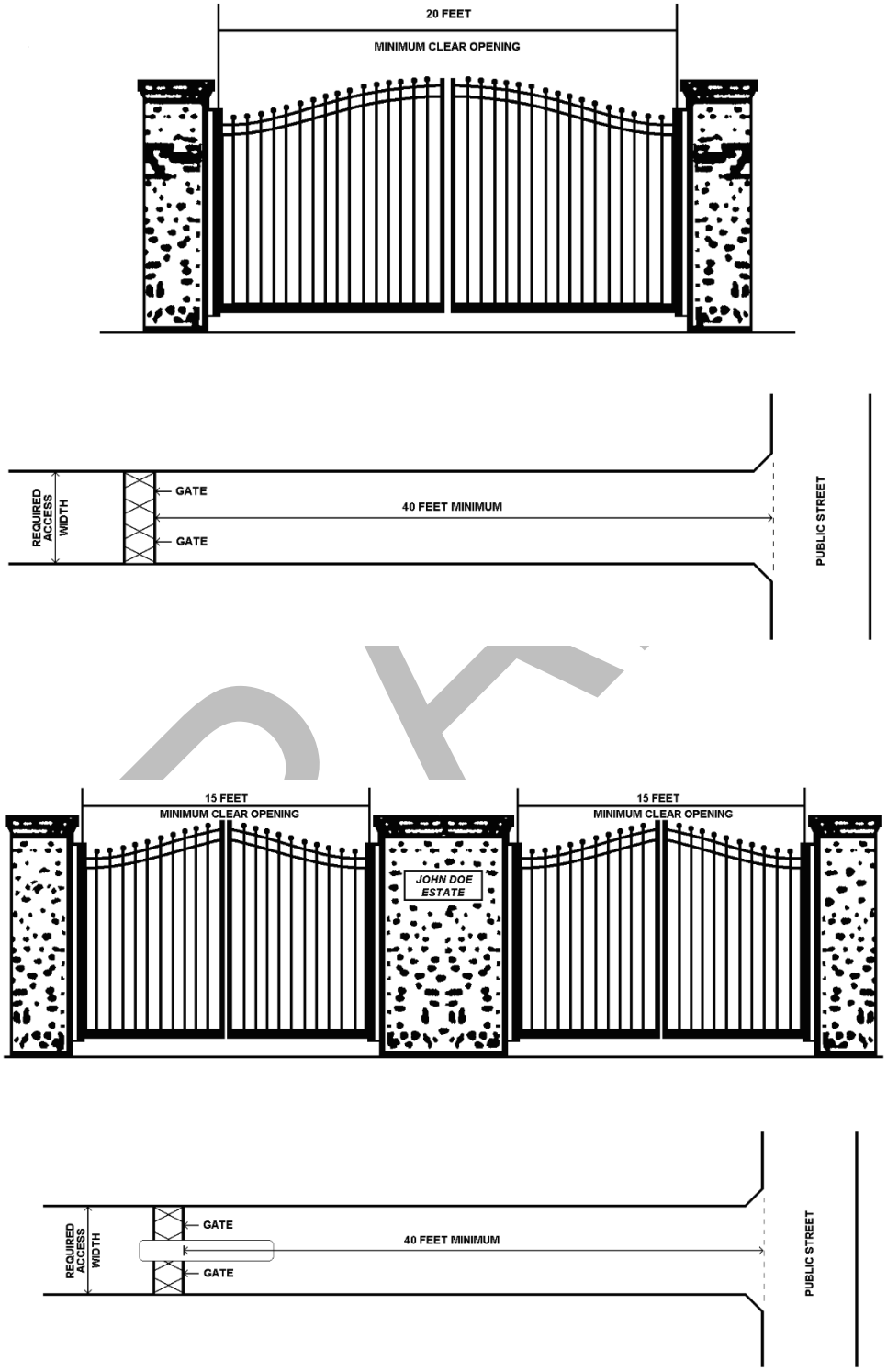
**D111.14.1 Traffic spikes.** Traffic spikes or similar devices shall not be installed across required Fire Apparatus Access Roads.

**D111.14.2 Speed Humps.** Prior to installation of any Speed Hump, the permittee, property owner, or HOA (if applicable) shall submit plans to the Fire District for approval. Speed humps shall comply with Fire District standards and any applicable city or county regulations.

**D111.14.3 Speed Bumps.** Speed Bumps are prohibited on Fire Apparatus Access Roads. When approved by the Fire Code Official, Speed Bumps may be installed on on-site Roads serving commercial and industrial Buildings. Speed Bumps are prohibited on on-site Roads serving Multifamily Buildings. Prior to installation of any Speed Bumps, the permittee or property owner shall submit plans to the Fire District for approval. Speed Bumps shall comply with Fire District standards.

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## Figure D111.9.5



## SECTION D112 – ALTERNATE SURFACES

**D112.1 Alternate surface Fire Apparatus Access Roads.** Use of alternate surfaces shall be at the direction of and approved by the Fire Code Official and shall be limited to Roads not normally used by the public. This section applies when a Fire Apparatus Access Road is not surfaced with traditional Road construction materials such as asphalt or concrete. This includes surfaces such as, but not limited to, pavers, stone, or grasscrete.

**D112.2 Certified report.** Alternate surface Fire Apparatus Access Roads shall be designed by a civil engineer registered by the State of California. The civil engineer shall certify that all components of the Fire Apparatus Access Road meet the requirements for All-Weather access and capable of supporting required loads. Certification of Fire Apparatus Access Roads on Fire District Form 609 – All-Weather Access Certification shall be provided to the Fire District prior to final occupancy.

**D112.3 Stabilization.** Stabilization of Fire Apparatus Access Roads shall be addressed in the design of the surface and may be accomplished by curbing.

**D112.4 Compaction.** All subgrade soil is required to have a minimum 95 percent compaction.

**D112.5 Markings.** Where alternative surfaces are not clearly identifiable, such as grasscrete, a curb shall be provided and painted red or reflectors shall be imbedded into bordering curbing at intervals not exceeding 15 feet.

**D112.6 Structural section of Driveways.** Alternate surfaced Driveways shall have a structural section meeting the requirements of All-Weather access based upon Caltrans Standard R-Value Analysis and adequate drainage control.

**D112.6.1 Acceptable structural section for Driveways.** When approved by a civil engineer an acceptable surface may be double chip seal surface over a minimum 4” PMB compacted to 95% relative compaction. Apply bituminous prime coat to aggregate base at the rate of 0.35 gallons per square yard of SC70 or MC70 bituminous binder, followed by a medium chip seal coating consisting of 0.35 gallons per square yard of CRS emulsion and 25 pounds of 3/8” x #6 screening consisting of broken stone or crushed gravel per square yard in accordance with the current California Division of Highways Standard Specifications.

**D112.6.2 Surface requirements.** The surface shall support vehicles and provide reasonable traction (no sliding) during weather conditions as required for All-Weather access.

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## SECTION D113 – ACCESS DURING CONSTRUCTION

**D113.1 Fire Apparatus Access during construction.** Fire Apparatus Access Roads during construction shall comply with this section.

**D113.2 Utilities.** All utilities within the required width of the Fire Apparatus Access Roads shall be installed prior to introducing Combustible Materials to a site or commencing vertical construction.

**D113.3 Driveways during construction.** Prior to and throughout vertical construction, Driveways, inclusive of Turnarounds, required for fire apparatus access shall have base material capable of supporting a 20-ton vehicle, during most weather conditions, installed and compacted to 95% relative compaction at a minimum of 12 feet wide.

**D113.4 Roads during construction.** Prior to introducing Combustible Materials or starting vertical construction, Fire Apparatus Access Roads shall be installed in accordance with Sections D113.4.1 through D113.4.2 of this appendix.

**D113.4.1 Width.** Fire Apparatus Access Roads shall have a minimum unobstructed width of 20 feet.

**D113.4.2 Surface.** First lift of AC pavement with required aggregate base in accordance with public road standards or registered engineer's design requirements.

**D113.5 Concrete tilt-up Buildings.** During the construction and placement of concrete tilt-up panels, and installation of non-combustible roof members, the surface may be as outlined below. Once this phase is completed, all utilities and the surface requirements of Sections D113.2 and D113.4 through D113.4.2 of this appendix shall apply.

1. Minimum 6 inches of native soil compacted to 95% relative compaction; and

2. Minimum 4 inches of aggregate base compacted to 100% relative compaction.

**D113.6 Fire protection systems.** Fire protection systems shall remain clear and unobstructed. Temporary signage shall be provided to alert employees that no obstructions of fire protection equipment shall be permitted.

## APPENDIX U

## ADMINISTRATIVE CITATIONS

Appendix U is added to read as follows:

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## SECTION U101 – GENERAL PROVISIONS

**U101.1 Purpose.** This chapter is adopted for the purpose of making any violation of this Code subject to an administrative fine and to set forth the procedures for the imposition and collection of such fines.

**U101.2 Applicability.** This chapter provides for administrative citations that are in addition to all other legal remedies, criminal or civil, which may be pursued by the Fire Code Official to address any violation of this Code. The use of this chapter shall be at the sole discretion of the Fire Code Official enforcing this Code.

## SECTION U102 – DEFINITIONS

**U102.1 Definitions.** For the purpose of this appendix, the following terms are defined in Article 3, Chapter 2:

**CITEE.**
**DAY.**
**FIRE CODE OFFICIAL.**
**HEARING OFFICER.**
**REVIEWING OFFICER.**

## SECTION U103 – NOTICES

**U103.1 Service.** Unless otherwise provided, all notices and citations required by this chapter shall be served on Citee via personal service or first-class mail, postage prepaid, to Citee's last known address. Service shall be deemed effective when personally served or when deposited into the United States mail. The individual serving Citee with any notice shall complete a declaration of service. Failure to receive any notice shall not affect the validity of the proceedings conducted under this chapter.

## SECTION U104 – ADMINISTRATIVE CITATIONS

**U104.1 Administrative citations.** Issuing an administrative citation pursuant to this chapter is in lieu of any criminal citation that could have been issued for the same violation. The issuance of the administrative citation does not, however, prevent issuance of a criminal citation for subsequent violations of the same nature.

**U104.2 Contents.** Each administrative citation shall contain the following information:

1. The date of the violation.

2. The address or a definite description of the geographic location where the violation occurred or is occurring.

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3. The section of this Code that was violated.

4. A description of the conditions causing the code violation.

5. The amount of the administrative fine for the code violation.

6. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.

7. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.

8. Notification that payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.

9. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the manner in which a request for review of the citation may be requested; and

10. The name of the citing Fire Code Official.

**U104.3 Service; storage.** The Fire Code Official shall serve the original citation on the Citee in the manner set forth in this chapter. The Fire Code Official will be the custodian for the citation and, expect as specified by this chapter, all documents related thereto.

**U104.4 Records duration.** All citations and related documents shall be retained for a period of three (3) years after final disposition of the citation case.

**SECTION U105 – ADMINISTRATIVE FINES**

**U105.1 Amount of fine.** The amounts of the administrative fines imposed under this chapter for violations of this Code shall be established by Board of Directors and are subject to change by resolution of the Board of Directors. That resolution shall also set forth any increased fines for repeat violations of the same code provision(s) by the same Person within twelve (12) months from the date of a previous administrative citation.

**U105.1.1 Administrative fine established.** The following administrative fines are established and shall be applicable to each violation of any provision of this Code unless the Board of Directors provides otherwise by subsequent resolution or ordinance amendment:

1. A fine not exceeding one hundred dollars ($100) for the first violation.

2. A fine not exceeding two hundred dollars ($200) for the second violation of the same provision within one (1) year of the first violation.



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3. A fine not exceeding five hundred dollars ($500) for the third violation of the same provision within one (1) year of the first violation.

**U105.1.1.1 Factors to be considered in determining the amount of any fines.** The amount of any administrative fine imposed for separate violations of this Code may be up to, but not exceed, $1,000 per Day. In determining the amount of the fine, the fire code enforcement officer shall consider the known relevant circumstances in light of various factors which include, but are not limited to, the following:

1. The actual or potential extent of the harm caused;
2. The likelihood to cause harm;
3. The seriousness or gravity of the violation (i.e., the level of threat to property, health, or safety of people and animals or the environment);
4. Whether the violation is subject to correction by obtaining a permit or cannot be corrected by permit;
5. The culpability of the violator in causing the violation;
6. The length of time over which the violation occurs;
7. The history of past violations, either of a similar or different nature, on the same or different property under the same ownership;
8. The cooperation of the violator in resolving the existing and past violations;
9. The financial burden to the violator;
10. The factors and policies set forth in any guidelines hereafter adopted by the Board of Directors; and
11. All other relevant circumstances.

**U105.2 Payment Of administration fines.** An administrative fine shall be paid to the Fire District within thirty (30) Days from the date of the administrative citation or, if a request for an initial administrative review is submitted, within fifteen (15) Days of the date of issuance of the Reviewing Officer's report of the conclusions of the initial administrative review, whichever is later (the "due date").

**U105.3 Delinquent administrative fines penalties & interest.** The following shall apply to any delinquent administrative fine due:

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**U105.3.1 Penalties** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month after the due date. The total amount of any penalty shall not exceed fifty percent (50%) of the fine.

**U105.3.2 Interest** In addition to any penalties provided by this Section, delinquent fines will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from and after the due date until paid in full.

**U105.3.3 Legal means.** The Fire District may use all legal means to collect any past due fines or penalties should a Citee fail to pay the fine or penalties by the applicable due date.

**U105.4 Issuance of permits.** Should a Fire Code Official issue a citation because the Citee lacks a required permit and the fine subsequently become delinquent, the required permit shall not be issued until the delinquent fine, and any applicable penalties and interest, is paid in full. Any permit issued may be revoked for the Citee's failure to timely pay any delinquent fine or penalties.

## SECTION U106 – ADMINISTRATIVE REVIEW AND HEARINGS

**U106.1 Initial Administrative review request.** A Citee may request an initial administrative review of the citation within twenty (20) Days of its issuance. This request must be made in writing to the Ventura County Fire Protection District, attention: Reviewing Officer. A Citee's request must set forth, with particularity, the reasons the Citee believes a violation did not occur or that the Citee should not be found responsible for the violation(s), and must also include a copy of the citation, and the address to which the Reviewing Officer's report of the conclusions of the initial administrative review should be mailed. A request for an initial administration review is a mandatory prerequisite to any subsequent request for an administrative hearing.

**U106.2 Initial administrative review decision.** Upon receiving a Citee's request for review, the Reviewing Officer shall review the request, citation, and other pertinent information, and provide the Citee with written report that includes either of the following with respect to each alleged violation:

1. The citation is vacated because there was no violation, or the Citee was not responsible for the violation; or

2. The citation is not vacated because no justification for setting aside the violation was found.

The report shall briefly set forth the reasons for the Reviewing Officer's conclusion(s).

**U106.2.1 Notification.** The Reviewing Officer shall mail a copy of the report to the Citee at the address included in the request for initial administrative review along with, if applicable, notice of the fine due date and the procedure for requesting an administrative hearing.

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**U106.2.2 Time period.** Absent unusual circumstances, a Reviewing Officer should complete his or her review within ten (10) business days of receiving a Citee's request. A notice of the administrative review decision shall be mailed within 3 business days of the Reviewing Officer's conclusion of his or her review.

## SECTION U107 – ADMINISTRATIVE HEARING PROCEDURES

**U107.1 Request for administrative hearing.** Any Citee dissatisfied with the conclusions of an initial administrative review may further contest the citation by requesting an administrative hearing. Any request for an administrative hearing must be submitted in writing within fifteen (15) Days of the date of the Reviewing Officer's report, which shall otherwise be final. Requests for administrative hearings must be submitted to the Fire District's Prevention Bureau and must be accompanied by an advance deposit in the total amount of the fine or a request for a hardship waiver.

**U107.2 Advance deposit – hardship waiver.** Citees who claim they are financially unable to make an advance deposit in the amount of the administrative fine may file for a hardship waiver. The request for a hardship waiver must be filed with the Fire District's administrative office on a form containing the information requested by the Fire District, including the address to which the Fire District's determination should be mailed. The Fire District will review the request and determine whether a waiver is justified. A waiver may only be approved if the request for waiver is accompanied by a sworn affidavit, together with any supporting documents or materials, demonstrating that the Citee's actual financial inability to deposit the full amount of the fine pending further review.

**U107.2.1 Notification.** The Fire District will inform the Citee in writing regarding whether the Fire District has approved or denied the waiver. This determination shall be served upon the Citee by mail at the address provided in the waiver application. The Fire District's determination is final.

**U107.2.2 Deposit due.** Should the Fire District determine that waiver is unjustified, the Citee must deposit the amount of the fine with the Fire District at the location set forth in the citation not later than ten (10) Days after the date of the Fire District's notice of rejection of the waiver. Citee's failure to make such a deposit within ten (10) Days after denial of any waiver shall be deemed a waiver of the Citee's right to an administrative hearing and the administrative fine shall be deemed final and delinquent.

**U107.3 Hearing date.** After receiving a timely filed hearing request and deposit, or waiver, of the fine amount, the Fire Marshal will set an administrative hearing on a date not less than fifteen (15), or more than sixty (60) Days, from the date the hearing is requested, or the waiver is granted or denied. Written notice of the date, time and location of the administrative hearing will be provided to the Citee at least fifteen (15) Days prior to the hearing date.

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**U107.4 Conduct of hearings.** The following procedures shall apply to the administrative hearing:

**U107.4.1 Evidentiary rules.** The administrative citation shall constitute *prima facie* evidence of the respective facts contained in the citation. Both the Citee and the Fire Code Official shall have the opportunity to testify and present additional evidence concerning the administrative citation. Evidence may include, without limitation, witness testimony, documents, or other similar evidence. Evidence sought to be introduced shall not be limited by any legal rules of evidence except that it must be relevant and material to the issue of whether the violation alleged in the citation occurred and whether the Citee was responsible for the alleged violation.

**U107.4.2 Waiver of personal appearance at hearing.** In lieu of personally appearing at an administrative hearing, the Citee may request that the Hearing Officer decide the matter based on the citation's face and any documentary evidence submitted by the Citee or the Fire Code Official prior to the hearing date.

**U107.4.3 Failure to appear at hearing.** Failure of a Citee to appear at the hearing shall be deemed a waiver of the right to be personally present at the hearing. The Hearing Officer shall then decide the matter based upon the citation itself, any documentation evidence previously submitted, and any additional evidence that may be presented at the hearing by the fire code enforcement officer who issued the citation.

**U107.4.4 Attendance of the Fire Code Official.** The fire code enforcement officer who issued the administrative citation may, but is not required, to attend the administrative hearing. Whether or not the fire code enforcement officer attends the hearing, the fire code enforcement officer may, prior to the hearing date, submit reports, photographs, or other documentation regarding the alleged violation to the Hearing Officer for consideration at the administrative hearing.

**U107.4.5 Continuation of hearings.** The Hearing Officer may continue any hearing and request additional information from the fire code enforcement officer or the Citee prior to issuing a written decision.

**U107.5 Hearing Officer's decision.** The Hearing Officer must issue a written decision to uphold or set aside the administrative citation and must present the reasons for the decision in the decision.

**U107.5.1 Notification**. The Fire Marshal will serve a copy of the Hearing Officer's decision to the Citee by first class mail with notice of the Citee's right to challenge the decision in a limited civil action in Ventura County's Superior Court.

**U107.5.2 Decision.** The Hearing Officer's decision is the Fire District's final action on the matter. The decision is final as of the date of the decision.

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**U107.6 Disposition of administrative fines.** The following actions regarding deposited fines shall occur after the hearing:

**U107.6.1 Citation upheld.** Should the Hearing Officer uphold the administrative citation, then the Fire District will retain the deposited fine amount and may expend such revenues as authorized by the Board of Directors.

**U107.6.2 Citation vacated**. Should the Hearing Officer vacate the administrative citation, the Fire District will promptly refund the amount of the deposited fine amount, if any, to the Citee.

**U107.6.3 Hardship payment due.** Should the Hearing Officer uphold the administrative citation in cases where a hardship waiver was granted, the due date for paying the administrative fine shall be thirty (30) Days from the date of the notice of the Hearing Officer's decision. After such time, the fine shall be delinquent.

**U107.7 Right to judicial review.** A Citee may appeal the Hearing Officer's decision by filing an appeal with the Superior Court in accordance with the terms of California Government Code Section 53069.4 within twenty (20) Days from service of the Hearing Officer's decision.

**U107.7.1 Suspension of fine.** Should the Citee file a timely appeal with the Superior Court, any outstanding obligation to pay the fine (or any penalties) will be suspended and the payment of the fine and penalties, if any, will be in accordance with the Superior Court's final decision.

## SECTION U108 – COLLECTION AND LIEN PROCEDURES

**U108.1 Recovery of administrative citation fines and costs.** In addition to any other legal remedy for collection of delinquent fines and penalties, the Fire Code Official may record a lien on property owned by the Citee in an amount equal to the sum of any fines delinquent for more than ninety (90) Days, plus penalties and interest. Imposition of a lien pursuant to this Section must be based on a citation related to the condition or use of real property, or its improvements, owned by the Citee.

**U108.2 Satisfaction of lien.** Once the Fire District receives full payment for outstanding principal, penalties, and costs, the Fire District shall either record a notice of satisfaction or provide the Citee with a notice of satisfaction for recordation at the Ventura County Recorder's Office. This notice of satisfaction shall cancel the lien.

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## ARTICLE 4 – AMENDMENTS TO THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE AND THE 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

**4.1 Amendments.** All chapters, sections, and other headings shall be those of the California Wildland-Urban Code and the International Wildland-Urban Interface Code as delineated in the 2025 California Wildland-Urban Interface Code; California Code of Regulations, Title 24, Part 7 published by the International Code Council. Generally, each numbered portion of these codes, such as Section 109.3, is deemed to be a separate section. An amendment as specified below to such a numbered portion amends only that section and does not, by omission or reference, delete any other section such as Section 109.3.1.

**4.1.1** The 2025 California Wildland-Urban Interface Code (CWUIC) and the 2024 International Wildland-Urban Interface Code (IWUIC) are amended and changed in the following respects:

### CHAPTER 1

### DIVISION I – CALIFORNIA ADMINISTRATION

Section 1.12.1 BoF – Board of Forestry is amended to read as follows:

*The specific scope of application of the agency responsible for enforcement, the enforcement agency, and the specific authority to promulgate and enforce provisions applicable to wildland-urban interface areas, unless otherwise stated.* The access requirements of California Code of Regulations (CCR) Title 14, Division 1.5 are amended by the VCFC Article 3, Appendix D, to be equal to or more restrictive, as allowed by CCR Title 14, Subsection 1270.05(a).

### DIVISION II – SCOPE AND ADMINISTRATION

Section 101.1 is amended to read as follows:

**101.1 Title.** Article 4 of this ordinance shall be known as the “Ventura County Wildland-Urban Interface Code”, may be cited as such, and will be referred to herein as “this Code”.

Section 102.4 is amended to read as follows:

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Article 4, Chapter 7 and such codes and standards shall be considered as part of the requirements of this code to the

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prescribed extent of each such reference and as further regulated in Article 4, Sections 102.41. and 102.4.2. Where references are made to California, International or Uniform version of a particular code, those references shall mean the California version of the code adopted under the California Buildings Standards Code unless otherwise specified.

Section 103.1 is amended to read as follows:

**103.1 General.** The Fire Prevention Bureau is established within the jurisdiction under the direction of the fire chief. The function of the Bureau shall be the implementation, administration, and enforcement of the provisions of this code.

Section 104.6 is amended to read as follows:

**104.6 Notices and orders.** The Fire Code Official is authorized to issue such notices or orders as are required to affect compliance with this Code in accordance with Section 110 and California Health & Safety Code Sections 13870 and 13872.5.

Section 104.6.1 is added to read as follows:

**104.6.1 Citations.** The Fire Code Official and his or her authorized representatives shall have the authority to issue citations for violations of this Code in accordance with Section 110, Article 3 Appendix U, and California Health & Safety Code Section 13872.

Section 104.8 is amended to read as follows:

**104.8 Liability.** The Fire Code Official or any authorized representative and each member of the board of appeals, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to Persons or property as a result of any act or omission in the discharge of such duties. The Fire District shall defend and indemnify the Fire Code Official or any authorized representative or member of the board of appeals against any suit brought against such Person because of such act or omission performed by such Person in the enforcement of any provision of this Code or other pertinent laws or ordinances implemented through the enforcement of this Code.

It is the intent of the Board of Directors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any service rendered in connection with or pursuant to its terms by Fire District or County officers, inspectors, agents or employees is intended to be nor shall be construed against the Fire District or any of its officers, inspectors, agents, or employees as the basis for any express or implied warranty or guarantee to any Person relative to or concerning any Structure or part, portion, or

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appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits because any Structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any Person owning, operating, or controlling any Building or Structure for any damages to Persons or property caused by defects, nor shall the Fire District or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this Code.

Section 104.8.1 is deleted.

Section 105.2 is amended to read as follows:

**105.2 Permits required.** Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, removed, converted, demolished or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

For buildings or structures erected for temporary uses, see Article 4, Section A108.3.

A permit shall be obtained for the following activities, operations, practices or functions within a wildland-urban interface area:

1. Automobile wrecking yard.
2. Candles and open flames in assembly areas.
3. Explosives or blasting agents.
4. Fireworks.
5. Flammable or combustible liquids.
6. Hazardous materials.
7. Landscape and fuel modification zones.
8. Liquefied petroleum gases.
9. Lumberyards.
10. Motor vehicle fuel-dispensing stations.
11. Open burning.
12. Pyrotechnical special effects material.
13. Tents, canopies and temporary membrane structures.
14. Tire storage.
15. Welding and cutting operations.

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Section 106.1 is amended to read as follows:

**106.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Except as otherwise determined by the Fire Code Official, plans for the construction, alteration, repair, or conversion of Buildings or portions thereof which are classified as high-rise Buildings, Use Groups A, E, H, I, L and R occupancies, except Group R-3 occupancies, shall be submitted for review prior to obtaining a building permit. The Fire Code Official shall check for compliance with state and local laws and regulations that relate to fire and life safety.

**Exception:** The Fire Code Official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

Section 106.9.1 is added to read as follows:

**106.9.1 Approved documents.** Construction documents approved by the Fire Code Official are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the Fire Code Official shall not relieve the applicant of the responsibility of compliance with this Code.

Section 108.2 is amended to read as follows:

**108.2 Schedule of fees.** Fees for permits and services rendered pursuant to this Code shall be assessed as set forth in this Code, and in accordance with the latest Fire District Fee Schedule as established by the Board of Directors.

Section 108.4 is amended to read as follows:

**108.4 Work commencing before permit issuance.** A Person who commences any work, activity, or operation regulated by this Code before obtaining the necessary permits and or approvals shall be subject to an investigation fee in accordance with Section 108.4.1.

Section 108.4.1 is added to read as follows:

**108.4.1 Investigation fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code and shall in no case be less than the minimum fees required by the latest Fire District Fee Schedule. The payment of such investigation fee shall not exempt any Person from compliance

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with all applicable provisions of this Code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

Sections 108.7 through 108.7.3 are added to read as follows:

**108.7 Delinquent fees.** The following shall apply to any delinquent fee due.

**108.7.1 Penalties.** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month more than 15 days after the due date. The penalty shall not exceed fifty percent (50%) of the original fee due.

**108.7.2 Interest.** In addition to penalties provided by this Section, delinquent fees will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from the due date.

**108.7.3 Legal means.** The Fire District may use all legal means to collect any past due fees should a permittee or property owner fail to pay the fine in a timely manner.

Section 109.3.7 is amended to read as follows:

**109.3.7 Violation penalties.** Persons who violate a provision of this Code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or any directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, and from which violation no appeal has been taken, or who fail to comply with any order affirmed or modified by the Board of Appeals within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be subject to the criminal sanctions set forth in Health and Safety Code Section 13871. Each numbered portion of this Code, such as Section 109.3, is deemed to be a separate section. In addition, the Fire Code Official may use the provisions of Article 3, Appendix U, Administrative Citations. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All violators shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each Day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 112.1 is amended to read as follows:

**112.1 Board of Appeals established.** In order to hear and decide appeals of orders or decisions made by the Fire Code Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals. The County Executive Officer shall provide staff services for the board. The Board of Appeals shall be appointed by the Fire District's Board of Directors and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its

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business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official.

Section 112.2 is amended to read as follows:

**112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent or better method of protection or safety is proposed, with the exception of the provisions dealing with the abatement of combustible and flammable materials in Article 4 of this ordinance. The board shall have no authority to waive the requirements of this Code or state law or interpret the administration of this Code. The board also shall have no authority to hear appeals regarding opinions provided to other governmental agencies by Fire District personnel (e.g., on projects currently under review by a planning commission, city council, board of supervisors, etc.).

Section 112.3 is amended to read as follows:

**112.3 Members and qualifications.** The Board of Appeals shall consist of five members who are residents of the County of Ventura: a Fire Department member (not employed by the Fire District), a Licensed Architect, a Licensed Engineer, a Licensed General Contractor, and a member of the public at large. Each member must be qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or fire protection systems and are not employees of the Fire District.

Section 112.4 is amended to read as follows:

**112.4 Finality.** The Fire Code Official shall take immediate action in accordance with the decision of the board. The Board of Appeals' decision shall be final, except in the case of appeals from other governmental entities. Such entities may appeal any adverse Board of Appeals' decision to the Fire District's Board of Directors.

## CHAPTER 2

## DEFINITIONS

Section 201.4 is amended to read as follows:

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Merriam Webster's Collegiate Dictionary, 11th Edition, shall be considered as providing ordinarily accepted meanings.

Section 202 is amended to include the following definitions in addition to the definitions found therein not inconsistent herewith:

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## SECTION 202 – DEFINITIONS

**COMBUSTIBLE FENCING.** Any fencing material or installation that is not IGNITION-RESISTANT MATERIAL. Combustible fencing includes wood, plastic, and other petroleum-based fence materials.

**COMBUSTIBLE MATERIAL.** Includes seasonal and recurrent weeds, stubble, brush, dry grass, dry leaves, mulch, manure, tumbleweeds, rubbish, recyclable material, litter or flammable materials of any kind, including petroleum-based products.

**CRITICAL FIRE WEATHER.** As determined by the Fire Code Official, a set of weather conditions (usually a combination of low relative humidity, warmer temperatures and/or high winds) favorable to the ignition and the effect of which on fire behavior makes control of a fire difficult and threatens fire fighter and public safety. This includes “Red Flag Warnings” and “Fire Weather Watches” as issued by the National Weather Service.

**DECK.** A flat surface capable of supporting weight, similar to a floor, constructed outdoors and attached to or located within five (5) feet of a Structure, including porches, balconies, and stairs. A Patio on grade constructed of concrete, stone, or similar materials is not a deck.

***FIRE HAZARD SEVERITY ZONES.*** *Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204, California Government Code, Sections 51175 through 51189.*

*The map, approved by the Office of the State Fire Marshal, is hereby incorporated by reference and entitled “State Responsibility Area Fire Hazard Severity Zones,” dated September 29, 2023,* and the map adopted by the Ventura County Fire Protection District Board of Directors dated March 10, 2025 and entitled “VCFD Local Responsibility Area Fire Hazard Severity Zones”.

**FUEL.** *Any combustible material, including petroleum-based products, cultivated landscape plants*, Ornamental Landscape, *grasses, weeds, and wildland vegetation.*

**HAZARDOUS FIRE AREA (HFA).** Is land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion and includes any location within 500 feet of a forest or brush, grass, or grain covered land, exclusive of small individual lots or Parcels of land located outside of a brush, forest, or grain covered area. Such areas are designated by the Fire Code Official. The Fire Code Official is authorized to utilize, as references, the definition of Wildland-Urban Interface (WUI), State SRA FHSZ maps, LRA FHSZ Maps designated pursuant to California Government Code, Sections 51175 through

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51189, and the International Wildland-Urban Interface Code. Areas classified as a Hazardous Fire Area are designated as a WUI area for purposes of this code.

**LADDER FUELS.** Vegetative fuels which provide vertical continuity, thereby allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease.

**ORNAMENTAL LANDSCAPE.** All grasses, plants, trees, and other vegetation installed by a property owner. This is usually for aesthetic or privacy screening.

**PUBLIC NUISANCE.** The presence of Combustible Material on a Parcel that the Fire Code Official determines creates a fire hazard.

**VEGETATION.** Means all plants, including trees, shrubs, grass, and perennial or annual plants.

***WILDLAND-URBAN INTERFACE (WUI).*** *A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the* Fire Code Official *to be at a significant risk from wildfires* including Hazardous Fire Areas.

## CHAPTER 3

## WILDLAND-URBAN INTERFACE AREAS

Section 302.3 is added to read as follows:

**302.3 Local responsibility area fire hazard severity zone maps.** The current Local Responsibility Area (LRA) Fire Hazard Severity Zone (FHSZ) maps are those adopted under VCFPD Ordinance No. 33 and entitled "VCFD Local Responsibility Area Fire Hazard Severity Zones".

Section 302.4 is added to read as follows:

**302.4 Interim changes to fire hazard severity zones.** When State and Local Responsibility Area change prior to the next adoption of FHSZ maps by the State Fire Marshal or the Local Agency, interim changes to the FiHSZ maps shall be in accordance with VCFPD Ordinance No. 33.

Section 302.5 is added to read as follows:

**302.5 Local hazardous fire areas.** Local Hazardous Fire Areas (HFA) shall be determined by the Fire Code Official. The Fire Code Official will be guided by the definition of Hazardous Fire Area. Updates to the HFA will be at the direction of the Fire Code Official. The HFA map and GIS layers will be known as the "VCFD Local Hazardous Fire Area".

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## CHAPTER 4

## WILDLAND-URBAN INTERFACE AREAS REQUIREMENTS

Section 402.1.1 is amended to read as follows:

**402.1.1 Access.** New subdivisions, as determined by this jurisdiction, shall be provided with Fire Apparatus Access Roads in accordance with the California Fire Code; the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 2; Article 3, Appendix D of this ordinance; and access requirements in accordance with Article 4, Section 403 of this ordinance.

Section 402.1.2 is amended to read as follows:

**402.1.2 Water supply.** New subdivisions, as determined by this jurisdiction, shall be provided with water supply in accordance with the Section 507 of the California Fire Code; California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 4; Article 3, Appendix B of this ordinance; and Article 4, Section 404 of this ordinance.

Section 402.2.1 is amended to read as follows:

**402.2.1 Access.** Individual structures hereafter constructed or relocated into or within the Wildland-Urban Interface Areas shall be provided with Fire Apparatus Access in accordance with the California Fire Code; the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Subsection 1273; Article 3, Appendix D of this ordinance; and Article 4, Section 403 of this ordinance.

Section 402.2.2 is amended to read as follows:

**402.2.2 Water supply.** Individual structures hereafter constructed or relocated into or within the Wildland-Urban Interface Areas shall be provided with a conforming water supply in accordance with the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 4; California Fire Code Section 507; Article 3, Appendix B of this ordinance; and Article 4, Section 404 of this ordinance.

Section 403 user note is amended to read as follows:

**USER NOTE:** *The standards in* Article 4, *Section 403 applicable to roads shall not apply to roads used solely for agriculture; mining; or the management of timberland or harvesting of forest products* unless the road serves as access for a building. *[CCR, Title 14 §1270.03(d)]*

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Section 403.1 is amended to read as follows:

**403.1 General.** All access roads and driveways, whether public or private, shall be in accordance with Article 3, Appendix D.

Sections 403.1.1 through 403.1.10 are deleted.

Section 404.2 is amended to read as follows:

**404.2 Required water supply.** *An approved water supply capable of supplying the required fire-flow for structural fire protection and wildland fire exposure shall be provided to the premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction in accordance with Section 507 of the California Fire Code,* and Article 3, Appendix B of this ordinance.

Section 404.4 is amended to read as follows:

**404.4 Hydrants.** Hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the fire code official. *The number and spacing of fire hydrants shall be in accordance with Appendix C or CC of the California Fire Code,* and Article 3, Appendix C of this ordinance, *as applicable.*

Section 404.5 is amended to read as follows:

**404.5 Adequate water supply.** *Fire-flow requirements shall be determined in accordance with Appendix B or BB of the California Fire Code,* and Article 3, Appendix B of this ordinance, *as applicable.*

## CHAPTER 5

## SPECIAL BUILDING CONSTRUCTION REGULATIONS

Chapter 5 is not adopted by the Ventura County Fire Protection District.

## CHAPTER 6

## FIRE PROTECTION REQUIREMENTS

Chapter 6 User Note is amended to read as follows:

**USER NOTE: About this chapter:** *In addition to the building construction requirement in the California Building Code and California Residential Code, this chapter contains requirements for development and construction in Local*

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*Responsibility Areas (LRA) designated as Very High Fire Hazard Severity Zones and areas designated by the State Fire Marshal as State Responsibility Areas (SRA). While many of these provisions are found in Title 14 and Title 19 of the California Code of Regulations, they are replicated here for the code user. The local jurisdiction has the authority to apply the same regulations to LRA when the regulations are adopted by local ordinance.*

*The requirements in this chapter reference criteria for evaluating existing subdivisions that are at significant fire risk and are without an adequate secondary egress; and criteria for fire safety provisions required in the Safety Element of a city or county General Plan.*

Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102 through 1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

*The chapter includes mitigation strategies to reduce the hazards of fire originating within a structure spreading to wildland and fire originating in wildland spreading to structures. These strategies are included in the following requirements:*

1. *Development of fire protection plans.*

2. *Development of landscape plans and long-term vegetation management.*

3. *Creation and maintenance of defensible space to protect structures and subdivisions.*

Section 601.2 is amended to read as follows:

**601.2 Objective.** The objective of this chapter is to establish minimum requirements to mitigate *conditions that might cause a fire originating in a structure to ignite vegetation in the Wildland-Urban Interface (WUI) Area, and conversely, a wildfire burning in vegetative fuels to transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities or result in large property losses.* This chapter also provides requirements for defensible space within the boundaries of the Ventura County Fire Protection District.

Section 601.3 is added to read as follows:

**601.3 Cost.** The cost of any fire protection plan, Fuel Modification Plan and vegetation management/landscape plan preparation and review required by this chapter shall be the responsibility of the applicant.

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Section 602.1 is amended to read as follows:

**602.1 General.** A *fire protection plan shall be* submitted to the Fire Code Official for any proposed subdivision of land, or building project, when located in a WUI area.

The fire protection plan shall be *prepared to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards presented for the property under consideration* and reducing the impact on the community's fire protection delivery system.

*The fire protection plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes.*

**Exception:** A single-family dwelling (Group R-3 Occupancy) when located on an existing legal parcel.

Section 602.2 is amended to read as follows:

**602.2 *Contents.*** *The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history.*

*The plan shall identify conformance with all applicable state wildfire protection regulations, statutes and applicable local ordinances, whichever are more restrictive.*

*The plan shall address fire department access, egress, road and address signage, water supply, in addition to fuel reduction, in accordance with Public Resources Code (PRC) 4290,* this Code, and Article 3, Appendix D of this ordinance, as periodically amended; *the defensible space requirements in accordance with PRC 4291, Government Code 51182,* and Article 4, Sections 603 and 604 of this ordinance; *and the applicable building codes and standards for wildfire safety. The plan shall identify* proposed *mitigation measures to address the project's specific wildfire risk.* The fire protection plan shall include at minimum the following items:

1. *Total size of the project.*

2. *Information on the adjoining properties on all sides, including current land uses, and if known, existing structures and densities, planned construction, natural vegetation, environmental restoration plans, roads and parks.*

3. *A map with all project boundary lines, property lines, slope contour lines, proposed structure foundation footprints, and proposed roads and driveways. The map shall identify project fuel modification zones and method of identifying*

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*the fuel modification zone boundaries.*

4. *A map identifying all proposed plants in the fuel modification zones with a legend that includes a symbol for each proposed plant species. The plan shall include specific information on each species proposed, including but not limited to:*
    a. *The plant life-form;*
    b. *The scientific and common name; and*
    c. *The expected height and width for mature growth.*
    d. *Identification of irrigated and non-irrigated zones.*
    e. Identification of existing vegetation proposed to remain.
    f. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground Fuels, Ladder Fuels, and dead trees, and the thinning of live trees.
5. Methods and timetables for controlling, changing, or modifying areas on the property.
6. *Requirements for vegetation reduction around emergency access and evacuation routes.*
7. *Identification of points of access for equipment and personnel to maintain vegetation in common areas.*
8. *Legally binding statements regarding community responsibility for maintenance of Fuel Modification Zones.*
9. *Legally binding statements to be included in covenants, conditions and restrictions regarding property owner responsibilities for vegetation maintenance.*

Section 602.3 is amended to read as follows:

**602.3** ***Project Information.*** *The fire protection plan shall be reviewed and approved prior to start of construction. For* any proposed project subject to a discretionary review by the Planning Department where the project is located, a Fire Protection Plans shall be submitted for review and approval by the Fire Code Official prior to the discretionary approval.

Section 602.3.1 is deleted.

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Section 602.3.2 is deleted.

Section 603.1 is amended to read as follows:

**603.1** ***General.*** *Planting of vegetation for new* and replacement *landscaping shall be selected to reduce vegetation in proximity to a structure and to maintain vegetation as it matures.*

Section 603.2 is amended to read as follows:

**603.2** ***Application.*** *All new plantings of vegetation in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Fire Hazard Severity Zone,* and WUI areas identified by the Fire Code Official, *shall comply with* Article 4, *Sections 603.3 through 603.4.2.1.*

Section 603.3 is amended to read as follows:

**603.3** ***Landscape*** **and Fuel Modification** ***plans.*** *Landscape* and Fuel Modification *plans shall be* submitted for any project located in a WUI area. *The landscape* and Fuel Modification *plan shall include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.*

Section 603.3.1 is amended to read as follows:

**603.3.1** ***Contents.*** *Landscape plans shall contain the following:*

1. *Delineation of the* 5-foot (1524 mm) (Zone 0), *30-foot (9144 mm) (Zone 1) and 100-foot (30 480 mm) (Zone 2) fuel management zones from all structures.*

2. *Identification of existing vegetation to remain and proposed new vegetation.*

3. *Identification of irrigated areas.*

4. *A plant legend with both botanical and common areas, and identification of all plant material symbols.*

5. *Identification of ground coverings within the 30-foot (9144 mm) zone.*

Section 603.4 is amended to read as follows:

**603.4** ***Vegetation.*** *All new vegetation shall be fire-smart vegetation in accordance with this section* and the requirements of Defensible Space and Fuel Modification Standards as is and approved by the Fire Code Official.

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*To be considered fire-smart vegetation, it must meet at least one of the following* as approved by the Fire Code Official:

1. *Be identified as fire-smart vegetation in an approved book, journal or listing from an approved organization.*

2. *Be identified as fire-smart vegetation by a licensed landscape architect with supporting justification.*

3. *Plants considered fire-smart vegetation and approved by the local enforcing agency.*

Section 603.4.1 is deleted.

Section 603.4.2.1 is deleted.

Section 603.5 is added to read as follows:

**603.5 New prohibited plants.** Plants and trees listed in VCFD Prohibited Plant List or identified as “Target” (undesirable) plants and trees in VCFD Plant Reference Guide shall not be newly planted within any zone.

Section 603.6 is added to read as follows:

**603.6 Recorded notice and deed restriction.** Whenever new landscaping is installed, a covenant and deed restriction shall be recorded upon the parcel to ensure continued maintenance of the non-combustible Zone 0, Zone 1, and Zone 2 requirements, and to advise all future property owners of these requirements.

Section 604.1 is amended to read as follows:

**604.1** ***General.*** *Vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.*

Section 604.2 is amended to read as follows:

**604.2** ***Application.*** *Buildings, structures,* and parcels, *located in the following areas shall maintain the required defensible space:*

1. *All unincorporated lands designated by the State Board of Forestry and Fire Protection as a State Responsibility Area (SRA).*

2. *Land designated as a Very High Fire Hazard Severity Zone by a city or local agency.*

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3. Land designated as a WUI area by the Fire Code Official.

Section 604.3 is amended to read as follows:

**604.3 *Requirements.*** *Vegetation and fuels around all buildings and structures shall be maintained* and spaced at all times *in accordance with the following laws and regulations:*

1. *Public Resources Code, Section 4291.*

2. *California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.*

3. *California Government Code, Section 51182.*

4. *California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.*

5. The requirements of Article 4, Appendix A of this ordinance, and the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

Should a conflict of any requirements occur, the most restrictive requirement shall prevail.

Section 604.3.1 is added to read as follows:

**604.3.1 Retroactivity.** When required by the Fire Code Official, or State Law, existing Defensible Space/Fuel Modification Zones (FMZ) shall require retrofitting, including thinning and/or removal of plants, trees, and vegetation, to meet this Code, the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official, or State Law. Upon notification by the Fire Code Official, and when approved, work to bring an existing Defensible Space and FMZ into compliance with this Code, and the Defensible Space and Fuel Modification Standards, may be done over a two to four (2-4) year period as determined by the Fire Code Official. A compliance plan prepared by the property owner may be requested for review and approval by the Fire Code Official.

Section 604.3.2 is added to read as follows:

**604.3.2 Responsibility and costs.** The responsibility to provide and maintain any required Defensible Space, including any associated costs, shall be that of the actual owner of the land, or portion of land, within the required 100-foot clearance zone except as indicated in Article 4, Section 604.4.1 or 604.4.2 of this ordinance.

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Section 604.3.2.1 is added to read as follows:

**604.3.2.1 County of Ventura road right-of-way.** The responsibility and any associated costs for the clearing and providing the required Defensible Space or roadside clearance upon any County of Ventura road right-of-way (ROW), in the area between the back of curb, or back edge of any improved shoulder (graded or paved), shall be that of the actual owner of the land, or portion of land, abutting the ROW within the required 100-foot clearance zone from any building, or roadside clearance area. In cases where no road has been installed, the abutting property owners shall be responsible to the centerline of the ROW. Reference: Ventura County Ordinance Code Division 12, Chapter 7, Sections 12701 through 12703 (VC Ordinance No. 4355)

Section 604.3.3 is added to read as follows:

**604.3.3 Private road parcels.** The responsibility and any associated costs for the clearing and providing the required Defensible Space upon any private road parcel where no ownership can be established shall be that of the actual owner of the land, or portion of land, abutting the private road parcel to the centerline of the private road parcel.

Section 604.4 is deleted.

Section 604.5 is amended to read as follows:

**604.5 Disposal of fuels and vegetation.** All Fuels and vegetation cut and/or removed to provide the required Defensible Space, including clearing of land for a new building, access roads and driveways, shall be disposed of in accordance with all applicable Federal, State, and Local Laws and Regulations. Cut and/or removed Fuels and vegetation shall not be relocated outside the required Defensible Space zone. Burning of Fuels and vegetation for disposal is prohibited.

Section 604.6 is added to read as follows:

**604.6 Clearance of brush, vegetative growth and Combustible Material from Parcels.** All Parcels declared a Public Nuisance shall be cleared entirely of Combustible Material. If the Fire Code Official determines this impractical, the provisions of Article 4, Section 604.7 may be used.

Section 604.7 is added to read as follows:

**604.7 Clearance of Fuels or vegetative growth from Structures.**

Section 604.7.1 is added to read as follows:

**604.7.1 Structures.** Any Person owning, leasing, controlling, operating, or maintaining any Building in, upon, or adjoining any WUI area, and any Person

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owning, leasing, or controlling any land adjacent to such Buildings, shall at all times maintain around and adjacent to such Building, an effective firebreak made by removing and clearing away, all Combustible Material on their property for a distance not less than 100 feet from all portions of the Building.

Distances may be increased by the Fire Code Official due to a site-specific analysis based on local conditions and when required, based on a Fire Protection Plan. This section shall not apply to single specimens or stands of protected species of trees, Ornamental Landscape or similar plants used in landscaping and ground covers, that are well-pruned, maintained, and spaced, and do not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure, and are in accordance with the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

Section 604.7.2 is added to read as follows:

**604.7.2 Timing for New Buildings and additions to Existing Buildings.** The provisions of Article 4, Section 604.7 shall be completed prior to vertical construction of any New Building or addition to an Existing Building.

Section 604.7.3 is added to read as follows:

**604.7.3 Detached accessory Buildings.** Detached accessory Buildings are not subject to the clearance requirements of Article 4, Section 604.6 when all of the following apply:

1. The Building Area does not exceed 120 square feet when a building permit is not required by the local Building Department or 250 square feet when open on all sides.

2. The Building is setback a minimum of 50 feet from any other Building subject to the clearance requirements of Article 4, Section 604.7.1.

3. The Building does not contain any hazardous items or material/process requiring a fire code permit.

4. The area within 10 feet of the Building has been cleared to bare mineral earth. Vegetation more than 10 feet but less than 20 feet from the building shall be fire-smart vegetation.

Section 604.7.4 is added to read as follows:

**604.7.4 Photovoltaic systems.** The clearance requirements around freestanding photovoltaic systems and equipment shall comply with the following:

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1. A minimum 10-foot clearance for clusters of panels not exceeding 1,500 square feet of combined panel area.

2. A minimum of 30-foot clearance for clusters of panels greater than 1,500 square feet of combined panel area.

3. Clusters shall be separated a minimum of 20 feet.

4. Panels and clusters shall be not located within 30 feet of any Building subject to clearance requirements of Article 4, Section 604 unless the clearance requirements of Article 4, Section 604 are provided as measured from the perimeter of the panel or cluster.

Section 604.7.5 is added to read as follows:

**604.7.5 Prefabricated intermodal cargo steel storage containers used for storage.** The clearance requirements of Article 4, Section 604.7.1 may be reduced to a minimum of 30 feet when all of the following apply:

1. The container does not exceed 320 square feet.

2. There are no alterations/modifications to the container, including, but not limited to, doors, windows, ventilation openings, etc.

3. There are no utilities connected to or serving the container.

4. The container is setback a minimum of 30 feet from any Building and 6 feet from other containers.

5. The container does not contain any hazardous items or any material/process requiring a fire code permit.

6. The under-floor area of the container is located on grade and is sealed to prevent intrusion of combustible vegetation, debris, and embers underneath the container.

Section 604.8 is added to read as follows:

**604.8 Defensible Space clearance zones and requirements.** The required 100-foot Defensible Space clearance is identified in three (3) distinct zones: Zone 0, 1, and 2. Additional clearance beyond the required 100-foot Defensible Space is identified as Zone 3.

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Section 604.8.1 is added to read as follows:

**604.8.1 Requirements.** Defensible Space shall be in accordance with the requirements of the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official and the specific requirements for each zone listed in Article 4, Section 604.8.2 through 604.8.5.

Section 604.8.2 is added to read as follows:

**604.8.2 Zone 0 purpose and location.** Zone 0 reduces the likelihood of structure ignition by reducing the potential for direct ignition of the structure from flame contact, by embers that accumulate at the base of a wall, and/or indirect ignitions when embers ignite vegetation, vegetative debris, or other combustible materials located close to the structure that result in either a radiant heat and/or a direct flame contact exposure to the structure.

Zone 0 is the horizontal area within the first five (5) feet around the structure, including stairs, balconies, attached or adjacent decks, and outbuildings. Zone 0 is measured from the edge of a structure, attached or adjacent decks, patio covers, balconies, and floor projections above-grade. Zone 0 also includes the area on the roof of a building, and underneath and on top of attached decks, patio covers, balconies, and stair landings.

**Advisory Notice:** VCFPD has local Zone 0 requirements currently in effect for new Buildings and additions to existing Buildings. New State regulations for Zone 0 are currently under development by the State Board of Forestry and Fire Protection. Any State regulation more restrictive than this ordinance or the requirements of Defensible Space and Fuel Modification Standards, as issued and approved by the Fire Code Official, shall apply. This may require thinning and/or removal of plants, trees, and vegetation to meet State Law and regulations.

Section 604.8.2.1 is added to read as follows:

**604.8.2.1 Non-Combustible Zone 0 for New Buildings, additions to Existing Buildings, and new or replacement landscape.** Effective March 1, 2025, Fuels, including Combustible Materials and vegetation, are prohibited in Zone 0 for all New Buildings, additions to Existing Buildings, installation of new landscape, and refurbishment of existing landscape areas.

The application date of Article 4, Section 604.2.8.1 shall be the later application date when any of the following occur:

1. Fire Department Clearance for a New Building or addition to an Existing Building.

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2. Building permit for a New Building or addition to an Existing Building.

3. Landscape plans submitted for VCFPD review.

4. Landscape plans approved by VCFPD prior to March 1, 2025, but not installed.

5. Replacement of landscape when landscape plans are not required.

Section 604.8.2.2 is added to read as follows:

**604.8.2.2 Additional requirements in Zone 0.**

1. New and existing tree canopies are prohibited within 10 feet of New Buildings, including the addition portion to Existing Buildings.

   **Exception:** Existing protected oak trees shall be trimmed to provide a minimum 5-foot clearance above the roof and 5 feet to the side of any New Building, or the addition portion to an Existing Building.

2. Landscaped roofs are prohibited.

3. Vegetation on and underneath decks is prohibited.

4. Vegetation on balconies is prohibited.

5. Other Combustible Materials underneath any deck, not part of the deck structure itself, shall be removed.

6. Planting boxes, including window boxes, shall not be attached to or located within 5 feet of the structure.

7. Artifical or synthetic grass is prohibited within Zone 0.

8. Vines and climbing plants are not allowed on structures, including decks, patio/shade structures, and any fences within 5 feet of a Building.

9. Combustible mulch and wood chips are prohibited.

10. Firewood is prohibited.

11. All fencing and gates shall be non-combustible. See Article 4, Section 604.11.

Section 604.8.2.3 is added to read as follows:

**604.8.2.3 Zone 0 requirements for Buildings constructed prior to March 1, 2025.**

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Section 604.8.2.3.1 is added to read as follows:

**604.8.2.3.1 Zone 0 restrictions.** The following requirements apply within Zone 0 for all Existing Buildings with landscape installed prior to March 1, 2025:

1. No combustible landscape mulch or wood chips.

2. No firewood.

3. No vegetation underneath decks.

4. Other Combustible Materials underneath any deck, not part of the deck structure itself, shall be removed.

5. Roofs and gutters on Buildings shall be maintained free of any leaves, needles, or other vegetative Combustible Materials.

6. The vertical clearance distance for trees and vegetation above any roof shall be not less than 3 feet.

7. A minimum 3-foot clearance of trees and vegetation shall be provided to the side and above any eave or roof projection from the exterior wall of a Building. A minimum 3-foot clearance of trees and vegetation shall be provided below any eave or roof projection. This requirement also applies to any patio cover or other Building projections.

8. Artificial or synthetic grass is prohibited.

9. New trees are not allowed.

10. New or replacement landscaping shall comply with Article 4, Sections 604.8.1, 604.8.2.1, and 604.8.2.2.

Section 604.8.2.3.2 is added to read as follows:

**604.8.2.3.2 Landscaped roofs.** Landscape roofs are prohibited within a WUI area.

Section 604.8.3 is added to read as follows:

**604.8.3 Zone 1 purpose and location.** Zone 1 reduces the likelihood of fire burning directly to the structure. This is accomplished by modifying Fuels and creating a discontinuity between planting groups that limits the pathways for fire to burn to the structure and reduces the potential for near-to-building ember generation and radiant heat exposures. An additional purpose of this zone is to provide a defendable area for fire personnel to stage and take direct action.

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Zone 1 is the area within 5-30 feet of structures and decks, with slopes not greater than 20 percent; 5-50 feet from Buildings and decks, when slopes are greater than 20 percent.

Section 604.8.3.1 is added to read as follows:

**604.8.3.1 Zone 1 transitional area.** Zone 1 includes a transitional area adjacent to Zone 0 that protects the integrity of Zone 0 and is the area within 5 feet of Zone 0, 10 feet when slopes exceed 20 percent.

Section 604.8.3.2 is added to read as follows:

**604.8.3.2 Requirements and allowable items.** This is minimal planting zone and very limited trees of a fire-smart type with additional spacing provided. Plants and other vegetation shall be in accordance with Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

Section 604.8.4 is added to read as follows:

**604.8.4 Zone 2 purpose and location.** Zone 2 is designed to reduce the potential behavior of an oncoming fire in such a way as to drop an approaching fire from the crown of trees to the ground, reducing the flame heights, and the potential for ember generation and radiant heat exposure to structures. Additional benefits of the Zone 2 include facilitating direct defense actions and improving the function of Zones 0 and 1.

Zone 2 is the area from the outer edge of Zone 1 to 100 feet from structures and decks.

Section 604.8.4.1 is added to read as follows:

**604.8.4.1** Plants and other vegetation shall be in accordance with Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

Section 604.8.4.2 is added to read as follows:

**604.8.4.2 Spacing.** Spacing of vegetation and trees at the outer edge of Zone 2 shall be based upon the height of the vegetation within Zone 2 or the adjacent area beyond the 100-foot zone, whichever provides for the greater spacing. This may require clearance outside the 100-foot zone or setting back vegetation and trees within Zone 2 away from the 100-foot line.

Section 604.8.5 is added to read as follows:

**604.8.5 Zone 3 purpose and location.** Zone 3 is considered a thinning zone and is any FMZ greater than 100 feet from structures and decks. When provided, either by conditions of development, voluntary by the property owner, or required by the Fire

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Department. This zone is more of a progressive thinning zone to lessen spread of fire as it approaches the primary FMZ adjacent to structures. The amount of fuel reduction and removal should take into consideration the type and density of fuels, aspect, topography, weather patterns, and fire history.

Section 604.8.6 is added to read as follows:

**604.8.6 General requirements for Zone 0, 1, and 2.**

Section 604.8.6.1 is added to read as follows:

**604.8.6.1** All dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and tree needles shall be removed.

Section 604.8.6.2 is added to read as follows:

**604.8.6.2 Mulch and wood chips within Zones 1 and 2.** Use of combustible Mulch and wood chips shall be in accordance with the requirements of Application of Mulch and chips in Defensible Space Standards as issued and approved by the Fire Code Official.

Section 604.8.6.3 is added to read as follows:

**604.8.6.3 Firewood.** See Article 4, Section 607.

Section 604.8.6.4 is added to read as follows:

**604.8.6.4 Clearance from chimney, stovepipe.** Any portion of a tree or shrub that extends within 10 feet horizontally or vertically of a chimney outlet or stovepipe outlet shall be removed.

Section 604.8.6.5 is added to read as follows:

**604.8.6.5 Trees.** New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any combustible structure.

Section 604.8.6.5.1 is added to read as follows:

**604.8.6.5.1 Tree spacing.** The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 20 feet in Zone 1 and not less than 10 feet in Zone 2. Separation distance may be increased for slopes exceeding 20 percent. Required spacing is measured between trees at maturity.

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Section 604.8.6.5.2 is added to read as follows:

**604.8.6.5.2 Ground clearance of trees.** Trees exceeding 6 feet in height shall be limbed up from the ground 6 feet or 1/3 the height of the tree, whichever is less.

**Exception:** Fruit trees when approved by the Fire Code Official.

Section 604.8.6.5.3 is added to read as follows:

**604.8.6.5.3 Ground cover under tree canopy.** When approved ground cover and shrubs are located underneath trees, the vertical clearance to the lowest branch of the tree canopy shall not be less than three times the height of the ground cover or shrub under or adjacent to the tree. The horizontal clearance shall be 3 feet from the trunk of the tree.

Section 604.8.6.6 is added to read as follows:

**604.8.6.6 Continuous tree canopies.**

Section 604.8.6.6.1 is added to read as follows:

**604.8.6.6.1 New Structures.** Continuous tree canopies are not allowed. Tree spacing shall be in accordance with the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

Section 604.8.6.6.2 is added to read as follows:

**604.8.6.6.2 Existing Structures prior to April 1, 2019.** Continuous tree canopies may be allowed as determined by the Fire Code Official but will require the complete removal of any understory and smaller trees to meet requirements for a shaded fuel zone. Any remaining trees shall be limbed up a minimum of 12 feet from the ground or 1/3 the tree height, whichever is less. The intent is to not allow a crown (canopy) fire to spread unchecked to a structure and to bring any crown fire down to the ground level prior to Zone 1.

Section 604.8.6.7 is added to read as follows:

**604.8.6.7 Grasses.** Natural or annual grasses shall be mowed to a maximum height of 3-inch stubble with clippings removed.

Section 604.9 is added to read as follows:

**604.9 Fire protection equipment and utilities.** The clearance requirements of Article 4, Sections 604.7 and 604.8 shall apply to communication site towers and their support Buildings; required fire protection water supplies, including water tanks, water supply pumps, and pump houses; and any other utility Structure as required by the

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Fire Code Official. The Fire Code Official may consider a reduced distance, not less than 30 feet, for communication site towers, water tanks, and Structures with no interior space, based upon a site risk assessment. Also see Article 4, Appendix A.

Section 604.10 is added to read as follows:

**604.10 Planting vegetation under or adjacent to energized electrical lines.** No vegetation shall be planted under or adjacent to energized power lines that, at maturity, will grow within 10 feet of the energized conductors.

Section 604.11 is added to read as follows:

**604.11 Fencing.**

Section 604.11.1 is added to read as follows:

**604.11.1 Scope.** This section only applies to fences, including gates within the fencing, within 5 feet of Building(s), including Decks, (Zone 0) that are in the WUI area.

Section 604.11.2 is added to read as follows:

**604.11.2 New fencing.** New fencing and gates installed on or after January 1, 2023, shall be constructed of a non-combustible material.

Section 604.11.3 is added to read as follows:

**604.11.3 Existing fencing.** Fencing installed prior to January 1, 2023, may remain.

**Exception:** The entire fencing not parallel and within 5 feet of the Building, including gates within the fencing, shall be constructed of a non-combustible material when any portion of the existing fencing within 5 feet is being replaced. Fencing beyond 5 feet from the Building is not required to be replaced with non-combustible material.

Section 607.1 is amended to read as follows:

**607.1 General.** Combustible Materials shall not be stored in unenclosed spaces beneath Buildings or Structures, or on Decks or under eaves, canopies, or other projections or overhangs. Firewood shall not be stored within Zone 0.

Section 607.1.1 is added to read as follows:

**607.1.1 Firewood piles.** The maximum amount of firewood storage for on-site consumption within Zones 1 and 2 shall not exceed 250 cubic feet. Each firewood pile shall not exceed 125 cubic feet and a maximum height of 4 feet. Firewood piles located in Zone 1 shall be completely enclosed in a secured, fire-resistant enclosure

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or material, and located a minimum of 5 feet from any Building. Exposed firewood piles in Zone 2 shall have a minimum clearance of 10 feet down to bare mineral soil in all directions. See Article 4, Appendix A for firewood storage exceeding 250 cubic feet.

Section 607.1.2 is added to read as follows:

**607.1.2 Combustible Materials.** Combustible Materials, other than vegetation, stored within Zones 1 and 2 shall not be stored so as to pose a hazard to any Building. Piles shall not exceed 100 square feet of area and a maximum height of 10 feet. Piles shall be separated by a minimum of 20-foot clear area.

Section 607.2 is amended to read as follows:

**607.2 Storage for off-site use.** Firewood and Combustible Materials not for consumption on the premises shall not be stored within Zones 0, 1, and 2. See Article 4, Appendix A for storage requirements.

Section 608.1.1 is added to read as follows:

**608.1.1 Restricted development setbacks.** New Structures and additions to existing Structures shall not be constructed less than 100 feet from any protected habitat, whether on the same or adjacent Parcels, where the 100-foot Defensible Space required under Article 4, Section 604.7 cannot be provided, unless an alternate method of construction and protection is provided that can ensure the safety of the Structure and emergency responders as approved by the Fire Code Official. Protected habitat includes lands restricted from brush clearance or modification due to Federal or State listed endangered species. Protected habitat does not include sensitive habitat areas.

Section 608.2 is amended to read as follows:

**608.2 General.** *All parcels shall provide a minimum 30-foot (9144 mm) setback for all buildings from property lines and the center of a road, except as provided for in* Article 4, *Section 608.2.1. [CCR T14 §1276.00(a)]* This section applies to new Tract and Parcel maps, new Buildings, and additions to Existing Buildings.

Section 608.2.1 is amended to read as follows:

**608.2.1** ***Setback reduction.*** *A reduction in the minimum setback shall be based upon practical reasons, which may include but are not limited to, parcel dimensions or size; topographic limitations; Development density requirements or other Development patterns that promote low-carbon emission outcomes; sensitive habitat or other site constraints, and shall provide for an alternative method to reduce structure-to-structure ignition by incorporating* a combination of *features such as, but not limited to:*

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1. *Non-combustible block walls or fences; or*

2. *Non-combustible material extending 5 feet (1524 mm) horizontally from the furthest extent of the building; or*

3. *Hardscape landscaping; or*

4. *A reduction of exposed windows on the side of the structure with setback less than 30 feet (9144 mm).*
   *[CCR T14 §1276.01]*

Section 609.2.7.1 is added to read as follows:

**609.2.7.1 Greenbelts.** Subdivisions and other developments, which propose Greenbelts as a part of the development plan, shall locate the Greenbelts strategically, as a separation between wildland fuels and Structures. The locations shall be approved by the inspection authority.

Section 609.2.7.2 is added to read as follows:

**609.2.7.2 Access to Greenbelts.** A minimum of one (1) access point shall be provided to new Greenbelts at an approved location to allow for on-going maintenance and firefighter access. Additional access points shall be provided when required by the Fire Code Official.

Section 613 is added to read as follows:

**613 Correction and Notices.**

Section 613.1 is added to read as follows:

**613.1 Correction of conditions.** The Fire Code Official is authorized to give notice to the owner of the property on which conditions regulated by Article 4, Sections 604, 606, 607, and Appendix A, exist to correct such conditions. The Fire Code Official may use the provisions for notice, abatement and collection of costs as provided by Article 4, Sections 613 through 615.

Section 613.2 is added to read as follows:

**613.2 Notice and prosecution.** The Fire Code Official shall serve a written order upon the owner or possessor of a Parcel, when in the opinion of the Fire Code Official, a Public Nuisance exists thereon. The order shall direct such owner or possessor to remove or abate the Public Nuisance within ten (10) Days after such order is given. Every owner or possessor who fails or refuses to abate said Public Nuisance from such Parcel as ordered shall be guilty of a misdemeanor. Evidence that the current

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

Section 613.2.1 is added to read as follows:

**613.2.1 Additional notices.** The 10-Day abatement period shall not apply for any additional notices the Fire Code Official may issue to a property owner or possessor for abatement of the hazard identified in the original notice. A reduced abatement period may apply as indicated by the Fire Code Official on the additional notice. Additional notices may be posted upon the property in lieu of mailing.

Section 614 is added to read as follows:

**614 Clearance Upon Default of Owner or Lessee.**

Section 614.1 is added to read as follows:

**614.1 Notice.** The Fire Code Official may, instead of or in addition to following the procedure set forth in Article 4, Section 613, cause a notice to be mailed.

Section 614.2 is added to read as follows:

**614.2 Mailed notice.** If a notice is mailed, the Fire Code Official shall provide information specified in Article 4, Section 613 and shall include a description of the property according to that set forth on the County of Ventura assessment roll (Assessor Parcel Number – APN), to the last assessee of the property at the address given on said roll. The Fire Code Official shall also provide such notice, including description, to the Clerk of the Board of Directors three (3) Days prior to the Board hearing. The notice shall be mailed at least ten (10) Days before the Board of Directors meet to hear the report of the Fire Code Official regarding the alleged Public Nuisance. It shall be the responsibility of the owner of record in the current County of Ventura assessment roll to notify any new owner or possessor of the property of the notice that was received and forward the notice to the new owner or possessor of the property. It shall also be the responsibility of the current owner of record to notify the Fire District and the County of Ventura Assessor of this change in ownership in the manner specified by the County Assessor.

Section 614.3 is added to read as follows:

**614.3 Hearing.** At the time and place stated in the notices, the Board of Directors shall meet to hear the report of the Fire Code Official and any objections thereto. The Fire Code Official shall attend, inform the Board as to the alleged Public Nuisance, and supply the description of the Parcel upon which it exists, APN, and state what has been done in order to give notice of the hearing according to the provisions of this Code. The Board may continue the hearing from time-to-time as it sees fit.

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Section 614.4 is added to read as follows:

**614.4 Seasonal and re-occurring.** If the Board of Directors makes a finding of seasonal and re-occurring Combustible Materials upon the Parcel, no further public hearings are required before the Fire Code Official can issue a notice to abate the hazard and Article 4, Section 614.6 shall apply. Ref: California Health & Safety Code §14900.5

Section 614.5 is added to read as follows:

**614.5 Clean-up order.** If, after a hearing, the Board of Directors finds that a Public Nuisance exists upon a Parcel, the Board may direct the Fire Code Official to abate the Public Nuisance. The Board shall maintain a record of its proceedings at such hearing and retain therewith the report of the Fire Code Official and a description of such Parcel (APN).

Section 614.6 is added to read as follows:

**614.6 Abatement.** If the Board of Directors directs the Fire Code Official to abate a Public Nuisance, the Fire Code Official shall proceed to abate such nuisance unless it has been completely abated before arrival to begin such abatement. The Fire Code Official may enter the property to abate the fire hazard in accordance with California Health and Safety Code Section 14901. The Fire Code Official may expend Fire District funds for such abatement and may contract with a Person or Persons for such abatement.

Section 614.7 is added to read as follows:

**614.7 Abatement of parcels not included in the annual Fire District Notification and Inspection program.** For parcels not receiving notice in accordance with Article 4, Sections 614.2 through 614.6, the Fire Code Official may use the provisions in accordance with Government Code (GC) Section 51186(a). When using this provision, said Parcels shall be considered a Public Nuisance in accordance with GC Section 51187.

Section 615 is added to read as follows:

**615 Collection of the Cost of Abatement.**

Section 615.1 is added to read as follows:

**615.1 Account of expenses.** The Fire Code Official shall keep an account of expenses when abating a Public Nuisance pursuant to an order by the Board of Directors and file the account thereof with the Board which shall include a description, according to the County of Ventura assessment roll, of the Parcel upon which such Public Nuisance existed.

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Section 615.2 is added to read as follows:

**615.2 Confirmation of expense account.** The account of expenses shall be maintained on file, open to public inspection, in the office of the Clerk of the Board of Directors for at least ten (10) Days before a hearing of the Board to confirm such account. Before the expiration of such ten (10) Days, any Person may file a written request to be notified of such hearing. Upon confirmation, the Board shall mail notice to the address supplied for any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the account of expenses filed by the Fire Code Official. At such hearing the Board may make any modification in the amount it deems just, after which the account shall be confirmed.

Section 615.3 is added to read as follows:

**615.3 Special assessment and lien.** The amount of expenses incurred by the Fire Code Official for abating a Public Nuisance when confirmed by the Board of Directors shall constitute a special assessment against the Parcel from which the said Public Nuisance was removed and a lien thereon for the amount of such assessment. In the case of common homeowner or property owner association land, the amount of expenses may be prorated and attached to each real Parcel of ownership within the association.

Section 615.4 is added to read as follows:

**615.4 Transmittal of account.** The Board of Directors shall deliver a copy of the account, as confirmed, to the County of Ventura Auditor on or before the 1st Day of August following such confirmation.

Section 615.5 is added to read as follows:

**615.5 Inclusion of assessment.** The County of Ventura Auditor shall enter the amount stated in the account as a special assessment against the Parcel described in the account. The County of Ventura Tax Collector shall include the amount of the assessment on the bill for taxes levied against the Parcel. All laws applicable to the levy, collection, and enforcement of county taxes area applicable to such special assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such real property shall be transferred to the unsecured roll for collection. All special assessments collected shall be paid into the Ventura County Treasury to be used on behalf of the Fire District.

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Section 616 is added to read as follows:

**616 Recorded notices.** The Fire Code Official may record notices upon real property as follows:

1. To serve notice that the real property is subject to annual fire hazard abatement.

2. To serve notice of abatement fees due when the abatement occurs after the current year tax bill cycle.

Section 616.1 is added to read as follows:

**616.1 Release of recorded notice.** The Fire Code Official shall record a Release of Notice within 30 Days whenever the conditions listed under Article 4, Section 616 no longer exist.

Section 617 is added to read as follows:

**617 Defensible Space Inspection Upon Sale of Residential Property.**

Section 617.1 is added to read as follows:

**617.1** Prior to sale, transfer, or exchange of ownership, or any real property subject to Civil Code Article 1.5 (Sections 1102 through 1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD), seller(s) of such real property shall be required to have a Defensible Space inspection conducted by the VCFPD to determine compliance with the applicable Defensible Space requirements of Article 4, Sections 604 through 607 of this ordinance.

Section 617.2 is added to read as follows:

**617.2** Satisfaction of Article 4, Section 617.1 may be met if an applicable Defensible Space inspection has been conducted by the VCFPD and approval has been issued within the previous six (6) months prior to the date of sales contract. In this case, the seller shall submit a request for the approved Defensible Space compliance report.

Section 617.3 is added to read as follows:

**617.3** The request for inspection under Article 4, Section 617.1, or compliance report under Article 4, Section 617.2, shall be made by the seller or seller's authorized agent.

Section 617.4 is added to read as follows:

**617.4** If the required Defensible Space inspection report identifies violations of the applicable Defensible Space requirements of Article 4, Sections 604 through 607, the



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violations shall be corrected within thirty (30) Days from the date of the corrections report or the close of escrow date, whichever is earlier. A new Defensible Space inspection shall be requested after corrections have been made so a valid compliance report can be issued prior to close of escrow. If the seller cannot reasonably make the corrections prior to close of escrow, the seller and the buyer can agree that the buyer will correct the violations within sixty (60) Days after closing escrow, except as provided in Article 4, Section 617.5. A copy of any agreement shall be provided to the Fire District prior to close of escrow and shall include a statement that the buyer is aware of Article 4, Section 617.4.1 and assumes full responsibility for the corrections.

Section 617.4.1 is added to read as follows:

**617.4.1** If any corrections identified are not corrected in the time specified, the Fire Code Official may use the provisions of Government Code Section 51186 and/or Article 4, Sections 613 through 615, to correct the violations.

Section 617.5 is added to read as follows:

**617.5** The owner of any property where a notice to abate fire hazard has been issued in accordance with Article 4, Sections 613 through 615, shall correct all violations within the timeframe indicated on the notice issued. If the correction date is after the projected close of escrow, the seller and buyer shall reach an agreement regarding correction by the date indicated on the notice. A copy of any agreement shall be provided to the Fire District prior to close of escrow and shall include a statement that the buyer is aware of Article 4, Section 617.4.1 and assumes full responsibility for the corrections.

## APPENDIX A

## GENERAL REQUIREMENTS

Section A101.2 is amended to read as follows:

**A101.2 Objective.** The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a Wildland-Urban Interface Area and improve the capability of controlling such fires. These measures also provide for increased first responder and public safety during an emergency.

Section A102.1 is amended to read as follows:

**A102.1 General.** Vegetation control shall comply with Article 4, Sections A102.2 through A102.4 and with Article 4, Chapter 6.

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Section A102.4 is amended to read as follows:

**A102.4 Correction of condition.** See Article 4, Sections 513 through 616.

Section A104.1 is amended to read as follows:

**A104.1 General.** In addition to the requirements of other sections of this Code, ignition sources shall be in accordance with Article 4, Sections A104.2 through A104.9 and includes, but not limited to, electrical panels, flare stacks, generators, fixed equipment, and machinery capable of producing sparks.

Section A104.3 is amended to read as follows:

**A104.3 Clearance from ignition sources.** Clearance between ignition sources and grass, brush, or other Combustible Materials shall be maintained at not less than 30 feet (9144 mm). A reduced distance may be approved but shall not be less than 15 feet (4572 mm), when a non-combustible barrier is provided between the ignition source and the grass, brush, and Combustible Materials.

Section A104.3.1 is added to read as follows:

**A104.3.1 Flammable and hazardous material processes, storage, and use.**

Section A104.3.1.1 is added to read as follows:

**A104.3.1.1 General.** In addition to the requirements of other sections of this Code, flammable and hazardous material processes, storage, and use shall be in accordance with Article 4, Sections A104.3.1.2 and A104.3.1.3.

Section A104.3.1.2 is added to read as follows:

**A104.3.1.2 Clearance from Combustible Materials.** Clearance between flammable and hazardous material processes, storage, and use areas and any grass, brush, or other Combustible Materials shall be maintained a minimum of 30 feet. A reduced distance may be approved, but shall not be less than 15 feet, when a non-combustible barrier is provided between the flammable and hazardous material processes, storage, and use areas and the grass, brush, and Combustible Materials.

Section A104.3.1.3 is added to read as follows:

**A104.3.1.3 Oil drilling operations.** A minimum 100-foot clearance from grass, brush, or other Combustible Materials shall be maintained from any oil well drilling operations.

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Section A104.5.1 is added to read as follows:

**A104.5.1 Use of equipment.**

Section A104.5.1.1 is added to read as follows:

**A104.5.1.1 General.** Except as otherwise provided in this section, no Person shall use, operate or cause to be operated, in upon or adjoining any WUI area, any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with an approved spark arrestor maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Section A104.5.1.2 is added to read as follows:

**A104.5.1.2 Location.** Spark arrestors affixed to the exhaust system of engines or vehicles subject to Article 4, Section A104.5.1 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

Section A104.5.1.3 is added to read as follows:

**A104.5.1.3 Construction.** A spark arrestor is a device constructed of non-flammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 inches in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service (USFS) and bears a USFS approval stamp.

Section A104.5.1.4 is added to read as follows:

**A104.5.1.4 Other vehicles.** Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to Article 4, Section A104.5.1 if the exhaust system is equipped with a muffler as defined in the California Vehicle Code and the muffler is maintained in proper working condition.

Section A104.5.1.5 is added to read as follows:

**A104.5.1.5 Turbocharged engines.** Turbocharged engines are not subject to Article 4, Section A104.5.1 if all exhaust gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

Section A104.5.1.6 is added to read as follows:

**A104.5.1.6 Private closed courses.** Article 4, Section A104.5.1 shall not apply to an organized closed course facility if measures to prevent, control, and extinguish any fire

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resulting from use of internal combustion engines are approved by the Fire Code Official. A Fire Protection Plan may be required.

Section A104.5.2 is added to read as follows:

**A104.5.2 Tracer bullets, tracer charges, rockets, and model aircraft.** Tracer bullets and tracer charges shall not be processed, fired, or caused to be fired into or across any WUI area. Rockets, model aircraft, balloons, or similar devices, powered with an engine, propellant, or other feature liable to start or cause a fire shall not be fired or projected into or across any WUI area.

Section A104.5.3 is added to read as follows:

**A104.5.3 Outdoor gun ranges and target shooting.** Outdoor gun ranges and target shooting shall be situated to prevent fires spreading into a WUI area. Any gun range located within a WUI area shall be provided with a 30-foot wide area clear of combustible vegetation around the entire range and a 10-foot wide area clear of combustible vegetation around individual targets.

Section A104.7.1 is amended to read as follows:

**A104.7.1 Permits.** No Person shall ignite, kindle, or maintain Open Burning or a portable outdoor fireplace in a wildland fire area except by the authority of a written permit from the Fire Code Official or when by an approved California Campfire Permit issued by the California Wildland Coordinating Group. For the purpose of this section, a wildland fire area is land which is covered by grass, grain, brush, or forest whether privately or publicly owned.

**Exceptions:**

1. Recreational Fires and portable outdoor fireplaces on properties of one and two-family dwellings when the fire is within 75 feet of the dwelling and there is a minimum of 100 feet of Defensible Space for the Structure.

2. Designated campsites where such fires are in a permanent barbeque, portable barbeque, outdoor fireplace, incinerator, or grill.

Section A104.7.2 is amended to read as follows:

**A104.7.2 Additional requirements.** In addition to the requirements of this Code for Open Burning and portable outdoor fireplaces, the following requirements shall apply:

1. Fire shall be extinguished when winds of 15 miles per hour or higher are present.

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2. The Fire Code Official may incorporate such terms and conditions that will reasonably safeguard public safety and property.

3. A responsible Person of at least 17 years old is present to attend to the fire.

Section A104.10 is deleted.

Section A105.1 is amended to read as follows:

**A105.1 General.** In addition to the requirements of the Ventura County Fire Code and Article 4, Chapter 6, storage and use of the materials shall be in accordance with Article 4, Sections A105.2 through A105.4.2.

Section A105.4 is amended to read as follows:

**A105.4 Combustible Materials.** Outside storage of Combustible Materials such as, but not limited to, wood, rubber tires, building materials, or paper products shall comply with the other applicable sections of this Code and this section. Storage of pallets shall be in accordance with Article 3, Section 2810. Storage and processing of wood chips, hogged materials, fines, Compost, Compostable Material, Mulch, solid biomass, raw product, and combustible yard waste and recycle material shall be in accordance with Article 3, Section 2808.

Section A105.4.1 is amended to read as follows:

**A105.4.1 Individual piles.** Individual piles shall be located a minimum of 100 feet from a Building and shall not exceed 5,000 square feet of contiguous area. Piles shall not exceed 50,000 cubic feet in volume or 10 feet in height.

**Exception:** Piles not exceeding 1,000 cubic feet and 10 feet in height shall be located a minimum of 40 feet from any Building.

Section A105.4.2 is amended to read as follows:

**A105.4.2 Separation.** A clear space of not less than 40 feet shall be provided between piles. A minimum 10-foot clear space shall be provided for piles less than 1,000 cubic feet. The clear space shall not contain Combustible Material or vegetation.

Section A108.1 is amended to read as follows:

**A108.1 General.** Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions, and similar uses located within a WUI area must comply with all other provisions of this Code and this section.

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Section A108.2 is amended to read as follows:

**A108.2** The increased public use of land or Structures within a WUI area also increases the potential threat to life safety. The provisions of this section, including enhanced access for ingress and egress, are intended to reduce that threat.

Section A108.3 is amended to read as follows:

**A108.3 Permits.** Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions, and similar uses shall not be allowed within a designated WUI area, except by permit from the Fire Code Official. Permits shall incorporate such terms and conditions that will reasonably safeguard public and emergency responder safety and property protection. Items to consider include, but are not limited to, type of event, attendance, time of year, site location, terrain, surrounding Fuels (brush), access roadways, water supplies, and distance to fire stations.

Section A108.4 is amended to read as follows:

**A108.4 Access roadways.** In addition to the requirements in Article 3, Appendix D, increased access roadway widths and additional access may be required by the Fire Code Official. When required by the Fire Code Official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

## APPENDIX J

## FINDINGS

Appendix J is added to read as follows:

**SECTION J101 – FINDINGS**

Section J101.1 is added to read as follows:

**J101.1 Findings.** The Board of Directors find that the findings, made by the California State Legislature during the approval of the State Statutes and reprinted herein, support and authorize the local amendments to the 2025 California Wildland-Urban Interface Code as adopted by the California State Fire Marshal.

Section J101.1.1 is added to read as follows:

**J101.1.1** Government Code Section 51175 The Legislature hereby finds and declares as follows:

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(a) Wildfires are extremely costly, not only to property owners and residents, but also to local agencies. Wildfires pose a serious threat to the preservation of the public peace, health, or safety. The wildfire front is not the only source of risk since embers, or firebrands, travel far beyond the area impacted by the front and pose risk of ignition to a structure or fuel on a site for a longer time. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and feeral agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public, peace, health, or safety.

(b) The prevention of wildland fires is not a municipal affair, as that team is used in Section 5 of Article XI of the California Constitution, but instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

(c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

Section J101.1.2 is added to read as follows:

**J101.1.2** Assembly Bill 38 Chaptered October 2, 2019. The Legislature finds and declares all of the following:

(a) Climate change has resulted in higher year-long temperatures and increasing dry weather conditions in California, resulting in extended, sometimes multiyear, droughts; extended wildfire seasons throughout the year, with higher temperatures during dry season conditions; and impacts on vegetation wildfire fuel loads and increasing decay and loss of vegetation due to insect infestations and plant diseases.

(b) Wildfires have grown larger and have increased in intensity over the last several decades. As compared with 1986, wildfires in the western United States have occurred nearly four times more often, burning more than six times the land area and lasting almost five times as long. Through the end of 2017 calendar year, 11 of the 20 most destructive wildfires in California have occurred in the last 10 years. The 2018 calendar year witnessed the most destructive wildfires in California history in terms of the loss of life and structures.

(c) In terms of the size of wildfires, in the last decade, enormous wildfires have consumed vast areas, including the 2013 Rim Fire impacting national park and national forest lands, the 2017 Napa Valley, Sonoma Valley, and Santa Rosa

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wildfires, the 2017 Thomas Fire impacting 200,000 acres, and the 2018 Camp Fire.

(d) Wildfires, which have impacted occupied areas, have resulted in enormous human and financial costs, including the following:

(1) The 1991 Berkley-Oakland Tunnel Fire, which resulted in 25 deaths, the loss of more than 3,000 homes, and a total financial loss of $1.5 billion in 1991 United States dollars.

(2) The 2003 San Diego Cedar Fire, which resulted in 15 deaths and the loss of 2,000 structures.

(3) The 2017 Tubbs Fire, which resulted in 22 deaths, the loss of 5,643 structures, and a total financial loss of approximately $1.3 billion in 2017 United States dollars.

(4) The 2017 Thomas Fire, which resulted in 2 deaths, the loss of more than 1,000 homes, and a total financial loss of approximately $2.2 billion in 2018 United States dollars.

(5) The 2018 Camp Fire, which resulted in 89 deaths, the loss of 18,804 structures, and at least $12.4 billion in 2018 United States dollars in insured losses.

(e) More than 2,000,000 California households, approximately one in four residential structures in California, are located within or in wildfire movement proximity of “high” or “very high” fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection. Additionally, areas subject to seismic risks confront the likelihood that wildfires could result from downed power lines and ruptures of natural gas lines caused by earthquakes.

(f) There is a pressing need for wildfire prevention and minimization strategies, on an area-specific basis, that combine increased wildfire resistance within developed areas to minimize wildfire impacts with comprehensive vegetation management measures in wildlands to prevent or severely limit large-scale wildfires from developing and spreading as follows:

(1) Wildfire minimization programs. Developed areas need to carry out comprehensive urban vegetation management programs to reduce vegetation wildfire fuel loads within developed areas. Further, there is a need to provide funding for the hardening of homes and other structures to increase their resistance to wildfires.

(2) Wildfire prevention programs. Comprehensive wildlands vegetation management, responsive to the widely varying vegetation conditions

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throughout California, is required to reduce vegetation wildfire fuel loads, in relation to the flammability of different vegetation types, to the maximum extent feasible to prevent or severely limit the spread of wildfires.

(3) Wildfire response planning. Area-specific plans should include measures needed to include planning for safe wildlands access for firefighters to the maximum extent feasible.

(g) The diversity of vegetation and development patterns through the state necessitate a geographic approach to planning and implementing wildfire prevention and minimization strategies with fire prevention management agencies covering the geographic areas in which wildfires have or may occur.

(h) Local public agencies have made efforts to prevent wildfires, but, in many instances, lack the expertise, authority, or the financial resources to undertake or complete the tasks at hand.

(i) Wildfires do not respect jurisdictional boundaries or property lines.

Section J101.1.3 is added to read as follows:

**J101.1.3** Assembly Bill 3074 Chaptered September 29, 2020.

(a) The Legislature finds and declares all of the following:

(1) Catastrophic wildfires pose an urgent threat to lives, properties, and resources in California. The state experienced the deadliest and most destructive wildfires in its history in 2017 and 2018. Fueled by five years of drought, unprecedented buildup of dry vegetation, and extreme winds, the size and intensity of recent wildfires caused the loss of more than 100 lives, the destruction of tens of thousands of homes and businesses, and the exposure of millions of urban and rural Californias to unhealthy air. Compared with fire activities in 1986, recent wildfires in the western United States have occurred nearly four times more often, burned more than six times the land area, and lasted almost five times as long.

(2) Climate change, an epidemic of dead and dying trees, a century of fire exclusion, and the proliferation of new homes in the wildland-urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25,000,000 acres of California wildlands are classified as under very high or extreme fire threat, extending that risk over one-half of the state. More than 2,000,000 California households and approximately one in four residential structures in California are located within or near “high” or “very high” fire hazard severity zones identified on maps drawn by the

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Department of Forestry and Fire Protection.

(3) Certain populations in the state are particularly vulnerable to wildfire. These Californians live in communities that face near-term public safety threats given their location and geography. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates that vulnerability.

(4) While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, the intensity of the wildfire threat in California warrants higher levels of action and fortitude. California must develop scalable statewide options to encourage cost-effective structure hardening to create fire-resistant homes, businesses, and public buildings within wildfire hazard areas, with a focus on vulnerable communities.

(5) California must also increase the pace and scale of defensible space assessments, inspections, and community education across the state. Creating and maintaining defensible space is essential for increasing a home's chance of surviving a wildfire. California should encourage and use all available resources, including community organizations and local governments, to help homeowners and businesses understand how to create and maintain defensible space around their properties.

(6) Ember ignitions are responsible for the majority of wildland fire home ignitions. Establishing a five-foot ember-resistant zone around a structure to eliminate specified materials near structures that will likely be ignitied by embers provides important new protections that enhance a home's chance of surviving a wildfire.

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**ARTICLE 5 - EFFECTIVE DATE**

This ordinance shall be effective 30 days from the date of its final passage or January 1, 2026, whichever is later.

In addition, upon ratification by the legislative body of the County of Ventura or of any city where Article 3, Section 903; Article 3, Appendix B; and Article 4, Section 604.11 are adopted to apply, pursuant to subdivision (c) of Health and Safety Code Section 13869.7, the aforementioned provisions shall apply upon the effective date of this Ordinance or upon the date of said ratification or adoption by the County or any city, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2025, by the following vote:

AYES: Directors _____

NOES: Directors _____

ABSENT: Directors _____

_____
CHAIR, BOARD OF DIRECTORS
COUNTY OF VENTURA

ATTEST:

SEVET JOHNSON
Clerk of the Board of Directors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

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**RESOLUTION NO. 25-116**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VENTURA COUNTY FIRE PROTECTION DISTRICT ADOPTING EXPRESS FINDINGS REGARDING AMENDMENT AND ADOPTION OF THE 2025 CALIFORNIA FIRE CODE AND PORTIONS OF THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE

WHEREAS, the state has adopted the California Code of Regulations, Title 24, Part 9, 2025 California Fire Code, and Title 24, Part 7, 2025 California Wildland-Urban Interface Code, both contained in the California Building Standards Code, which becomes effective on January 1, 2026;

WHEREAS, pursuant to Health and Safety Code Section 13869.7, the Ventura County Fire Protection District ("Fire District") may establish more stringent building standards than those adopted by the State Fire Marshal and contained in the California Building Standards Code that are reasonably necessary to provide fire protection for life and property because of local climatic, geological, or topographical conditions;

WHEREAS, on October 14, 2025, the Fire District intends to adopt certain more stringent building standards, identified herein, in the 2025 Ventura County Fire Code ("2025 VCFC"), and the 2025 Ventura County Wildland-Urban Interface Code ("2025 VCWUIC"), both contained in Fire District Ordinance No. 34; and

WHEREAS, the remainder of the proposed modifications to the 2025 California Fire Code and 2025 California Wildland-Urban Interface Code in the attached proposed Fire District Ordinance No. 34 are administrative and do not modify building standards;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds that the following local climactic, geological, or topographical conditions exist in Ventura County:

A. Ventura County experiences periods of high temperatures accompanied by low humidity and high winds each year, as well as periods of limited rainfall and droughts. These conditions create an environment in which the Fire District commits large numbers of firefighting resources to the control and extinguishment of wildland fires. Additionally, wildland fires may impact emergency response routes throughout the county, creating delays in response times. Built in fire protection and reliable fire protection water supplies heighten levels of protection for structures and assist the limited firefighting resources in extinguishing or controlling of fires within structures and/or the wildland.

B. Ventura County is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax the available firefighting resources. Additionally, seismic activity may impact emergency response routes throughout the county, creating delays in response times. Built in fire protection and reliable fire protection water supplies will assist in extinguishment or controlling of fires within structures and thus increase the

availability of firefighting resources after seismic activity.

C. Ventura County has areas that are in wildland and wildland-urban interface areas. Due to topography, access to structures in these areas may be impacted causing delays in response time and delays in fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attach fire suppression resources. Structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire. As well, extended response times will delay structure defense operations during a wildland fire. Built in fire protection and reliable fire protection water supplies will assist in the extinguishment or controlling of fires within structures and/or the wildland.

BE IT FURTHER RESOLVED that it is reasonably necessary because of these local climatic, geological, or topographical conditions to modify Sections 903 andAppendix B of the California Fire Code and 604.11 of the California Wildland-Urban Interface Code, and adopt the 2025 California Fire Code and 2025 California Wildland-Urban Interface Code with those amendments as shown in the proposed 2025 VCFC and 2025 VCWUIC, attached hereto, as follows:

- Add Article 3, Sections 903.1.2, 903.1.3, and 903.1.4
- Amend Article 3, Sections 903.2 and 903.3.1.2.3
- Amend Article 3, Section B103.3
- Add Article 3, Section B103.4
- Add Article 4, Section 604.11

Upon motion of Supervisor LaVere, seconded by Supervisor Parvin, and duly carried, the Board hereby approves and adopts this resolution on the 16th day of Sept. 2025.

Chair, Board of Directors
Ventura County Fire Protection District

ATTEST:
Dr. SEVET JOHNSON
Clerk of the Board of Directors
County of Ventura, State of California.

By: _____
Deputy Clerk of the Board

# FINDINGS

For revision of the Ventura County Fire Protection District Amendments to the 2025 California Fire Code of the California Code of Regulations Title 24 Part 9, the 2024 International Fire Code, the 2025 California Wildland-Urban Interface Code of the California Code of Regulations Title 24 Part 7, and the 2024 International Wildland-Urban Interface Code.

As required by the Health and Safety Code Sections 13869.7, 17958, 17958.5, 17958.7, and 18941.5, the Ventura County Fire Protection District does herewith make express findings that amendments to the 2025 California Fire Code, the 2024 International Fire Code, the 2025 California Wildland-Urban Interface Code, and the 2024 International Wildland-Urban Interface Code are necessary for the protection of the public health, safety, and welfare due to certain climatic, topographical, or geological features existing in the Ventura County.

Key to findings for amendments to Title 24 of the California Code of Regulations Parts 7 and 9 and International Fire Code and International Wildland-Urban Interface Code.

1. **Climatic.** Ventura County experiences periods of high temperatures accompanied by low humidity and high winds each year as well as periods of limited rainfall and droughts. These conditions create an environment in which the Fire District commits large numbers of firefighting resources to the control and extinguishment of wildland fires. Additionally, wildland fires may impact emergency response routes throughout the county, creating delays in response times. Built-in fire protection and reliable fire protection water supplies heighten levels of protection for structures and assist the limited firefighting resources in extinguishing or controlling of fires within structures and/or the wildland.

2. **Geological.** Ventura County is in a potential high activity seismic zone. After a large seismic event, the potential for multiple fires occurring simultaneously will tax the available firefighting resources. Additionally, seismic activity may impact emergency response routes throughout the county, creating delays in response times. Built-in fire protection and reliable fire protection water supplies will assist in extinguishment or controlling of fires within structures and thus increase the availability of firefighting resources after seismic activity.

3. **Topographical.** Ventura County has areas that are in wildland and wildland-urban interface areas. Due to topography, access to structures in these areas may be impacted causing delays in response time and delays in fire suppression efforts. An extended response time will allow fires to grow beyond the control of initial attach fire suppression resources. Structure fires in the hillside areas will have a greater likelihood of starting a wildland fire, which may expose additional structures to fire. As well, extended response times will delay structure defense operations during a wildland fire. Built-in fire protection and reliable fire protection water supplies will assist in the extinguishment or controlling of fires within structures and/or the wildland.

4. **Administrative.** This amendment is necessary for administrative clarification or to provide a greater level of fire and life safety. This amendment does not modify a Building Standard pursuant to California Health and Safety Code Sections 13869.7,17958, 17958.5, 17958.7 and 18941.5.

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# Fire District Ordinance No. 34 - Findings

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| 5 | 1 | | 1.5 | Filing with the Clerk of the Board | 4 |
| 6 | 1 | | 1.6 | Copies of Code for sale to the public | 4 |
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| 9 | 3 | | 3.1 | Amendments | 4 |
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| Item # | Article Number | Chapter Number | Section Number | Section Title | Findings |
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| 111 | 4 | 1 | 102.4 | Referenced codes and standards | 4 |
| 112 | 4 | 1 | 103.1 | General | 4 |
| 113 | 4 | 1 | 104.6 | Notices and orders | 4 |
| 114 | 4 | 1 | 104.6.1 | Citations | 4 |
| 115 | 4 | 1 | 104.8 | Liability | 4 |
| 116 | 4 | 1 | 105.2 | Permits required | 4 |
| 117 | 4 | 1 | 106.1 | Submittals | 4 |
| 118 | 4 | 1 | 106.9.1 | Approved documents | 4 |
| 119 | 4 | 1 | 108.2 | Schedule of fees | 4 |
| 120 | 4 | 1 | 108.4 | Work commencing before permit issuance | 4 |
| 121 | 4 | 1 | 108.4.1 | Investigation fee | 4 |
| 122 | 4 | 1 | 108.7 | Delinquent fees | 4 |
| 123 | 4 | 1 | 108.7.1 | Penalties | 4 |
| 124 | 4 | 1 | 108.7.2 | Interest | 4 |
| 125 | 4 | 1 | 108.7.3 | Legal means | 4 |

| Item # | Article Number | Chapter Number | Section Number | Section Title | Findings |
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| 127 | 4 | 1 | 112.1 | Board of Appeals established | 4 |
| 128 | 4 | 1 | 112.2 | Limitations of authority | 4 |
| 129 | 4 | 1 | 112.3 | Members and qualifications | 4 |
| 130 | 4 | 1 | 112.4 | Finality | 4 |
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| 137 | 4 | 4 | 402.1.2 | Water supply | 4 |
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| 146 | 4 | 6 | 601.2 | Objective | 4 |
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| 150 | 4 | 6 | 603.1 | General | 4 |
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| Item # | Article Number | Chapter Number | Section Number | Section Title | Findings |
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| 204 | 4 | 6 | 604.11.2 | New fencing | 1,2,3 |
| 205 | 4 | 6 | 604.11.3 | Existing fencing | 1,2,3 |
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| 207 | 4 | 6 | 607.1.1 | Firewood piles | 4 |
| 208 | 4 | 6 | 607.1.2 | Combustible Materials | 4 |
| 209 | 4 | 6 | 607.2 | Storage for off-site use | 4 |
| 210 | 4 | 6 | 608.1.1 | Restricted development setbacks | 4 |
| 211 | 4 | 6 | 608.2 | General | 4 |
| 212 | 4 | 6 | 608.2.1 | Setback reduction | 4 |
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| 214 | 4 | 6 | 609.2.7.2 | Access to Greenbelts | 4 |
| 215 | 4 | 6 | 613 | Correction and Notices | 4 |
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| Item # | Article Number | Chapter Number | Section Number | Section Title | Findings |
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| 221 | 4 | 6 | 614.2 | Mailed notice | 4 |
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| 223 | 4 | 6 | 614.4 | Seasonal and re-occurring | 4 |
| 224 | 4 | 6 | 614.5 | Clean-up order | 4 |
| 225 | 4 | 6 | 614.6 | Abatement | 4 |
| 226 | 4 | 6 | 614.7 | Abatement of parcels not included in the annual Fire District Notification and Inspection program | 4 |
| 227 | 4 | 6 | 615 | Collection of the Cost of Abatement | 4 |
| 228 | 4 | 6 | 615.1 | Account of expenses | 4 |
| 229 | 4 | 6 | 615.2 | Confirmation of expense account | 4 |
| 230 | 4 | 6 | 615.3 | Special assessment and lien | 4 |
| 231 | 4 | 6 | 615.4 | Transmittal of account | 4 |
| 232 | 4 | 6 | 615.5 | Inclusion of assessment | 4 |
| 233 | 4 | 6 | 616 | Recorded notices | 4 |
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| 235 | 4 | 6 | 617 | Defensible Space Inspection Upon Sale of Residential Property | 4 |
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| 238 | 4 | 6 | 617.3 | | 4 |
| 239 | 4 | 6 | 617.4 | | 4 |
| 240 | 4 | 6 | 617.4.1 | | 4 |
| 241 | 4 | 6 | 617.5 | | 4 |
| 242 | 4 | Appendix A | A101.2 | Objective | 4 |
| 243 | 4 | Appendix A | A102.1 | General | 4 |
| 244 | 4 | Appendix A | A102.4 | Correction of condition | 4 |
| 245 | 4 | Appendix A | A104.1 | General | 4 |
| 246 | 4 | Appendix A | A104.3 | Clearance from ignition sources | 4 |
| 247 | 4 | Appendix A | A104.3.1 | Flammable and hazardous material processess, storage, and use | 4 |
| 248 | 4 | Appendix A | A104.3.1.1 | General | 4 |
| 249 | 4 | Appendix A | A104.3.1.2 | Clearance from Combustible Materials | 4 |
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# Fire District Ordinance No. 34 - Findings

| Item # | Article Number | Chapter Number | Section Number | Section Title | Findings |
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| 253 | 4 | Appendix A | A104.5.1.2 | Location | 4 |
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| 257 | 4 | Appendix A | A104.5.1.6 | Private closed courses | 4 |
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| 259 | 4 | Appendix A | A104.5.3 | Outdoor gun ranges and target shooting | 4 |
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| 261 | 4 | Appendix A | A104.7.2 | Additional requirements | 4 |
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| 263 | 4 | Appendix A | A105.4 | Combustible Materials | 4 |
| 264 | 4 | Appendix A | A105.4.1 | Individual piles | 4 |
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| 266 | 4 | Appendix A | A108.1 | General | 4 |
| 267 | 4 | Appendix A | A108.2 | | 4 |
| 268 | 4 | Appendix A | A108.3 | Permits | 4 |
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| 270 | 4 | Appendix J | J101.1 | Findings | 4 |

**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| | Main Title | Ordinance Header | | Main Title | Ordinance Header | **Revised:** Updated dates to reflect current code editions and other documents being adopted. | Revision |
| 1 | 1.1 | Adoption | 1 | 1.1 | Findings | **Revised:** Updated to provide the facts of findings needed for adoption of more restrictive building standards contain in Sections 507 and 903, and to add findings for the adopting of the California Wildland-Urban Interface Code. | Revision |
| 1 | 1.3 | Authority | 1 | 1.3 | Authority | **Revised:** Updated to include reference to the California Wildland-Urban Interface Code. | Revision |
| 1 | 1.4 | Adoption | 1 | 1.4 | Adoption | **Revised:** Language was revised to reflect the correct codes being adopted under this ordinance. | Revision |
| 1 | 1.4.1 | | 1 | 1.4.1 | | **Revised:** Language was revised to reflect the correct codes being adopted under this ordinance. | Revision |
| 1 | 1.4.2 | | 1 | 1.4.2 | | **Revised:** Language was revised to reflect the correct codes being adopted under this ordinance. | Revision |
| 1 | 1.4.3 | | 1 | 1.4.3 | | **Revised:** Language was revised to reflect the correct codes being adopted under this ordinance. | Revision |
| 1 | 1.4.4 | | 1 | 1.4.4 | | **Revised:** Section number was reused to add reference to the newly adopted California Wildland-Urban Interface Code. Provisions contained in Ord No. 32 Section 1.4.4 were relocated to Section 1.4.5 of this ordinance. | Revision |
| | | | 1 | 1.4.5 | | **Added:** Section added to account for reference to newly adopted California Wildland-Urban Interface Code. Contents of this section were previously located in Section 1.4.4 of Ordinance No. 32. | Addition |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 1 | Table 1.4.3 | Portions of the International Fire Code deleted | 1 | Table 1.4.3 | Portions of the International Fire Code deleted | **Revised:** Table was updated to reflect which sections of the 2024 International Fire Code that are not being adopted under this ordinance. | Revision |
| | | | 1 | Table 1.4.4 | Portions of the International Wildland-Urban Interface Code deleted | **Added:** Table was added as part of the adoption of the IWUI Code. The purpose is to identify which sections of the IWUI Code that are not being adopted under this ordinance. | Addition |
| 2 | 2.1 | Repeal | 2 | 2.1 | Repeal | **Revised:** Updated to reflect Ord 29 and 32 as being the ordinances that are being repealed. | Revision |
| 2 | 2.2 | References to prior code | 2 | 2.2 | References to prior code | **Revised:** Updated references to appropriate code year. | Revision |
| 3 | | Article Title | 3 | | Article Title | **Revised:** Updated references to appropriate code year. | Revision |
| 3 | 3.1 | Admendments | 3 | 3.1 | Amendments | **Revised:** Updated references to appropriate code year. | Revision |
| 3 | 3.1.1 | Amendment statement | 3 | 3.1.1 | Amendment statement | **Revised:** Updated references to appropriate code year. | Revision |
| 3 | 101.1 | Title | 3 | 101.1 | Title | **Revised:** Revised to add article number as part of adoption of the WUI code into the ordinance under Article 4. | Revision |
| 3 | 102.7 | Referenced codes and standards | 3 | 102.7 | Referenced codes and standards | **Revised:** Revised to add article number as part of adoption of the WUI code into the ordinance under Article 4. | Revision |
| 3 | 104.5 | Notices and Orders | 3 | 104.6 | Notices and Orders | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code and update to ordinance sections numbers inbedded in the section language. | Revision |
| 3 | 104.5.1 | Citations | 3 | 104.6.1 | Citations | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code and update to ordinance sections numbers inbedded in the section language. | Revision |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 104.7 | Liability | 3 | 104.8 | Liability | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 105.5.34 | Open Burning | 3 | 105.5.36 | Open Burning | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 105.5.52 | Miscellaneous combustible compost, composting, green wast, mulch, organic processing and yard waste | 3 | 105.5.54 | Miscellaneous combustible compost, composting, green wast, mulch, organic processing and yard waste | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 105.6.25 | Landscape and Fuel Modification plans | 4 | 603.3 | Landscape and Fuel Modification plans | **Revised:** Section was relocated into Article 4 of this ordinance as part of the adoption of the WUI code. | Revision |
| 3 | 106.1 | Submittals | 3 | 106.1 | Submittals | **Revised:** Minor edit to clarify two sets of plans are required to be submitted. | Revision |
| 3 | 107.2 | Schedule of fees | 3 | 108.2 | Schedule of fees | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 107.4 | Work commencing before permit issuance | 3 | 108.4 | Work commencing before permit issuance | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 107.4.1 | Investigation fee | 3 | 108.4.1 | Investigation fee | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 107.7 | Delinquent fees | 3 | 108.7 | Delinquent fees | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 107.7.1 | Penalties | 3 | 108.7.1 | Penalties | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 107.7.2 | Interest | 3 | 108.7.2 | Interest | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 107.7.3 | Legal means | 3 | 108.7.3 | Legal means | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 111.1 | Board of Appeals established | 3 | 112.1 | Board of Appeals established | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 111.2 | Limitations on authority | 3 | 112.2 | Limitations on authority | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 111.3 | Members and qualifications | 3 | 112.3 | Members and qualifications | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 111.4 | Finality | 3 | 112.4 | Finality | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 112.4 | Violation penalties | 3 | 113.4 | Violation penalties | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 112.5 | Notice of intent to record notice of noncompliance and recordation of notice of noncompliance | 3 | 113.5 | Notice of intent to record notice of noncompliance and recordation of notice of noncompliance | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 112.5.1 | | 3 | 113.5.1 | | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 112.5.2 | | 3 | 113.5.2 | | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 112.5.3 | | 3 | 113.5.3 | | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code and update to ordinance sections numbers inbedded in the section language. | Revision |
| 3 | 112.5.4 | Release | 3 | 113.5.4 | Release | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 112.5.5 | Fee | 3 | 113.5.5 | Fee | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 202 | Combustible Fencing | 4 | 202 | Combustible Fencing | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Deck | 4 | 202 | Deck | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Defensible Space | 4 | 202 | Defensible Space | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Existing Parcel | 3 | B102 | Existing Parcel | **Revised:** Definition was relocated to Article 3, Appendix D as it is only applicable in that chapter. | Revision |
| 3 | 202 | Fire Hazard Severity Zone | 4 | 202 | Fire Hazard Severity Zone | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Fire Protection Plan | 4 | 202 | Fire Protection Plan | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Fuel | 4 | 202 | Fuel | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Fuel Break | 4 | 202 | Fuel Break | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 202 | Fuel Modification | 4 | 202 | Fuel Modification | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Fuel Mosaic | 4 | 202 | Fuel Mosaic | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Greenbelts | 4 | 202 | Greenbelts | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Hazardous Fire Area | 4 | 202 | Hazardous Fire Area | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Ladder Fuels | 4 | 202 | Ladder Fuels | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Ornamental Landscape | 4 | 202 | Ornamental Landscape | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Vegetation | 4 | 202 | Vegetation | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Wildfire | 4 | 202 | Wildfire | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 202 | Wildfire Risk Area | 4 | 202 | Wildfire Risk Area | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 202 | Wildland-Urban Interface (WUI) | 4 | 202 | Wildland-Urban Interface (WUI) | **Revised:** Definition was relocated to Article 4 of the ordinance as part of the adoption of the wildland-urban interface codes. | Revision |
| 3 | 301.1.3 | Fire Hazard | 3 | 301.3 | Fire Hazard | **Edited:** It was discovered that a typo existed in the section number under Ord 32. Section number was updated appropriately. | Editorial |
| 3 | 304.1.2 | Vegetation | 3 | 304.1.3 | Vegetation | **Revised:** Section was renumbered to account for minor reorganization of the model code. | Revision |
| 3 | 304.1.4 | Unlawful disposal | 3 | 304.1.5 | Unlawful disposal | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | 307.1 | General | 3 | 307.1 | General | **Revised:** Added reference to provisions in Article 4 as part of adoption of WUI code into this ordinance. | Revision |
| | | | 3 | 308.1 | General | **Added:** Section added to provide notification that open burning conduct in wildland-urban interface areas shall also be subject to the provisions contained in the Article 4 of this ordinance. | Addition |
| 3 | 308.1.6.3 | Sky lanterns | 3 | 308.1.7 | Sky lanterns | **Revised:** Section was renumbered to account for minor reorganization of the model code. | Revision |
| | | | 3 | 308.2 | Permits required | **Added:** Section was added and amended to provide clarification on activites requiring a permit when involving an open flame device. | Addition |
| | | | 3 | 315.1 | General | **Added:** Section was added and amended to provide clarification on outdoor pallet storage requirements. | Addition |
| 3 | 315.7 | Outdoor pallet storage | 3 | 315.7 | Outdoor pallet storage | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 315.7.8 | Fire Apparatus Access Roads | 3 | 315.7.8 | Fire Apparatus Access Roads | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 317.1 | General | 3 | 317.1 | General | **Revised:** Minor language was added to match language added under the model code. Section was reorganzied to match the model code as well. | Revision |
| | | | 3 | 321.1 | Artifical combustible vegetation on roofs and near Buildings | **Added:** Provision added to provide guidance on use of combustible vegetation on roofs and proximity to buildings. | Addition |
| 3 | 324.1 | General | 3 | 324.1 | General | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 324.4 | Location | 3 | 324.4 | Location | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 503.1 | Where required | 3 | 503.1 | Where required | **Revised:** Reference to VCFPD access requirements updated as these provisions are being relocated from VCFPD Ord 29 into this ordinance as part of a consolidation effort on these regulations. | Revision |
| 3 | 507.6 | Emergency power | | | | **Deleted:** This section was deleted as the provision that it contained will be adequately covered under AB367 and the Ventura County Waterworks Manual. | Deletion |
| 3 | 507.6.1 | Retroactive installation for existing water systems | | | | **Deleted:** This section was deleted as the provision that it contained will be adequately covered under AB367 and the Ventura County Waterworks Manual. | Deletion |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 903.1.2 | Concurrent permits | 3 | 903.1.2 | Concurrent permits | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 903.1.4 | Change of use | 3 | 903.1.4 | Change of use | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 903.2 | Where required | 3 | 903.2 | Where required | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 1205.5.1 | Vegetation control | 3 | 1205.5.1 | Vegetation control | **Revised:** Section was revised to update the reference from VCFD Ord 32 Chapter 49 to Article 4 of this ordinance as a result of the adoption of the California Wildland-Urban Interface Code. | Revision |
| | | | 3 | 2801.1 | Scope | **Added:** Section was amended to add reference to the Ventura County Wildland-Urban Interface Code as these operations are subject to specific provisions when conducted in WUI areas. | Addition |
| 3 | 2808.1 | General | 3 | 2808.1 | General | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 2808.1.2 | Other materials | 3 | 2808.1.2 | Other materials | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| | | | 3 | 2810.1 | General | **Added:** Section was amended to add reference to the Ventura County Wildland-Urban Interface Code as these operations are subject to specific provisions when conducted in WUI areas. | Addition |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| 3 | 2810.7 | Clearance to important buildings | 3 | 2810.7 | Clearance to important buildings | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 2810.7.1 | Distance to other combustibles | 3 | 2810.7.1 | Distance to other combustibles | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 2810.9 | Fire-flow | 3 | 2810.9 | Fire-flow | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 2810.13 | Fire Apparatus Access Roads | 3 | 2810.13 | Fire Apparatus Access Roads | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | 2810.14-2810.14.3 | Heat treatment chambers | 3 | 2810.14-2810.14.3 | Heat treatment chambers | **Revised:** Added reference to Article 3 for clarification purposes as part of WUI code adoption into Article 4 of this ordinance. | Revision |
| 3 | Chapter 49 | Requirements for Wildland-Urban Interface Areas | 4 | 101.1 through A108.4; and J101 through J101.1.3 | Requirements for Wildland-Urban Interface Areas | **Revised:** Provisions previously contained in Article 3, Chapter 49 were relocated into Article 4 of Ordinance 34 as part of the State's adoption of the 2025 California Wildland-Urban Interface Code (CWUIC). This revision includes some additional sections added for purposes of clarity in application of existing provisions being carried over and ones contained in the model codes. | Revision |
| 3 | 5003.13 | Enclosures | 3 | 5003.14 | Enclosures | **Revised:** Section was renumbered to account for use of old section number in the current edition of the model code. | Revision |
| 3 | B103.3 | Areas without water supply systems | 3 | B103.3 | Areas without water supply systems | **Revised:** Section was revised to add reference to the newly adopted California Wildland-Urban Interface Code. | Revision |

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**Ventura County Fire Protection District**
**Summary of Changes between Ordinance Number 32 and 34**

| Ord 32 Article | Ord 32 Section | Description | Ord 34 Article | Ord 34 Section | Description | Summary of Change | Classification |
|---|---|---|---|---|---|---|---|
| | | | 3 | Appendix D | Fire Apparatus Access Roads | **Added:** This appendix is being adopted and amended in its entirety in an effort to consolidate existing Fire District provisions contained in District Ord. No. 29 and Standard 501 pertaining to fire apparatus access. These along with the access provisions of Title 14 Fire Safe Regulations will constitute Fire District access regulations in this appendix. | Addition |
| 4 | | Effective Date | 5 | | Effective Date | **Revised:** This article was renumbered due to the adoption of the WUI codes into Article 4 of the proposed Ord No. 34. | Revision |

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# ANALYSIS OF AMENDMENTS

## VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 34

## BASED ON THE 2025 CALIFORNIA FIRE CODE, 2025 INTERNATIONAL FIRE CODE, 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE, AND 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

VCFPD Draft Ordinance No. 34 with deleted (strikeout) and added/amended (highlighted) language.

| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 1 | 3 | 1 | 101.1 | Title of the ordinance |
| 2 | 3 | 1 | 102.7 | Referenced codes and standards |
| 3 | 3 | 1 | 103.1 | General |
| 4 | 3 | 1 | 104.6 | Notices and orders |
| 5 | 3 | 1 | 104.6.1 | Citations |
| 6 | 3 | 1 | 104.8 | Liability |
| 7 | 3 | 1 | 104.8.1 | Legal defense |
| 8 | 3 | 1 | 105.1.7 | Sale or delivery without permit |
| 9 | 3 | 1 | 105.3.3 | Occupancy and use, prohibited before approval |
| 10 | 3 | 1 | 105.5.36 | Open burning |
| 11 | 3 | 1 | 105.5.54 | Miscellaneous combustible compost, composting, green waste, mulch, organic processing and yard waste |
| 12 | 3 | 1 | 106.1 | Submittals |
| 13 | 3 | 1 | 108.2 | Schedule of fees |
| 14 | 3 | 1 | 108.4 | Work commencing before permit issuance |
| 15 | 3 | 1 | 108.4.1 | Investigation fee |
| 16 | 3 | 1 | 108.7 – 108.7.3 | Delinquent fees; Penalties; Interest; and Legal means |
| 17 | 3 | 1 | 112.1 | Board of Appeals established |
| 18 | 3 | 1 | 112.2 | Limitations of authority |
| 19 | 3 | 1 | 112.3 | Members and qualifications |
| 20 | 3 | 1 | 112.4 | Finality |
| 21 | 3 | 1 | 113.4 | Violation penalties |

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| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 22 | 3 | 1 | 113.5 – 113.5.5 | Notice of intent to record notice of noncompliance and recordation of notice of noncompliance; Release; Fee |
| 23 | 3 | 2 | 202 | Definitions |
| 24 | 3 | 3 | 301.3 | Fire hazard |
| 25 | 3 | 3 | 304.1.3 | Vegetation |
| 26 | 3 | 3 | 304.1.5 | Unlawful disposal |
| 27 | 3 | 3 | 307.1 | General |
| 28 | 3 | 3 | 307.1.1 | Prohibited Open Burning |
| 29 | 3 | 3 | 307.1.2 | Prohibited burning of rubbish |
| 30 | 3 | 3 | 307.1.3 | Prohibited open fires |
| 31 | 3 | 3 | 307.1.4 | Responsibility |
| 32 | 3 | 3 | 307.2 | Permit required |
| 33 | 3 | 3 | 307.3 | Extinguishment authority |
| 34 | 3 | 3 | 307.4 | Location from Structures |
| 35 | 3 | 3 | 307.4.1 | Bonfires |
| 36 | 3 | 3 | 307.4.2 | Recreational Fires |
| 37 | 3 | 3 | 307.4.3 | Portable outdoor fireplaces |
| 38 | 3 | 3 | 308.1 | General |
| 39 | 3 | 3 | 308.1.5 | Open-flame devices in wildfire risk areas |
| 40 | 3 | 3 | 308.1.5.1 | Signals and markers |
| 41 | 3 | 3 | 308.1.7 | Sky lanterns |
| 42 | 3 | 3 | 308.2 | Permits required |
| 43 | 3 | 3 | 315.1 | General |
| 44 | 3 | 3 | 315.7 | Outdoor pallet storage |
| 45 | 3 | 3 | 315.7.8 | Fire Apparatus Access Roads |
| 46 | 3 | 3 | 317.1 | General |
| 47 | 3 | 3 | 321.1 | Artificial combustible vegetation on roofs and near Buildings |
| 48 | 3 | 3 | 324.1 – 324.4 | General; Prevention of ignition; Provisions for extinguishment; Location |
| 49 | 3 | 3 | 325.1 – 325.6 | General; Written report; Safety; Modifications; Non-hazardous materials; Reporting |

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| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 50 | 3 | 5 | 503.1 | Where required |
| 51 | 3 | 9 | 903.1.2 | Concurrent permits |
| 52 | 3 | 9 | 903.1.3 | Maintenance of area separation walls |
| 53 | 3 | 9 | 903.1.4 | Change of use |
| 54 | 3 | 9 | 903.2 | Where required |
| 55 | 3 | 9 | 903.3.1.2.3 | Attics |
| 56 | 3 | 12 | 1205.5.1 | Vegetation control |
| 57 | 3 | 28 | 2801.1 | Scope |
| 58 | 3 | 28 | 2802.1 | Definitions |
| 59 | 3 | 28 | 2808 | Title |
| 60 | 3 | 28 | 2808.1 | General |
| 61 | 3 | 28 | 2808.1.1 | Compost, compostable material, mulch, combustible yard waste, and recyclable material |
| 62 | 3 | 28 | 2808.1.2 | Other materials |
| 63 | 3 | 28 | 2808.3 | Size of piles |
| 64 | 3 | 28 | 2808.6 | Static pile protection |
| 65 | 3 | 28 | 2808.10 | Fire Protection Plan |
| 66 | 3 | 28 | 2810 | Title |
| 67 | 3 | 28 | 2810.1 | General |
| 68 | 3 | 28 | 2810.7 | Clearance to important buildings |
| 69 | 3 | 28 | 2810.7.1 | Distance to other combustibles |
| 70 | 3 | 28 | 2810.8.1 | Pallet pile stability and size |
| 71 | 3 | 28 | 2810.9 | Fire-flow |
| 72 | 3 | 28 | 2810.12 | Fire hydrants |
| 73 | 3 | 28 | 2810.13 | Fire Apparatus Access Roads |
| 74 | 3 | 28 | 2810.14 | Heat treatment chambers |
| 75 | 3 | 50 | 5003.14 | Enclosures |
| 76 | 3 | 56 | 5601.1.3 | Fireworks |
| 77 | 3 | 56 | 5601.7 | Seizure |
| 78 | 3 | Appendix B | B103.3 | Areas without water supply systems |
| 79 | 3 | Appendix B | B103.4 | Inadequate water purveyors |
| 80 | 3 | Appendix C | C103.1 | Hydrant spacing |
| 81 | 3 | Appendix D | | Fire Apparatus Access |
| 82 | 3 | Appendix U | U101 – U108 | Administrative Citations |
| 83 | 4 | Chp 1 Div 1 | 1.12.1 BoF | Board of Forestry |
| 84 | 4 | 1 | 101.1 | Title |

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| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 85 | 4 | 1 | 102.4 | Referenced codes and standards |
| 86 | 4 | 1 | 103.1 | General |
| 87 | 4 | 1 | 104.6 | Notices and orders |
| 88 | 4 | 1 | 104.6.1 | Citations |
| 89 | 4 | 1 | 104.8 | Liability |
| 90 | 4 | 1 | 104.8.1 | Legal defense |
| 91 | 4 | 1 | 105.2 | Permits required |
| 92 | 4 | 1 | 106.1 | Submittals |
| 93 | 4 | 1 | 106.9.1 | Approved documents |
| 94 | 4 | 1 | 108.2 | Schedule of fees |
| 95 | 4 | 1 | 108.4 | Work commencing before permit issuance |
| 96 | 4 | 1 | 108.4.1 | Investigation fee |
| 97 | 4 | 1 | 108.7 – 108.7.3 | Delinquent fees; Penalties; Interest; and Legal means |
| 98 | 4 | 1 | 109.3.7 | Violation penalties |
| 99 | 4 | 1 | 112.1 | Board of Appeals established |
| 100 | 4 | 1 | 112.2 | Limitations on authority |
| 101 | 4 | 1 | 112.3 | Members and qualifications |
| 102 | 4 | 1 | 112.4 | Finality |
| 103 | 4 | 2 | 201.4 | Terms not defined |
| 104 | 4 | 2 | 202 | Definitions |
| 105 | 4 | 3 | 302.3 | Local responsibility area fire hazard severity zone maps |
| 106 | 4 | 3 | 302.4 | Interim changes to fire hazard severity zones |
| 107 | 4 | 3 | 302.5 | Local hazardous fire areas |
| 108 | 4 | 4 | 402.1.1 | Access |
| 109 | 4 | 4 | 402.1.2 | Water supply |
| 110 | 4 | 4 | 402.2.1 | Access |
| 111 | 4 | 4 | 402.2.2 | Water supply |
| 112 | 4 | 4 | 403 | User note |
| 113 | 4 | 4 | 403.1 | General |
| 114 | 4 | 4 | 404.2 | Required water supply |
| 115 | 4 | 4 | 404.4 | Hydrants |
| 116 | 4 | 4 | 404.5 | Adequate water supply |
| 117 | 4 | 6 | Chapter 6 | User note |
| 118 | 4 | 6 | 601.2 | Objective |
| 119 | 4 | 6 | 601.3 | Cost |
| 120 | 4 | 6 | 602.1 | General |

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| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 121 | 4 | 6 | 602.2 | Contents |
| 122 | 4 | 6 | 602.3 | Project information |
| 123 | 4 | 6 | 603.1 | General |
| 124 | 4 | 6 | 603.2 | Application |
| 125 | 4 | 6 | 603.3 | Landscape and Fuel Modification plans |
| 126 | 4 | 6 | 603.3.1 | Conents |
| 127 | 4 | 6 | 603.4 | Vegetation |
| 128 | 4 | 6 | 603.5 | New prohibited plants |
| 129 | 4 | 6 | 603.6 | Recorded notice and deed restriction |
| 130 | 4 | 6 | 604.1 | General |
| 131 | 4 | 6 | 604.2 | Application |
| 132 | 4 | 6 | 604.3 | Requirements |
| 133 | 4 | 6 | 604.3.1 | Retroactivity |
| 134 | 4 | 6 | 604.3.2 | Responsibility and costs |
| 135 | 4 | 6 | 604.3.2.1 | County of Ventura road right-of-way |
| 136 | 4 | 6 | 604.3.3 | Private road parcels |
| 137 | 4 | 6 | 604.5 | Disposal of fuels and vegetation |
| 138 | 4 | 6 | 604.6 | Clearance of brush, vegetative growth and Combustible Material from Parcels |
| 139 | 4 | 6 | 604.7.1 | Structures |
| 140 | 4 | 6 | 604.7.2 | Timing for New Buildings and additions to Existing Buildings |
| 141 | 4 | 6 | 604.7.3 | Detached accessory Buildings |
| 142 | 4 | 6 | 604.7.4 | Photovoltaic systems |
| 143 | 4 | 6 | 604.7.5 | Prefabricated intermodal cargo steel storage containers used for storage |
| 144 | 4 | 6 | 604.8 | Defensible Space clearance zones and requirements |
| 145 | 4 | 6 | 604.8.1 | Requirements |
| 146 | 4 | 6 | 604.8.2 | Zone 0 purpose and location |
| 147 | 4 | 6 | 604.8.2.1 | Non-Combustible Zone 0 for New Buildings, additions to Existing Buildings, and new or replacement landscape |

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| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 148 | 4 | 6 | 604.8.2.2 | Additional requirements in Zone 0 |
| 149 | 4 | 6 | 604.8.2.3.1 | Zone 0 restrictions |
| 150 | 4 | 6 | 604.8.2.3.2 | Landscaped roofs |
| 151 | 4 | 6 | 604.8.3 | Zone 1 purpose and location |
| 152 | 4 | 6 | 604.8.3.1 | Zone 1 transitional area |
| 153 | 4 | 6 | 604.8.3.2 | Requirements and allowable items |
| 154 | 4 | 6 | 604.8.4 | Zone 2 purpose and location |
| 155 | 4 | 6 | 604.8.4.1 | |
| 156 | 4 | 6 | 604.8.4.2 | Spacing |
| 157 | 4 | 6 | 604.8.5 | Zone 3 purpose and location |
| 158 | 4 | 6 | 604.8.6.1 | |
| 159 | 4 | 6 | 604.8.6.2 | Mulch and wood chips within Zones 1 and 2 |
| 160 | 4 | 6 | 604.8.6.3 | Firewood |
| 161 | 4 | 6 | 604.8.6.4 | Clearance from chimney, stovepipe |
| 162 | 4 | 6 | 604.8.6.5 | Trees |
| 163 | 4 | 6 | 604.8.6.5.1 | Tree spacing |
| 164 | 4 | 6 | 604.8.6.5.2 | Ground clearance of trees |
| 165 | 4 | 6 | 604.8.6.5.3 | Ground cover under tree canopy |
| 166 | 4 | 6 | 604.8.6.6.1 | New structures |
| 167 | 4 | 6 | 604.8.6.6.2 | Existing Structures prior to April 1, 2019 |
| 168 | 4 | 6 | 604.8.6.7 | Grasses |
| 169 | 4 | 6 | 604.9 | Fire protection equipment and utilities |
| 170 | 4 | 6 | 604.10 | Planting vegetation under or adjacent to energized electrical lines |
| 171 | 4 | 6 | 604.11.1 | Scope |
| 172 | 4 | 6 | 604.11.2 | New fencing |
| 173 | 4 | 6 | 604.11.3 | Existing fencing |
| 174 | 4 | 6 | 607.1 | General |
| 175 | 4 | 6 | 607.1.1 | Firewood piles |
| 176 | 4 | 6 | 607.1.2 | Combustible Materials |
| 177 | 4 | 6 | 607.2 | Storage for off-site use |
| 178 | 4 | 6 | 608.1.1 | Restricted development setbacks |
| 179 | 4 | 6 | 608.2 | General |
| 180 | 4 | 6 | 608.2.1 | Setback reduction |

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| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 181 | 4 | 6 | 609.2.7.1 | Greenbelts |
| 182 | 4 | 6 | 609.2.7.2 | Access to Greenbelts |
| 183 | 4 | 6 | 613.1 | Correction of conditions |
| 184 | 4 | 6 | 613.2 | Notice and prosecution |
| 185 | 4 | 6 | 613.2.1 | Additional notices |
| 186 | 4 | 6 | 614.1 | Notice |
| 187 | 4 | 6 | 614.2 | Mailed notice |
| 188 | 4 | 6 | 614.3 | Hearing |
| 189 | 4 | 6 | 614.4 | Seasonal re-occurring |
| 190 | 4 | 6 | 614.5 | Clean-up order |
| 191 | 4 | 6 | 614.6 | Abatement |
| 192 | 4 | 6 | 614.7 | Abatement of parcels not included in the annual Fire District Notification and Inspection program |
| 193 | 4 | 6 | 615.1 | Account of expenses |
| 194 | 4 | 6 | 615.2 | Confirmation of expense account |
| 195 | 4 | 6 | 615.3 | Special assessment and lien |
| 196 | 4 | 6 | 615.4 | Transmittal of account |
| 197 | 4 | 6 | 615.5 | Inclusion of assessment |
| 198 | 4 | 6 | 616 | Recorded notices |
| 199 | 4 | 6 | 616.1 | Release of recorded notice |
| 200 | 4 | 6 | 617.1 | |
| 201 | 4 | 6 | 617.2 | |
| 202 | 4 | 6 | 617.3 | |
| 203 | 4 | 6 | 617.4 | |
| 204 | 4 | 6 | 617.4.1 | |
| 205 | 4 | 6 | 617.5 | |
| 206 | 4 | Appendix A | A101.2 | Objective |
| 207 | 4 | Appendix A | A102.1 | General |
| 208 | 4 | Appendix A | A102.4 | Correction of condition |
| 209 | 4 | Appendix A | A104.1 | General |
| 210 | 4 | Appendix A | A104.3 | Clearance from ignition sources |
| 211 | 4 | Appendix A | A104.3.1.1 | General |
| 212 | 4 | Appendix A | A104.3.1.2 | Clearance from Combustible Materials |
| 213 | 4 | Appendix A | A104.3.1.3 | Oil drilling operations |
| 214 | 4 | Appendix A | A104.5.1.1 | General |
| 215 | 4 | Appendix A | A104.5.1.2 | Location |
| 216 | 4 | Appendix A | A104.5.1.3 | Construction |
| 217 | 4 | Appendix A | A104.5.1.4 | Other vehicles |

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| ITEM | ARTICLE | CHAPTER | SECTION | DESCRIPTION |
|---|---|---|---|---|
| 218 | 4 | Appendix A | A104.5.1.5 | Turbocharged engines |
| 219 | 4 | Appendix A | A104.5.1.6 | Private closed courses |
| 220 | 4 | Appendix A | A104.5.2 | Tracer bullets, tracer charges, rockets, and model aircraft |
| 221 | 4 | Appendix A | A104.5.3 | Outdoor gun ranges and target shooting |
| 222 | 4 | Appendix A | A104.7.1 | Permits |
| 223 | 4 | Appendix A | A104.7.2 | Additional requirements |
| 224 | 4 | Appendix A | A105.1 | General |
| 225 | 4 | Appendix A | A105.4 | Combustible Materials |
| 226 | 4 | Appendix A | A105.4.1 | Individual piles |
| 227 | 4 | Appendix A | A105.4.2 | Separation |
| 228 | 4 | Appendix A | A108.1 | General |
| 229 | 4 | Appendix A | A108.2 | |
| 230 | 4 | Appendix A | A108.3 | Permits |
| 231 | 4 | Appendix A | A108.4 | Access roadways |
| 232 | 4 | Appendix J | J101 | Findings |

**VENTURA COUNTY FIRE PROTECTION DISTRICT ORDINANCE NUMBER 34**

AN ORDINANCE OF THE VENTURA COUNTY FIRE PROTECTION DISTRICT REPEALING ORDINANCES NO. 29 AND 32, AND ADOPTING BY REFERENCE THE 2025 CALIFORNIA FIRE CODE TOGETHER WITH APPENDIX CHAPTERS D AND P, PORTIONS OF THE 2024 INTERNATIONAL FIRE CODE, PORTIONS OF THE 2025 CALIFORNIA WILADLAND-URBAN INTERFACE CODE, PORTIONS OF THE 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, AND PORTIONS OF TITLE 19 OF THE CALIFORNIA CODE OF REGULATIONS, WITH ADDITIONS, DELETIONS AND AMENDMENTS THERETO.

The Board of Directors of the Ventura County Fire Protection District (Fire District) ordains as follows:

**ARTICLE 1 - ADOPTION OF THE VENTURA COUNTY FIRE CODE**

**1.1 Findings.** The Board of Directors finds the following:

1. Every three years the State of California adopts a new fire code, as part of the California Building Standards Code, which becomes effective within the jurisdiction of the Ventura County Fire Protection District 180 days after publication by the California Building Standards Commission.

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2. The International Fire Code has been published and adopted, as amended, by the California Building Standards Commission into the California Code of Regulations as Title 24, Part 9, titled the California Fire Code.

3. The International Wildland-Urban Interface Code has been published and adopted, as amended, by the California Building Standards Commission into the California Code of Regulations as Title 24, Part 7, titled the California Wildland-Urban Interface Code.

4. The Fire District may establish more restrictive standards reasonably necessary to provide fire protection for life and property because of local climatic, geological, or topographical conditions pursuant to California Health and Safety Code Section 13869.7.

5. The Fire District has established more restrictive standards that are contained within Article 3, Section 903, Article 3, Appendix B, and Article 4 Section 604.11 of this ordinance.

6. Findings supporting the more restrictive buildings standards made by the Fire District shall be filed with the California Department of Housing and Community Development pursuant to California Health and Safety Code Section 13869.7. In addition, the findings shall be on file with the Ventura County Clerk of the Board.

**1.2 Purpose.** The purpose of this ordinance is to adopt the items outlined in Section 1.4 of this ordinance to govern the safeguarding of life and property from fire, explosion hazards and hazardous conditions and to regulate the issuance of permits and collection of fees.

**1.3 Authority.** This ordinance is adopted pursuant to California Health and Safety Code Sections 13869, 13869.7, 17958.7, and 18941.5 which allow a fire protection district to adopt modifications or changes to the California Fire Code and the California Wildland-Urban Interface Code that are reasonably necessary because of local climatic, geological, and topographical conditions.

**1.4 Adoption.** Article 3 of this ordinance shall be known as the “Ventura County Fire Code”, and may be cited as such. Article 4 of this ordinance shall be known as the “Ventura County Wildland-Urban Interface Code”, and may be cited as such. Together they will be referred herein as “this Code”.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, explosion or hazardous materials, those certain portions of the referenced codes and ordinances specified in the subsections below except such portions as are hereinafter added, deleted, modified or amended by Article 3 and Article 4 of this Code are hereby adopted by reference as the Ventura County Fire Code and

Ventura County Wildland-Urban Interface Code respectively pursuant to Section 13869 et seq. of the California Health and Safety Code, and are incorporated as fully as if set out at length herein.

**1.4.1** The specified portions adopted by the California State Fire Marshal and designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 9 known as the 2025 California Fire Code published by the International Code Council, together with Appendix Chapters D and P.

**1.4.2** The specified portions of the California Code of Regulations Title 19, Division 1 known as the "Regulations of the State Fire Marshal" designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 9 known as the 2025 California Fire Code published by the International Code Council.

**1.4.3** The specified portions of the 2024 International Fire Code not adopted as part of the California Fire Code by the California State Fire Marshal as published in the 2025 California Fire Code by the International Code Council with the exception of those deleted portions that are designated in Table 1.4.3 of this Code.

**1.4.4** The specified portions adopted by the California State Fire Marshal and designated by the Matrix Adoption Table for each Chapter of the California Code of Regulations Title 24, Part 7 known as the 2025 California Wildland-Urban Interface Code published by the Internation Code Council, together with Appendix Chapter A, with exception of Chapter 5.

**1.4.5** The specified portions of the 2024 International Wildland-Urban Interface Code not adopted as part of the California Wildland-Urban Interface Code by the California State Fire Marshal as published in the 2025 California Wildland-Urban Interface Code by the International Code Council with the exception of those deleted portions that are designated in Table 1.4.4 of this Code.

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**TABLE 1.4.3 – Portions of the International Fire Code deleted**

| Section | Deleted |
|---|---|
| 104.8.1 | x |
| 105.5.34 | x |
| 202 – Mobile Food Preparation Vehicles Definition | x |
| 308.1.5 | x |
| 308.1.5.1 | x |
| 503.1.1 – 503.6 | x |
| 805.1 | x |
| 4106 | x |
| Appendix A | x |
| Appendix E | x |
| Appendix F | x |
| Appendix G | x |
| Appendix I | x |
| Appendix J | x |
| Appendix K | x |
| Appendix L | x |
| Appendix M | x |

**TABLE 1.4.4 – Portions of the International Wildland-Urban Interface Code deleted.**

| Section | Deleted |
|---|---|
| 104.8.1 | x |
| Chapter 3 | x |
| Chapter 4 | x |
| Chapter 5 | x |
| 603.2.1 | x |
| 603.2.2 | x |
| 603.2.3 | x |
| 604.4.1 | x |
| 604.4.2 | x |
| Appendix B | x |
| Appendix C | x |
| Appendix D | x |
| Appendix E | x |
| Appendix F | x |
| Appendix G | x |
| Appendix H | x |
| Appendix I | x |

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**1.5 Filing with the Clerk of the Board.** Not less than one (1) certified copy of this Code and of each of the codes adopted by reference herein are on file in the office of the Clerk of the Board of Supervisors of the County of Ventura (County), and all such certified copies of the codes shall be kept at that office for public inspection while this Code is in force.

**1.6 Copies of Code for sale to the public.** Copies of this Code and other Fire District ordinances adopted by reference shall be made available in the offices of the Fire Code Official for examination. The public may purchase copies of this Code and other Fire District ordinances adopted by reference at a price not to exceed the actual cost thereof to the Fire District or the County, plus a reasonable handling charge as established by the Fire Code Official or Clerk of the Board. Each of the codes adopted by reference are available for purchase from the publishers of those codes.

## ARTICLE 2 - REPEAL OF CONFLICTING ORDINANCES

**2.1 Repeal.** Fire District Ordinances No. 29 and 32 are hereby repealed in their entirety on the effective date of this Ordinance.

**2.2 References to prior code.** Unless superseded and expressly repealed, references in Ventura County Fire Protection District forms, documents and regulations to the chapters and sections of the former Ventura County Fire Code, 2022, shall be construed to apply to the corresponding provisions contained within the Ventura County Fire Code, 2025. To the extent there is or may be any conflict with or ambiguity by any provisions found in prior ordinances of the Ventura County Fire Protection District, the provisions of this Ordinance shall control.

## ARTICLE 3 - AMENDMENTS TO THE 2025 CALIFORNIA FIRE CODE AND THE 2024 INTERNATIONAL FIRE CODE

**3.1 Amendments.** All chapters, sections, and other headings shall be those of the California Fire Code and the International Fire Code as delineated in the 2025 California Fire Code; California Code of Regulations, Title 24, Part 9 published by the International Code Council. Generally, each numbered portion of these codes, such as Section 109.3, is deemed to be a separate section. An amendment as specified below to such a numbered portion amends only that section and does not, by omission or reference, delete any other section such as Section 109.3.1.

**3.1.1** The 2025 California Fire Code (CFC) and the 2024 International Fire Code (IFC) are amended and changed in the following respects:

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## CHAPTER 1

## DIVISION II – SCOPE AND ADMINISTRATION

**Item 1**

Section 101.1 is amended to read as follows:

**101.1 Title.** ~~These regulations~~ This ordinance shall be known as the ~~Fire Code of [NAME OF JURISDICTION], hereinafter referred to~~ "Ventura County Fire Code," may be cited as such, and will be referred to herein as "this Code."

**Purpose/Rationale:** This amendment is currently in effect under Ordinance No. 32 and is necessary to identify the District as the authority having jurisdiction.

**Item 2**

Section 102.7 is amended to read as follows:

**102.7 Referenced codes and standards.** The codes and standards referenced in this Code shall be those that are listed in Article 3, Chapter 80, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in Article 3, Sections 102.7.1 and 102.7.2. Where references are made to the California, International or Uniform version of a particular code, those references shall mean the California version of the code adopted under the California Buildings Standards Code unless otherwise specified.

**Purpose/Rationale:** This amendment is a general statement of reference to the codes adopted under the California Code of Regulations, Title 24 which do not adopt several of the International model codes referenced in the fire code.

**Item 3**

Section 103.1 is amended to read as follows:

**103.1 ~~Creation of agency~~ General.** The ~~[INSERT NAME OF DEPARTMENT]~~ Fire Prevention Bureau is ~~hereby created and the official in charge thereof shall be known as the fire code official~~ established within the jurisdiction under the direction of the fire chief. The function of the ~~agency~~ Bureau shall be the implementation, administration and enforcement of the provisions of this code.

**Purpose/Rationale:** This amendment being made to carry over language that was adopted under Ordinance No. 32. The language presented in the 2024 IFC/2025 CFC



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is misleading in suggesting this section of the code is creating the agency, in this case the Ventura County Fire Protection District. The fire code does not grant the authority necessary to create the Fire District. The section is amended to make a general statement that the Fire Prevention Bureau is established at the discretion of the Fire District's Fire Chief. The model code language outlining the function of the Bureau was left as written in the model code.

**Item 4**

Section 104.6 is amended to read as follows:

**104.6 Notices and orders.** The Fire Code Official ~~shall issue necessary~~ is authorized to issue such notices or orders ~~to ensure~~ as are required to affect compliance with this Code~~. Notices of violations shall be~~ in accordance with Article 3, Section 113 and California Health & Safety Code Sections 13870 and 13872.5.

**Purpose/Rationale:** This amendment is carried over from Ordinance 32. It adds additional references to other amendments under Ordinance 34 and also cites appropriate reference to authority and provisions of the California Health & Safety Code governing Fire Protection Districts.

**Item 5**

Section 104.6.1 is added to read as follows:

**104.6.1 Citations.** The Fire Code Official and his or her authorized representatives shall have the authority to issue citations for violations of this Code in accordance with Article 3, Section 113, Appendix U and California Health & Safety Code Section 13872.

**Purpose/Rationale:** This amendment is carried over from Ordinance 32. It adds references to other amendments in Ordinance 34 and also cites appropriate reference to authority and provisions of the California Health & Safety Code governing Fire Protection Districts.

**Item 6**

Section 104.8 is amended to read as follows:

~~**104.8 Liability.** The fire code official, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage~~

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~~accruing to persons or property as a result of any act of by reason of an act or omission in the discharge of official duties.~~

**104.8 Liability.** The Fire Code Official or any authorized representative and each member of the board of appeals, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to Persons or property as a result of any act or omission in the discharge of such duties. The Fire District shall defend and indemnify the Fire Code Official or any authorized representative or member of the board of appeals against any suit brought against such Person because of such act or omission performed by such Person in the enforcement of any provision of this Code or other pertinent laws or ordinances implemented through the enforcement of this Code.

It is the intent of the Board of Directors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any service rendered in connection with or pursuant to its terms by Fire District or County officers, inspectors, agents or employees is intended to be nor shall be construed against the Fire District or any of its officers, inspectors, agents, or employees as the basis for any express or implied warranty or guarantee to any Person relative to or concerning any Structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits because any Structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any Person owning, operating, or controlling any Building or Structure for any damages to Persons or property caused by defects, nor shall the Fire District or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this Code.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and follows the format already in use by the County with adoption of other regulations. Section 104.8.1 is deleted as the model code language is replaced with the amendment to Section 104.8.

**Item 7**

Section 104.8.1 is deleted.

~~**104.8.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by the officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The fire code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.~~

**Purpose/Rationale:** The model code language is replaced with the amendment to Section 104.8. This deletion was also completed in the adoption of Ordinance No. 32.

**Item 8**

Section 105.1.7 is added to read as follows:

**105.1.7 Sale or delivery without permit.** No Person shall sell, deliver or cause to be delivered, any hazardous commodity to any Person not in possession of a valid permit when such permit is required by the provisions of this Code.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32. The purpose of this amendment is to allow for a manageable enforcement program by requiring distributors to verify that customers have a valid permit prior to the delivery of a hazardous commodity. The amendment also allows the District to enforce a local requirement on a business that may not be within jurisdiction and regulated under the provisions of this code but may be contributing to a hazardous condition within our communities.

**Item 9**

Section 105.3.3 is amended to read as follows:

**105.3.3 Occupancy and use, prohibited before approval.** The Building or Structure shall not be occupied prior to the Fire Code Official issuing a permit ~~and conducting associated inspections indicating the~~ that indicates that applicable provisions of this Code have been met. No appliance, device, equipment, or system shall be operated or used until the installation has been approved and permitted by the Fire Code Official and all applicable provisions of this Code have been met. It shall be the duty of both the permit applicant and his or her contractor to cause the work to remain accessible and exposed for inspection purposes.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32. The purpose of this amendment is to ensure that all hazardous processes, uses and

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associated requirements are met and permitted by the fire code official prior to operation or use. This is in addition to the model code language that prohibits occupancy of a building prior to the fire code official issuing a permit.

**Item 10**

Section 105.5.36 is amended to read as follows:

**105.5.36 Open Burning.** An operational permit is required for kindling or maintaining ~~of an open fire or a fire on any public street, alley, road, or other public or private ground~~ Open Burning. Instructions and stipulations of the permit shall be adhered to.

**Exception:** Recreational Fires (See Article 4, Section A104.7 for permit requirements in Wildland-Urban Interface Areas)

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 105.5.34 and changes the term “open fire” to “open burning” to use the defined term. Because the County has an ordinance that prohibits fires on public streets, the provision is removed for allowing us to issue a permit at those locations. A reference to Article 4 of this ordinance is provided to draw attention of permit requirements in for recreational fires in wildland-urban interface areas.

**Item 11**

Section 105.5.54 is amended to read as follows:

**105.5.54 Miscellaneous combustible compost, composting, green waste, mulch, organic processing and yard waste.** An operational permit is required to store in any Building or upon any premises, in excess of 200 cubic yards gross volume of combustible composting, green waste, mulch, organic processing, yard waste, or similar Combustible Material. See Article 3, Section 2808.

**Exception:** On-site storage for normal agricultural operation in conformance with Article 3, Section 2808.1.1.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 Section 105.5.52. It supports the requirements of the amendment to Article 3, Section 2808 included in this ordinance.

**Item 12**

Section 106.1 is amended to read as follows:

**106.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as

required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Except as otherwise determined by the Fire Code Official, plans for the construction, alteration, repair, or conversion of Buildings or portions thereof which are classified as high-rise Buildings, Use Groups A, E, H, I, L and R occupancies, except Group R-3 occupancies, shall be submitted for review prior to obtaining a building permit. The Fire Code Official shall check for compliance with state and local laws and regulations that relate to fire and life safety.

**Exception:** The Fire Code Official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 106.1. This amendment authorizes the fire code official to require plans be submitted and approved by the Fire District prior to obtaining a building permit. The California Health & Safety Code Sections 13145 and 13146 gives authority and responsibility to the Fire District to enforce fire and life safety regulations adopted by the State Fire Marshal. This amendment is necessary in order to effectively enforce local and state regulations and reduce corrections on final inspection. This amendment is not intended to exempt Group R-3.1 occupancies licensed by the State of California.

**Item 13**

Section 108.2 is amended to read as follows:

**108.2 Schedule of ~~permit~~ fees**. ~~Where a permit is required, a fee for each permit shall be paid as required~~, Fees for permits and services rendered pursuant to this Code , and in accordance with the ~~schedule~~ latest Fire District Fee Schedule as established by the ~~applicable governing authority~~ Board of Directors.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 107.2. The purpose of the amendment is to clarify that fees are due for permits and services rendered pursuant to this code and where those fees are published.

**Item 14**

Section 108.4 is amended to read as follows:

**108.4 Work commencing before permit issuance.** A person who commences any work, activity or operation regulated by this Code before obtaining the necessary permits ~~shall be subject to a fee established by the applicable governing authority,~~



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~~which shall be in addition to the required permit fees~~ and or approvals shall be subject to an investigation fee in accordance with Article 3, Section 108.4.1.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 107.4. The purpose is to clarify that a permit is required prior to commencing any work on a project or operation and the ramifications if such procedures are not followed.

**Item 15**

Section 108.4.1 is added to read as follows:

**108.4.1 Investigation fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code and shall in no case be less than the minimum fees required by the latest Fire District Fee Schedule. The payment of such investigation fee shall not exempt any Person from compliance with all applicable provisions of this Code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 107.4.1. The purpose is to clarify that an investigation fee is required even if a permit is not ultimately issued, and that payment of the investigation fee does not exempt any person from compliance with all applicable provisions contained in the codes.

**Item 16**

Sections 108.7 through 108.7.3 are added to read as follows:

**108.7 Delinquent fees**. The following shall apply to any delinquent fee due, including fees assessed under Article 4 of this ordinance:

**108.7.1 Penalties.** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month more than 15 Days after the due date. The penalty shall not exceed fifty percent (50%) of the original fee due.

**108.7.2 Interest.** In addition to penalties provided by this Section, delinquent fees will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from the due date.

**108.7.3 Legal means.** The Fire District may use all legal means to collect any past due fees should a permitee or property owner fail to pay the fine in a timely manner.

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**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 Sections 107.7 through 107.7.3. The purpose is to clarify the fee schedule used, additional fees for failure to obtain permits first and to provide a method for charging late fees.

**Item 17**

Section 112.1 is amended to read as follows:

**112.1 ~~General~~ Board of Appeals established.** In order to hear and decide appeals of orders~~,~~ or decisions ~~or determinations~~ made by the Fire Code Official relative to the application and interpretation of this Code, there shall be and is hereby created a board of appeals. The County Executive Officer shall provide staff services for the board. The board of appeals shall be appointed by the ~~applicable governing body~~ Fire District's Board of Directors and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.1. The purpose is to provide clarification that the County Executive Officer is responsible for providing staff services to support the Fire District's Board of Appeals and the members of the board are appointed by the Fire District's Board of Directors.

**Item 18**

Section 112.2 is amended to read as follows:

**112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent or better ~~form~~ method of ~~construction~~ protection or safety is proposed with the exception of the provisions dealing with the abatement of combustible and flammable materials in Article 4 of this ordinance. The board shall not have authority to waive requirements of this Code or state law or interpret the administration of this Code. The board also shall have no authority to hear appeals regarding opinions provided to other governmental agencies by Fire District personnel (e.g., on projects currently under review by a planning commission, city council, board of supervisors, etc.).

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.2. The purpose is to provide clarification on the limits of authority granted to the Board of Appeals with regards to provisions contained in Article 4 of this ordinance that deal with the Fire District's vegetation management program and appeals from other governmental agencies.

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**Item 19**

Section 112.3 is amended to read as follows:

**112.3 Members and qualifications.** The board of appeals shall consist of five members who are residents of the County of Ventura: a Fire Department member (not employed by the Fire District), a Licensed Architect, a Licensed Engineer, a Licensed General Contractor, and a member of the public at large. Each member must be qualified by experience and training to pass on matters pertaining to ~~the provisions of this code~~ hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the ~~jurisdiction~~ Fire District.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.3. The purpose is to provide direction that the Fire District's Board of Appeals shall consist of 5 members and to outline the members must be residents of Ventura County and what their field of expertise shall be.

**Item 20**

Section 112.4 is amended to read as follows:

**112.4 ~~Administration~~ Finality.** The Fire Code Official shall take immediate action ~~without delay~~ in accordance with the decision of the board. The Board of Appeal's decision shall be final, except in the case of appeals from other governmental entities. Such entities may appeal any adverse Board of Appeal's decision to the Fire District's Board of Directors.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.4. The purpose is to provide clarification that the Board's decision shall be considered final with exception to appeals filed by other governmental entities. In such cases, any adverse ruling by the Board of Appeals may be appealed to the Board of Directors for further consideration. The section title was amended to provide greater clarity on the purpose of the section.

**Item 21**

Section 113.4 is amended to read as follows:

**113.4 Violation penalties.** Persons who ~~shall~~ violate a provision of this Code or ~~shall~~ fail to comply with any of the requirements thereof or who ~~shall~~ erect, install, alter, repair or do work in violation of the approved construction documents or any directive of the fire code official, or of a permit or certificate used under provisions of this Code, ~~shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has~~

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~~been served shall be deemed a separate offense.~~ and from which violation no appeal has been taken, or who fail to comply with any order affirmed or modified by the Board of Appeals within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be subject to the criminal sanctions set forth in Health and Safety Code Section 13871. Each numbered portion of this Code, such as Section 109.3, is deemed to be a separate section. In addition, the fire code official may use the provisions of Appendix U, Administrative Citations. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All violators shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 112.4. This amendment references the California Health & Safety Code that specifies the District's authority to enforce a fire prevention code. The Health & Safety Code Section 13871 provides that a violator may be prosecuted for an infraction, without prior written order, or for a misdemeanor, if he "fails or refuses to correct or eliminate" a violation after a written order.

**Item 22**

Sections 113.5 through 113.5.5 are added to read as follows:

**113.5 Notice of intent to record notice of noncompliance and recordation of notice of noncompliance.** Whenever the Fire Code Official determines that any work or use has been done without the required permit or has not been completed in accordance with the requirements of this Code, the Fire Code Official may post the property and mail to the owner(s) of that property a Notice of Intent to Record a Notice of Noncompliance. The Notice of Intent shall describe the property, shall set forth the non-complying conditions, and shall inform the owner(s) that the Fire Code Official may record a Notice of Noncompliance unless, by a date specified in the Notice of Intent, (1) it is demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected or (2) a timely appeal has been filed with the Board of Appeals.

**113.5.1** If by the date specified in the Notice of Intent, (1) it has not been demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected and (2) a timely appeal has not been filed with the Board of Appeals, the Fire Code Official may record a Notice of Noncompliance unless the Fire Code Official determines that the non-complying conditions have been corrected in accordance with the Board of Appeals' decision.

**113.5.2** If a timely appeal is filed with the Board of Appeals and the Board finds that the non-complying conditions have not been corrected and need to be corrected, the Fire Code Official shall record a Notice of Noncompliance.

**113.5.3** Under either 113.5.1 or 113.5.2 above, the Notice of Noncompliance shall be recorded with the office of the County Recorder and the owner(s) of the property shall be notified of such action. The Notice of Noncompliance shall describe the property, shall set forth the non-complying conditions, and shall state that the property owner(s) have been notified.

**113.5.4 Release.** If after a Notice of Noncompliance has been recorded, it is demonstrated to the satisfaction of the Fire Code Official that the non-complying conditions have been corrected or removed, the Fire Code Official shall record with the office of the County Recorder a Release of Notice of Noncompliance. The Release of Notice of Noncompliance shall describe the property, crossed-referenced to the Notice of Noncompliance, and state that the non-complying conditions have been corrected or removed.

**113.5.5 Fee.** A fee as set forth in the latest Fire District Fee Schedule may be charged the property owner(s) for issuing and recording the Release of Notice of Noncompliance.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 Sections 112.5 through 112.5.5. The purpose is to allow for additional measures to gain compliance with regulations of the VCFPD. The format is currently in use by the County within the Resource Management Agency (RMA).

## CHAPTER 2

## DEFINITIONS

**Item 23**

Section 202 is amended to include the following definitions in addition to the definitions found therein not inconsistent herewith:

**SECTION 202 – DEFINITIONS**

**AGRICULTURAL LAND.** Property with a zoning designation of Agricultural Exclusive (AE) or Coastal Agricultural (CA). This term is further defined within the Ventura County Ordinance Code Division 4, Chapter 7, Article 1, Section 4701.

**APPLICATION (LAND APPLICATION).** The spreading of compostable material, compost, or mulch on land at the end user location.

**BONFIRE.** ~~An outdoor fire~~ Open Burning utilized for ceremonial purposes and not classified as a Recreational Fire.

**BREEZEWAY.** A roofed open passage connecting two Buildings.

**BUILDING, EXISTING.** A Building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

**BUILDING, NEW.** A Building erected after the adoption of this Code and for which a legal building permit has been issued.

**CARPORT.** An automobile shelter entirely open on at least two sides.

**CHIPPING AND GRINDING OPERATION.** Any activity where compostable material is mechanically reduced (chipped or ground) and where such activity is subject to regulatory compliance by any regulation or standard, whether or not a solid waste permit is required.

**CITEE.** Means the Person(s) to whom a Fire Code Official issued an administrative citation pursuant to Article 3, Appendix U.

**COMBUSTIBLE MATERIAL.** Includes seasonal and recurrent weeds, stubble, brush, dry grass, dry leaves, mulch, manure, tumbleweeds, rubbish, recyclable material, litter or flammable materials of any kind, including petroleum-based products.

**COMPOST AND COMPOSTABLE MATERIAL.** Any organic material that when accumulated is capable of rapid decomposition and generating temperatures of at least 122-degrees Fahrenheit.

**CONTAMINANTS.** Pieces of non-compostable solid waste that includes, but not limited to, paper, plastics, metals, glass, clothing, painted or treated wood, plywood and other similar materials.

**CRITICAL FIRE WEATHER.** As determined by the Fire Code Official, a set of weather conditions (usually a combination of low relative humidity, warmer temperatures and/or high winds) favorable to the ignition and the effect of which on fire behavior makes control of a fire difficult and threatens fire fighter and public safety. This includes “Red Flag Warnings” and “Fire Weather Watches” as issued by the National Weather Service.

**DAY.** Means calendar, not business, Day.

**DISPOSAL.** The final deposition of solid waste onto property. Disposal includes, but is not limited to, the following activities:

a) Application of mulch exceeding an average of twelve (12) inches in total depth, except as provided for in Section 4704 (d)(2) of the Ventura County Ordinance Code.

b) Application of mulch in which the mulch contains contaminants that exceed 0.1% of the total volume of mulch at the time of application.

c) Storing or stockpiling of compostable material onto land for a combined period of time greater than six (6) months, or agricultural and green material for twelve (12) months on prime agricultural land as defined in Government Code Section 51201, unless the Regional Water Quality Control Board, in consultation with the Resource Management Agency Environmental Health Division, makes a written finding that the material may remain within the operations area for a period of time greater than specified.

**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.

**FIRE APPARATUS ACCESS ROAD.** A ~~road~~ roadway that provides fire apparatus access from a fire station or other staging area to a facility, Building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane ~~and~~, access roadway and driveway. This road may provide ingress and egress for both the fire department and the general public during emergency events and normal use.

**FIRE-FLOW.** The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, that is available for firefighting. Fire-flow also includes the required storage duration as required by this appendix or the adopted Water Works Manual.

**GREENHOUSE.** A Group U agricultural Building used for the growing of plants. It shall include other Structures also known as hothouses, cold frames and other similar specialty categories. It shall include construction materials of glass, rigid plastic, flexible plastic, masonry, wood, metal and concrete.

**GROSS SQUARE FEET.** The sum of all areas on all floors of a Building included within the outside faces of its exterior walls. Gross Square Feet is used in determining

automatic fire sprinkler retro-fit requirements for Group R-3 Occupancies, inclusive of attached garages.

**HAZARDOUS FIRE AREA (HFA).** Is land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion and includes any location within 500 feet of a forest or brush, grass, or grain covered land, exclusive of small individual lots or Parcels of land located outside of a brush, forest, or grain covered area. Such areas are designated by the Fire Code Official. The Fire Code Official is authorized to utilize, as references, the definition of Wildland-Urban Interface (WUI), State SRA FHSZ maps, LRA FHSZ Maps designated pursuant to California Government Code, Sections 51175 through 51189, and the International Wildland-Urban Interface Code. Areas classified as a Hazardous Fire Area are designated as a WUI area for purposes of this code.

**HEARING OFFICER.** The Fire District's Fire Marshal, or designee, will select the Hearing Officer for the administrative citation hearing.

**HELISPOT.** A site used for helicopter landings and take-offs during emergency operations.

**HORIZONTAL PROJECTION.** Any roofed projection intended for shelter or occupancy and constructed as a roof assembly or floor/ceiling assembly above. Horizontal Projection may include awnings, canopies, marquees, patio covers, covered porches, balconies, eaves, eave overhangs, roofed overhangs, Breezeways, covered decks, etc.

**MULCH.** Compostable material limited to landscape waste and crop production byproducts consisting of leaves, grass clippings, woods, yard trimmings, wood waste, branches and stumps, and whole plants/trees, that have been mechanically reduced in size, whether composted or not. For the purposes of Article 4 of this ordinance , Mulch also includes shredded or ground combustible petroleum or synthetic products.

**OPEN BURNING.** The burning of solid-fuel materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open Burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, ~~recreational fires~~ barbeques used for cooking or the use of portable outdoor fireplaces. For the purpose of this definition a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

**PARCEL.** A portion of land of any size, the area of which is depicted on or described

by a tentative map, final map, parcel map, instrument of conveyance or determined by the assessor's maps and records and which may be identified by an assessor's parcel number whether or not any Buildings are present.

**PERSON.** An individual, a natural Person, heirs, executors, administrators or assigns, and also includes a firm, partnership whether general or limited, company, corporation, unincorporated association, union or organization, cooperative and trust, its or their successors or assigns, or the agent of any of the aforesaid. It shall include the plural as well as the singular number, the male and female gender, and all governmental entities subject in whole or in part to this Code and the codes adopted by reference herein.

**PUBLIC NUISANCE.** The presence of Combustible Material on a Parcel that the Fire Code Official determines creates a fire hazard is a public nuisance.

**RECREATIONAL FIRE.** ~~An outdoor fire burning materials other than rubbish~~ Open burning where the fuel being burned is not contained in a ~~an incinerator, outdoor fireplace~~ portable outdoor fireplace, ~~barbeque grill or barbeque pit~~ or barbeque used for cooking and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

**RECYCLABLE MATERIAL.** Any type of material that would otherwise become solid waste but, instead, is or may be recycled, as defined in the Public Resources Code Section 40180 as "recycle" and shall include material that is commingled or source separated, including compostable materials.

**REVIEWING OFFICER.** The Fire Code Official's representative assigned to conduct initial requests for review of an administrative citation.

**RUBBISH (TRASH).** Combustible and noncombustible waste materials, including residue from the burning of coal, wood, coke or other Combustible Material, paper, rags, cartons, tin cans, metals, mineral matter, glass crockery, dust, garbage, construction debris and discarded ~~refrigerators, and heating, cooking or incinerator type~~ household appliances.

**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**TEMPORAY USE.** Unless otherwise specified within this Code, Temporary Use, when allowed, shall not exceed a period of 180 Days in a 12-month period.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 Section 202 with the addition/modification to the definitions. The purpose is to include

definitions currently in effect within applicable codes and new definitions to support other amendments within this ordinance.

## CHAPTER 3

## GENERAL REQUIREMENTS

**Item 24**

Section 301.3 is added to read as follows:

**301.3 Fire hazard.** No Person operating any occupancy subject to these regulations shall permit any fire hazard to exist on premises under their control or fail to take immediate action to abate a fire hazard when requested to do so by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 301.3. The language is derived from CCR Title 19 which was limited to State owned, occupied, or regulated facilities. By including it in this code, it can be used at all facilities and further supports other provisions of this ordinance.

**Item 25**

Section 304.1.3 is amended to read as follows:

**304.1.3 Vegetation.** Weeds, grass, vines, or other growth that is capable of being ignited and endangering life and property, shall be cut down and removed by the owner or occupant of the ~~premises~~ parcel. The Fire Code Official may determine such condition to be a Public Nuisance and use the provisions for notice, abatement and collection of costs as provided by Article 4 of this ordinance. Vegetation clearance requirements in Wildland-Urban Interface (WUI) areas, and any other Parcels determined a Public Nuisance by the Fire Code Official shall be in accordance with ~~Chapter 49~~ Article 4 of this ordinance.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 304.1.2. The purpose is to provide an appropriate reference to the Fire District's requirements for fire hazard abatement as outlined in Article 4 of this ordinance.

**Item 26**

Section 304.1.5 is added to read as follows:

**304.1.5 Unlawful disposal.** Every Person who places, deposits or dumps Combustible Material on a Parcel whether or not the Person owns such Parcel, or whether or not the Person so places, deposits or dumps on such Parcel with the

consent of the owner thereof, is subject to the criminal sanctions set forth in Health and Safety Code Section 13871.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 304.1.4 and is being carried forward as part of the migration of Chapter 49 into Article 4 due to adoption of the California Wildland-Urban Interface Code by the State Fire Marshal. This migration is intended to improve the readability of the ordinance by combining related provisions. The intent of the amendment is to clarify the ramifications of unlawfully disposing of combustible materials.

**Item 27**

Section 307.1 is amended to read as follows:

**307.1 General.** A Person shall not kindle or maintain or authorize to be kindled or maintained any Open Burning unless conducted and approved in accordance with Article 3 Sections 307.1.1 through 307.5. For Open Burning in WUI areas see Article 4, Sections 105.2, A104.7.1, and A104.7.2.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 Section 307.1 and is made because there are additional requirements for open burning in WUI areas in Article 4 of this ordinance.

**Item 28**

Section 307.1.1 is amended to read as follows:

**307.1.1 Prohibited Open Burning.** The Fire Code Official may prohibit Open Burning ~~shall be prohibited~~ and the use of portable outdoor fireplaces when atmospheric conditions or local circumstances make such fires hazardous.

~~**Exception:** Prescribed burning for the purposes of reducing the impact of wildland fire when authorized by the fire code official.~~

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and gives discretionary authority to prohibit open burning when local conditions or circumstances make such fires hazardous. The scope of this provision includes all outdoor fires except cooking fires in barbeques. There is no need for the exception, because the main provision provides discretionary authority.

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**Item 29**

Section 307.1.2 is added to read as follows:

**307.1.2 Prohibited burning of rubbish.** The Open Burning of rubbish is prohibited.

**Exceptions:**

1. Materials authorized by Ventura County Air Pollution Control District Rule 56
2. Rubbish from food preparation in a campfire at approved designated campsites

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and addresses the issue of burning rubbish directly. The model code does not address this issue directly, it states that a permit is required for open burning. If a person is burning rubbish the only violation is an open fire without a permit. This amendment provides clarification that burning of rubbish is prohibited with certain exceptions.

**Item 30**

Section 307.1.3 is added to read as follows:

**307.1.3 Prohibited open fires.** Open Burning and other outdoor fires are not allowed on any public street, sidewalk, or against or adjacent to any public bulkhead or other public Structure.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and specifically prohibits open fires on public streets and sidewalks which is a provision of County Ordinance 2501. The authority to enforce Ordinance 2501 is questionable because it is not a Fire District Ordinance. This amendment gives clear authority to enforce that requirement by the Fire District.

**Item 31**

Section 307.1.4 is added to read as follows:

**307.1.4 Responsibility.** The Fire District is not responsible for damages to property or to the general public resulting from Open Burning authorized by this Code. Responsibility rests with the Person responsible for setting and maintaining the fire as specified in the California Health and Safety Code Sections 13007 through 13009.

**Purpose/Rationale:** This provision is currently in effect in Ordinance 32 and specifies the responsibility for damages resulting from open burning authorized by this code rests with the individual responsible for setting and maintaining the fire; not the Fire District for authorizing the fire.

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**Item 32**

Section 307.2 is amended to read as follows:

**307.2 Permit required.** A permit shall be obtained from the Fire Code Official in accordance with Article 3, Section 105.5 for Open Burning prior to kindling a fire for recognized silvicultural or range or wildfire management practices, prevention or control of disease or pests, or a Bonfire. Application for such ~~approval~~ permits shall only be ~~presented~~ accepted by and permits issued to the owner or authorized agent of the land on which the fire is to be kindled.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and specifies the permit type referenced in Article 3, Section 105.5. It clarifies the provision that permits can only be issued to a property owner or an authorized agent of the property owner. The change in the second sentence states that the Fire District can only accept the permit application from the owner or an authorized agent of the owner.

**Item 33**

Section 307.3 is amended to read as follows:

**307.3 Extinguishment authority.** ~~Where~~ When Open Burning or the use of a portable outdoor fireplace creates or adds to a hazardous situation, or a required permit for Open Burning has not been obtained, the Fire Code Official is authorized to extinguish or order the extinguishment of the ~~open burning operation~~ fire.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and gives the Fire District the authority to extinguish or order the extinguishment of all outdoor fires except barbeque fires for cooking of food. This amendment is necessary because conditions may make such fires unsafe or a fire hazard to the community.

**Item 34**

Section 307.4 is amended to read as follows:

**307.4 Location from Structures.** For other than Recreational Fires, the location for Open Burning shall be not less than 50 feet (15 240 mm) from any Structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any Structure.

**Exceptions:**

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a Structure
2. The minimum required distance from a Structure shall be 25 feet (7620 mm) where the plie size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height

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**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and clarifies separation requirements from structures for open burning other than recreational fires.

**Item 35**

Section 307.4.1 is amended to read as follows:

**307.4.1 Bonfires.** A Bonfire shall not be conducted within 50 feet (15 240 mm) of a Structure or Combustible Material ~~unless the fire is contained in a barbecue pit~~. Conditions that could cause a fire to spread to within 50 feet (15 240 mm) of a Structure or Combustible Material shall be eliminated prior to ignition. Provisions shall be maintained to prevent injury to people.

**Purpose/Rationale:** This provision is currently in effect in Ordinance 32. The provisions to exclude bonfires from the 50-foot requirement if they are in a pit makes no sense. The amendment to this provision requires consideration to protect people at the bonfire ceremony, for example, separations and pile size and stability of the burn pile may be taken into consideration.

**Item 36**

Section 307.4.2 is amended to read as follows:

**307.4.2 Recreational Fires.** Recreational Fires shall not be ~~conducted~~ located within 25 feet (7620 mm) of a Structure or Combustible Material. Conditions that could cause a fire to spread to within 25 feet (7620 mm) of a Structure or Combustible Material shall be eliminated prior to ignition.

**Exceptions:**

1. For Recreational Fires in approved containers the minimum required distance shall be 15 feet (4572 mm)
2. For Recreational Fires in approved containers at one and two-family dwellings, the separation requirements shall be in accordance with requirements for portable outdoor fireplaces.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and moves all separation requirements and exceptions for recreational fires to this section for clarification.

**Item 37**

Section 307.4.3 is amended to read as follows:

**307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufactures instructions and shall not be operated within 15 feet (3048 mm) of a Structure or Combustible Material. The burning of rubbish

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shall be prohibited in outdoor fireplaces.

**Exception:** Portable outdoor fireplaces used at one and two-family dwellings

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and is intended to prohibit burning of rubbish because the use of portable outdoor fireplaces is not considered open burning. The general prohibition of burning rubbish only applies to open burning so it is necessary to repeat the requirement for portable outdoor fireplaces. A portable outdoor fireplace is a classification of its own. It is not open burning or a recreational fire.

**Item 38**

Section 308.1 is amended to read as follows:

**308.1 General.** Open flame, fire and burning on all premises shall be in accordance with Article 3, Sections 308.1.1 through 308.4.1 and other applicable sections of this Code. For open flame, fire and burning in WUI areas, see Article 4, of this ordinance.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. Minor modifications are being made to reference the newly adopted Ventura County Wildland-Urban Interface Code, contained in Article 4 of this ordinance. In addition to adding reference to Article 3, which contains the existing Ventura County Fire Code, for reader clarification.

**Item 39**

Section 308.1.5 is deleted.

~~**308.1.5 Open-flame devices in wildfire risk areas.** Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or on wildfire risk areas, except by a permit in accordance with Section 105.5 secured from the fire code official.~~

~~**Exception:** Use within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.~~

**Purpose/Rationale:** This section is being deleted and the provisions moved into Article 4 of this ordinance as part of the adoption of the Ventura County Wildland-Urban Interface Code.

**Item 40**

Section 308.1.5.1 is deleted.

~~**308.1.5.1 Signals and markers.** Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or on wildfire risk areas.~~

~~**Exception:** The proper use of fusees at the scenes of emergencies or as required by~~



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~~standard railroad operating procedures.~~

**Purpose/Rationale:** This section is being deleted and the provisions moved into Article 4 of this ordinance as part of the adoption of the Ventura County Wildland-Urban Interface Code.

**Item 41**

Section 308.1.7 is amended to read as follows:

**308.1.7 Sky lanterns.** ~~A person shall not release or cause to be released an untethered sky lantern.~~ The ignition and launching of sky lanterns is prohibited.

**Exception:** When approved by the Fire Code Official, sky lanterns may be used when necessary for religious or cultural ceremonies and adequate safeguards have been taken. Sky lanterns shall be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 308.1.6.3. The purpose is to address the serious fire and safety hazard associated with sky lanterns, which include the potential to start an unintended fire on or off the property from which they are released or used.

**Item 42**

Section 308.2 is amended to read as follows:

**308.2 Permits required.** Permits shall be obtained from the Fire Code Official in accordance with Article 3, Section 105.5 prior to engaging in the following activities involving open flame, fire and burning:

1. Use of a torch or flame-producing device to remove paint from a Structure.
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. ~~Use or operation of torches and other devices, machines or processes liable to start or cause fire in or on wildfire risk areas.~~

**Purpose/Rationale:** This amendment is being made to provide clarification between the sections contained in the Ventura County Fire Code, which is Article 3 of this ordinance, and the Ventura County Wildland-Urban Interface Code, which is Article 4 of this ordinance. In addition, the provision contained in item #3 of the list above is being relocated into Article 4 of this ordinance as part of the adoption of the VCWUIC.

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**Item 43**

Section 315.1 is amended to read as follows:

**315.1 General.** Storage shall be in accordance with Article 3, Sections 315.2 through 315.6. Outdoor pallet storage shall be in accordance with Article 3, Sections 315.2, 315.7, and Article 4 of this ordinance.

**Exception:** Wood and wood composite pallets stored outdoors at pallet manufacturing and recycling facilities and complying with Article 3, Section 2810.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. Minor modifications are being made to reference the newly adopted Ventura County Wildland-Urban Interface Code, contained in Article 4 of this ordinance. In addition to adding reference to Article 3, which contains the existing Ventura County Fire Code, for reader clarification.

**Item 44**

Section 315.7 is amended to read as follows:

**315.7 Outdoor pallet storage. 315.7 Outdoor pallet storage.** Pallets stored outdoors shall comply with Article 3, Sections 315.7 through 315.7.7. Pallets stored within a building shall be protected in accordance with Chapter 32. Storage of pallets associated with pallet manufacturing and recycling facilities shall be in accordance with Article 3, Section 2810.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is intended to provide clarity that pallet storage associated with pallet manufacturing and recycling facilities shall comply with Article 3, Section 2810. The District originally adopted provisions for the outdoor storage of pallets associated with pallet manufacturing and recycling facilities under Section 2810 of Ordinance 30 to adequately address the safety hazards associated with these facilities. The 2024 IFC contains some provisions relating to these facilities, however, the District believes they are inadequate to fully address the hazards, so the existing provisions are being brought forward and incorporated into Article 3, Sections 315.7 and 2810 of this ordinance.

**Item 45**

Section 315.7.8 is added to read as follows:

**315.7.8 Fire Apparatus Access Roads.** Fire Apparatus Access Roads shall be provided around all outdoor pallet storage areas in accordance with Article 3, Appendix D.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is intended to provide a greater level of fire protection and safety to facilities storage pallets outdoors by ensuring fire apparatus access is provided. The provisions in IFC Section 315.7 do not require any access.

**Item 46**

Section 317.1 is amended to read as follows:

**317.1 General.** Vegetative roofs and landscaped roofs shall comply with Sections 1505 and 1507.15 of the ~~International~~ California Building Code and be installed and maintained in accordance with Article 3, Sections 317.2 through 317.4 and Article 4, Section 604.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is intended to provide clarity that the California Building Code applies and not the International Building Code. In addition, it highlights all sections of this code that apply to landscape roofs as well.

**Item 47**

Section 321.1 is amended to read as follows:

**321.1 Artificial combustible vegetation on roofs and near Buildings.** Artificial combustible vegetation exceeding 6 feet (1829 mm) in height and permanently installed outdoors within 5 feet (1524 mm) of a Building or on the roof of a Building shall comply with Article 3, Section 807.4.1. The placement of artificial combustible vegetation shall also comply with Article 3, Sections 806.3 and 807.4.2, and Article 4, Section 604.

**Exception:** Artificial decorative vegetation located more than 30 feet (9144 mm) from the exterior wall of a Building.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. Minor modifications are being made to reference the newly adopted Ventura County Wildland-Urban Interface Code, contained in Article 4 of this ordinance. In addition to adding reference to Article 3, which contains the existing Ventura County Fire Code, for reader clarification.

**Item 48**

Section 324 is added to read as follows:

**SECTION 324 – COMBUSTIBLE MATERIALS SUBJECT TO SPONTANEOUS IGNITION**

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**324.1 General.** Combustible Materials, as defined in Article 3, Section 202, subject to spontaneous ignition, including mulch, manure, recyclable materials, are governed by Article 3, Sections 324 and 2808, and Article 4.

**324.2 Prevention of ignition.** Materials shall be stored, handled, treated or monitored as necessary and in such a manner as to prevent ignition.

**324.3 Provisions for extinguishment.** The owner or Person responsible for such materials shall provide the necessary means to extinguish a fire should ignition occur. Piles of such materials shall be arranged in such a manner as not to exceed the capability of resources available to the owner or Person responsible for such materials to extinguish a fire in any single pile before it can spread to another pile or any other combustible fuels. Access for firefighting apparatus shall be provided when required by the Fire Code Official.

**324.4 Location.** When materials are located in, upon or adjoining any WUI area, clearance between such materials and any other from combustible vegetation shall be maintained in accordance with Article 3, Section 2808 and Article 4 for Buildings.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Sections 324.1 through 324.4. This is added language to the model code. With a continuing increase of recycling green wastes and composting operations, the Fire District has experienced an increase in the number of fires caused by spontaneous ignition. Severe fire weather conditions and improper management contribute to the ignition of materials in these facilities. Fires have spread to the wildland areas, created public nuisances as well as required the use of emergency resources to assist in mitigation of burning material. The model code has no specific code requirements for these fire hazards. These provisions are performance-based regulations and requires the owner or person responsible to develop strategies to prevent ignition and provide necessary resources on-site to extinguish a fire if one occurs. This would include providing the necessary heavy equipment, water supplies and areas to spread materials to accomplish extinguishment.

**Item 49**

Section 325 is added to read as follows:

**SECTION 325 – SPECIAL HAZARDS, NOT OTHERWISE SPECIFIED**

**325.1 General.** Any process that utilizes materials not normally considered to be hazardous, but that in combination, or when electricity, pressure, heat or any other external source is applied to them, creates a product (or by-product) that may itself cause serious harm or damage to life, health, the environment or property, must be reported to the Fire Code Official and any and all appropriate agencies for review and

approval prior to receiving and engaging in any use of the process.

**325.2 Written report.** The manufacture, storage, transfer and disposal of such material(s), which shall be designated as a "Special Hazard", shall be fully explained in writing to the satisfaction of the Fire Code Official and any agency with authority over the process or use of such materials.

**325.3 Safety.** The Fire Code Official may utilize provisions of this Code and other recognized standards for the classification of any hazard that the process most resembles. Any recommendations and/or requirements to render the operation safe(r) shall be complied with prior to receiving a Certificate of Occupancy and permission to operate the process.

**325.4 Modifications.** Any future additions, expansions or alterations to the process and any information submitted with respect to such modifications, must be reviewed and approved by the Fire Code Official prior to such process, as modified, being initiated.

**325.5 Non-hazardous materials.** Those precursor materials not considered to be hazardous that are used in the process are not subject to this section.

**325.6 Reporting.** Any business that uses such processes shall complete the "Business Plan" form as prescribed by Section 25500 et seq. of the California Health and Safety Code and shall submit a copy to the Fire Code Official before initiating use of any such process.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 Section 325. It addresses materials and processes that may not be hazardous but become hazardous when combined or subject to outside influences. Technology grows faster than the codes and this allows the fire code official to insure reasonable measures for protection of life and property.

## CHAPTER 5

## FIRE SERVICE FEATURES

**Item 50**

Section 503.1 is amended to read as follows:

**503.1 Where required.** Fire Apparatus Access Roads shall be provided and maintained in accordance with ~~Sections 503.1.1 through 503.1.3~~ Article 3, Appendix D.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 503.1. The purpose is to provide the Fire District's requirements for fire apparatus access roads. All provisions have been moved back into Article 3, Appendix D of this ordinance from VCFPD Ordinance 29, which is now referenced in this section. With the adoption of the California Wildland-Urban Interface Code (CWUIC) and International Wildland-Urban Interface Code (IWUIC), both of which contain access provisions, access provisions would've been spread across three different codes and VCFPD Standard 501. Merging VCFPD Ordinance No. 29 and Standard 501 back into this ordinance and amending/deleting the CWUIC and IWUIC as needed allowed all applicable access provisions to be located in one central location. All other access provisions contained in the fire codes (Section 503) and wildland codes (Section 403) have been deleted.

## CHAPTER 9

## FIRE PROTECTION SYSTEMS

**Item 51**

Section 903.1.2 is added to read as follows:

**903.1.2 Concurrent permits.** Additions or modifications where the application for a building permit is submitted prior to the final inspection of any previously issued building permit(s) shall require the installation of an automatic fire sprinkler system throughout the entire Structure when the area of the addition or modification of all open permits combined with the new application exceed the exceptions listed under Article 3, Section 903.2.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 for administrative purposes. The provision has existed in several code cycles and was previously contained within the appendix chapter for fire protection systems. It was moved into Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance. The amendment provides clarity for determining the square footages of a project for the applicability of the provisions of this chapter.

**Item 52**

Section 903.1.3 is added to read as follows:

**903.1.3 Maintenance of area separation walls.** Area separation walls used to create fire areas less than 5,000 square feet of floor area (5,000 Gross Square Feet for Group R-3 Occupancies) in Buildings constructed under the original accepted building permit application dated prior to November 1, 2002, shall be maintained with no openings as approved. If the approved area separation walls are not maintained, the affected fire areas, as determined by the Fire Code Official, shall be retrofitted with

an approved automatic fire sprinkler system.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 for administrative purposes. The provision has existed since Ordinance 24 and was previously contained within the appendix chapter for fire protection systems. It was moved to Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance. The amendment is intended to provide notification and clarity that area separation walls shall be maintained and the possible results if it is not maintained as approved.

**Item 53**

Section 903.1.4 is added to read as follows:

**903.1.4 Change of use.** Any change of use of a Group U Occupancy, that reclassifies to a new occupancy classification that would not have been exempt from fire sprinklers due to existing size, use, fire-flow, access requirements, or distance to a fire station under a previous Fire District Ordinance in effect at the time the building permit was issued, shall provide fire sprinklers within the Existing Building. Allowance in Article 3, Section 903.2 item number 2 shall not apply. This section does not limit the requirements for fire sprinklers for the new occupancy classification under the current California Building and Fire Codes.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 Section for administrative purposes. The provision has existed in several code cycles and was previously contained within the appendix chapter for fire protection systems. It was moved into Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance. The amendment is intended to provide clarity on the applicability of the provisions contained in this chapter in relation to changing occupancy classifications from a Group U, which have previously been exempted from the fire sprinkler provisions.

**Item 54**

Section 903.2 is amended to read as follows:

**903.2 Where required.** Notwithstanding the provisions of Article 3, Sections 903.1.1 through 903.1.4 and 903.2.1 through 903.2.21 an approved automatic fire sprinkler system shall be installed in Buildings and Structures as follows:

1. An automatic fire sprinkler system shall be installed in all New Buildings.

   Exceptions:

   A. Group U Occupancies when approved by the Fire Code Official.

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B. Small agricultural produce stands as defined and constructed in accordance with the current edition of the Ventura County Building Code (VCBC) which comply with all of the following:

    1. Floor area of the Structure does not exceed 400 square feet

    2. Separated from other Buildings a minimum of 30 feet

C. Picnic and lunch shelter Structures which comply with all of the following:

    1. Use is defined as a Group A-2 or A-3 Occupancy by the Building Department

    2. Shall not exceed 1,500 square feet of floor area for an A-2 Occupancy or 4,500 square feet for an A-3 Occupancy

    3. Separated from other Buildings a minimum of 30 feet

    4. Only picnic tables and chairs are located underneath the shelter

    5. Shall not have any enclosed space underneath the shelter covering

    6. Shall be located at grade level around the entire shelter

    7. Open on all sides from finished grade to a height of 10 feet above finished grade

    8. Structural columns and other architectural features may not obstruct more than 10% of the opening length around the Structure

    9. Shall have no obstructions that will hinder egress within 10 feet of the exterior perimeter of the shelter for a distance of 75% of the opening length around the shelter

    10. A food preparation surface area may be located along one opening, but shall not obstruct more than 20 feet or 10% of the opening length, whichever is less

    11. May be constructed of any materials allowed by the California Building Code (CBC)

    12. Any roof covering shall be non-combustible if not an open trellis style shelter

D. S-2 Carport Structures which comply with all of the following:

    1. Buildings or Structures shall be freestanding and legally

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separated from all other Buildings or uses

2. Building shall be constructed of non-Combustible Materials

3. Fire apparatus access shall extend to within 25 feet of all portions of the interior of the Carport as measured by an approved route around the exterior of the Building or Structure

2. An approved automatic fire sprinkler system shall be installed in Buildings or Structures with additions as determined by the following:

   A. Additions to legally existing Group R-3 Occupancies, inclusive of attached Group U Occupancies where the addition is both greater than 1,000 square feet and greater than 50% of the existing legal Gross Square Feet of the Structure

   B. All occupancies other than Group R-3, where an addition is greater than 25% of the legally existing floor area of the Structure

      Exception: Group U Occupancies when approved by the Fire Code Official

   C. Where additions to Existing Buildings or Structures increase the allowable area beyond that permissible in Article 3, Sections 903.2.1 through 903.2.21 for non-sprinklered Buildings

3. Change of use shall require fire sprinklers in accordance with Article 3, Sections 903.2.1 through 903.2.21.

4. Moblie homes, manufactured homes, and multi-family manufactured homes with up to two dwelling units that are manufactured in accordance with Title 25 of the California Code of Regulations.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. Similar provisions have been in effect since June 3, 1982. The current provisions have existed since May 1, 2007, with a few minor editorial changes. The provisions were previously contained within the appendix chapter for fire protection systems. They were moved into Chapter 9 in Ordinance 30 in an effort to consolidate the fire sprinkler provisions within the ordinance.

**Item 55**

Section 903.3.1.2.3 is amended to read as follows:

~~**903.3.1.2.3 Attics.** Attic protection shall be provided as follows:~~

~~1. Attics that are used or intended for living purposes or storage shall be protected by an automatic fire sprinkler system.~~

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2. ~~Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.~~

3. ~~Where located in a building of Type III, Type IV or Type V construction designed in accordance with Section 510.2 or 510.4 of the International Building Code, attics are not required by Item 1 to have sprinklers shall comply with one of the following if the roof assembly is located more than 55 feet (16 764 mm) above the lowest level of required fire department vehicle access need to meet the provisions in Section 503:~~

   ~~3.1. Provide automatic sprinkler system protection.~~

   ~~3.2. Construct the attic using noncombustible materials.~~

   ~~3.3. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.~~

   ~~3.4. Fill the attic with noncombustible insulation.~~

   ~~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 pitched roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance. For the purpose of this measurement, required fire vehicle access road shall include only those roads that are necessary for compliance with Section 503.~~

4. ~~Group R-4, Condition 2 occupancy attics not required by Item 1 to have sprinklers shall comply with one of the following:~~

   ~~4.1. Provide automatic sprinkler system protection.~~

   ~~4.2. Provide a heat detection system throughout the attic that is arranged to activate the building fire alarm system.~~

   ~~4.3. Construct the attic using noncombustible materials.~~

   ~~4.4. Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.~~

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~~Fill the attic with noncombustible insulation.~~

**903.3.1.2.3 Attics.** Attic protection shall be provided as follows:

1. Attics shall be protected by an automatic fire sprinkler system.

   **Exceptions:**

   1.1. Attics constructed with only noncombustible materials.

   1.2. Attics constructed with only fire-retardant-treated wood complying with Section 2303.2 of the California Building Code.

   1.3. Attics filled with noncombustible insulation.

2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.

3. Attics that are used for storage or intended for living purposes shall be protected by an automatic fire sprinkler system.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and is consistent with existing Fire District direction with provisions concerning automatic fire sprinklers in buildings. These systems augment the District's overall fire safety plans for the communities served. These types of systems have an excellent record of controlling and/or extinguishing fires, reducing the number of firefighting resources needed to fight a fire, thus making more resources available to respond to other emergencies within the community.

The provisions of this amendment were originally put into effect under Ordinance 31 Section 903.1.4. The language as it existed in Ordinance 31 was determined to be confusing as to its application and overreaching in some areas. The existing language resulted in some allowances under the model code for automatic fire sprinkler systems installed in accordance with NFPA 13R to restricted. This was not the original intent of the amendments made under 903.1.4. After further analysis and discussion, the intent was not to allow the omission of fire sprinkler coverage in attics. To better clarify the intent, Section 903.1.4 was removed, and Section 903.3.1.2.3 was amended and adopted under Ordinance 32. The language as it currently exists under Ordinance 32 is being carried over into this ordinance.

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## CHAPTER 12

## ENERGY SYSTEMS

**Item 56**

Section 1205.5.1 is amended to read as follows:

**1205.5.1 Vegetation control.** A clear, brush-free area ~~of 10 feet (3048 mm)~~ shall be required around the perimeter of the ground-mounted photovoltaic arrays in accordance with Article 4, Section 604.7.4. A maintained vegetative surface or a non-combustible base, approved by the Fire Code Official, shall be installed and maintained under the photovoltaic arrays and associated electrical equipment installations.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 1205.5.1 and is intended to provide clarity on the brush clearance requirements for ground-mounted photovoltaic systems and to advise the reader that provisions existed within Article 4 of this ordinance.

## CHAPTER 28

## LUMBER YARDS AND AGRO-INDUSTRIAL, SOLID BIOMASS AND WOODWORKING FACILITIES

**Item 57**

Section 2801.1 is amended to read as follows:

**2801.1 Scope.** The storage, manufacturing and processing of solid biomass feedstock, timber, lumber, plywood, veneers, compost, compostable material, mulch, and agro-industrial byproducts shall be in accordance with this chapter and with the requirements of the Ventura County Wildland-Urban Interface Code.

**Purpose/Rationale:** This amendment is new and intended to provide clarification of the products being handled and that the provisions contained within Article 4 of this ordinance apply with the adoption of the wildland-urban interface codes.

**Item 58**

Section 2802.1 is amended to read as follows:

**2802.1 Definitions.** The following terms are defined in Article 3, Chapter 2:



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**AGRO-INDUSTRIAL.**
**AGRICULTURAL LAND.**
**APPLICATION.**
**BIOMASS.**
**CHIPPING AND GRINDING OPERATION.**
**COLD DECK.**
**COMPOST AND COMPOSTABLE MATERIAL.**
**CONTAMINANTS.**
**DISPOSAL.**
**FINES.**
**HOGGED MATERIALS.**
**MULCH.**
**PLYWOOD AND VENEER MILLS.**
**RAW PRODUCT.**
**RECYCABLE MATERIAL.**
**SOLID BIOFUEL.**
**SOLID BIOMASS FEEDSTOCK.**
**STATIC PILES.**
**TIMBER AND LUMBER PRODUCTION FACILITIES.**

**Purpose/Rationale:** All definitions contained in Article 3, Section 2802.1 are currently in effect in Ordinance 32. This amendment was made as part of consolidating definitions contained within this ordinance into Article 3, Section 202 and is considered editorial only.

**Item 59**

Section 2808 is amended to read as follows:

**SECTION 2808 – STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED MATERIAL, FINES, COMPOST, COMPOSTABLE MATERIAL, MULCH, SOLID BIOMASS FEEDSTOCK, ~~AND~~ RAW PRODUCT AND COMBUSTIBLE YARD WASTE AND RECYCLE MATERIAL ~~ASSOCIATED WITH YARD WASTE, AGRO-INDUSTRIAL AND RECYCLING FACILITIES~~**

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The intent is to clarify that the provisions in this chapter apply to compostable material, mulch, and combustible yard waste and recycle materials as well.

**Item 60**

Section 2808.1 is amended to read as follows:

**2808.1 General.** The storage and processing of wood chips, hogged materials, fines,



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compost, compostable material, mulch, solid biomass feedstock, ~~and~~ raw product and combustible yard waste produced from yard waste, debris and ~~agro-industrial and~~ recycling facilities shall comply with ~~Sections 2808.2 through 2808.10~~ Article 3, Section 2808, the Ventura County Ordinance Code and State and Federal Regulations. Where any conflict occurs with the requirements of this chapter and other Laws, Regulations, Rules and Codes, the most restrictive application shall apply, unless prohibited by Law.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. With a continuing increase of recycling green wastes and composting operations, the Fire District has experienced an increase in the number of fires caused by spontaneous ignition, increase number of resources committed, and wildfire spread into composting and mulch which further exposes the public and emergency respond to increase hazard from fires. A high amount of contaminants also exposes emergency responders to an increased amount of toxic smoke and vapors. Severe fire weather conditions and improper management contribute to the ignition of materials in these facilities. Fires have spread fire to the wildland areas, created public nuisances as well as required the use of emergency resources to assist in mitigation of burning material. The model code has no specific code requirements for these fire hazards. The District has a published standard for these types of facilities. These provisions are performance-based regulations and requires the owner or person responsible to develop strategies to prevent ignition and provide necessary resources on-site to extinguish a fire if one occurs. This would include providing the necessary heavy equipment, water supplies and areas to spread materials to accomplish extinguishment.

**Item 61**

Section 2808.1.1 is added to read as follows:

**2808.1.1 Compost, compostable material, mulch, combustible yard waste, and recyclable material.** Storage, processing and application of compost, compostable material, mulch, combustible yard waste, and recyclable material shall be as approved and required by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The intent is to provide for greater fire safety for green wastes and composting facilities.

**Item 62**

Section 2808.1.2 is added to read as follows:

**2808.1.2 Other materials.** Materials other than compost, compostable material, mulch, combustible yard waste, and recyclable material shall comply with Article 3, Sections 2808.2 to 2808.10.

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**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The intent is to provide greater fire safety by requiring materials present at the facilities to comply with the same requirements as the green wastes and compost.

**Item 63**

Section 2808.3 is amended to read as follows:

**2808.3 Size of piles.** Piles shall not exceed ~~25 feet (7620 mm)~~ 15 feet (4 572 mm) in height, ~~150 feet (45 720mm)~~ 50 feet (15 240 mm) in width and ~~250 feet (76 200 mm)~~ 100 feet (30 480 mm) in length. Stackable products shall not be stacked in excess of ~~25 feet (7620 mm)~~ 15 feet (4 572 mm) in height, ~~80 feet (24 384 mm)~~ 25 feet (7620 mm) in width and ~~250 feet (76 200 mm)~~ 100 feet (30 480 mm) in length.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The intent is to provide greater fire safety at these facilities.

**Item 64**

Section 2808.6 is amended to read as follows:

**2808.6 Static pile protection.** Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. ~~Such records~~ Records shall be ~~maintained~~ kept on file at the facility and made available for inspection. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the Fire Code Official for review and approval.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The intent is to provide greater fire safety at these facilities by giving the fire code official the ability to ensure the required pile inspections are being conducted by the facility operator.

**Item 65**

Section 2808.10 is amended to read as follows:

**2808.10 ~~Emergency~~ Fire Protection Plan.** The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the Fire Code Official for review and approval. The plan shall include the following:

A. Scaled and dimensioned site plan indicating property lines, Buildings, access roads, fire hydrants, location of piles, push out area. A 20 or 40 scale shall be used.

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B. Available fire flow (if from purveyor) or location and size of water tanks (no purveyor).

C. Monitoring procedures for pile temperature and moisture content.

D. Fire suppression methods.

E. Other procedure and methods to reduce fire within piles.

F. Methods to control contaminants and contaminant storage / disposal procedures.

G. Employee training.

H. Equipment and resources available on-site for fire prevention / suppression.

I. Thresholds for calling 911.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The intent is to provide greater fire safety at these facilities by ensuring the required fire protection measures are in place and the employees are adequately trained to respond to an emergency event at the facility. The amendment also provides direction to the facility operator/owner as to what the Fire District expects to be included in the plan.

**Item 66**

Section 2810 is amended to read as follows:

**SECTION 2810 – OUTDOOR STORAGE, MANUFACTURING, AND PROCESSING OF PALLETS AT PALLET MANUFACTURING AND RECYCLING FACILITIES**

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The provisions were not contained in previous editions of the IFC and were added by VCFD under Ordinance 30. In the 2018 IFC, provisions were added by ICC, but did not address the manufacturing and processing aspect that VCFD previously included in the section to address fire safety concerns at existing facilities within its jurisdiction. These additional provisions were brought forward into this section under Ordinance 31, carried over into Ordinance 32 and now are proposed to be carried forward in this ordinance. This amendment was made to update the section title to clarify the section contains provisions for manufacturing and processing in addition to storage.

**Item 67**

Section 2810.1 is amended to read as follows:



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**2810.1 General.** The ~~outside~~ outdoor storage, manufacturing, and processing of wood ~~and~~, wood composite, and other nonmetallic pallets ~~on the same site as a~~ at pallet manufacturing or recycling ~~facility~~ facilities shall comply with Article 3, Sections 2810.2 through ~~2810.11~~ 2810.12 and with the requirements of the Ventura County Wildland-Urban Interface Code.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The provisions were not contained in previous editions of the IFC and were added by VCFD under Ordinance 30. In the 2018 IFC, provisions were added by ICC, but did not address the manufacturing and processing aspect that VCFD previously included in the section to address fire safety concerns at existing facilities within its jurisdiction. These additional provisions were originally brought forward into this section under Ordinance 31, carried forward in Ordinance 32 and now are proposed to be carried forward in this ordinance. This amendment was made to update to provide clarity to the application of the section.

**Item 68**

Section 2810.7 is amended to read as follows:

**2810.7 Clearance to important buildings.** Stacks of pallets shall ~~not~~ be stored ~~within 0.75 times the stack height of any important building on site,~~ in accordance with Article 3, Tables 315.7.6(1) and 315.7.6(2) or shall comply with Article 3, Section 2810.11.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. The amendment is being made to keep clearance distances consistent with the provisions currently in effect in Ordinance 32. The provisions of this section in the model code conflict with the provisions in Section 315 of the model code. The Fire District feels the provisions under Section 315 provide a greater level of safety and has chosen to apply those provisions at these pallet facilities through this amendment.

**Item 69**

Section 2810.7.1 is added to read as follows:

**2810.7.1 Distance to other combustibles.** Stacks of pallets shall be stored in accordance with Article 3, Section 315.7.6.2.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and is being carried over into this ordinance using the distances contained within Article 3, Section 315.7.6.2 as they are consistent with distances under the VCFD provisions contained in Ordinance 32.

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**Item 70**

Section 2810.8.1 is added to read as follows:

**2810.8.1 Pallet pile stability and size.** Pallet stacks shall be arranged to form stable piles. Individual pallet piles shall not exceed 8,000 cubic feet (71 $m^3$) in volume.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and is being carried over into this ordinance. The provisions included in the 2024 IFC Section 2810 do address a maximum pile size. Limiting pile sizes provides for greater ability to control and extinguish fires should they occur.

**Item 71**

Section 2810.9 is amended to read as follows:

**2810.9 Fire-flow.** Fire-flow requirements for the site shall be ~~determined by the fire code official~~ as specified in Article 3, Table 2810.9.

Table 2810.9
REQUIRED FIRE-FLOW FOR OUTDOOR PALLET STORAGE

| Pallet Pile Size (cubic feet) | Minimum Fire-flow (gallons per minute) | Flow Duration (hours) |
|---|---|---|
| 0 – 2,500 | Not required | Not required |
| 2,501 – 124,000 | 2,000 | 2 |
| 124,001 and greater | 3,000 | 3 |

**Purpose/Rationale:** These provisions are currently in effect in Ordinance 32 and are being brought over to this ordinance. Originally under Ordinance 31 a flat fire-flow rate was required. The Fire District believes that the previously prescribe requirement was excessive in some cases and inadequate in other cases. Under Ordinance 32 requirements were set based on total cubic volume of pallets being storage on-site at a facility and is consistent with provisions set forth from the ICC and the pallet industry. The provisions of Ordinance 32 are being brought forward into this ordinance.

**Item 72**

Section 2810.12 is added to read as follows:

**2810.12 Fire hydrants.** Fire hydrants shall be located within 300 feet (91 440 mm) of all portions of the pile.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 2810.12. It is being brought forward into this ordinance. The intent of the amendment is to set spacing distance for fire hydrants around the pallet piles to provide appropriate fire protection at the facility. The IFC is silent with regards to required fire hydrants at these facilities.

**Item 73**

Section 2810.13 is added to read as follows:

**2810.13 Fire Apparatus Access Roads.** Fire Apparatus Access Roads shall be provided in accordance with Article 3, Appendix D.

**Purpose/Rationale:** This provision is currently in effect in Ordinance 32 Section 2810.13 and is being brought over into this ordinance. The provisions included in the 2024 IFC do not address fire apparatus access. Access is vital for providing fire protection and safety within these facilities.

**Item 74**

Section 2810.14 is added to read as follows:

**2810.14 Heat treatment chambers.** Heat treatment chambers used to treat finished products for pest eradication shall be installed per the manufacturer's specifications and shall comply with Article 3, Sections 2810.14.1 through 2810.14.3.

**2810.14.1 Distance to other combustibles.** Heat treatment chambers shall be separated from other Combustible Materials a minimum of 30 feet (9144 mm).

**2810.14.2 Fuel supply.** Fuel supply systems shall comply with Article 3, Section 603.

**2810.14.3 Above-ground fuel tanks.** Above-ground fuel tanks shall comply with Article 3, Chapters 57 and 61.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 Section 2810.14 and is being brought over to this ordinance. The amendment is intended to address the fire hazards created by the finishing and treatment processes used at these types of facilities. The 2024 IFC only addressed the storage of pallets at these facilities.

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## CHAPTER 50

## HAZARDOUS MATERIALS – GENERAL PROVISIONS

**Item 75**

Section 5003.14 is added to read as follows:

**5003.14 Enclosures.** Two means of access shall be provided when an enclosure is provided on three or more sides of a hazardous material container, tank or storage area. The two points of access shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the enclosure. Each access shall be a minimum of three feet in width. When provided, the method of locking or securing the enclosure shall be approved by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32. This requirement will only apply when the quantity of hazardous materials is in excess of the exempt amounts specified in this code. It is necessary, for the safety of the firefighters, to provide to means of access to hazardous material areas that are surrounded by physical barriers. This allows a means of escape from an enclosure if one access point becomes blocked during the mitigation effort of a hazardous materials incident.

## CHAPTER 56

## EXPLOSIVES AND FIREWORKS

**Item 76**

Section 5601.1.3 is amended to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks, including those labeled as “Safe and Sane” as defined by California Code of Regulations Title 19, are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Article 3, Section 5604.

2. Manufacture, assembly and testing of fireworks as allowed in Article 3, Section 5605 *and Health and Safety Code Division 11.*

3. The use of fireworks for fireworks displays, *pyrotechnics before a proximate*

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*audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions* as allowed in *Title 19, Division 1, Chapter 6 Fireworks reprinted in* Article 3, Section 5608 *and Health and Safety Code Division 11.*

4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks *and Health and Safety Code Division 11.*

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. It is intended to provide notice those fireworks labeled as Safe and Sane by the State are also prohibited within VCFD's jurisdiction.

**Item 77**

Section 5601.7 is amended to read as follows:

**5601.7 Seizure.** The Fire Code Official or any law enforcement officer is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter or Title 19.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32. It is intended to authorize law enforcement officers, in addition to fire code officials, to seize fireworks in violation of this section or Title 19.

## APPENDIX B

## VCFPD FIRE-FLOW REQUIREMENTS

**Item 78**

Section B103.3 is amended to read as follows:

**B103.3 Areas without water supply systems.** For information regarding water supplies for fire-fighting purposes in rural ~~and suburban~~ areas in which adequate and reliable water supply systems do not exist, the Fire Code Official is authorized to utilize NFPA 1142 or the ~~International Wildland-Urban Interface Code~~ Ventura County Wildland-Urban Interface Code.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32. The intent of the provision is to require properties located within a water purveyor's service



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area to utilize that system to provide the required fire-flow. This has been the long-standing position of the District. The use of NFPA 1142 systems present many challenges and the reliability of those systems is questionable. Situations do exist where there is no water purveyor service or where a water purveyor's system was installed prior to the adoption of the County's Waterworks Manual and the system was not required to be designed to provide fire-flow. For these situations, the District authorizes the use of NFPA 1142. It is not intended to allow projects located in suburban and urban areas to utilize NFPA 1142 in lieu of being served from a properly maintained water system in compliance with the County Waterworks Manual.

**Item 79**

Section B103.4 is added to read as follows:

**B103.4 Inadequate water purveyors.** New Buildings and uses requiring a water demand, domestic and or fire-flow, shall not be permitted.

**Purpose/Rationale:** This amendment is currently in effect in Ordinance 32 and is intended to serve as an advisory notice to property owners that new uses cannot be approved without providing required fire-flow under the provisions of the fire code and applicable waterworks manual.

## APPENDIX C

## FIRE HYDRANT LOCATIONS AND DISTRIBUTION

**Item 80**

Section C103.1 is amended to read as follows:

**C103.1 Hydrant spacing.** Fire Apparatus Access Roads and public streets providing required access to Buildings in accordance with ~~Section 503~~ Article 3, Appendix D shall be provided with one or more fire hydrants, as determined by Article 3, Section C102.1. Where more than one hydrant is required, the distance between required fire hydrants shall be in accordance with Article 3, Sections C103.2 and C103.3. When required by the Fire Code Official, additional fire hydrants above those required by Article 3, Section C102.1 shall be provided along a complex, development or subdivision perimeter streets to provide a water supply for wildland fires.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32. The purpose is to clarify the access requirements shall meet Article 3, Appendix D and to allow the fire code official to require additional fire hydrants on perimeter roads in new developments when such hydrants would not normally be required for the buildings. This provides a water supply for those developments adjacent to Wildland areas for protection of the development from a wildfire.



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## APPENDIX D

## FIRE APPARATUS ACCESS ROADS

**Item 81**

Appendix D is deleted and replaced to read as follows:

### SECTION D101 – ADMINISTRATION

**D101.1 Purpose.** The purpose of this appendix is to establish the minimum and cumulative design and maintenance standards for emergency fire access roads within the jurisdictional boundaries of the Ventura County Fire Protection District. These provisions permit emergency resources to respond to an incident in a safe and effective manner.

**D101.2 Scope.** The appendix shall apply to all Fire Apparatus Access Roads, whether public or private, located within the jurisdictional boundaries of the Ventura County Fire Protection District. It includes road design, signage, and marking requirements and provisions for enforcement.

The access requirements of this appendix are minimum requirements and are normally increased due to the cumulative effect of previously submitted, approved, or completed development within a given area. Public Road Standards allow for more restrictive limitations and shall apply when necessary. Deviations to the requirements of Appendix D may be allowed when approved by the Fire Code Official. Where a deviation is not approved, the Fire Code Official is authorized to apply the requirements of Section 104.2.3 or Section 104.2.4.1.

Access roads subject to the requirements of the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, as that section may be amended from time-to-time, shall comply with the most restrictive requirements. At the time of adoption of this ordinance, the requirements of this appendix are equal to or exceed the current requirements of the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2.

**D101.3 Local ordinances.** Nothing in this Code shall be considered as abrogating the provisions of any ordinance, resolution, rule, public road standard, or regulation of any local jurisdiction, provided that such provisions are equal to or more stringent than the minimum requirements of this Code. Where conflicts exist between this Code and the public road standards developed by a city or county, the most restrictive requirements shall apply.

## SECTION D102 – DEFINITIONS

**D102.1 Definitions.** For the purpose of this appendix, the following terms are defined:

**ACCESS POINT(S).** The point or points along a Fire Apparatus Access Road where fire and emergency equipment is located within 150 feet of all portions of the grade level of a Building or Structure as measured along an approved route.

**ALL-WEATHER ACCESS ROAD.** A road capable of supporting a 20-ton vehicle after a 10-year storm as certified by a State of California registered civil engineer.

**DEAD-END.** A Road that has only one point of ingress/egress, including cul-de-sacs and looped roads.

**DRIVEWAY.** A private right-of-way serving not more than 2 residential Parcels, serving not more than 3 Group R-3 Dwelling Units per Parcel, and any number of accessory Structures per said Parcel.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more Persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**EXISTING PARCEL.** Parcels, including those located in a State Responsibility Area (SRA), that were legally created and recorded prior to January 1, 1991.

**EXISTING ROAD.** Roads, including those located in a State Responsibility Area, that were legally constructed and recorded prior to January 1, 1991.

**FIRE LANE.** A Fire Apparatus Access Road developed to allow passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than a fire apparatus.

**LOCAL RESPONSIBILITY AREA (LRA).** Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district. See also State Responsibility Area (SRA).

**MOST WEATHER ROAD.** A Road capable of supporting a 20-ton vehicle during most weather conditions for firefighting or rescue operations.

**MULTIFAMILY BUILDING.** Any residential Building containing more than 2 Dwelling Units, including townhomes, or more than 5 guest rooms.

**OFF-SITE ACCESS.** An access Road that is outside the boundaries of the property being served.

**ON-SITE IMPROVEMENTS.** Road improvements within the boundaries of the proposed project site or subdivision, including parcel maps.

**OFF-SITE IMPROVEMENTS.** Road improvements outside the boundaries of the proposed project site or subdivision, including parcel maps.

**PRIMARY ACCESS.** A Road used routinely for access into an out of an area.

**ROAD.** Vehicular access, inclusive of Roadway Structures, that provide access to:

(a) more than two Parcels; or

(b) more than 3 Dwelling Units on a single Parcel; or

(c) any industrial or commercial occupancy or use; or

(d) any number of Multifamily Buildings.

**ROADWAY.** Any surface designed, improved, or ordinarily used for vehicle travel. This is inclusive of both Roads and Driveways.

**ROADWAY STRUCTURES.** Bridges, culverts, and other appurtenant structures which supplement the Roadway bed of shoulders.

**SAME PRACTICAL EFFECT.** An exception or alternative with the capability of applying accepted fire suppression strategies and tactics, and provisions for firefighter safety and public safety, including all of the following:

(a) access for emergency fire equipment,

(b) safe civilian evacuation,

(c) signing that avoids delays in emergency equipment response,

(d) available and accessible water to effectively attack fire or defend a Structure from wildfire,

(e) fuel modification sufficient for civilian and firefighter safety.

**SECONDARY ACCESS.** A secondary Road used for access into an out of an area in which the construction requirement is the same as the Primary Access.

**SPEED BUMP.** A narrow raised section of pavement, 1-2 feet wide and over 3 inches in height at the center point, which provides for traffic calming and requires traffic

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speeds of less than 15 MPH to safely negotiate.

**SPEED HUMP.** A mildly tapered raised section of pavement, 8-10 feet wide and not higher than 3 inches at the center point, that provides for traffic calming which allows for traffic speeds of at least 15 MPH to safely negotiate.

**STATE RESPONSIBILTY AREA (SRA).** Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

**SUBDIVISION.** The division of a tract, lot or Parcel of land, into two or more lots, plats, sites, or other divisions of land. The legalization of a prior illegally created Parcel or lot, shall be deemed a "subdivision" for the purposes of this appendix.

**TRAFFIC LANE.** The portion of a Roadway that provides a single land of vehicle travel.

**TURNAROUND.** A Roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Design of such area may be a hammerhead/T or terminus bulb.

**TURNOUTS.** A widening in a Roadway to allow vehicles to pass or emergency equipment to stage off the Roadway Traffic Lane.

**VERTICAL CLEARANCE.** The minimum clearance area above the Roadway to any overhead projection or obstruction.

**WILDLAND-URBAN INTERFACE (WUI).** A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the Fire Code Official to be at a significant risk from wildfires including Hazardous Fire Areas.

**SECTION D103 – GENERAL**

**D103.1 General.** Fire Apparatus Access Roads shall be provided and maintained in accordance with this appendix.

**D103.2 Fire apparatus access.** Fire Apparatus Access Roads, whether public or private, primary or secondary, shall provide for safe access for emergency equipment and civilian evacuation concurrently, and shall provide for unobstructed traffic circulation during a fire or other emergency.

**D103.3 Subdivisions.** Where the existing public or private access Road is deemed

inadequate to serve a proposed Subdivision, the divider will be required to improve the existing public or private Road to an acceptable width and structural section as set forth in the conditions of approval. The divider shall prior to recordation of the record map, submit improvement plans, construct the improvements, or bond for the required access Road improvements, dedicate or acquire sufficient Road easement, pay the applicable fees and enter into an agreement to complete the improvements within a specified time frame. If access Road improvements are bonded, the require access improvements shall be installed prior to issuance of any building permit for a new Structure within the Subdivision. Where the proposed division is not adjacent to a public Road, Off-site Improvements and easements may be required in accordance with this appendix.

**D103.3.1 Secondary Access for Existing Roads and new Subdivisions.** Secondary Access, in accordance with this appendix, shall be provided where a new Subdivision of land is served from an existing Dead-End access Road that exceeds allowable Dead-End lengths as specified elsewhere in this appendix. Secondary Access shall be provided for the proposed Subdivision regardless of where the new Parcels take access along the existing Dead-End access Road. The intent is not to further increase the density on a Dead-End Road that exceeds the allowable Dead-End lengths.

**D103.4 Additional Fire Apparatus Access Roads.** The Fire Code Official is authorized to require more than one Fire Apparatus Access Road based on the potential for impairment of a single access Road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

**D103.5 Distance measurements.** All specified or referenced distances are measured along the ground, unless otherwise stated. All lengths shall be measured from the edge of the Fire Apparatus Access Road surface at the intersection that begins the Fire Apparatus Access Road to the end of the Fire Apparatus Access Road surface at its farthest point.

**D103.6 Modifications.** When Fire Apparatus Access Roads cannot be installed due to practical difficulties, the Fire Code Official shall have the authority to grant modifications for individual cases, provided the Fire Code Official shall first find that special reasons make the strict application of this Code impractical and the modification is in compliance with the intent and purpose of this Code. The details of action granting such modification shall be recorded on the parcel deed.

**D103.7 Maintenance.** Fire Apparatus Access Roads shall be maintained throughout the life of the development it serves.

**D103.8 Obstructions.** Fire Apparatus Access Roads shall not be obstructed at any time.

**SECTION D104 – WHERE REQUIRED**

**D104.1 Where required.** Fire Apparatus Access Roads shall be provided for every facility, Building or Structure hereafter constructed or relocated.

**Exceptions:**

1. Additions to existing Group R-3 Buildings or Structures that do not exceed the Access Point(s) requirement of Sections D104.2.1 and D104.2.2.

2. Access for Group U occupancies shall be in accordance with the requirements of the Fire Code Official.

**D104.2 Access Point(s) to Buildings or Structures.**

**D104.2.1 Access Point(s) on Roads.** Roads shall be provided such that any portion of the exterior walls, at grade level, of a Building or Structure, is not more than 150 feet from a Road as measured by an approved route around the exterior of the Building or Structure.

**Exception:** The distance shall be permitted to be extended to 250 feet when the Building is protected by an automatic fire sprinkler system in accordance with NFPA 13, or NFPA 13D, and provided with an approved access walkway leading from the Roadway to the exterior openings around the Building or Structure.

**D104.2.2 Access Point(s) on Driveways.** Driveways serving Group R-3 occupancies shall be provided such that any portion of the exterior walls, at grade level, is not more than 150 feet from the Driveway(s) as measured by an approved route around the exterior of the Building or Structure.

**Exception:** The distance shall be permitted to be extended to 250 feet when the Building is protected by an automatic fire sprinkler system in accordance with NFPA 13D and provided with an approved access walkway leading from the Driveway to the exterior openings around the Building or Structure.

**D104.3 Roadway extensions.** Where Roadways extend beyond the Access Point(s), the extended Roadway shall comply with all requirements of the Fire Apparatus Access Roads.

**D104.4 Location.** Fire Apparatus Access Roads shall be constructed within the dedicated right-of-way, common area Parcels, or recorded access easements.

**D104.4.1 Maintenance agreements.** When private Fire Apparatus Access Roads or Driveways serves two (2) or more Parcels, provisions for maintenance of the access Road shall be assured by a permanent homeowners association or equivalent

organization and a covenant running with the land establishing and setting forth the maintenance requirement shall be recorded on each Parcel. Such covenant running with the land shall also be placed upon multiple Parcels served by the same Fire Apparatus Access Roads that are under the same ownership.

**D104.4.2 Additional easements.** Private Driveways and required fire access Turnarounds serving 2 or more lots shall be located in a common area lot or easement. The common area lot or easement shall be a minimum of 5 feet wider than the required Driveway and Turnaround area widths (2-1/2 feet on each side). Signs prohibiting obstruction and parking along the common Driveway shall be posted at the discretion of the Fire Code Official.

**D104.5 Timing.** Fire Apparatus Access Roads shall be provided prior to and during the time of construction. See Section D113 of this appendix.

**D104.6 Gates/traffic calming across Fire Apparatus Access Roads.** Gate(s) and other traffic calming devices installed across Fire Apparatus Access Roads shall comply with the requirements in Section D111 of this appendix.

**D104.7 Parking.** Parking shall not be permitted within the required Fire Apparatus Access Roads and appurtenances, unless additional space is provided as outlined in this appendix.

**D104.7.1 Restricted parking during Critical Fire Weather.** The Fire Code Official may designate certain Fire Apparatus Access Roads as “Restricted or No Stopping – Tow Away” zones during periods of Critical Fire Weather. Once such designation has been made, signs clearly depicting the designation shall be posted along such access Roads and notice of such designation shall be given to affected property owners.

**D104.8 Marking.** Where required by the Fire Code Official, approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE – TOW AWAY” shall be provided for Fire Apparatus Access Roads to identify such Roads or prohibit the obstruction thereof. See Section D109 of this appendix.

**SECTION D105 – WIDTHS**

**D105.1 Road width.** Road widths shall be provided in accordance with the minimum requirements of the road standards of the jurisdiction in which the Road is to be constructed but not less than the dimensions indicated in Article 3, Table D105.1. Where there is no public road standard, Ventura County Public Road Standards shall apply.

**Table D105.1**

| Roads, Streets, Private Lanes | Minimum Improved Width | Parking |
|---|---|---|
| Two-Way Traffic[a] | 24 feet | No parking permitted |
| Two-Way Traffic | 32 feet | Parking permitted on (1) side |
| Two-Way Traffic | 36 feet | Parking permitted on (2) sides |

a Existing Parcels as defined in this appendix shall be permitted to be served by a Road width of not less than 20 feet. Where Existing Roads have been constructed, prior to issuance of a building permit, on an Existing Parcel, Roads shall be improved to 20 feet wide for a length equal to the property line frontage as approved by the Fire Code Official.

**D105.1.1 Public school buildings.** On-site access Roads shall be provided with a minimum 20-foot wide paved access. Buildings exceeding 30 feet in height shall provide a access Road in accordance with Section D107 of this appendix.

**D105.2 Driveway width.** The minimum clear width of a Driveway providing fire apparatus access shall be 15 feet.

**Exception:** When approved by the Fire Code Official, Driveway width can be reduced to not less than 12 feet in areas where full width cannot be installed due to topography or other natural obstructions. When Driveway widths are approved at less than 15 feet, all of the following shall be required:

1. Automatic fire sprinklers shall be installed throughout all Structures, regardless of use, inclusive of bathrooms, closets, and combustible concealed spaces not otherwise required by NFPA 13D.

2. A minimum 14-foot unobstructed horizontal clearance shall be provided in SRA, and LRA Very High Fire Hazard Severity Zones.

3. A statement shall be recorded with the Ventura County Recorder as a public record and certified copy shall be provided to the Fire District prior to final occupancy. Recorded statement shall be the following: “The minimum required access has been modified due to topography or other natural obstructions. Emergency vehicle response may be delayed.”

**SECTION D106 – ROADWAY DESIGN**

**D106.1 Public Roads.** All public Roads shall comply with public road standards for the jurisdiction in which the project is located unless a more restrictive requirement is

indicated in this appendix.

**D106.2 Private Road design within cities.** Private Roads located within incorporated cities shall comply with public road standards for the jurisdiction in which the project is located. This includes paved widths and structural design. Curbs, gutters, and sidewalks shall be as determined by the public works or planning department having jurisdiction.

**D106.3 Road surface, construction and grade limitations.** Fire Apparatus Access Roads serving commercial, industrial, and multifamily occupancies shall have a structural cross section and surface complying with the public road standards for the jurisdiction in which the project is located.

**D106.3.1 Surfacing and construction.** All access Roads within the unincorporated areas and all Driveways shall have a structural cross section and surface complying with one of the following. Curbs, gutters, and sidewalks shall be as determined by the public works or planning department having jurisdiction.

1. Asphalt or concrete in accordance with public road standards.

2. On Driveways, an alternate surface certified by a registered civil engineer as an "All-Weather Access Road" based upon Standard R Value Analysis. A copy of the certification shall be provided to the Ventura County Fire Protection District's Fire Prevention Bureau and a statement that the access Road is an All-Weather Access Road shall be recorded on the parcel and shall be maintained by the property owner. Drainage and erosion controls shall be recommended by the registered civil engineer and shall be provided to and maintained by the property owner. Alternate surfacing will be acceptable on grades up to 10%. NOTE: Compacted dirt or base does not constitute an All-Weather Access Road.

**D106.3.2 Certification.** Alternate surfaced Roads as outlined in Section D106.3.1(b) of this appendix shall be certified by a registered civil engineer as being "All-Weather" based upon Standard R Analysis. A copy of the certification shall be provided to the Ventura County Fire Protection District's Fire Prevention Bureau and a statement recorded on the parcel deed that the access Road is an All-Weather Road and shall be maintained by the property owner. Drainage and erosion controls shall be recommended by the engineer and shall be provide and maintained.

**D106.3.3 Most Weather Road.** When in the opinion of, and approved by, the Fire Code Official, firefighting or rescue operations would not be unduly impaired during most weather conditions, private access Roads and Driveways requirements may be modified in areas subject to annual snowfall (i.e., Lockwood Valley) as follows and provided:

1. The Driveway and/or acc Road serving the single-family Dwelling area must conform to Fire District standards for width, grade, length, curve radius, vertical clearance, and be capable of supporting fire and rescue apparatus during most weather conditions.

2. Most weather access roads greater than 10% grade shall meet All-Weather surface requirements.

3. A statement is recorded with the Ventura County Recorder as a public record, indicating the Fire District's minimum fire access requirements is not provided to this Parcel and that emergency equipment may not be able to reach any Buildings on the Parcel during inclement weather. A certified copy shall be provided to the Fire District. The form shall be as approved by the Fire Code Official.

**D106.3.4 Fair weather crossings.** Existing crossings that do not exceed 1 foot depth of flow during a 10-year storm may be considered All-Weather if the surface of the crossing is concrete and has a history of withstanding normal flow. Existing crossings shall be certified by a registered civil engineer, and a copy of the engineer's report shall be provided to the Fire District. New crossings shall be designed by a registered civil engineer to be above the 10-year flow level, with documentation submitted to the Fire District for approval. Length of fair weather crossings shall not exceed 50 feet.

**D106.4 Bridges and elevated surfaces.** Where fire apparatus must cross over a bridge or elevated surface, the bridge or surface shall be constructed and maintained in accordance with AASHTO HB-17. Surfaces shall be designed for a live load sufficient to carry the imposed loads of not less than that required by HS-20 Loading.

**D106.4.1 Posting of load limits.** Load limit signs shall be posted at both entrances to bridges or Road accesses over a below-grade structure as required by the Fire Code Official. Load limit signs shall be constructed of weather resistant materials, posted in obvious locations and shall be maintained legible.

**D106.5 Shoulders.** Shoulders, if required, shall be compacted to a minimum 95% relative compaction. All-Weather surface is not required. For access widths that include shoulders, any parking areas shall be added to the outside edge of the required shoulder. If shoulders are provided, Fire Lane signs shall be posted if the shoulder is greater than four (4) feet in width, unless provisions for parking with additional 10-foot width have been provided (total shoulder of 14 feet or wider).

**D106.6 Vertical clearance.** Fire Apparatus Access Roads shall have a clear and unobstructed height of 13 feet 6 inches across the entire road width.

**D106.7 Vertical curve.** The vertical curve of a Road or Driveway shall not allow for transitions between grades that exceed 6% elevation change along any 10-foot

section. These transitions shall include angle of approach, angle of departure, and high-centering of fire apparatus.

**D106.8 Grade limitations.** The grade for a Fire Apparatus Access Road shall not exceed that allowed by the public road standards for the jurisdiction in which the access Road is located. Where no limitation is provided in the public road standards, a maximum 16% grade shall be used. Maximum grade for commercial, industrial, and multifamily projects shall not exceed 10%.

**Exception:** The Fire Code Official shall be permitted to increase the grade limitations for Driveways to a maximum of 20%, not to exceed a maximum cumulative distance of 1,000 feet along the entire length of the Driveway.

**D106.9 Cross slope.** Fire Apparatus Access Roads shall be designed with a maximum cross slope of 5% on any section.

**D106.10 Horizontal turn radius.**

**D106.10.1 SRA, LRA Very High FHSZ, and HFA locations.** Fire Apparatus Access Roads shall have a minimum horizontal inside curve of 50 feet. When transitioning from one curve to another curve in the opposite direction, a recovery distance of not less than 80 feet shall be provided.

**D106.10.2 All other locations.** Horizontal turn radius shall be determined by the public road standards based upon street width and speed and no Road shall have a centerline horizontal turn radius curvature of less than 40 feet. When transitioning from one curve to another curve in the opposite direction, a recovery distance of not less than 80 feet shall be provided.

**D106.11 Turnarounds.**

**D106.11.1 Turnaround required.** Turnarounds in accordance with Section D110 of this appendix shall be provided where Dead-End Roads and Driveways exceed 150 feet.

**Exception:** When all of the following exist, a Turnaround is not required:

1. The Road or Driveway does not exceed 250 feet in length,
2. No portion of the Road or Driveway exceeds 5% grade,
3. The Road width is not less than 20 feet and Driveway width is not less than 15 feet.
4. The inside turn radius of all turns is not less than 80 feet.

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**D106.11.2 Road Turnaround location.** Turnarounds shall be located at the termination of the Road.

**D106.11.2.1 Additional Road Turnarounds.** Additional Turnaround shall be installed where Dead-End Roads serve Parcels zoned 5 acres or larger, at a maximum 1,320-foot intervals.

**D106.11.3 Driveway Turnaround location.** Turnarounds shall be located within 50 feet of each building served by the Driveway.

**Exception:** Driveways located in non-FHSZ or non-HFA areas shall have the Turnaround located within 150 feet of the Driveway termination.

**D106.11.3.1 Additional Driveway Turnarounds.** Additional Turnarounds shall be installed at 1/2 mile intervals where Dead-End Driveways exceed 1 mile in length.

**D106.12 Turnouts**

**D106.12.1 Existing Road Turnouts.** In addition to the required improvements specified in Table D105.1 of this appendix, Turnouts in accordance with Figure D110.5.3 of this appendix shall be provided, within the right-of-way or easement, on all Existing Roads where road width is less than 20 feet clear and road length are in excess of 300 feet as specified below:

1. At the midpoint of Roads less than 800 feet.
2. Every 400 feet on Roads greater than 800 feet.
3. Where fire hydrants are installed along the Road.

**D106.12.2 Existing Road Turnout improvements.** It is the intent of Section D106.12.1 of this appendix to require Road improvements along an existing, legal, non-conforming Road when new Structures are constructed that will increase the amount of vehicle traffic. Where improvements are partial or incomplete, each new development shall continue the improvement of the access as approved by the Fire Code Official. This improvement shall be inclusive but not limited to new primary or secondary dwellings.

**D106.12.3 Additional Road Turnouts.** New Dead-End Roads exceeding 800 feet shall have Turnouts installed as follows:

1. One (1) Turnout at the midpoint of a Dead-End Road not exceeding 1,320 feet.
2. One (1) Turnout for each 1,320 feet of Road length, or portion thereof, when

Dead-End Roads exceed 1,320 feet. Turnouts shall be spaced equal distance apart along the length of the Dead-End Road.

**D106.12.4 Driveway Turnouts.** Turnouts shall be provided in accordance with Section D110 of this appendix on all Driveways in excess of 300 feet as specified below:

1. At the midpoint of Driveways less than 800 feet.
2. Every 400 feet on Driveways greater than 800 feet.
3. Where drafting fire hydrants are installed along the Driveway.

**D106.12.5 Substitution for Driveway Turnouts.** Approved Turnarounds can be substituted for a Turnout where approved by the Fire Code Official.

**D106.12.6 Turnouts at fire hydrants.** Turnouts at fire hydrants shall not exceed a 5% grade on any portion of the Turnout.

**SECTION D107 – AERIAL APPARATUS ACCESS**

**D107.1 General.** Aerial fire apparatus access shall be required when the vertical distance between any grade plane and the highest roof surface exceeds 30 feet. One aerial apparatus access road shall be provided per 50,000 square feet of building area.

**Exceptions:** Aerial fire apparatus access shall be not required when any of the following apply:

1. Non-accessible roofs with a pitch greater than 8:12 when the Building is protected by an automatic fire sprinkler system in accordance with NFPA 13.
2. Limited architectural features such as canopies and towers without habitable floor space below the roof when the Building is protected by an automatic fire sprinkler system in accordance with NFPA 13.

**D107.2 Determination of height.** For the purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

**D107.3 Width of aerial apparatus access.** Aerial apparatus access roads shall have a minimum unobstructed width of 30 feet, exclusive of shoulders.

**D107.4 Proximity to Building.** Required aerial apparatus access roads shall be

located within a minimum of 15 feet and a maximum of 30 feet from the Building.

**D107.5 Position of aerial apparatus access.** Aerial apparatus access roads shall be positioned such that they are parallel to the entire side of the Building. The road shall be along the longest side of the Building, unless otherwise approved by the Fire Code Official.

**D107.6 Obstructions.** Obstructions between aerial apparatus access roads and the Buildings they serve shall be reviewed and approved by the Fire Code Official.

**D107.7 Overhead utilities.** Overhead utilities and power lines shall not be located along or within aerial apparatus access roads and shall not be permitted between aerial fire apparatus access roads and the Buildings they serve.

**D107.8 Trees.** Trees and other similar obstructions planted between the aerial apparatus access road and the Building shall comply with the following requirements:

1. Shall be spaced so there will be a minimum 30-foot separation between canopies at maturity.

2. Shall not be placed within 45 feet of the ends of a Building along the access.

**D107.9 Mitigation to aerial apparatus access roads.** The Fire Code Official is authorized to reduce the required width to not less than 24 feet when all of the following are provided:

1. Automatic fire sprinklers are installed throughout the Building in accordance with NFPA 13.

2. Fire sprinkler standpipes are provided on all floors and through to the roof.

3. Two or more roof access points are provided through 2-hour fire rated stair enclosures that are separated a distance not less than half of the diagonal of the Building.

**SECTION D108 – SECONDARY ACCESS**

**D108.1 General.** Secondary Access required in other sections of this appendix shall comply with the requirements of Section D103, and D108.1 through D108.7.5.1 of this appendix.

**D108.2 Looped access.** Separate access Roads that come back to a single access location (choke point) are not acceptable and will be considered a Dead-End access.

**D108.3 No limitations of use.** Secondary Access Roads shall not be limited for

emergency use only and shall permit the free passage for egress at all times without the use of a key, remote, or other special knowledge.

**D108.4 Construction of Secondary Access.** When Secondary Access is required, the width, grade, vertical and horizontal curves, and construction standards shall be the same as required for the Primary Access Road.

**D108.5 Separation of Primary and Secondary Access.** Primary and Secondary Access Roads shall be separated to ensure that both routes will not be obstructed by a single emergency. The minimum separation of Primary and Secondary Access Roads in SRA, LRA Very High FHSZ, and HFA locations shall be a minimum of 1,000 feet. Separation distance in all other locations shall be a minimum of 300 feet. A distance of ¼ to ½ mile may be required as determined by the Fire Code Official for LRA Very High and SRA Very High areas.

**D108.6 Separation determination point.** Separation shall be measured at the point in which each Road terminates at a location where a vehicle operator can choose two independent directions in which to travel.

**D108.7 When required.**

**D108.7.1 New Subdivisions of residential Group R-3 projects located in LRA non-very high FHSZ and non-HFA.**

**D108.7.1.1 Road length limitations, Dead-End Roads and Secondary Access.** The maximum length of Dead-End Roads shall not exceed the cumulative lengths established in this section. Where Dead-End Roads exceed length limitations listed below, new developments shall provide Secondary Access:

1. Dead-End Roads serving up to 20 Parcels and not more than 40 Dwelling Units shall not exceed 5,280 feet.
2. Dead-End Roads serving up to 30 Parcels and not more than 60 Dwelling Units shall not exceed 2,640 feet.
3. All other Dead-End Roads shall not exceed 800 feet.

**D108.7.2 New Subdivisions of residential Group R-3 projects located in SRA, LRA very high FHSZ, and HFA.**

**D108.7.2.1 Road length limitations, Dead-End Roads and Secondary Access.** The maximum length of Dead-End Roads shall not exceed the cumulative lengths established in Table D108.7.2.1 of this appendix. Where Dead-End Roads exceed length limitations, developments shall provide Secondary Access.

**Table D108.7.2.1 [a,b]**

| Size of Parcel(s) Served | Length Limitation |
|---|---|
| Parcels zoned for less than one acre | 800 feet |
| Parcels zoned for 1 acre to 4.99 acres | 1,320 feet |
| Parcels zoned for 5 acres to 19.99 acres | 2,640 feet |
| Parcels zoned for 20 acres or larger | 5,280 feet |

a. All lengths shall be measured from the edge of the roadway surface at the intersection that begins the Road to the end of the Road surface at its furthest point.

b. Where a Dead-End Road crosses or serves areas of differing parcel sizes, requiring different length limits, the shortest allowable length shall apply, including measurement of Existing Dead-End Roads. See Section D103.3.1 of this appendix.

**D108.7.4 Multifamily projects.** Multifamily projects shall be provided with Secondary Access throughout the project with two separate and approved Fire Apparatus Access Roads, including Secondary Access to the site when any of the following occur:

1. Dead-End Roads shall not exceed 800 feet.

2. Dead-End Roads shall not serve more than 100 Dwelling Units or 200 guest rooms or combination thereof. Combination calculation shall utilize percentage of units (i.e. 50 Dwelling Units equals 50% and 100 guest rooms equals 50% for a total of 100%).

**D108.7.5 Commercial and industrial projects.**

**D108.7.5.1 Subdivisions.** Secondary Access shall be provided for Subdivisions with Dead-End access roads exceeding 800 feet.

**SECTION D109 – FIRE LANES**

**D109.1 General.** Fire Apparatus Access Roads and fire protection equipment shall comply with this section. Fire Apparatus Access Roads designated as Fire Lanes shall be posted with Fire Lane markings/signs in accordance with this section, Caltrans Traffic Manual and California Vehicle Code (CVC) Sections 22500.1 and 22658(a).

**D109.2 Vehicle code.** The Fire Code Official is authorized to use the provisions of the CVC for marking and enforcing Fire Lanes, including provisions for tow away zones, upon public and private Fire Apparatus Access Roads and Driveways.

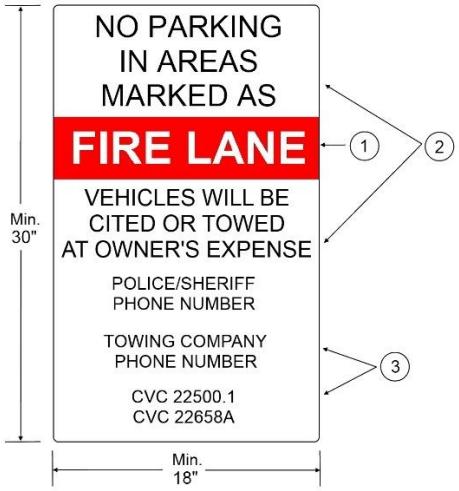
**D109.3 Maintenance.** The means by which Fire Lanes are designated shall be maintained in a clean and legible condition at all times and shall be replaced or

repaired when necessary to provide adequate readability and visibility.

**D109.4 Enforcement.** When properly posted, violating vehicles may be removed (towed) in accordance with CVC Section 22658, including any required notifications.

**D109.5 Fire Lane enforcement notification.** All entrances to properties with designated Fire Lanes shall be posted with signs as indicated in Figure D109.5 of this appendix.

**Figure D109.5**




1. The sign shall be of a durable material, securely mounted, facing the direction of travel and clearly visible to oncoming traffic entering the designated area.

2. The words “FIRE LANE” shall be white reflective lettering on a red background and no smaller than 4 inches in height.

3. Lettering shall be red on a white reflective background, no smaller than 2 inches in height.

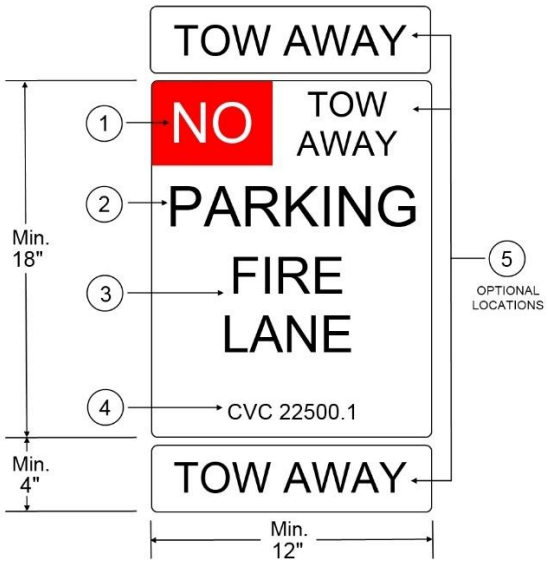
4. The words “POLICE/SHERIFF” and the name of each towing company under written authorization agreement from the property owner to tow shall be placed on the sign. The respective telephone number for each shall be listed below their name. The applicable California Vehicle Code sections shall be listed. Lettering shall be red on a white reflective background and be no smaller than 1 inch in height.

**D109.6 Fire Lane identification.** Fire Lanes shall be posted with one of the following methods (some situations may not allow a choice):

1. Signs as indicated in Figure D109.6(a) of this appendix shall be placed along the length of the Fire Lane, every 150 feet or portion thereof. Each section and/or direction shall have at least one sign.

2. All curbing which outlines the Fire Lanes shall be painted red. White lettering reading “NO PARKING – FIRE LANE – TOW AWAY” shall be a minimum of 4 inches tall and placed every 50 feet or portion thereof. The lettering shall be placed on top of the curb and at least once on each section and/or direction as indicated in Figure D109.6(b) of this appendix.

**Figure D109.6(a)**




1. The word “NO” shall be a white reflective background, no smaller than 3-1/2 inches in height.

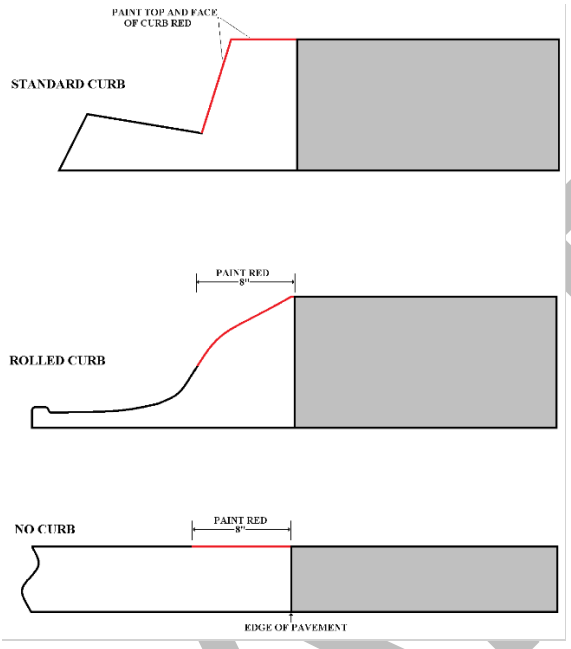
2. Lettering shall be red on a white reflective background, no smaller than 3 inches in height.

3. Lettering shall be red on a white reflective background, no smaller than 2-1/2 inches in height.

4. Lettering shall be red on a white reflective background, no smaller than 1 inch in height.

5. The words “TOW AWAY” shall be in one of the three optional locations. The lettering shall be red on a white reflective background, no smaller than 2-1/2 inches in height.

**Figure D109.6(b)**




"NO PARKING – FIRE LANE – TOW AWAY" shall be painted on the top of the curb with white 4 inch high lettering every 50 feet or portion thereof.

**D109.7 Posting of Roads.** Roads shall be posted in accordance with Section D109.6 of this appendix as follows:

1. Roads less than 32 feet in clear width from curb face to curb face shall be posted on both side of the Road.

2. Roads 32 feet to 36 feet in clear width from curb face to curb face shall be posted on one side of the Road.

3. Aerial apparatus access roads less than 38 feet in clear width from curb face to curb face shall be posted on both sides of the Road.

4. Aerial apparatus access roads 38 feet to 44 feet in clear width from curb face to curb face shall be posted on one side of the Road.

5. Turnarounds as specified in Section D106.11 of this appendix.

**D109.8 Posting for fire protection equipment.** Fire protection equipment shall be

posted in accordance with Section D109.6 as follows:

1. Fire hydrants located along Roads shall be posted for a distance of 5 feet in each direction from the center of the hydrant.

2. Fire department connections (FDC) along Roads shall be posted for a distance of 5 feet in each direction from the center of the FDC.

**D109.9 Plan review and approval of Fire Lanes.** A Fire Lane location plan review is required for all projects where New Buildings or additions to Existing Buildings are proposed and the project is not exempt from providing fire department access. Plans shall be submitted to the Fire District's Fire Prevention Bureau.

**SECTION D110 – TURNAROUNDS, TURNOUTS, AND 90 DEGREE TURNS**

**D110.1 General.** This section applies to the design and installation of access Turnarounds, Turnouts, and 90 degree turns within the jurisdiction of the Ventura County Fire Protection District (VCFPD).

**D110.2 Parking restricted.** No parking shall be permitted within the required components of this section unless additional spaces are provided, and parking is approved by the Fire Code Official.

**D110.3 Fire Lane signage.** Fire Lane signs shall be required as determined by the Fire Code Official.

**D110.4 Turnarounds.** Turnarounds required by other sections of this appendix shall be designed in accordance with Sections D110.4.1 and D110.4.2.

**D110.4.1 Turnaround maximum grade.** Turnarounds shall not have a grade greater than 5% in any direction.

**D110.4.2 Turnaround dimensions.** Turnarounds shall have dimensions equal to or greater than the examples in Figures D110.4.2(1) and D110.4.2(2). Where conditions do not allow an exact duplicate of one of these examples, alternate designs may be considered.

**D110.5 Turnouts.** Turnouts required by other sections of this appendix shall be designed in accordance with Sections D110.5.1 through D110.5.4.

**D110.5.1 Turnout maximum grade.** Turnouts shall not have a grade greater than that allowed on the Fire Apparatus Access Roads they serve. Transitions between grades shall not exceed 6% and shall not interfere with the angle of approach, angle of departure, or high centering of fire apparatus.

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**D110.5.2 Turnout location.** Turnouts shall be installed in locations determined elsewhere in this appendix for the Fire Apparatus Access Road they serve.

**D110.5.3 Turnout dimensions.** Turnouts shall have dimensions for the Fire Apparatus Access Roads they serve equal to or greater than the examples in Figure D110.5.3.

**D110.5.4 Turnouts at fire hydrants.** Turnouts located at fire hydrants shall not have a grade greater than 5% in any direction.

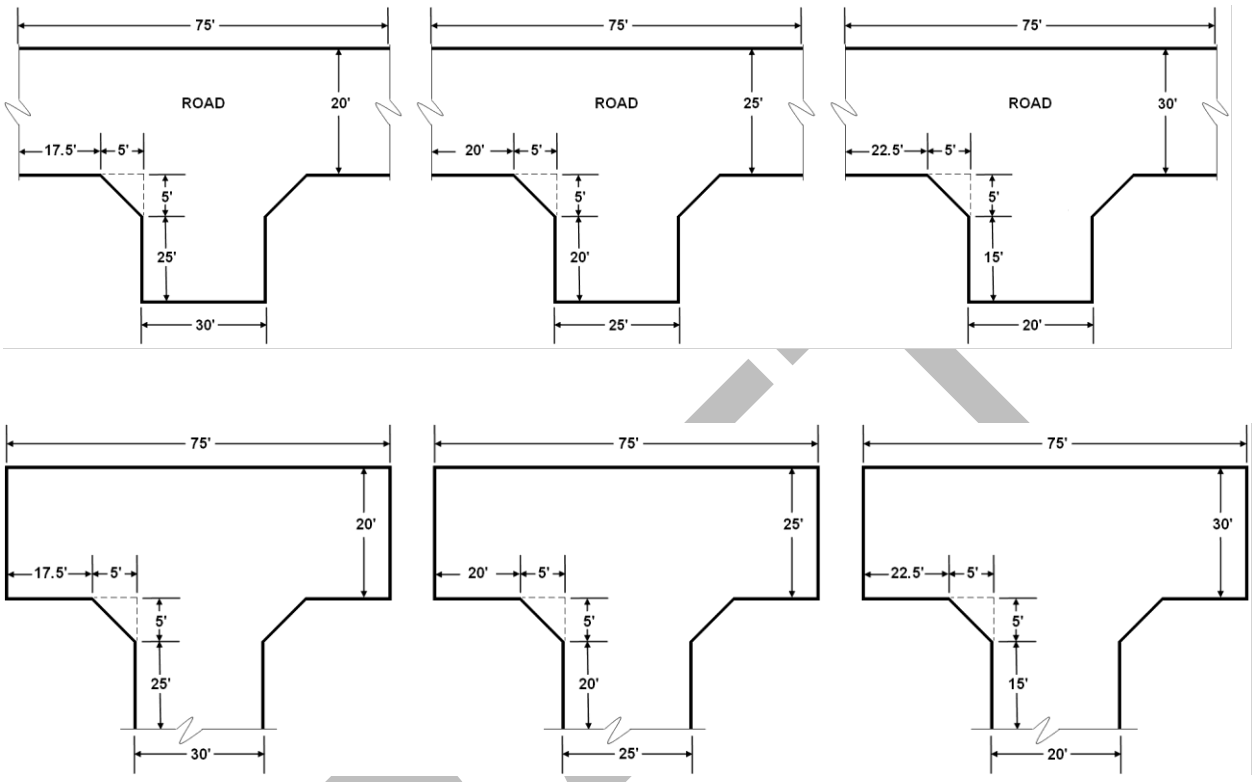
**D110.6 90 degree turns.** 90 degree turns shall be designed in accordance with Sections D110.6.1 through D110.6.2 of this appendix.

**D110.6.1 90 degree turn maximum grade.** 90 degree turns shall not have a grade greater than 5% in any direction.

**D110.6.2 90 degree turn dimensions.** 90 degree turns shall have dimensions equal to or greater than the examples in Figure D110.6.2 of this appendix. Where conditions do not allow an exact duplicate of one of these examples, alternate designs may be considered.

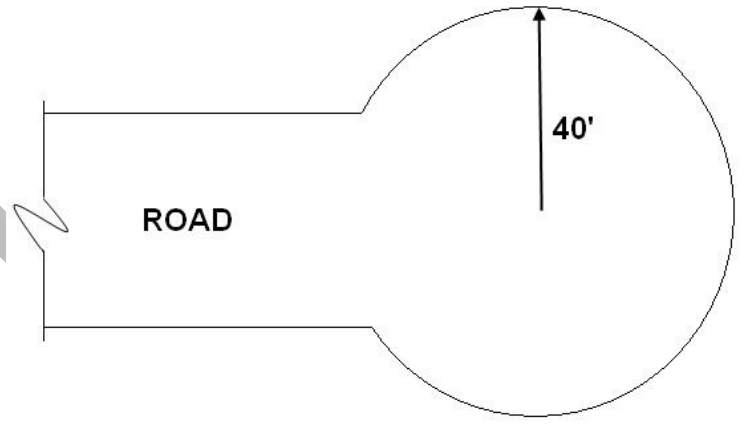
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**Figure D110.4.2(1)***




* No parking shall be permitted. Parking shall require an additional 8 feet to the traffic lane.

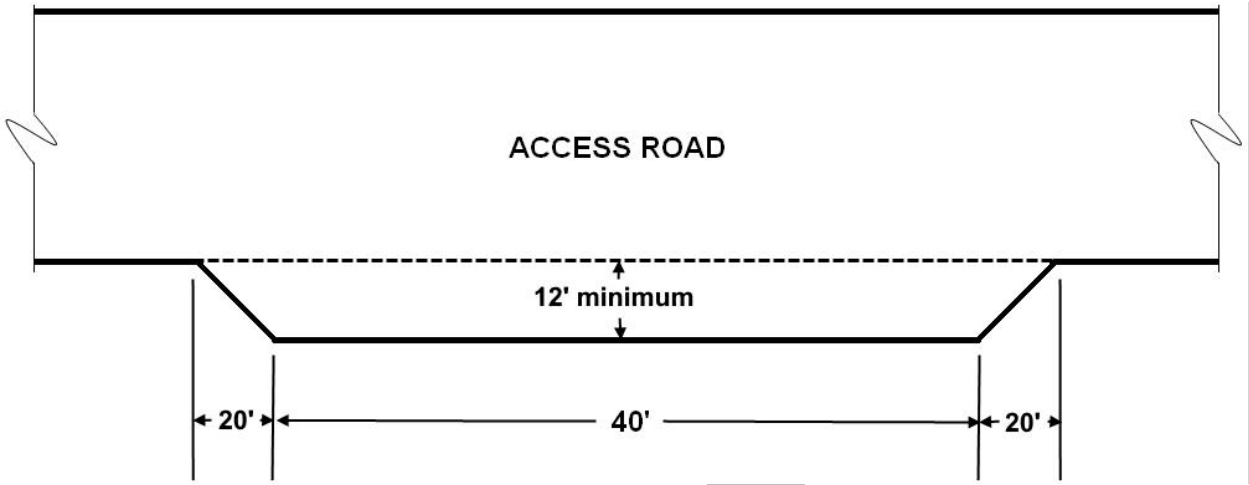
**Figure D110.4.2(2)***




* No parking shall be permitted. Parking shall require a minimum 50-foot radius. A maximum 12-foot diameter island may be permitted at the center of the cul-de-sac bulb when off-street

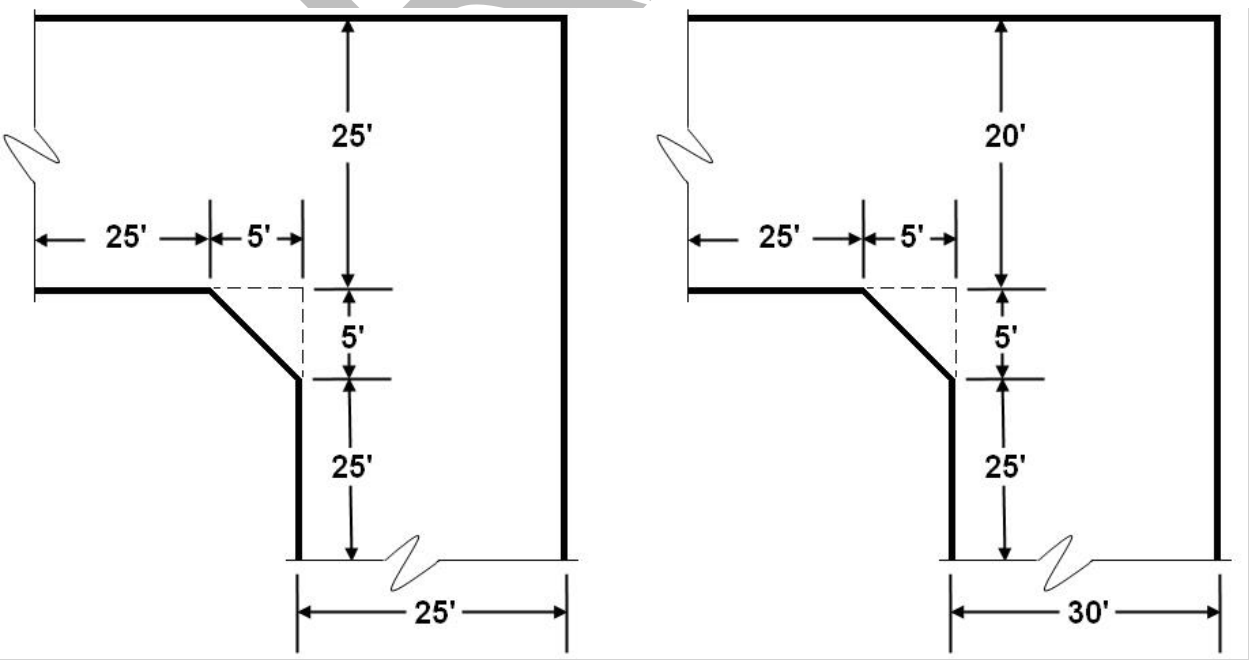
parking is provided.

**Figure D110.5.3***




* Existing Roads that are being improved in accordance with Section D106.12.1 of this appendix shall be improved to a minimum width of the Road easement up to a width of 24 feet.

**Figure D110.6.2**



## SECTION D111 – GATES AND TRAFFIC CALMING DEVICES

**D111.1 Gates general.** Gates shall be installed and maintained in an operative condition at all times in accordance with Sections D111.1 through D111.13 of this appendix.

**D111.2 Gates.** Gates across Fire Apparatus Access Roads shall not be limited to emergency exit only and shall provide for egress for all persons at all times without the use of keys, codes, remote controls, or special knowledge.

**D111.3 Gate permits required.** Scaled access plans shall be submitted to the Fire District for review and approval prior to the installation of ang gates across Fire Apparatus Access Roads. In addition to obtaining Fire District approval, a zoning clearance and building permit may also be required. It shall be the responsibility of the owner or owner's authorized agent to obtain all required permits and approvals prior to the installation of ang gates across Fire Apparatus Access Roads.

**D111.4 Gate inspections.** Prior to placing any gate into service, the responsible party shall request an inspection from the Fire Code Official.

**D111.5 Knox device.** All gates shall be equipped with a Knox Rapid Entry device installed in an approved location. Electric gates shall be equipped with a Knox key switch. Manual gates may be locked with a padlock or Knox padlock. Gates locked with a padlock shall be provided with a Knox key box with padlock keys inside. No other locks or latches shall be installed on gates.

**D111.6 Multiple gates.** There shall be no more than one (1) gate across Fire Apparatus Access Roads providing ingress and egress to an area.

**Exception:** Additional gates may be installed across Driveways when they do not unduly impair ingress or egress as approved by the Fire Code Official.

**D111.7 Gate interference.** Gates and other appurtenances shall be placed such that they do not interfere with the required turning radius and/or the use of fire protection equipment.

**D111.8 Driveway gates.** Gates across Driveways shall comply with Sections D111.1 through D111.8.6 and Sections D111.10 through D111.13 of this appendix.

**Exception:** Gates installed across a Driveway that is not part of the required fire department access are not required to comply with this section.

**D111.8.1 Driveway gate operation.** Gates across Driveways shall be permitted to be electrically or manually operated and may be of the swing or sliding type.

**D111.8.2 Fail-safe.** Electrically operated gates shall operate with battery back-up or in "fail-safe" when electrical service is interrupted. "Fail-safe" shall allow for a gate to be opened manually under power loss.

**D111.8.3 Driveway gate easements.** All gate components shall be located within a recorded easement, including location of any gate in the open position when serving more than one (1) Parcel.

**D111.8.4 Driveway gate width.** Gates across Driveways shall have a clear width of not less than 15 feet.

**D111.8.5 Vehicle stacking.** Gates across Driveways located in the SRA or LRA Very High FHSZ shall be situated in accordance with public road standards but not less than 30 feet from an intersecting Road to allow safe vehicle stacking and shall open to allow a vehicle to stop without obstructing traffic on the Road.

**D111.8.6 Turnaround.** A Turnaround shall be provided at the gate when Driveway gates are located more than 150 feet from the intersecting Road.

**D111.9 Road gates.** Gates across Roads shall comply with Section D111.1 through D111.7 and Sections D111.9 through D111.13 of this appendix.

**D111.9.1 Road gate operation.** Gates shall be electrically operated and may be of the swing or sliding type.

**D111.9.2 Road gate exit loop.** An automatic exit loop shall be provided for all gates on the egress side of the gate. No gate shall require the use of a key, remote, or other device to egress.

**D111.9.3 Road gate battery back-up.** Gates shall be equipped with a battery back-up and in the event of a power failure, shall open and remain open until power is restored.

**D111.9.4 Road gate easements.** All gate components shall be located within recorded easements, including the location of any gate in the open position.

**D111.9.5 Road gate width.** Gates across Roads shall have a clear width of not less than 20 feet when serving two-way traffic and not less than 15 feet when serving one-way traffic. See Figure D111.9.5.

**D111.9.6 Vehicle stacking.** Gates across Roads shall be situated in accordance with public road standards but not less than 40 feet from an intersecting Road to allow safe vehicle stacking and shall open to allow a vehicle to stop without obstructing traffic on the Road.

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**D111.9.7 Turnaround.** Provisions for turning around vehicles shall be provided for when entry is denied.

**D111.10 Gate maintenance.** All gates and components shall be maintained in an operative condition at all times and shall be replaced or repaired when defective.

**D111.11 Maintenance responsibility.** Property owner(s) shall be responsible to maintain gates. Gates that are part of a tract development, residential planned development, or similar situation shall be maintained by the Owner's Association for the development or through a maintenance agreement between owners of all properties served by the gate. Maintenance agreements shall be in accordance with Section D104.4.1 of this appendix.

**D111.12 Battery testing.** Any gate required to have a battery back-up system shall have a semi-annual test of the system performed and a record kept on file.

**D111.13 Service records.** Service records shall be maintained on-site and are subject to review at the request of the Fire District.

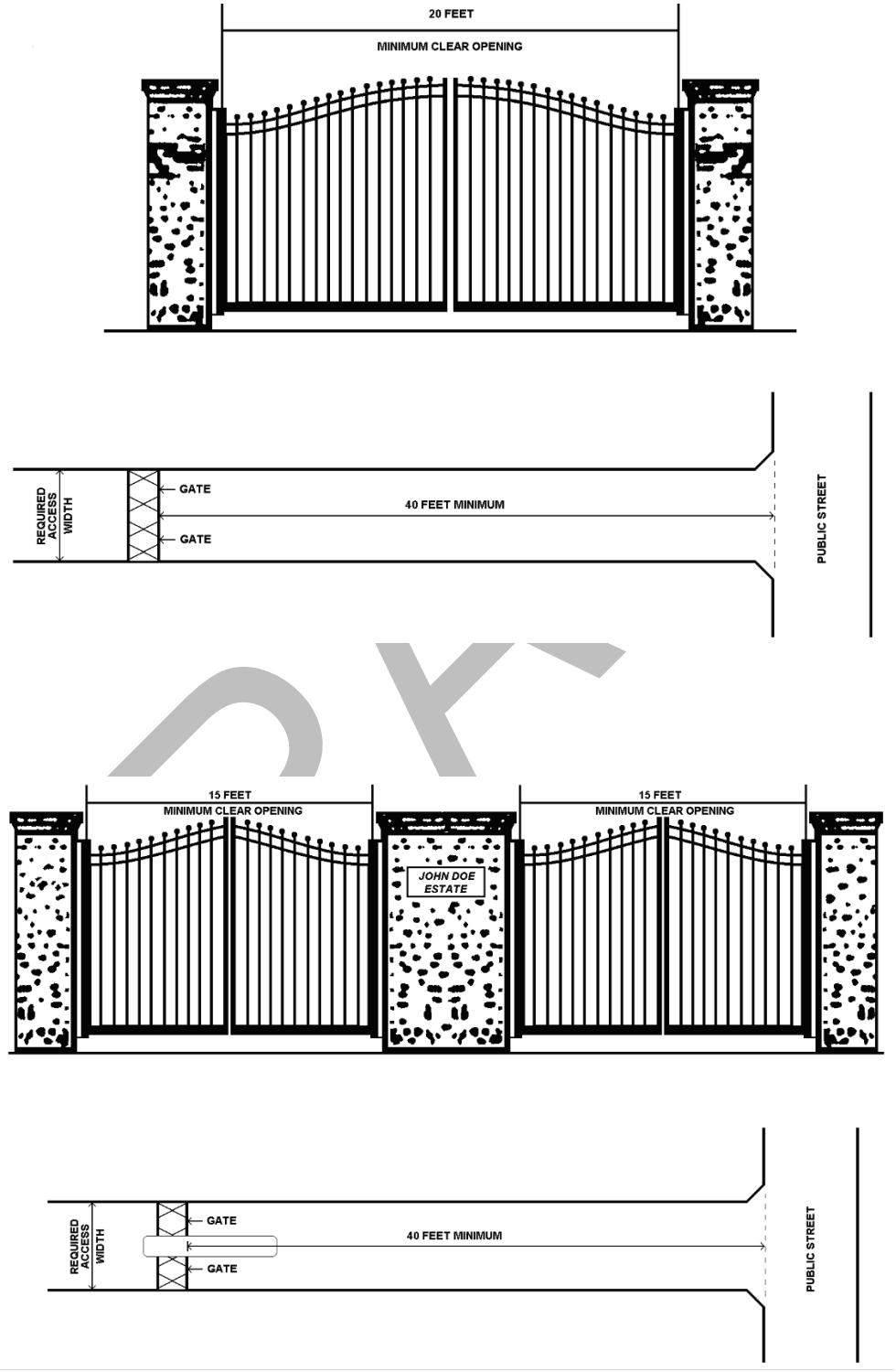
**D111.14 Traffic calming devices.** Traffic calming devices shall be installed and maintained in accordance with the public road standards for the local jurisdiction in which the devices are to be installed. Where no public road standards exist for the local jurisdiction, the devices shall be installed in accordance with the Ventura County Road Standards.

**D111.14.1 Traffic spikes.** Traffic spikes or similar devices shall not be installed across required Fire Apparatus Access Roads.

**D111.14.2 Speed Humps.** Prior to installation of any Speed Hump, the permittee, property owner, or HOA (if applicable) shall submit plans to the Fire District for approval. Speed humps shall comply with Fire District standards and any applicable city or county regulations.

**D111.14.3 Speed Bumps.** Speed Bumps are prohibited on Fire Apparatus Access Roads. When approved by the Fire Code Official, Speed Bumps may be installed on on-site Roads serving commercial and industrial Buildings. Speed Bumps are prohibited on on-site Roads serving Multifamily Buildings. Prior to installation of any Speed Bumps, the permittee or property owner shall submit plans to the Fire District for approval. Speed Bumps shall comply with Fire District standards.

**Figure D111.9.5**



## SECTION D112 – ALTERNATE SURFACES

**D112.1 Alternate surface Fire Apparatus Access Roads.** Use of alternate surfaces shall be at the direction of and approved by the Fire Code Official and shall be limited to Roads not normally used by the public. This section applies when a Fire Apparatus Access Road is not surfaced with traditional Road construction materials such as asphalt or concrete. This includes surfaces such as, but not limited to, pavers, stone, or grasscrete.

**D112.2 Certified report.** Alternate surface Fire Apparatus Access Roads shall be designed by a civil engineer registered by the State of California. The civil engineer shall certify that all components of the Fire Apparatus Access Road meet the requirements for All-Weather access and capable of supporting required loads. Certification of Fire Apparatus Access Roads on Fire District Form 609 – All-Weather Access Certification shall be provided to the Fire District prior to final occupancy.

**D112.3 Stabilization.** Stabilization of Fire Apparatus Access Roads shall be addressed in the design of the surface and may be accomplished by curbing.

**D112.4 Compaction.** All subgrade soil is required to have a minimum 95 percent compaction.

**D112.5 Markings.** Where alternative surfaces are not clearly identifiable, such as grasscrete, a curb shall be provided and painted red or reflectors shall be imbedded into bordering curbing at intervals not exceeding 15 feet.

**D112.6 Structural section of Driveways.** Alternate surfaced Driveways shall have a structural section meeting the requirements of All-Weather access based upon Caltrans Standard R-Value Analysis and adequate drainage control.

**D112.6.1 Acceptable structural section for Driveways.** When approved by a civil engineer an acceptable surface may be double chip seal surface over a minimum 4” PMB compacted to 95% relative compaction. Apply bituminous prime coat to aggregate base at the rate of 0.35 gallons per square yard of SC70 or MC70 bituminous binder, followed by a medium chip seal coating consisting of 0.35 gallons per square yard of CRS emulsion and 25 pounds of 3/8” x #6 screening consisting of broken stone or crushed gravel per square yard in accordance with the current California Division of Highways Standard Specifications.

**D112.6.2 Surface requirements.** The surface shall support vehicles and provide reasonable traction (no sliding) during weather conditions as required for All-Weather access.

**SECTION D113 – ACCESS DURING CONSTRUCTION**

**D113.1 Fire Apparatus Access during construction.** Fire Apparatus Access Roads during construction shall comply with this section.

**D113.2 Utilities.** All utilities within the required width of the Fire Apparatus Access Roads shall be installed prior to introducing Combustible Materials to a site or commencing vertical construction.

**D113.3 Driveways during construction.** Prior to and throughout vertical construction, Driveways, inclusive of Turnarounds, required for fire apparatus access shall have base material capable of supporting a 20-ton vehicle, during most weather conditions, installed and compacted to 95% relative compaction at a minimum of 12 feet wide.

**D113.4 Roads during construction.** Prior to introducing Combustible Materials or starting vertical construction, Fire Apparatus Access Roads shall be installed in accordance with Sections D113.4.1 through D113.4.2 of this appendix.

**D113.4.1 Width.** Fire Apparatus Access Roads shall have a minimum unobstructed width of 20 feet.

**D113.4.2 Surface.** First lift of AC pavement with required aggregate base in accordance with public road standards or registered engineer's design requirements.

**D113.5 Concrete tilt-up Buildings.** During the construction and placement of concrete tilt-up panels, and installation of non-combustible roof members, the surface may be as outlined below. Once this phase is completed, all utilities and the surface requirements of Sections D113.2 and D113.4 through D113.4.2 of this appendix shall apply.

1. Minimum 6 inches of native soil compacted to 95% relative compaction; and
2. Minimum 4 inches of aggregate base compacted to 100% relative compaction.

**D113.6 Fire protection systems.** Fire protection systems shall remain clear and unobstructed. Temporary signage shall be provided to alert employees that no obstructions of fire protection equipment shall be permitted.

**Purpose/Rationale:** The provision contained in this appendix are currently in effect under Fire District Ordinance No. 29, Standard 501, and California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2. The are being combined and consolidated into this appendix so that all applicable access standards are in one location.

## APPENDIX U

## ADMINISTRATIVE CITATIONS

**Item 82**

Appendix U is added to read as follows:

### SECTION U101 – GENERAL PROVISIONS

**U101.1 Purpose.** This chapter is adopted for the purpose of making any violation of this Code subject to an administrative fine and to set forth the procedures for the imposition and collection of such fines.

**U101.2 Applicability.** This chapter provides for administrative citations that are in addition to all other legal remedies, criminal or civil, which may be pursued by the Fire Code Official to address any violation of this Code. The use of this chapter shall be at the sole discretion of the Fire Code Official enforcing this Code.

### SECTION U102 – DEFINITIONS

**U102.1 Definitions.** For the purpose of this appendix, the following terms are defined in Article 3, Chapter 2:

**CITEE.**
**DAY.**
**FIRE CODE OFFICIAL.**
**HEARING OFFICER.**
**REVIEWING OFFICER.**

### SECTION U103 – NOTICES

**U103.1 Service.** Unless otherwise provided, all notices and citations required by this chapter shall be served on Citee via personal service or first-class mail, postage prepaid, to Citee's last known address. Service shall be deemed effective when personally served or when deposited into the United States mail. The individual serving Citee with any notice shall complete a declaration of service. Failure to receive any notice shall not affect the validity of the proceedings conducted under this chapter.

### SECTION U104 – ADMINISTRATIVE CITATIONS

**U104.1 Administrative citations.** Issuing an administrative citation pursuant to this chapter is in lieu of any criminal citation that could have been issued for the same

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violation. The issuance of the administrative citation does not, however, prevent issuance of a criminal citation for subsequent violations of the same nature.

**U104.2 Contents.** Each administrative citation shall contain the following information:

1. The date of the violation.
2. The address or a definite description of the geographic location where the violation occurred or is occurring.
3. The section of this Code that was violated.
4. A description of the conditions causing the code violation.
5. The amount of the administrative fine for the code violation.
6. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid.
7. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.
8. Notification that payment of a fine under this chapter shall not excuse or discharge any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.
9. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the manner in which a request for review of the citation may be requested; and
10. The name of the citing Fire Code Official.

**U104.3 Service; storage.** The Fire Code Official shall serve the original citation on the Citee in the manner set forth in this chapter. The Fire Code Official will be the custodian for the citation and, expect as specified by this chapter, all documents related thereto.

**U104.4 Records duration.** All citations and related documents shall be retained for a period of three (3) years after final disposition of the citation case.

**SECTION U105 – ADMINISTRATIVE FINES**

**U105.1 Amount of fine.** The amounts of the administrative fines imposed under this chapter for violations of this Code shall be established by Board of Directors and are subject to change by resolution of the Board of Directors. That resolution shall also set forth any increased fines for repeat violations of the same code provision(s) by the

same Person within twelve (12) months from the date of a previous administrative citation.

**U105.1.1 Administrative fine established.** The following administrative fines are established and shall be applicable to each violation of any provision of this Code unless the Board of Directors provides otherwise by subsequent resolution or ordinance amendment:

1. A fine not exceeding one hundred dollars ($100) for the first violation.
2. A fine not exceeding two hundred dollars ($200) for the second violation of the same provision within one (1) year of the first violation.
3. A fine not exceeding five hundred dollars ($500) for the third violation of the same provision within one (1) year of the first violation.

**U105.1.1.1 Factors to be considered in determining the amount of any fines.** The amount of any administrative fine imposed for separate violations of this Code may be up to, but not exceed, $1,000 per Day. In determining the amount of the fine, the fire code enforcement officer shall consider the known relevant circumstances in light of various factors which include, but are not limited to, the following:

1. The actual or potential extent of the harm caused;
2. The likelihood to cause harm;
3. The seriousness or gravity of the violation (i.e., the level of threat to property, health, or safety of people and animals or the environment);
4. Whether the violation is subject to correction by obtaining a permit or cannot be corrected by permit;
5. The culpability of the violator in causing the violation;
6. The length of time over which the violation occurs;
7. The history of past violations, either of a similar or different nature, on the same or different property under the same ownership;
8. The cooperation of the violator in resolving the existing and past violations;
9. The financial burden to the violator;
10. The factors and policies set forth in any guidelines hereafter adopted by the Board of Directors; and

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11. All other relevant circumstances.

**U105.2 Payment Of administration fines.** An administrative fine shall be paid to the Fire District within thirty (30) Days from the date of the administrative citation or, if a request for an initial administrative review is submitted, within fifteen (15) Days of the date of issuance of the Reviewing Officer's report of the conclusions of the initial administrative review, whichever is later (the "due date").

**U105.3 Delinquent administrative fines penalties & interest.** The following shall apply to any delinquent administrative fine due:

**U105.3.1 Penalties** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month after the due date. The total amount of any penalty shall not exceed fifty percent (50%) of the fine.

**U105.3.2 Interest** In addition to any penalties provided by this Section, delinquent fines will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from and after the due date until paid in full.

**U105.3.3 Legal means.** The Fire District may use all legal means to collect any past due fines or penalties should a Citee fail to pay the fine or penalties by the applicable due date.

**U105.4 Issuance of permits.** Should a Fire Code Official issue a citation because the Citee lacks a required permit and the fine subsequently become delinquent, the required permit shall not be issued until the delinquent fine, and any applicable penalties and interest, is paid in full. Any permit issued may be revoked for the Citee's failure to timely pay any delinquent fine or penalties.

## SECTION U106 – ADMINISTRATIVE REVIEW AND HEARINGS

**U106.1 Initial Administrative review request.** A Citee may request an initial administrative review of the citation within twenty (20) Days of its issuance. This request must be made in writing to the Ventura County Fire Protection District, attention: Reviewing Officer. A Citee's request must set forth, with particularity, the reasons the Citee believes a violation did not occur or that the Citee should not be found responsible for the violation(s), and must also include a copy of the citation, and the address to which the Reviewing Officer's report of the conclusions of the initial administrative review should be mailed. A request for an initial administration review is a mandatory prerequisite to any subsequent request for an administrative hearing.

**U106.2 Initial administrative review decision.** Upon receiving a Citee's request for review, the Reviewing Officer shall review the request, citation, and other pertinent information, and provide the Citee with written report that includes either of the following with respect to each alleged violation:

1. The citation is vacated because there was no violation, or the Citee was not responsible for the violation; or

2. The citation is not vacated because no justification for setting aside the violation was found.

The report shall briefly set forth the reasons for the Reviewing Officer's conclusion(s).

**U106.2.1 Notification.** The Reviewing Officer shall mail a copy of the report to the Citee at the address included in the request for initial administrative review along with, if applicable, notice of the fine due date and the procedure for requesting an administrative hearing.

**U106.2.2 Time period.** Absent unusual circumstances, a Reviewing Officer should complete his or her review within ten (10) business days of receiving a Citee's request. A notice of the administrative review decision shall be mailed within 3 business days of the Reviewing Officer's conclusion of his or her review.

**SECTION U107 – ADMINISTRATIVE HEARING PROCEDURES**

**U107.1 Request for administrative hearing.** Any Citee dissatisfied with the conclusions of an initial administrative review may further contest the citation by requesting an administrative hearing. Any request for an administrative hearing must be submitted in writing within fifteen (15) Days of the date of the Reviewing Officer's report, which shall otherwise be final. Requests for administrative hearings must be submitted to the Fire District's Prevention Bureau and must be accompanied by an advance deposit in the total amount of the fine or a request for a hardship waiver.

**U107.2 Advance deposit – hardship waiver.** Citees who claim they are financially unable to make an advance deposit in the amount of the administrative fine may file for a hardship waiver. The request for a hardship waiver must be filed with the Fire District's administrative office on a form containing the information requested by the Fire District, including the address to which the Fire District's determination should be mailed. The Fire District will review the request and determine whether a waiver is justified. A waiver may only be approved if the request for waiver is accompanied by a sworn affidavit, together with any supporting documents or materials, demonstrating that the Citee's actual financial inability to deposit the full amount of the fine pending further review.

**U107.2.1 Notification.** The Fire District will inform the Citee in writing regarding whether the Fire District has approved or denied the waiver. This determination shall be served upon the Citee by mail at the address provided in the waiver application. The Fire District's determination is final.

**U107.2.2 Deposit due.** Should the Fire District determine that waiver is unjustified, the Citee must deposit the amount of the fine with the Fire District at the location

set forth in the citation not later than ten (10) Days after the date of the Fire District's notice of rejection of the waiver. Citee's failure to make such a deposit within ten (10) Days after denial of any waiver shall be deemed a waiver of the Citee's right to an administrative hearing and the administrative fine shall be deemed final and delinquent.

**U107.3 Hearing date.** After receiving a timely filed hearing request and deposit, or waiver, of the fine amount, the Fire Marshal will set an administrative hearing on a date not less than fifteen (15), or more than sixty (60) Days, from the date the hearing is requested, or the waiver is granted or denied. Written notice of the date, time and location of the administrative hearing will be provided to the Citee at least fifteen (15) Days prior to the hearing date.

**U107.4 Conduct of hearings.** The following procedures shall apply to the administrative hearing:

**U107.4.1 Evidentiary rules.** The administrative citation shall constitute *prima facie* evidence of the respective facts contained in the citation. Both the Citee and the Fire Code Official shall have the opportunity to testify and present additional evidence concerning the administrative citation. Evidence may include, without limitation, witness testimony, documents, or other similar evidence. Evidence sought to be introduced shall not be limited by any legal rules of evidence except that it must be relevant and material to the issue of whether the violation alleged in the citation occurred and whether the Citee was responsible for the alleged violation.

**U107.4.2 Waiver of personal appearance at hearing.** In lieu of personally appearing at an administrative hearing, the Citee may request that the Hearing Officer decide the matter based on the citation's face and any documentary evidence submitted by the Citee or the Fire Code Official prior to the hearing date.

**U107.4.3 Failure to appear at hearing.** Failure of a Citee to appear at the hearing shall be deemed a waiver of the right to be personally present at the hearing. The Hearing Officer shall then decide the matter based upon the citation itself, any documentation evidence previously submitted, and any additional evidence that may be presented at the hearing by the fire code enforcement officer who issued the citation.

**U107.4.4 Attendance of the Fire Code Official.** The fire code enforcement officer who issued the administrative citation may, but is not required, to attend the administrative hearing. Whether or not the fire code enforcement officer attends the hearing, the fire code enforcement officer may, prior to the hearing date, submit reports, photographs, or other documentation regarding the alleged violation to the Hearing Officer for consideration at the administrative hearing.

**U107.4.5 Continuation of hearings.** The Hearing Officer may continue any hearing and request additional information from the fire code enforcement officer or the Citee prior to issuing a written decision.

**U107.5 Hearing Officer's decision.** The Hearing Officer must issue a written decision to uphold or set aside the administrative citation and must present the reasons for the decision in the decision.

**U107.5.1 Notification**. The Fire Marshal will serve a copy of the Hearing Officer's decision to the Citee by first class mail with notice of the Citee's right to challenge the decision in a limited civil action in Ventura County's Superior Court.

**U107.5.2 Decision.** The Hearing Officer's decision is the Fire District's final action on the matter. The decision is final as of the date of the decision.

**U107.6 Disposition of administrative fines.** The following actions regarding deposited fines shall occur after the hearing:

**U107.6.1 Citation upheld.** Should the Hearing Officer uphold the administrative citation, then the Fire District will retain the deposited fine amount and may expend such revenues as authorized by the Board of Directors.

**U107.6.2 Citation vacated**. Should the Hearing Officer vacate the administrative citation, the Fire District will promptly refund the amount of the deposited fine amount, if any, to the Citee.

**U107.6.3 Hardship payment due.** Should the Hearing Officer uphold the administrative citation in cases where a hardship waiver was granted, the due date for paying the administrative fine shall be thirty (30) Days from the date of the notice of the Hearing Officer's decision. After such time, the fine shall be delinquent.

**U107.7 Right to judicial review.** A Citee may appeal the Hearing Officer's decision by filing an appeal with the Superior Court in accordance with the terms of California Government Code Section 53069.4 within twenty (20) Days from service of the Hearing Officer's decision.

**U107.7.1 Suspension of fine.** Should the Citee file a timely appeal with the Superior Court, any outstanding obligation to pay the fine (or any penalties) will be suspended and the payment of the fine and penalties, if any, will be in accordance with the Superior Court's final decision.

**SECTION U108 – COLLECTION AND LIEN PROCEDURES**

**U108.1 Recovery of administrative citation fines and costs.** In addition to any other legal remedy for collection of delinquent fines and penalties, the Fire Code

Official may record a lien on property owned by the Citee in an amount equal to the sum of any fines delinquent for more than ninety (90) Days, plus penalties and interest. Imposition of a lien pursuant to this Section must be based on a citation related to the condition or use of real property, or its improvements, owned by the Citee.

**U108.2 Satisfaction of lien.** Once the Fire District receives full payment for outstanding principal, penalties, and costs, the Fire District shall either record a notice of satisfaction or provide the Citee with a notice of satisfaction for recordation at the Ventura County Recorder's Office. This notice of satisfaction shall cancel the lien.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Appendix U. The purpose is to provide a more efficient process of handling citations. Under current Fire District Law and District policy, the District has a formal citation policy. The current citation is a "Notice to Appear" and is considered a form of arrest and a criminal complaint. It is processed through the court system and subject to all procedural aspects of a court case and prosecution. Administrative citations are used by a multitude of agencies (fire, cities, etc.) and are processed under civil procedures. They can be handled more expediently and do not over burden the court system. In cases of repeat or serious violation, the formal citation process with the court is still available. The format of this amendment follows existing process used by the County and Cities.

## ARTICLE 4 – AMENDMENTS TO THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE AND THE 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

**4.1 Amendments.** All chapters, sections, and other headings shall be those of the California Wildland-Urban Code and the International Wildland-Urban Interface Code as delineated in the 2025 California Wildland-Urban Interface Code; California Code of Regulations, Title 24, Part 7 published by the International Code Council. Generally, each numbered portion of these codes, such as Section 109.3, is deemed to be a separate section. An amendment as specified below to such a numbered portion amends only that section and does not, by omission or reference, delete any other section such as Section 109.3.1.

**4.1.1** The 2025 California Wildland-Urban Interface Code (CWUIC) and the 2024 International Wildland-Urban Interface Code (IWUIC) are amended and changed in the following respects:

## CHAPTER 1

## DIVISION I – CALIFORNIA ADMINISTRATION



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**Item 83**

Section 1.12.1 BoF – Board of Forestry is amended to read as follows:

*The specific scope of application of the agency responsible for enforcement, the enforcement agency, and the specific authority to promulgate and enforce provisions applicable to wildland-urban interface areas, unless otherwise stated.* The access requirements of California Code of Regulations (CCR) Title 14, Division 1.5 are amended by the VCFC Article 3, Appendix D, to be equal to or more restrictive, as allowed by CCR Title 14, Subsection 1270.05(a).

**Purpose/Rationale:** This amendment is necessary to indicate VCFD access requirements that are more restrictive than the BoF and the location within Article 3 of this ordinance.

## DIVISION II – SCOPE AND ADMINISTRATION

**Item 84**

Section 101.1 is amended to read as follows:

**101.1 Title.** ~~These regulations~~ Article 4 of this ordinance shall be known as the ~~Wildland-Urban Interface Code of [NAME OF JURSIDICTION], hereinafter referred to as "this code"~~ "Ventura County Wildland-Urban Interface Code", may be cited as such, and will be referred to herein as "this Code".

**Purpose/Rationale:** This amendment is currently in effect under Ordinance No. 32 and is necessary to identify the District as the authority having jurisdiction.

**Item 85**

Section 102.4 is amended to read as follows:

**102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Article 4, Chapter 7 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Article 4, Sections 102.41. and 102.4.2. Where references are made to California, International or Uniform version of a particular code, those references shall mean the California version of the code adopted under the California Buildings Standards Code unless otherwise specified.

**Purpose/Rationale:** This amendment is a general statement of reference to the codes adopted under the California Code of Regulations, Title 24 which do not adopt several of the International model codes referenced in the fire code.

**Item 86**

Section 103.1 is amended to read as follows:

**103.1 ~~Creation of agency~~ General.** The ~~[INSERT NAME OF DEPARTMENT]~~ Fire Prevention Bureau is ~~hereby created and the official in charge thereof shall be known as the code official~~ established within the jurisdiction under the direction of the fire chief. The function of the ~~agency~~ Bureau shall be the implementation, administration, and enforcement of the provisions of this code.

**Purpose/Rationale:** This amendment being made to carry over language that was adopted under Ordinance No. 32. The language presented in the 2024 IWUI/2025 CWUI is misleading in suggesting this section of the code is creating the agency, in this case the Ventura County Fire Protection District. The wildland-urban interface code does not grant the authority necessary to create the Fire District. The section is amended to make a general statement that the Fire Prevention Bureau is established at the discretion of the Fire District's Fire Chief. The model code language outlining the function of the Bureau was left as written in the model code.

**Item 87**

Section 104.6 is amended to read as follows:

**104.6 Notices and orders.** The Fire Code Official ~~shall~~ is authorized to issue ~~all necessary~~ such notices or orders ~~to ensure~~ as are required to affect compliance with this Code in accordance with Section 110 and California Health & Safety Code Sections 13870 and 13872.5. ~~Notices of violations shall be in accordance with Section 110.2.~~

**Purpose/Rationale:** This amendment is carried over from Ordinance 32. It adds additional references to other amendments under Ordinance 34 and also cites appropriate reference to authority and provisions of the California Health & Safety Code governing Fire Protection Districts.

**Item 88**

Section 104.6.1 is added to read as follows:

**104.6.1 Citations.** The Fire Code Official and his or her authorized representatives shall have the authority to issue citations for violations of this Code in accordance with

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Section 110, Article 3 Appendix U, and California Health & Safety Code Section 13872.

**Purpose/Rationale:** This amendment is carried over from Ordinance 32. It adds references to other amendments in Ordinance 34 and also cites appropriate reference to authority and provisions of the California Health & Safety Code governing Fire Protection Districts.

**Item 89**

Section 104.8 is amended to read as follows:

~~**104.8 Liability.** The fire code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act of by reason of an act or omission in the discharge of official duties.~~

**104.8 Liability.** The Fire Code Official or any authorized representative and each member of the board of appeals, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to Persons or property as a result of any act or omission in the discharge of such duties. The Fire District shall defend and indemnify the Fire Code Official or any authorized representative or member of the board of appeals against any suit brought against such Person because of such act or omission performed by such Person in the enforcement of any provision of this Code or other pertinent laws or ordinances implemented through the enforcement of this Code.

It is the intent of the Board of Directors to establish minimum standards for the protection of the public health, safety, and welfare. This Code shall not be construed to establish standards of performance, strength, or durability other than those specified. Neither this Code nor any service rendered in connection with or pursuant to its terms by Fire District or County officers, inspectors, agents or employees is intended to be nor shall be construed against the Fire District or any of its officers, inspectors, agents, or employees as the basis for any express or implied warranty or guarantee to any Person relative to or concerning any Structure or part, portion, or appurtenance thereto or thereof constructed, erected, altered, enlarged, repaired, moved, replaced, or removed pursuant to this Code or any permits because any Structure or portion thereof erected, constructed, altered, enlarged, repaired, moved, replaced, or removed, or any appliances installed, maintained, repaired or replaced hereunder does not meet the standards prescribed herein, or does not meet any other

standards prescribed elsewhere as to performance, strength, durability or other characteristics.

This Code shall not be construed to relieve from or lessen the responsibility of any Person owning, operating, or controlling any Building or Structure for any damages to Persons or property caused by defects, nor shall the Fire District or the County be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates of inspection issued under this Code.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and follows the format already in use by the County with adoption of other regulations. Section 104.8.1 is deleted as the model code language is replaced with the amendment to Section 104.8.

**Item 90**

Section 104.8.1 is deleted.

~~**104.8.1 Legal defense.** Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

**Purpose/Rationale:** The model code language is replaced with the amendment to Section 104.8. This deletion was also completed in the adoption of Ordinance No. 32.

**Item 91**

Section 105.2 is amended to read as follows:

**105.2 Permits required.** Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, removed, converted, demolished or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

For buildings or structures erected for temporary uses, see Article 4, Section A108.3.

~~Where required by the code official, a~~ A permit shall be obtained for the following activities, operations, practices or functions within a wildland-urban interface area:

1. Automobile wrecking yard.



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2. Candles and open flames in assembly areas.
3. Explosives or blasting agents.
4. Fireworks.
5. Flammable or combustible liquids.
6. Hazardous materials.
7. Landscape and fuel modification zones.
8. Liquefied petroleum gases.
9. Lumberyards.
10. Motor vehicle fuel-dispensing stations.
11. Open burning.
12. Pyrotechnical special effects material.
13. Tents, canopies and temporary membrane structures.
14. Tire storage.
15. Welding and cutting operations.

**Purpose/Rationale:** These permits are currently required under Ordinance 32. The amendment is being made to this section to carry over the permit requirement for landscape and fuel modification zones since it was not part of the model WUI codes, but is a critical requirement to assist in reducing the wildfire risk to the citizens of Ventura County.

**Item 92**

Section 106.1 is amended to read as follows:

~~**106.1 General.** Plans, engineering calculations, diagrams and other data shall be submitted in not fewer than two sets, or in a digital format where allowed by the building official, with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require additional documents to be prepared by a registered design professional.~~

~~**Exception:** Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.~~

**106.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Except as otherwise determined by the Fire Code Official, plans for the construction, alteration, repair, or conversion of Buildings or portions thereof which are classified as high-rise Buildings, Use Groups A, E, H, I, L and R occupancies, except Group R-3 occupancies, shall be submitted for review

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prior to obtaining a building permit. The Fire Code Official shall check for compliance with state and local laws and regulations that relate to fire and life safety.

**Exception:** The Fire Code Official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Code.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 106.1. It is being carried forward into both Article 3 and 4 of this ordinance for consistency. This amendment authorizes the fire code official to require plans be submitted and approved by the Fire District prior to obtaining a building and/or fire code permit. The California Health & Safety Code Sections 13145 and 13146 gives authority and responsibility to the Fire District to enforce fire and life safety regulations adopted by the State Fire Marshal. This amendment is necessary in order to effectively enforce local and state regulations and reduce corrections on final inspection. This amendment is not intended to exempt Group R-3.1 occupancies licensed by the State of California.

**Item 93**

Section 106.9.1 is added to read as follows:

**106.9.1 Approved documents.** Construction documents approved by the Fire Code Official are approved with the intent that such construction documents comply in all respects with this code. Review and approval by the Fire Code Official shall not relieve the applicant of the responsibility of compliance with this Code.

**Purpose/Rationale:** This is a new amendment and is intended to bring the same clarification that the review and approval by the fire code official of any plans and/or documents does not relieve the applicant of the responsibility to comply with the code. This provision currently exists in the fire code, but was not brought forward into the wildland-urban interface code by either ICC or the Sate Fire Marshal. The Fire District feels this provision is critical to provide clarity and as such, is bringing it into the Ventura County Wildland-Urban Interface Code.

**Item 94**

Section 108.2 is amended to read as follows:

**108.2 Schedule of ~~permit~~ fees**. ~~Where a permit is required, a fee for each permit shall be paid as required~~, Fees for permits and services rendered pursuant to this Code , and in accordance with the ~~schedule~~ latest Fire District Fee Schedule as established by the ~~applicable governing authority~~ Board of Directors.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 107.2. The purpose of the amendment is to clarify that fees are due for permits and services rendered pursuant to this code and where those fees are published.

**Item 95**

Section 108.4 is amended to read as follows:

**108.4 Work commencing before permit issuance.** A person who commences any work, activity or operation regulated by this Code before obtaining the necessary permits ~~shall be subject to a fee established by the applicable governing authority, which shall be in addition to the required permit fees~~ and or approvals shall be subject to an investigation fee in accordance with Article 3, Section 108.4.1.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 107.4. The purpose is to clarify that a permit is required prior to commencing any work on a project or operation and the ramifications if such procedures are not followed.

**Item 96**

Section 108.4.1 is added to read as follows:

**108.4.1 Investigation fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then, or is subsequently, issued. The investigation fee shall be equal to the amount of the permit fee required by this Code and shall in no case be less than the minimum fees required by the latest Fire District Fee Schedule. The payment of such investigation fee shall not exempt any Person from compliance with all applicable provisions of this Code or any of the codes adopted by reference hereby, nor from any penalty prescribed by law.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 107.4.1. The purpose is to clarify that an investigation fee is required even if a permit is not ultimately issued, and that payment of the investigation fee does not exempt any person from compliance with all applicable provisions contained in the codes.

**Item 97**

Sections 108.7 through 108.7.3 are added to read as follows:

**108.7 Delinquent fees.** The following shall apply to any delinquent fee due.

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**108.7.1 Penalties.** A penalty of ten percent (10%) shall be added to any delinquent fines on the last day of each month more than 15 days after the due date. The penalty shall not exceed fifty percent (50%) of the original fee due.

**108.7.2 Interest.** In addition to penalties provided by this Section, delinquent fees will accrue interest at the rate of one percent (1%) per month, exclusive of penalties, from the due date.

**108.7.3 Legal means.** The Fire District may use all legal means to collect any past due fees should a permittee or property owner fail to pay the fine in a timely manner.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 Sections 107.7 through 107.7.3. The purpose is to clarify the fee schedule used, additional fees for failure to obtain permits first and to provide a method for charging late fees.

**Item 98**

Section 109.3.7 is amended to read as follows:

**109.3.7 Violation penalties.** Persons who ~~shall~~ violate a provision of this Code or ~~shall~~ fail to comply with any of the requirements thereof or who ~~shall~~ erect, install, alter, repair or do work in violation of the approved construction documents or any directive of the fire code official, or of a permit or certificate used under provisions of this Code, ~~shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~ and from which violation no appeal has been taken, or who fail to comply with any order affirmed or modified by the Board of Appeals within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be subject to the criminal sanctions set forth in Health and Safety Code Section 13871. Each numbered portion of this Code, such as Section 109.3, is deemed to be a separate section. In addition, the fire code official may use the provisions of Appendix U, Administrative Citations. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All violators shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 112.4. This amendment references the California Health & Safety Code that specifies the District's authority to enforce a fire prevention code. The Health & Safety

Code Section 13871 provides that a violator may be prosecuted for an infraction, without prior written order, or for a misdemeanor, if he "fails or refuses to correct or eliminate" a violation after a written order.

**Item 99**

Section 112.1 is amended to read as follows:

**112.1 ~~General~~ Board of Appeals established.** In order to hear and decide appeals of orders~~,~~ or decisions ~~or determinations~~ made by the Fire Code Official relative to the application and interpretation of this Code, there shall be and is hereby created a board of appeals. The County Executive Officer shall provide staff services for the board. The board of appeals shall be appointed by the ~~applicable governing body~~ Fire District's Board of Directors and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.1. The purpose is to provide clarification that the County Executive Officer is responsible for providing staff services to support the Fire District's Board of Appeals and the members of the board are appointed by the Fire District's Board of Directors.

**Item 100**

Section 112.2 is amended to read as follows:

**112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equivalent or better ~~form~~ method of ~~construction~~ protection or safety is proposed with the exception of the provisions dealing with the abatement of combustible and flammable materials in Article 4 of this ordinance. The board shall not have authority to waive requirements of this Code or state law or interpret the administration of this Code. The board also shall have no authority to hear appeals regarding opinions provided to other governmental agencies by Fire District personnel (e.g., on projects currently under review by a planning commission, city council, board of supervisors, etc.).

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.2. The purpose is to provide clarification on the limits of authority granted to the Board of Appeals with regards to provisions contained in Article 4 of this ordinance that deal with the Fire District's vegetation management program and appeals from other governmental agencies.

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**Item 101**

Section 112.3 is amended to read as follows:

**112.3 Members and qualifications.** The board of appeals shall consist of five members who are residents of the County of Ventura: a Fire Department member (not employed by the Fire District), a Licensed Architect, a Licensed Engineer, a Licensed General Contractor, and a member of the public at large. Each member must be qualified by experience and training to pass on matters pertaining to ~~the provisions of this code~~ hazards of fire, explosions, hazardous conditions or fire protection systems and are not employees of the ~~jurisdiction~~ Fire District.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.3. The purpose is to provide direction that the Fire District's Board of Appeals shall consist of 5 members and to outline the members must be residents of Ventura County and what their field of expertise shall be.

**Item 102**

Section 112.4 is amended to read as follows:

**112.4 ~~Administration~~ Finality.** The Fire Code Official shall take immediate action ~~without delay~~ in accordance with the decision of the board. The Board of Appeal's decision shall be final, except in the case of appeals from other governmental entities. Such entities may appeal any adverse Board of Appeal's decision to the Fire District's Board of Directors.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 Section 111.4. The purpose is to provide clarification that the Board's decision shall be considered final with exception to appeals filed by other governmental entities. In such cases, any adverse ruling by the Board of Appeals may be appealed to the Board of Directors for further consideration. The section title was amended to provide greater clarity on the purpose of the section.

## CHAPTER 2

## DEFINITIONS

**Item 103**

Section 201.4 is amended to read as follows:

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Merriam Webster's Collegiate Dictionary, 11th Edition, shall be



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considered as providing ordinarily accepted meanings.

**Purpose/Rationale:** This amendment is intended to provide clarification of the source used for terms not defined under this code. This clarifying language is included in the California Fire Code but was not brought forward into the wildland-urban interface codes. The Fire District is making this amendment to the Ventura County Wildland-Urban Interface Code for purposes of consistency across the two codes.

**Item 104**

Section 202 is amended to include the following definitions in addition to the definitions found therein not inconsistent herewith:

**SECTION 202 – DEFINITIONS**

**COMBUSTIBLE FENCING.** Any fencing material or installation that is not IGNITION-RESISTANT MATERIAL. Combustible fencing includes wood, plastic, and other petroleum-based fence materials.

**COMBUSTIBLE MATERIAL.** Includes seasonal and recurrent weeds, stubble, brush, dry grass, dry leaves, mulch, manure, tumbleweeds, rubbish, recyclable material, litter or flammable materials of any kind, including petroleum-based products.

**CRITICAL FIRE WEATHER.** As determined by the Fire Code Official, a set of weather conditions (usually a combination of low relative humidity, warmer temperatures and/or high winds) favorable to the ignition and the effect of which on fire behavior makes control of a fire difficult and threatens fire fighter and public safety. This includes “Red Flag Warnings” and “Fire Weather Watches” as issued by the National Weather Service.

**DECK.** A flat surface capable of supporting weight, similar to a floor, constructed outdoors and attached to or located within five (5) feet of a Structure, including porches, balconies, and stairs. A Patio on grade constructed of concrete, stone, or similar materials is not a deck.

***FIRE HAZARD SEVERITY ZONES.*** *Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204, California Government Code, Sections 51175 through 51189.*

*The map, approved by the Office of the State Fire Marshal, is hereby incorporated by reference and entitled “State Responsibility Area Fire Hazard Severity Zones,” dated September 29, 2023,* and the map adopted by the Ventura County Fire Protection District Board of Directors dated March 10, 2025 and entitled “VCFD Local Responsibility Area Fire Hazard Severity Zones”.

**FUEL.** *Any combustible material, including petroleum-based products, cultivated landscape plants*, Ornamental Landscape, *grasses, weeds, and wildland vegetation.*

**HAZARDOUS FIRE AREA (HFA).** Is land which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion and includes any location within 500 feet of a forest or brush, grass, or grain covered land, exclusive of small individual lots or Parcels of land located outside of a brush, forest, or grain covered area. Such areas are designated by the Fire Code Official. The Fire Code Official is authorized to utilize, as references, the definition of Wildland-Urban Interface (WUI), State SRA FHSZ maps, LRA FHSZ Maps designated pursuant to California Government Code, Sections 51175 through 51189, and the International Wildland-Urban Interface Code. Areas classified as a Hazardous Fire Area are designated as a WUI area for purposes of this code.

**LADDER FUELS.** Vegetative fuels which provide vertical continuity, thereby allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease.

**ORNAMENTAL LANDSCAPE.** All grasses, plants, trees, and other vegetation installed by a property owner. This is usually for aesthetic or privacy screening.

**PUBLIC NUISANCE.** The presence of Combustible Material on a Parcel that the Fire Code Official determines creates a fire hazard.

**VEGETATION.** Means all plants, including trees, shrubs, grass, and perennial or annual plants.

***WILDLAND-URBAN INTERFACE (WUI).*** *A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the* Fire Code Official *to be at a significant risk from wildfires* including Hazardous Fire Areas*.*

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 Section 202 with the addition/modification to the definitions. The purpose is to include definitions currently in effect within applicable codes and new definitions to support other amendments within this ordinance.

## CHAPTER 3

## WILDLAND-URBAN INTERFACE AREAS

**Item 105**

Section 302.3 is added to read as follows:

**302.3 Local responsibility area fire hazard severity zone maps.** The current Local Responsibility Area (LRA) Fire Hazard Severity Zone (FHSZ) maps are those adopted under VCFPD Ordinance No. 33 and entitled "VCFD Local Responsibility Area Fire Hazard Severity Zones".

**Purpose/Rationale:** This amendment is necessary to identify and reference the LRA FHSZ maps in effect under current Ordinance 33.

**Item 106**

Section 302.4 is added to read as follows:

**302.4 Interim changes to fire hazard severity zones.** When State and Local Responsibility Area change prior to the next adoption of FHSZ maps by the State Fire Marshal or the Local Agency, interim changes to the FiHSZ maps shall be in accordance with VCFPD Ordinance No. 33.

**Purpose/Rationale:** This amendment is necessary to identify the interim process for FHSZ changes currently in effect under Ordinance 33.

**Item 107**

Section 302.5 is added to read as follows:

**302.5 Local hazardous fire areas.** Local Hazardous Fire Areas (HFA) shall be determined by the Fire Code Official. The Fire Code Official will be guided by the definition of Hazardous Fire Area. Updates to the HFA will be at the direction of the Fire Code Official. The HFA map and GIS layers will be known as the "VCFD Local Hazardous Fire Area".

**Purpose/Rationale:** This amendment is necessary to identify the process for local Hazardous Fire Areas determination.

## CHAPTER 4

## WILDLAND-URBAN INTERFACE AREAS REQUIREMENTS

**Item 108**

Section 402.1.1 is amended to read as follows:

**402.1.1 Access.** New subdivisions, as determined by this jurisdiction, shall be provided with Fire Apparatus Access Roads in accordance with the California Fire Code; the California Code of Regulations, Title 14, Division 1.5, Chapter 7,



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Subchapter 2, Article 2; Article 3, Appendix D of this ordinance; and access requirements in accordance with Article 4, Section 403 of this ordinance.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and has been revised to indicate the current location of the requirements in Article 3.

**Item 109**

Section 402.1.2 is amended to read as follows:

**402.1.2 Water supply.** New subdivisions, as determined by this jurisdiction, shall be provided with water supply in accordance with the Section 507 of the California Fire Code; California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 4; Article 3, Appendix B of this ordinance; and Article 4, Section 404 of this ordinance.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and has been revised to indicate the current location of the requirements in Article 3.

**Item 110**

Section 402.2.1 is amended to read as follows:

**402.2.1 Access.** Individual structures hereafter constructed or relocated into or within the Wildland-Urban Interface Areas shall be provided with Fire Apparatus Access in accordance with the California Fire Code; the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Subsection 1273; Article 3, Appendix D of this ordinance; and Article 4, Section 403 of this ordinance.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and has been revised to indicate the current location of the requirements in Article 3.

**Item 111**

Section 402.2.2 is amended to read as follows:

**402.2.2 Water supply.** Individual structures hereafter constructed or relocated into or within the Wildland-Urban Interface Areas shall be provided with a conforming water supply in accordance with the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 4; California Fire Code Section 507; Article 3, Appendix B of this ordinance; and Article 4, Section 404 of this ordinance.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and has been revised to indicate the current location of the requirements in Article 3.

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**Item 112**

Section 403 user note is amended to read as follows:

**USER NOTE:** *The standards in* Article 4, *Section 403 applicable to roads shall not apply to roads used solely for agriculture; mining; or the management of timberland or harvesting of forest products* unless the road serves as access for a building. *[CCR, Title 14 §1270.03(d)]*

**Purpose/Rationale:** This new amendment is necessary to indicate roads serving any buildings is not exempt from VCFD access requirements.

**Item 113**

Section 403.1 is amended to read as follows:

**403.1 General.** ~~Roads and driveways, whether public or private, unless exempted under 14 CCR §1270.03(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent 403.1.1 to 403.1.9. [CCR, Title 14 §1273.00]~~ All access roads and driveways, whether public or private, shall be in accordance with Article 3, Appendix D.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 29 and has been revised to indicate the current location of the requirements in Article 3.

Sections 403.1.1 through 403.1.10 are deleted.

**Item 114**

Section 404.2 is amended to read as follows:

**404.2 Required water supply.** *An approved water supply capable of supplying the required fire-flow for structural fire protection and wildland fire exposure shall be provided to the premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction in accordance with Section 507 of the California Fire Code,* and Article 3, Appendix B of this ordinance.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and has been revised to indicate the current location of the requirements in Article 3.

**Item 115**

Section 404.4 is amended to read as follows:

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**404.4 Hydrants.** Hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the fire code official. *The number and spacing of fire hydrants shall be in accordance with Appendix C or CC of the California Fire Code,* and Article 3, Appendix C of this ordinance, *as applicable.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and has been revised to indicate the current location of the requirements in Article 3.

**Item 116**

Section 404.5 is amended to read as follows:

**404.5 Adequate water supply.** *Fire-flow requirements shall be determined in accordance with Appendix B or BB of the California Fire Code,* and Article 3, Appendix B of this ordinance, *as applicable.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and has been revised to indicate the current location of the requirements in Article 3.

## CHAPTER 5

## SPECIAL BUILDING CONSTRUCTION REGULATIONS

Chapter 5 is not adopted by the Ventura County Fire Protection District.

## CHAPTER 6

## FIRE PROTECTION REQUIREMENTS

**Item 117**

Chapter 6 User Note is amended to read as follows:

**USER NOTE: About this chapter:** *In addition to the building construction requirement in the California Building Code and California Residential Code, this chapter contains requirements for development and construction in Local Responsibility Areas (LRA) designated as Very High Fire Hazard Severity Zones and areas designated by the State Fire Marshal as State Responsibility Areas (SRA). While many of these provisions are found in Title 14 and Title 19 of the California Code of Regulations, they are replicated here for the code user. The local jurisdiction has the authority to apply the same regulations to LRA when the regulations are adopted by local ordinance.*

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*The requirements in this chapter reference ~~the process for adoption of Very High Fire Hazard Severity Zones in the LRA;~~ criteria for evaluating existing subdivisions that are at significant fire risk and are without an adequate secondary egress; and criteria for fire safety provisions required in the Safety Element of a city or county General Plan.*

Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102 through 1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

*The chapter includes mitigation strategies to reduce the hazards of fire originating within a structure spreading to wildland and fire originating in wildland spreading to structures. These strategies are included in the following requirements:*

1. *Development of fire protection plans.*

2. *Development of landscape plans and long-term vegetation management.*

3. *Creation and maintenance of defensible space to protect structures and subdivisions.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is necessary to identify the Fire District's requirements for local provisions applicable in WUI areas.

**Item 118**

Section 601.2 is amended to read as follows:

**601.2 Objective.** The objective of this chapter is to establish minimum requirements to mitigate *conditions that might cause a fire originating in a structure to ignite vegetation in the Wildland-Urban Interface (WUI) Area, and conversely, a wildfire burning in vegetative fuels to transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities or result in large property losses.* This chapter also provides requirements for defensible space within the boundaries of the Ventura County Fire Protection District.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is necessary to identify the Fire District's requirements for local provisions applicable in WUI areas.

**Item 119**

Section 601.3 is added to read as follows:



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**601.3 Cost.** The cost of any fire protection plan, Fuel Modification Plan and vegetation management/landscape plan preparation and review required by this chapter shall be the responsibility of the applicant.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 120**

Section 602.1 is amended to read as follows:

**602.1 General.** ~~*The code official is authorized to require the owner or owner's authorized agent to provide a fire protection plan.*~~ A fire protection plan *shall be* submitted to the Fire Code Official for any proposed subdivision of land, or building project, when located in a WUI area.

The fire protection plan shall be prepared to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards presented for the property under consideration and reducing the impact on the community's fire protection delivery system.

*The fire protection plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes.*

~~*The code official is authorized to require a preliminary fire protection plan prior to the submission of a final fire protection plan.*~~

**Exception:** A single-family dwelling (Group R-3 Occupancy) when located on an existing legal parcel.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to identify local requirements for fire protection plans.

**Item 121**

Section 602.2 is amended to read as follows:

**602.2** ***Contents.*** *The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history.*

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*The plan shall identify conformance with all applicable state wildfire protection regulations, statutes and applicable local ordinances, whichever are more restrictive.*

*The plan shall address fire department access, egress, road and address signage, water supply, in addition to fuel reduction, in accordance with Public Resources Code (PRC) 4290,* this Code, and Article 3, Appendix D of this ordinance, as periodically amended; *the defensible space requirements in accordance with PRC 4291, Government Code 51182,* and Article 4, Sections 603 and 604 of this ordinance; *and the applicable building codes and standards for wildfire safety. The plan shall identify* proposed *mitigation measures to address the project's specific wildfire risk ~~and shall include information required in Sections 602.3 and 602.3.2~~.* The fire protection plan shall include at minimum the following items:

1. *Total size of the project.*

2. *Information on the adjoining properties on all sides, including current land uses, and if known, existing structures and densities, planned construction, natural vegetation, environmental restoration plans, roads and parks.*

3. *A map with all project boundary lines, property lines, slope contour lines, proposed structure foundation footprints, and proposed roads and driveways. The map shall identify project fuel modification zones and method of identifying the fuel modification zone boundaries.*

4. *A map identifying all proposed plants in the fuel modification zones with a legend that includes a symbol for each proposed plant species. The plan shall include specific information on each species proposed, including but not limited to:*
    a. *The plant life-form;*
    b. *The scientific and common name; and*
    c. *The expected height and width for mature growth.*
    d. *Identification of irrigated and non-irrigated zones.*
    e. Identification of existing vegetation proposed to remain.
    f. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground Fuels, Ladder Fuels, and dead trees, and the thinning of live trees.

5. Methods and timetables for controlling, changing, or modifying areas on the property.

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6. *Requirements for vegetation reduction around emergency access and evacuation routes.*

7. *Identification of points of access for equipment and personnel to maintain vegetation in common areas.*

8. *Legally binding statements regarding community responsibility for maintenance of Fuel Modification Zones.*

9. *Legally binding statements to be included in covenants, conditions and restrictions regarding property owner responsibilities for vegetation maintenance.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to identify local requirements for fire protection plans.

**Item 122**

Section 602.3 is amended to read as follows:

**602.3 *Project Information.*** *The ~~final~~ fire protection plan shall be reviewed and approved prior to start of construction*. For any proposed project subject to a discretionary review by the Planning Department where the project is located, a Fire Protection Plans shall be submitted for review and approval by the Fire Code Official prior to the discretionary approval.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to identify local requirements for fire protection plans.

Section 602.3.1 is deleted.

Section 602.3.2 is deleted.

**Item 123**

Section 603.1 is amended to read as follows:

**603.1 *General.*** *Planting of vegetation for new* and replacement *landscaping shall be selected to reduce vegetation in proximity to a structure and to maintain vegetation as it matures.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to

identify local requirements for new landscaping. The deletions in these Sections were made to address more restrictive requirements for vegetation (shrubs, trees, etc.) that currently exist in Ordinance 32 and the Districts Standards for defensible space. Vegetation requirements are also relocated to Section 604.

**Item 124**

Section 603.2 is amended to read as follows:

**603.2 *Application.*** *All new plantings of vegetation in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Fire Hazard Severity Zone,* and WUI areas identified by the Fire Code Official, *shall comply with* Article 4, *Sections 603.3 through 603.4.2.1.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to identify local requirements for new landscaping. The deletions in these Sections were made to address more restrictive requirements for vegetation (shrubs, trees, etc.) that currently exist in Ordinance 32 and the Districts Standards for defensible space. Vegetation requirements are also relocated to Section 604.

**Item 125**

Section 603.3 is amended to read as follows:

**603.3 *Landscape* and Fuel Modification *plans.*** *Landscape* and Fuel Modification *plans shall be ~~provided when required by the code~~ official* submitted for any project located in a WUI area. *The landscape* and Fuel Modification *plan shall include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to identify local requirements for new landscaping. The deletions in these Sections were made to address more restrictive requirements for vegetation (shrubs, trees, etc.) that currently exist in Ordinance 32 and the Districts Standards for defensible space. Vegetation requirements are also relocated to Section 604.

**Item 126**

Section 603.3.1 is amended to read as follows:

**603.3.1 *Contents.*** *Landscape plans shall contain the following:*



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1. *Delineation of the* 5-foot (1524 mm) (Zone 0), *30-foot (9144 mm)* (Zone 1) *and 100-foot (30 480 mm)* (Zone 2) *fuel management zones from all structures.*

2. *Identification of existing vegetation to remain and proposed new vegetation.*

3. *Identification of irrigated areas.*

4. *A plant legend with both botanical and common areas, and identification of all plant material symbols.*

5. *Identification of ground coverings within the 30-foot (9144 mm) zone.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to identify local requirements for new landscaping. The deletions in these Sections were made to address more restrictive requirements for vegetation (shrubs, trees, etc.) that currently exist in Ordinance 32 and the Districts Standards for defensible space. Vegetation requirements are also relocated to Section 604.

**Item 127**

Section 603.4 is amended to read as follows:

**603.4** ***Vegetation.*** *All new vegetation shall be fire-smart vegetation in accordance with this section* and the requirements of Defensible Space and Fuel Modification Standards as is and approved by the Fire Code Official.

*To be considered fire-smart vegetation, it must meet at least one of the following* as approved by the Fire Code Official:

1. *Be identified as fire-smart vegetation in an approved book, journal or listing from an approved organization.*

2. *Be identified as fire-smart vegetation by a licensed landscape architect with supporting justification.*

3. *Plants considered fire-smart vegetation and approved by the local enforcing agency.*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into Ordinance 34 with further revisions to the State language to identify local requirements for new landscaping. The deletions in these Sections were made to address more restrictive requirements for vegetation (shrubs, trees, etc.) that currently exist in Ordinance 32 and the Districts Standards for defensible space. Vegetation requirements are also relocated to Section 604.

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Section 603.4.1 is deleted.

Section 603.4.2.1 is deleted.

**Item 128**

Section 603.5 is added to read as follows:

**603.5 New prohibited plants.** Plants and trees listed in VCFD Prohibited Plant List or identified as "Target" (undesirable) plants and trees in VCFD Plant Reference Guide shall not be newly planted within any zone.

**Purpose/Rationale:** This new amendment identifies requirements currently in effect under VCFD Defensible Space Standards and is being incorporated into this ordinance.

**Item 129**

Section 603.6 is added to read as follows:

**603.6 Recorded notice and deed restriction.** Whenever new landscaping is installed, a covenant and deed restriction shall be recorded upon the parcel to ensure continued maintenance of the non-combustible Zone 0, Zone 1, and Zone 2 requirements, and to advise all future property owners of these requirements.

**Purpose/Rationale:** This new amendment identifies requirements currently in effect under VCFD Defensible Space Standards and is being incorporated into this ordinance.

**Item 130**

Section 604.1 is amended to read as follows:

**604.1** ***General.*** ~~*Hazardous*~~ *Vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.*

~~*Defensible space shall be managed around all building and structures in State Responsibility Areas (SRA) as required in Public Resources Code 4291.*~~

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried into Ordinance 34 to identify local requirements for defensible space.

**Item 131**

Section 604.2 is amended to read as follows:



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**604.2 *Application.*** *Buildings, structures,* and parcels, *located in the following areas shall maintain the required ~~hazardous vegetation and fuel~~ management* defensible space*:*

1. *All unincorporated lands designated* by the State Board of Forestry and Fire Protection *as a State Responsibility Area (SRA).*

2. *Land designated as a Very High Fire Hazard Severity Zone by a city or local agency.*

3. *Land designated ~~in a city or local agency ordinance as a wildland-urban interface (WUI)~~ area* as a WUI area by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried into Ordinance 34 to identify local requirements for defensible space.

**Item 132**

Section 604.3 is amended to read as follows:

**604.3 *Requirements.*** *~~Hazardous~~ Vegetation and fuels around all buildings and structures shall be maintained* and spaced at all times *in accordance with the following laws and regulations:*

1. *Public Resources Code, Section 4291.*

2. *California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.*

3. *California Government Code, Section 51182.*

4. *California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.*

5. The requirements of Article 4, Appendix A of this ordinance, and the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

Should a conflict of any requirements occur, the most restrictive requirement shall prevail.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried into Ordinance 34 to identify local requirements for defensible space.

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**Item 133**

Section 604.3.1 is added to read as follows:

**604.3.1 Retroactivity.** When required by the Fire Code Official, or State Law, existing Defensible Space/Fuel Modification Zones (FMZ) shall require retrofitting, including thinning and/or removal of plants, trees, and vegetation, to meet this Code, the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official, or State Law. Upon notification by the Fire Code Official, and when approved, work to bring an existing Defensible Space and FMZ into compliance with this Code, and the Defensible Space and Fuel Modification Standards, may be done over a two to four (2-4) year period as determined by the Fire Code Official. A compliance plan prepared by the property owner may be requested for review and approval by the Fire Code Official.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 and are being carried over into this Ordinance.

**Item 134**

Section 604.3.2 is added to read as follows:

**604.3.2 Responsibility and costs.** The responsibility to provide and maintain any required Defensible Space, including any associated costs, shall be that of the actual owner of the land, or portion of land, within the required 100-foot clearance zone except as indicated in Article 4, Section 604.4.1 or 604.4.2 of this ordinance.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 and are being carried over into this Ordinance.

**Item 135**

Section 604.3.2.1 is added to read as follows:

**604.3.2.1 County of Ventura road right-of-way.** The responsibility and any associated costs for the clearing and providing the required Defensible Space or roadside clearance upon any County of Ventura road right-of-way (ROW), in the area between the back of curb, or back edge of any improved shoulder (graded or paved), shall be that of the actual owner of the land, or portion of land, abutting the ROW within the required 100-foot clearance zone from any building, or roadside clearance area. In cases where no road has been installed, the abutting property owners shall be responsible to the centerline of the ROW. Reference: Ventura County Ordinance Code Division 12, Chapter 7, Sections 12701 through 12703 (VC Ordinance No. 4355)

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**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 and are being carried over into this Ordinance.

**Item 136**

Section 604.3.3 is added to read as follows:

**604.3.3 Private road parcels.** The responsibility and any associated costs for the clearing and providing the required Defensible Space upon any private road parcel where no ownership can be established shall be that of the actual owner of the land, or portion of land, abutting the private road parcel to the centerline of the private road parcel.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32 and are being carried over into this Ordinance.

Section 604.4 is deleted.

**Item 137**

Section 604.5 is amended to read as follows:

**604.5 Disposal of ~~flammable vegetation and~~ fuels and vegetation.** ~~*The disposal, including burning or removal to a site approved by the local jurisdiction in consultation with the fire authority, of flammable vegetation and fuels caused by site, road and driveway construction shall be in accordance with all applicable laws and regulations. [CCR Title 14 §1276.05]*~~ All Fuels and vegetation cut and/or removed to provide the required Defensible Space, including clearing of land for a new building, access roads and driveways, shall be disposed of in accordance with all applicable Federal, State, and Local Laws and Regulations. Cut and/or removed Fuels and vegetation shall not be relocated outside the required Defensible Space zone. Burning of Fuels and vegetation for disposal is prohibited.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this Ordinance.

**Item 138**

Section 604.6 is added to read as follows:

**604.6 Clearance of brush, vegetative growth and Combustible Material from Parcels.** All Parcels declared a Public Nuisance shall be cleared entirely of Combustible Material. If the Fire Code Official determines this impractical, the provisions of Article 4, Section 604.7 may be used.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

Section 604.7 is added to read as follows:

**604.7 Clearance of Fuels or vegetative growth from Structures.**

**Item 139**

Section 604.7.1 is added to read as follows:

**604.7.1 Structures.** Any Person owning, leasing, controlling, operating, or maintaining any Building in, upon, or adjoining any WUI area, and any Person owning, leasing, or controlling any land adjacent to such Buildings, shall at all times maintain around and adjacent to such Building, an effective firebreak made by removing and clearing away, all Combustible Material on their property for a distance not less than 100 feet from all portions of the Building.

Distances may be increased by the Fire Code Official due to a site-specific analysis based on local conditions and when required, based on a Fire Protection Plan. This section shall not apply to single specimens or stands of protected species of trees, Ornamental Landscape or similar plants used in landscaping and ground covers, that are well-pruned, maintained, and spaced, and do not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure, and are in accordance with the requirements of Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 140**

Section 604.7.2 is added to read as follows:

**604.7.2 Timing for New Buildings and additions to Existing Buildings.** The provisions of Article 4, Section 604.7 shall be completed prior to vertical construction of any New Building or addition to an Existing Building.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 141**

Section 604.7.3 is added to read as follows:

**604.7.3 Detached accessory Buildings.** Detached accessory Buildings are not subject to the clearance requirements of Article 4, Section 604.6 when all of the following apply:

1. The Building Area does not exceed 120 square feet when a building permit is not required by the local Building Department or 250 square feet when open on all sides.

2. The Building is setback a minimum of 50 feet from any other Building subject to the clearance requirements of Article 4, Section 604.7.1.

3. The Building does not contain any hazardous items or material/process requiring a fire code permit.

4. The area within 10 feet of the Building has been cleared to bare mineral earth. Vegetation more than 10 feet but less than 20 feet from the building shall be fire-smart vegetation.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 142**

Section 604.7.4 is added to read as follows:

**604.7.4 Photovoltaic systems.** The clearance requirements around freestanding photovoltaic systems and equipment shall comply with the following:

1. A minimum 10-foot clearance for clusters of panels not exceeding 1,500 square feet of combined panel area.

2. A minimum of 30-foot clearance for clusters of panels greater than 1,500 square feet of combined panel area.

3. Clusters shall be separated a minimum of 20 feet.

4. Panels and clusters shall be not located within 30 feet of any Building subject to clearance requirements of Article 4, Section 604 unless the clearance requirements of Article 4, Section 604 are provided as measured from the perimeter of the panel or cluster.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

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**Item 143**

Section 604.7.5 is added to read as follows:

**604.7.5 Prefabricated intermodal cargo steel storage containers used for storage.** The clearance requirements of Article 4, Section 604.7.1 may be reduced to a minimum of 30 feet when all of the following apply:

1. The container does not exceed 320 square feet.
2. There are no alterations/modifications to the container, including, but not limited to, doors, windows, ventilation openings, etc.
3. There are no utilities connected to or serving the container.
4. The container is setback a minimum of 30 feet from any Building and 6 feet from other containers.
5. The container does not contain any hazardous items or any material/process requiring a fire code permit.
6. The under-floor area of the container is located on grade and is sealed to prevent intrusion of combustible vegetation, debris, and embers underneath the container.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 144**

Section 604.8 is added to read as follows:

**604.8 Defensible Space clearance zones and requirements.** The required 100-foot Defensible Space clearance is identified in three (3) distinct zones: Zone 0, 1, and 2. Additional clearance beyond the required 100-foot Defensible Space is identified as Zone 3.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 145**

Section 604.8.1 is added to read as follows:

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**604.8.1 Requirements.** Defensible Space shall be in accordance with the requirements of the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official and the specific requirements for each zone listed in Article 4, Section 604.8.2 through 604.8.5.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 146**

Section 604.8.2 is added to read as follows:

**604.8.2 Zone 0 purpose and location.** Zone 0 reduces the likelihood of structure ignition by reducing the potential for direct ignition of the structure from flame contact, by embers that accumulate at the base of a wall, and/or indirect ignitions when embers ignite vegetation, vegetative debris, or other combustible materials located close to the structure that result in either a radiant heat and/or a direct flame contact exposure to the structure.

Zone 0 is the horizontal area within the first five (5) feet around the structure, including stairs, balconies, attached or adjacent decks, and outbuildings. Zone 0 is measured from the edge of a structure, attached or adjacent decks, patio covers, balconies, and floor projections above-grade. Zone 0 also includes the area on the roof of a building, and underneath and on top of attached decks, patio covers, balconies, and stair landings.

**Advisory Notice:** VCFPD has local Zone 0 requirements currently in effect for new Buildings and additions to existing Buildings. New State regulations for Zone 0 are currently under development by the State Board of Forestry and Fire Protection. Any State regulation more restrictive than this ordinance or the requirements of Defensible Space and Fuel Modification Standards, as issued and approved by the Fire Code Official, shall apply. This may require thinning and/or removal of plants, trees, and vegetation to meet State Law and regulations.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 147**

Section 604.8.2.1 is added to read as follows:

**604.8.2.1 Non-Combustible Zone 0 for New Buildings, additions to Existing Buildings, and new or replacement landscape.** Effective March 1, 2025, Fuels, including Combustible Materials and vegetation, are prohibited in Zone 0 for all New

Buildings, additions to Existing Buildings, installation of new landscape, and refurbishment of existing landscape areas.

The application date of Article 4, Section 604.2.8.1 shall be the later application date when any of the following occur:

1. Fire Department Clearance for a New Building or addition to an Existing Building.
2. Building permit for a New Building or addition to an Existing Building.
3. Landscape plans submitted for VCFPD review.
4. Landscape plans approved by VCFPD prior to March 1, 2025, but not installed.
5. Replacement of landscape when landscape plans are not required.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 148**

Section 604.8.2.2 is added to read as follows:

**604.8.2.2 Additional requirements in Zone 0.**

1. New and existing tree canopies are prohibited within 10 feet of New Buildings, including the addition portion to Existing Buildings.

   **Exception:** Existing protected oak trees shall be trimmed to provide a minimum 5-foot clearance above the roof and 5 feet to the side of any New Building, or the addition portion to an Existing Building.

2. Landscaped roofs are prohibited.
3. Vegetation on and underneath decks is prohibited.
4. Vegetation on balconies is prohibited.
5. Other Combustible Materials underneath any deck, not part of the deck structure itself, shall be removed.
6. Planting boxes, including window boxes, shall not be attached to or located within 5 feet of the structure.

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7. Artifical or synthetic grass is prohibited within Zone 0.

8. Vines and climbing plants are not allowed on structures, including decks, patio/shade structures, and any fences within 5 feet of a Building.

9. Combustible mulch and wood chips are prohibited.

10. Firewood is prohibited.

11. All fencing and gates shall be non-combustible. See Article 4, Section 604.11.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

Section 604.8.2.3 is added to read as follows:

**604.8.2.3 Zone 0 requirements for Buildings constructed prior to March 1, 2025.**

**Item 149**

Section 604.8.2.3.1 is added to read as follows:

**604.8.2.3.1 Zone 0 restrictions.** The following requirements apply within Zone 0 for all Existing Buildings with landscape installed prior to March 1, 2025:

1. No combustible landscape mulch or wood chips.

2. No firewood.

3. No vegetation underneath decks.

4. Other Combustible Materials underneath any deck, not part of the deck structure itself, shall be removed.

5. Roofs and gutters on Buildings shall be maintained free of any leaves, needles, or other vegetative Combustible Materials.

6. The vertical clearance distance for trees and vegetation above any roof shall be not less than 3 feet.

7. A minimum 3-foot clearance of trees and vegetation shall be provided to the side and above any eave or roof projection from the exterior wall of a Building. A minimum 3-foot clearance of trees and vegetation shall be provided below any eave or roof projection. This requirement also applies to any patio cover or

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other Building projections.

8. Artificial or synthetic grass is prohibited.

9. New trees are not allowed.

10. New or replacement landscaping shall comply with Article 4, Sections 604.8.1, 604.8.2.1, and 604.8.2.2.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 150**

Section 604.8.2.3.2 is added to read as follows:

**604.8.2.3.2 Landscaped roofs.** Landscape roofs are prohibited within a WUI area.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 151**

Section 604.8.3 is added to read as follows:

**604.8.3 Zone 1 purpose and location.** Zone 1 reduces the likelihood of fire burning directly to the structure. This is accomplished by modifying Fuels and creating a discontinuity between planting groups that limits the pathways for fire to burn to the structure and reduces the potential for near-to-building ember generation and radiant heat exposures. An additional purpose of this zone is to provide a defendable area for fire personnel to stage and take direct action.

Zone 1 is the area within 5-30 feet of structures and decks, with slopes not greater than 20 percent; 5-50 feet from Buildings and decks, when slopes are greater than 20 percent.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 152**

Section 604.8.3.1 is added to read as follows:

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**604.8.3.1 Zone 1 transitional area.** Zone 1 includes a transitional area adjacent to Zone 0 that protects the integrity of Zone 0 and is the area within 5 feet of Zone 0, 10 feet when slopes exceed 20 percent.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 153**

Section 604.8.3.2 is added to read as follows:

**604.8.3.2 Requirements and allowable items.** This is minimal planting zone and very limited trees of a fire-smart type with additional spacing provided. Plants and other vegetation shall be in accordance with Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 154**

Section 604.8.4 is added to read as follows:

**604.8.4 Zone 2 purpose and location.** Zone 2 is designed to reduce the potential behavior of an oncoming fire in such a way as to drop an approaching fire from the crown of trees to the ground, reducing the flame heights, and the potential for ember generation and radiant heat exposure to structures. Additional benefits of the Zone 2 include facilitating direct defense actions and improving the function of Zones 0 and 1.

Zone 2 is the area from the outer edge of Zone 1 to 100 feet from structures and decks.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 155**

Section 604.8.4.1 is added to read as follows:

**604.8.4.1** Plants and other vegetation shall be in accordance with Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

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**Item 156**

Section 604.8.4.2 is added to read as follows:

**604.8.4.2 Spacing.** Spacing of vegetation and trees at the outer edge of Zone 2 shall be based upon the height of the vegetation within Zone 2 or the adjacent area beyond the 100-foot zone, whichever provides for the greater spacing. This may require clearance outside the 100-foot zone or setting back vegetation and trees within Zone 2 away from the 100-foot line.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 157**

Section 604.8.5 is added to read as follows:

**604.8.5 Zone 3 purpose and location.** Zone 3 is considered a thinning zone and is any FMZ greater than 100 feet from structures and decks. When provided, either by conditions of development, voluntary by the property owner, or required by the Fire Department. This zone is more of a progressive thinning zone to lessen spread of fire as it approaches the primary FMZ adjacent to structures. The amount of fuel reduction and removal should take into consideration the type and density of fuels, aspect, topography, weather patterns, and fire history.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

Section 604.8.6 is added to read as follows:

**604.8.6 General requirements for Zone 0, 1, and 2.**

**Item 158**

Section 604.8.6.1 is added to read as follows:

**604.8.6.1** All dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and tree needles shall be removed.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 159**

Section 604.8.6.2 is added to read as follows:



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**604.8.6.2 Mulch and wood chips within Zones 1 and 2.** Use of combustible Mulch and wood chips shall be in accordance with the requirements of Application of Mulch and chips in Defensible Space Standards as issued and approved by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 160**

Section 604.8.6.3 is added to read as follows:

**604.8.6.3 Firewood.** See Article 4, Section 607.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 161**

Section 604.8.6.4 is added to read as follows:

**604.8.6.4 Clearance from chimney, stovepipe.** Any portion of a tree or shrub that extends within 10 feet horizontally or vertically of a chimney outlet or stovepipe outlet shall be removed.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 162**

Section 604.8.6.5 is added to read as follows:

**604.8.6.5 Trees.** New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet from any combustible structure.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 163**

Section 604.8.6.5.1 is added to read as follows:

**604.8.6.5.1 Tree spacing.** The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 20 feet in Zone 1 and not less than

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10 feet in Zone 2. Separation distance may be increased for slopes exceeding 20 percent. Required spacing is measured between trees at maturity.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 164**

Section 604.8.6.5.2 is added to read as follows:

**604.8.6.5.2 Ground clearance of trees.** Trees exceeding 6 feet in height shall be limbed up from the ground 6 feet or 1/3 the height of the tree, whichever is less.

**Exception:** Fruit trees when approved by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 165**

Section 604.8.6.5.3 is added to read as follows:

**604.8.6.5.3 Ground cover under tree canopy.** When approved ground cover and shrubs are located underneath trees, the vertical clearance to the lowest branch of the tree canopy shall not be less than three times the height of the ground cover or shrub under or adjacent to the tree. The horizontal clearance shall be 3 feet from the trunk of the tree.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

Section 604.8.6.6 is added to read as follows:

**604.8.6.6 Continuous tree canopies.**

**Item 166**

Section 604.8.6.6.1 is added to read as follows:

**604.8.6.6.1 New Structures.** Continuous tree canopies are not allowed. Tree spacing shall be in accordance with the Defensible Space and Fuel Modification Standards as issued and approved by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

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**Item 167**

Section 604.8.6.6.2 is added to read as follows:

**604.8.6.6.2 Existing Structures prior to April 1, 2019.** Continuous tree canopies may be allowed as determined by the Fire Code Official but will require the complete removal of any understory and smaller trees to meet requirements for a shaded fuel zone. Any remaining trees shall be limbed up a minimum of 12 feet from the ground or 1/3 the tree height, whichever is less. The intent is to not allow a crown (canopy) fire to spread unchecked to a structure and to bring any crown fire down to the ground level prior to Zone 1.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 168**

Section 604.8.6.7 is added to read as follows:

**604.8.6.7 Grasses.** Natural or annual grasses shall be mowed to a maximum height of 3-inch stubble with clippings removed.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 169**

Section 604.9 is added to read as follows:

**604.9 Fire protection equipment and utilities.** The clearance requirements of Article 4, Sections 604.7 and 604.8 shall apply to communication site towers and their support Buildings; required fire protection water supplies, including water tanks, water supply pumps, and pump houses; and any other utility Structure as required by the Fire Code Official. The Fire Code Official may consider a reduced distance, not less than 30 feet, for communication site towers, water tanks, and Structures with no interior space, based upon a site risk assessment. Also see Article 4, Appendix A.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

**Item 170**

Section 604.10 is added to read as follows:

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**604.10 Planting vegetation under or adjacent to energized electrical lines.** No vegetation shall be planted under or adjacent to energized power lines that, at maturity, will grow within 10 feet of the energized conductors.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and the Districts Standards for Defensible Space and is being carried over into this Ordinance.

Section 604.11 is added to read as follows:

**604.11 Fencing.**

**Item 171**

Section 604.11.1 is added to read as follows:

**604.11.1 Scope.** This section only applies to fences, including gates within the fencing, within 5 feet of Building(s), including Decks, (Zone 0) that are in the WUI area.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this Ordinance.

**Item 172**

Section 604.11.2 is added to read as follows:

**604.11.2 New fencing.** New fencing and gates installed on or after January 1, 2023, shall be constructed of a non-combustible material.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this Ordinance.

**Item 173**

Section 604.11.3 is added to read as follows:

**604.11.3 Existing fencing.** Fencing installed prior to January 1, 2023, may remain.

**Exception:** The entire fencing not parallel and within 5 feet of the Building, including gates within the fencing, shall be constructed of a non-combustible material when any portion of the existing fencing within 5 feet is being replaced. Fencing beyond 5 feet from the Building is not required to be replaced with non-combustible material.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this Ordinance.

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**Item 174**

Section 607.1 is amended to read as follows:

**607.1 General.** ~~Firewood and~~ Combustible Materials shall not be stored in unenclosed spaces beneath Buildings or Structures, or on Decks or under eaves, canopies, or other projections or overhangs. ~~*Firewood piles shall be located 30 feet (9144 mm) or more from structures unless completely covered by a fire-resistant material. Exposed wood piles located within defensible space shall have a minimum clearance of 10 feet (3048 mm) down to bare mineral soil in all directions.*~~ Firewood shall not be stored within Zone 0.

**Purpose/Rationale:** This new amendment is in effect under the Districts Standards for Defensible Space and is being incorporated into this Ordinance.

**Item 175**

Section 607.1.1 is added to read as follows:

**607.1.1 Firewood piles.** The maximum amount of firewood storage for on-site consumption within Zones 1 and 2 shall not exceed 250 cubic feet. Each firewood pile shall not exceed 125 cubic feet and a maximum height of 4 feet. Firewood piles located in Zone 1 shall be completely enclosed in a secured, fire-resistant enclosure or material, and located a minimum of 5 feet from any Building. Exposed firewood piles in Zone 2 shall have a minimum clearance of 10 feet down to bare mineral soil in all directions. See Article 4, Appendix A for firewood storage exceeding 250 cubic feet.

**Purpose/Rationale:** This new amendment is in effect under the Districts Standards for Defensible Space and is being incorporated into this Ordinance with additional modifications to pile size and locations.

**Item 176**

Section 607.1.2 is added to read as follows:

**607.1.2 Combustible Materials.** Combustible Materials, other than vegetation, stored within Zones 1 and 2 shall not be stored so as to pose a hazard to any Building. Piles shall not exceed 100 square feet of area and a maximum height of 10 feet. Piles shall be separated by a minimum of 20-foot clear area.

**Purpose/Rationale:** This new amendment is in effect under the Districts Standards for Defensible Space and is being incorporated into this Ordinance with additional modifications to pile size and locations.

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**Item 177**

Section 607.2 is amended to read as follows:

**607.2 Storage for off-site use.** Firewood and Combustible Materials not for consumption on the premises shall not be stored ~~so as to not pose a hazard~~ within Zones 0, 1, and 2. See Article 4, Appendix A for storage requirements.

**Purpose/Rationale:** This new amendment provides reference to Appendix A for off-site storage requirements.

**Item 178**

Section 608.1.1 is added to read as follows:

**608.1.1 Restricted development setbacks.** New Structures and additions to existing Structures shall not be constructed less than 100 feet from any protected habitat, whether on the same or adjacent Parcels, where the 100-foot Defensible Space required under Article 4, Section 604.7 cannot be provided, unless an alternate method of construction and protection is provided that can ensure the safety of the Structure and emergency responders as approved by the Fire Code Official. Protected habitat includes lands restricted from brush clearance or modification due to Federal or State listed endangered species. Protected habitat does not include sensitive habitat areas.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried into this ordinance.

**Item 179**

Section 608.2 is amended to read as follows:

**608.2 General.** *All parcels shall provide a minimum 30-foot (9144 mm) setback for all buildings from property lines and the center of a road, except as provided for in* Article 4, *Section 608.2.1. [CCR T14 §1276.00(a)]* This section applies to new Tract and Parcel maps, new Buildings, and additions to Existing Buildings.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 180**

Section 608.2.1 is amended to read as follows:

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**608.2.1** ***Setback reduction.*** *A reduction in the minimum setback shall be based upon practical reasons, which may include but are not limited to, parcel dimensions or size; topographic limitations; Development density requirements or other Development patterns that promote low-carbon emission outcomes; sensitive habitat or other site constraints, and shall provide for an alternative method to reduce structure-to-structure ignition by incorporating* a combination of *features such as, but not limited to:*

1. *Non-combustible block walls or fences; or*

2. *Non-combustible material extending 5 feet (1524 mm) horizontally from the furthest extent of the building; or*

3. *Hardscape landscaping; or*

4. *A reduction of exposed windows on the side of the structure with setback less than 30 feet (9144 mm).*

5. ~~*The most protective requirements in Chapter 5.*~~

   *[CCR T14 §1276.01]*

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 181**

Section 609.2.7.1 is added to read as follows:

**609.2.7.1 Greenbelts.** Subdivisions and other developments, which propose Greenbelts as a part of the development plan, shall locate the Greenbelts strategically, as a separation between wildland fuels and Structures. The locations shall be approved by the inspection authority.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 182**

Section 609.2.7.2 is added to read as follows:

**609.2.7.2 Access to Greenbelts.** A minimum of one (1) access point shall be provided to new Greenbelts at an approved location to allow for on-going maintenance

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and firefighter access. Additional access points shall be provided when required by the Fire Code Official.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

Section 613 is added to read as follows:

**613 Correction and Notices.**

**Item 183**

Section 613.1 is added to read as follows:

**613.1 Correction of conditions.** The Fire Code Official is authorized to give notice to the owner of the property on which conditions regulated by Article 4, Sections 604, 606, 607, and Appendix A, exist to correct such conditions. The Fire Code Official may use the provisions for notice, abatement and collection of costs as provided by Article 4, Sections 613 through 615.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 184**

Section 613.2 is added to read as follows:

**613.2 Notice and prosecution.** The Fire Code Official shall serve a written order upon the owner or possessor of a Parcel, when in the opinion of the Fire Code Official, a Public Nuisance exists thereon. The order shall direct such owner or possessor to remove or abate the Public Nuisance within ten (10) Days after such order is given. Every owner or possessor who fails or refuses to abate said Public Nuisance from such Parcel as ordered shall be guilty of a misdemeanor. Evidence that the current County of Ventura assessment roll shows real property assessed to a Person shall constitute prima facia evidence that such Person is the owner of such property.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 185**

Section 613.2.1 is added to read as follows:

**613.2.1 Additional notices.** The 10-Day abatement period shall not apply for any additional notices the Fire Code Official may issue to a property owner or possessor

for abatement of the hazard identified in the original notice. A reduced abatement period may apply as indicated by the Fire Code Official on the additional notice. Additional notices may be posted upon the property in lieu of mailing.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

Section 614 is added to read as follows:

**614 Clearance Upon Default of Owner or Lessee.**

**Item 186**

Section 614.1 is added to read as follows:

**614.1 Notice.** The Fire Code Official may, instead of or in addition to following the procedure set forth in Article 4, Section 613, cause a notice to be mailed.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 187**

Section 614.2 is added to read as follows:

**614.2 Mailed notice.** If a notice is mailed, the Fire Code Official shall provide information specified in Article 4, Section 613 and shall include a description of the property according to that set forth on the County of Ventura assessment roll (Assessor Parcel Number – APN), to the last assessee of the property at the address given on said roll. The Fire Code Official shall also provide such notice, including description, to the Clerk of the Board of Directors three (3) Days prior to the Board hearing. The notice shall be mailed at least ten (10) Days before the Board of Directors meet to hear the report of the Fire Code Official regarding the alleged Public Nuisance. It shall be the responsibility of the owner of record in the current County of Ventura assessment roll to notify any new owner or possessor of the property of the notice that was received and forward the notice to the new owner or possessor of the property. It shall also be the responsibility of the current owner of record to notify the Fire District and the County of Ventura Assessor of this change in ownership in the manner specified by the County Assessor.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

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**Item 188**

Section 614.3 is added to read as follows:

**614.3 Hearing.** At the time and place stated in the notices, the Board of Directors shall meet to hear the report of the Fire Code Official and any objections thereto. The Fire Code Official shall attend, inform the Board as to the alleged Public Nuisance, and supply the description of the Parcel upon which it exists, APN, and state what has been done in order to give notice of the hearing according to the provisions of this Code. The Board may continue the hearing from time-to-time as it sees fit.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 189**

Section 614.4 is added to read as follows:

**614.4 Seasonal and re-occurring.** If the Board of Directors makes a finding of seasonal and re-occurring Combustible Materials upon the Parcel, no further public hearings are required before the Fire Code Official can issue a notice to abate the hazard and Article 4, Section 614.6 shall apply. Ref: California Health & Safety Code §14900.5

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 190**

Section 614.5 is added to read as follows:

**614.5 Clean-up order.** If, after a hearing, the Board of Directors finds that a Public Nuisance exists upon a Parcel, the Board may direct the Fire Code Official to abate the Public Nuisance. The Board shall maintain a record of its proceedings at such hearing and retain therewith the report of the Fire Code Official and a description of such Parcel (APN).

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 191**

Section 614.6 is added to read as follows:

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**614.6 Abatement.** If the Board of Directors directs the Fire Code Official to abate a Public Nuisance, the Fire Code Official shall proceed to abate such nuisance unless it has been completely abated before arrival to begin such abatement. The Fire Code Official may enter the property to abate the fire hazard in accordance with California Health and Safety Code Section 14901. The Fire Code Official may expend Fire District funds for such abatement and may contract with a Person or Persons for such abatement.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 192**

Section 614.7 is added to read as follows:

**614.7 Abatement of parcels not included in the annual Fire District Notification and Inspection program.** For parcels not receiving notice in accordance with Article 4, Sections 614.2 through 614.6, the Fire Code Official may use the provisions in accordance with Government Code (GC) Section 51186(a). When using this provision, said Parcels shall be considered a Public Nuisance in accordance with GC Section 51187.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

Section 615 is added to read as follows:

**615 Collection of the Cost of Abatement.**

**Item 193**

Section 615.1 is added to read as follows:

**615.1 Account of expenses.** The Fire Code Official shall keep an account of expenses when abating a Public Nuisance pursuant to an order by the Board of Directors and file the account thereof with the Board which shall include a description, according to the County of Ventura assessment roll, of the Parcel upon which such Public Nuisance existed.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 194**

Section 615.2 is added to read as follows:

**615.2 Confirmation of expense account.** The account of expenses shall be maintained on file, open to public inspection, in the office of the Clerk of the Board of Directors for at least ten (10) Days before a hearing of the Board to confirm such account. Before the expiration of such ten (10) Days, any Person may file a written request to be notified of such hearing. Upon confirmation, the Board shall mail notice to the address supplied for any such written request. At the time fixed for such hearing, the Board shall meet to hear any objections to the account of expenses filed by the Fire Code Official. At such hearing the Board may make any modification in the amount it deems just, after which the account shall be confirmed.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 195**

Section 615.3 is added to read as follows:

**615.3 Special assessment and lien.** The amount of expenses incurred by the Fire Code Official for abating a Public Nuisance when confirmed by the Board of Directors shall constitute a special assessment against the Parcel from which the said Public Nuisance was removed and a lien thereon for the amount of such assessment. In the case of common homeowner or property owner association land, the amount of expenses may be prorated and attached to each real Parcel of ownership within the association.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 196**

Section 615.4 is added to read as follows:

**615.4 Transmittal of account.** The Board of Directors shall deliver a copy of the account, as confirmed, to the County of Ventura Auditor on or before the 1st Day of August following such confirmation.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 197**

Section 615.5 is added to read as follows:

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**615.5 Inclusion of assessment.** The County of Ventura Auditor shall enter the amount stated in the account as a special assessment against the Parcel described in the account. The County of Ventura Tax Collector shall include the amount of the assessment on the bill for taxes levied against the Parcel. All laws applicable to the levy, collection, and enforcement of county taxes area applicable to such special assessments, except that if any real property to which such lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to such real property and the costs of abatement, as confirmed, relating to such real property shall be transferred to the unsecured roll for collection. All special assessments collected shall be paid into the Ventura County Treasury to be used on behalf of the Fire District.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 198**

Section 616 is added to read as follows:

**616 Recorded notices.** The Fire Code Official may record notices upon real property as follows:

1. To serve notice that the real property is subject to annual fire hazard abatement.

2. To serve notice of abatement fees due when the abatement occurs after the current year tax bill cycle.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.

**Item 199**

Section 616.1 is added to read as follows:

**616.1 Release of recorded notice.** The Fire Code Official shall record a Release of Notice within 30 Days whenever the conditions listed under Article 4, Section 616 no longer exist.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32 and is being carried over into this ordinance.



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Section 617 is added to read as follows:

**617 Defensible Space Inspection Upon Sale of Residential Property.**

**Item 200**

Section 617.1 is added to read as follows:

**617.1** Prior to sale, transfer, or exchange of ownership, or any real property subject to Civil Code Article 1.5 (Sections 1102 through 1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD), seller(s) of such real property shall be required to have a Defensible Space inspection conducted by the VCFPD to determine compliance with the applicable Defensible Space requirements of Article 4, Sections 604 through 607 of this ordinance.

**Purpose/Rationale:** This new amendment is being added into this ordinance. It clarifies the requirement for a defensible space inspection under Civil Code Article 1.5 (Sections 1102- 1102.19). Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102-1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

**Item 201**

Section 617.2 is added to read as follows:

**617.2** Satisfaction of Article 4, Section 617.1 may be met if an applicable Defensible Space inspection has been conducted by the VCFPD and approval has been issued within the previous six (6) months prior to the date of sales contract. In this case, the seller shall submit a request for the approved Defensible Space compliance report.

**Purpose/Rationale:** This new amendment is being added into this ordinance. It clarifies the requirement for a defensible space inspection under Civil Code Article 1.5 (Sections 1102- 1102.19). Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102-1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

**Item 202**

Section 617.3 is added to read as follows:

**617.3** The request for inspection under Article 4, Section 617.1, or compliance report under Article 4, Section 617.2, shall be made by the seller or seller's authorized agent.

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**Purpose/Rationale:** This new amendment is being added into this ordinance. It clarifies the requirement for a defensible space inspection under Civil Code Article 1.5 (Sections 1102- 1102.19). Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102-1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

**Item 203**

Section 617.4 is added to read as follows:

**617.4** If the required Defensible Space inspection report identifies violations of the applicable Defensible Space requirements of Article 4, Sections 604 through 607, the violations shall be corrected within thirty (30) Days from the date of the corrections report or the close of escrow date, whichever is earlier. A new Defensible Space inspection shall be requested after corrections have been made so a valid compliance report can be issued prior to close of escrow. If the seller cannot reasonably make the corrections prior to close of escrow, the seller and the buyer can agree that the buyer will correct the violations within sixty (60) Days after closing escrow, except as provided in Article 4, Section 617.5. A copy of any agreement shall be provided to the Fire District prior to close of escrow and shall include a statement that the buyer is aware of Article 4, Section 617.4.1 and assumes full responsibility for the corrections.

**Purpose/Rationale:** This new amendment is being added into this ordinance. It clarifies the requirement for a defensible space inspection under Civil Code Article 1.5 (Sections 1102- 1102.19). Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102-1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

**Item 204**

Section 617.4.1 is added to read as follows:

**617.4.1** If any corrections identified are not corrected in the time specified, the Fire Code Official may use the provisions of Government Code Section 51186 and/or Article 4, Sections 613 through 615, to correct the violations.

**Purpose/Rationale:** This new amendment is being added into this ordinance. It clarifies the requirement for a defensible space inspection under Civil Code Article 1.5 (Sections 1102- 1102.19). Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102-1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

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**Item 205**

Section 617.5 is added to read as follows:

**617.5** The owner of any property where a notice to abate fire hazard has been issued in accordance with Article 4, Sections 613 through 615, shall correct all violations within the timeframe indicated on the notice. If the correction date is after the projected close of escrow, the seller and buyer shall reach an agreement regarding correction by the date indicated on the notice. A copy of any agreement shall be provided to the Fire District prior to close of escrow and shall include a statement that the buyer is aware of Article 4, Section 617.4.1 and assumes full responsibility for the corrections.

**Purpose/Rationale:** This new amendment is being added into this ordinance. It clarifies the requirement for a defensible space inspection under Civil Code Article 1.5 (Sections 1102- 1102.19). Article 4, Chapter 6 of this ordinance is the local Vegetation Management Ordinance for the purposes of Civil Code Article 1.5 (Sections 1102-1102.19) within the jurisdictional boundaries of the Ventura County Fire Protection District (VCFPD).

## APPENDIX A

## GENERAL REQUIREMENTS

**Item 206**

Section A101.2 is amended to read as follows:

**A101.2 Objective.** The objective of this appendix is to provide necessary fire protection measures to reduce the threat of wildfire in a Wildland-Urban Interface Area and improve the capability of controlling such fires. These measures also provide for increased first responder and public safety during an emergency.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 207**

Section A102.1 is amended to read as follows:

**A102.1 General.** Vegetation control shall comply with Article 4, Sections A102.2 through A102.4 and with Article 4, Chapter 6.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 208**

Section A102.4 is amended to read as follows:

**A102.4 Correction of condition.** See Article 4, Sections 513 through 616.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 209**

Section A104.1 is amended to read as follows:

**A104.1 General.** In addition to the requirements of other sections of this Code, ignition sources shall be ~~controlled~~ in accordance with Article 4, Sections A104.2 through ~~A104.10~~ A104.9 and includes, but not limited to, electrical panels, flare stacks, generators, fixed equipment, and machinery capable of producing sparks.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 210**

Section A104.3 is amended to read as follows:

**A104.3 Clearance from ignition sources.** Clearance between ignition sources and grass, brush, or other Combustible Materials shall be maintained at not less than 30 feet (9144 mm). A reduced distance may be approved but shall not be less than 15 feet (4572 mm), when a non-combustible barrier is provided between the ignition source and the grass, brush, and Combustible Materials.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

Section A104.3.1 is added to read as follows:

**A104.3.1 Flammable and hazardous material processes, storage, and use.**

**Item 211**

Section A104.3.1.1 is added to read as follows:

**A104.3.1.1 General.** In addition to the requirements of other sections of this Code, flammable and hazardous material processes, storage, and use shall be in accordance with Article 4, Sections A104.3.1.2 and A104.3.1.3.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 212**

Section A104.3.1.2 is added to read as follows:

**A104.3.1.2 Clearance from Combustible Materials.** Clearance between flammable and hazardous material processes, storage, and use areas and any grass, brush, or other Combustible Materials shall be maintained a minimum of 30 feet. A reduced distance may be approved, but shall not be less than 15 feet, when a non-combustible barrier is provided between the flammable and hazardous material processes, storage, and use areas and the grass, brush, and Combustible Materials.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 213**

Section A104.3.1.3 is added to read as follows:

**A104.3.1.3 Oil drilling operations.** A minimum 100-foot clearance from grass, brush, or other Combustible Materials shall be maintained from any oil well drilling operations.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

Section A104.5.1 is added to read as follows:

**A104.5.1 Use of equipment.**

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**Item 214**

Section A104.5.1.1 is added to read as follows:

**A104.5.1.1 General.** Except as otherwise provided in this section, no Person shall use, operate or cause to be operated, in upon or adjoining any WUI area, any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with an approved spark arrestor maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 215**

Section A104.5.1.2 is added to read as follows:

**A104.5.1.2 Location.** Spark arrestors affixed to the exhaust system of engines or vehicles subject to Article 4, Section A104.5.1 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 216**

Section A104.5.1.3 is added to read as follows:

**A104.5.1.3 Construction.** A spark arrestor is a device constructed of non-flammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 inches in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service (USFS) and bears a USFS approval stamp.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 217**

Section A104.5.1.4 is added to read as follows:

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**A104.5.1.4 Other vehicles.** Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to Article 4, Section A104.5.1 if the exhaust system is equipped with a muffler as defined in the California Vehicle Code and the muffler is maintained in proper working condition.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 218**

Section A104.5.1.5 is added to read as follows:

**A104.5.1.5 Turbocharged engines.** Turbocharged engines are not subject to Article 4, Section A104.5.1 if all exhaust gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 219**

Section A104.5.1.6 is added to read as follows:

**A104.5.1.6 Private closed courses.** Article 4, Section A104.5.1 shall not apply to an organized closed course facility if measures to prevent, control, and extinguish any fire resulting from use of internal combustion engines are approved by the Fire Code Official. A Fire Protection Plan may be required.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 220**

Section A104.5.2 is added to read as follows:

**A104.5.2 Tracer bullets, tracer charges, rockets, and model aircraft.** Tracer bullets and tracer charges shall not be processed, fired, or caused to be fired into or across any WUI area. Rockets, model aircraft, balloons, or similar devices, powered with an engine, propellant, or other feature liable to start or cause a fire shall not be fired or projected into or across any WUI area.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 221**

Section A104.5.3 is added to read as follows:

**A104.5.3 Outdoor gun ranges and target shooting.** Outdoor gun ranges and target shooting shall be situated to prevent fires spreading into a WUI area. Any gun range located within a WUI area shall be provided with a 30-foot wide area clear of combustible vegetation around the entire range and a 10-foot wide area clear of combustible vegetation around individual targets.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 222**

Section A104.7.1 is amended to read as follows:

**A104.7.1 ~~General~~ Permits.** ~~Persons shall not build,~~ No Person shall ignite, kindle, or maintain ~~any outdoor fire of any kind for any purpose~~ Open Burning or a portable outdoor fireplace in ~~or on any~~ a wildland fire area except by the authority of a written permit from the Fire Code Official or when by an approved California Campfire Permit issued by the California Wildland Coordinating Group. For the purpose of this section, a wildland fire area is land which is covered by grass, grain, brush, or forest whether privately or publicly owned.

~~**Exception:** Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are not less than 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.~~

**Exceptions:**

1. Recreational Fires and portable outdoor fireplaces on properties of one and two-family dwellings when the fire is within 75 feet of the dwelling and there is a minimum of 100 feet of Defensible Space for the Structure.

2. Designated campsites where such fires are in a permanent barbeque, portable barbeque, outdoor fireplace, incinerator, or grill.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 223**

Section A104.7.2 is amended to read as follows:

~~**A104.7.2: Permits.** Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under any of the following conditions:~~

~~1. When high winds are blowing.~~

~~2. When a person 17 years old or over is not present at all times to watch and tend such fire.~~

~~3. When a public announcement is made the open burning is prohibited.~~

**A104.7.2 Additional requirements.** In addition to the requirements of this Code for Open Burning and portable outdoor fireplaces, the following requirements shall apply:

1. Fire shall be extinguished when winds of 15 miles per hour or higher are present.

2. The Fire Code Official may incorporate such terms and conditions that will reasonably safeguard public safety and property.

3. A responsible Person of at least 17 years old is present to attend to the fire.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

Section A104.10 is deleted.

**Item 224**

Section A105.1 is amended to read as follows:

**A105.1 General.** In addition to the requirements of the ~~International~~ Ventura County Fire Code and Article 4, Chapter 6, storage and use of the materials shall be in accordance with Article 4, Sections A105.2 through A105.4.2.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 225**

Section A105.4 is amended to read as follows:

**A105.4 Combustible Materials.** Outside storage of Combustible Materials such as, but not limited to, wood, rubber tires, building materials, or paper products shall comply with the other applicable sections of this Code and this section. Storage of pallets shall be in accordance with Article 3, Section 2810. Storage and processing of wood chips, hogged materials, fines, Compost, Compostable Material, Mulch, solid biomass, raw product, and combustible yard waste and recycle material shall be in accordance with Article 3, Section 2808.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 226**

Section A105.4.1 is amended to read as follows:

**A105.4.1 Individual piles.** Individual piles shall be located a minimum of 100 feet from a Building and shall not exceed 5,000 square feet of contiguous area. Piles shall not exceed 50,000 cubic feet in volume or 10 feet in height.

**Exception:** Piles not exceeding 1,000 cubic feet and 10 feet in height shall be located a minimum of 40 feet from any Building.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 227**

Section A105.4.2 is amended to read as follows:

**A105.4.2 Separation.** A clear space of not less than 40 feet shall be provided between piles. A minimum 10-foot clear space shall be provided for piles less than 1,000 cubic feet. The clear space shall not contain Combustible Material or ~~nonfire-resistive~~ vegetation.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 228**

Section A108.1 is amended to read as follows:

**A108.1 General.** ~~Temporary fairs, carnivals,~~ Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions, and similar uses located within a WUI area must comply with all other provisions of this Code ~~in addition to enhanced ingress and egress requirements~~ and this section.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 229**

Section A108.2 is amended to read as follows:

**A108.2** The increased public use of land or Structures within ~~wildland-urban interface areas~~ a WUI area also increases the potential threat to life safety. The provisions of this section, including enhanced access for ingress and egress, are intended to reduce that threat.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 230**

Section A108.3 is amended to read as follows:

**A108.3 Permits.** ~~Temporary fairs, carnivals,~~ Festivals, animal shows, concerts, weddings, religious revival meetings, public exhibitions, ~~or~~ and similar uses shall not be allowed within a designated ~~wildland-urban interface area~~ WUI area, except by permit from the Fire Code Official. Permits shall incorporate such terms and conditions that will reasonably safeguard public and emergency responder safety and property protection. Items to consider include, but are not limited to, type of event, attendance, time of year, site location, terrain, surrounding Fuels (brush), access roadways, water supplies, and distance to fire stations.

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**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

**Item 231**

Section A108.4 is amended to read as follows:

**A108.4 Access roadways.** In addition to the requirements in ~~Section 403~~ Article 3, Appendix D, increased access roadway~~s shall be not less than 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area~~ widths and additional access may be required by the Fire Code Official. When required by the Fire Code Official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

**Purpose/Rationale:** This amendment is currently in effect under Ordinance 32, Chapter 49 and is being carried over into this ordinance as part of the adoption of the California Wildland-Urban Interface Code and the International Wildland-Urban Interface Code.

## APPENDIX J

## FINDINGS

**Item 232**

Appendix J is added to read as follows:

**SECTION J101 – FINDINGS**

Section J101.1 is added to read as follows:

**J101.1 Findings.** The Board of Directors find that the findings, made by the California State Legislature during the approval of the State Statutes and reprinted herein, support and authorize the local amendments to the 2025 California Wildland-Urban Interface Code as adopted by the California State Fire Marshal.

Section J101.1.1 is added to read as follows:

**J101.1.1** Government Code Section 51175 The Legislature hereby finds and declares as follows:

(a) Wildfires are extremely costly, not only to property owners and residents, but also to local agencies. Wildfires pose a serious threat to the preservation of the public peace, health, or safety. The wildfire front is not the only source of risk since

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embers, or firebrands, travel far beyond the area impacted by the front and pose risk of ignition to a structure or fuel on a site for a longer time. Since fires ignore civil boundaries, it is necessary that cities, counties, special districts, state agencies, and feeral agencies work together to bring raging fires under control. Preventive measures are therefore needed to ensure the preservation of the public, peace, health, or safety.

(b) The prevention of wildland fires is not a municipal affair, as that team is used in Section 5 of Article XI of the California Constitution, but instead, a matter of statewide concern. It is the intent of the Legislature that this chapter apply to all local agencies, including, but not limited to, charter cities, charter counties, and charter cities and counties. This subdivision shall not limit the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

(c) It is not the intent of the Legislature in enacting this chapter to limit or restrict the authority of a local agency to impose more restrictive fire and public safety requirements, as otherwise authorized by law.

Section J101.1.2 is added to read as follows:

**J101.1.2** Assembly Bill 38 Chaptered October 2, 2019. The Legislature finds and declares all of the following:

(a) Climate change has resulted in higher year-long temperatures and increasing dry weather conditions in California, resulting in extended, sometimes multiyear, droughts; extended wildfire seasons throughout the year, with higher temperatures during dry season conditions; and impacts on vegetation wildfire fuel loads and increasing decay and loss of vegetation due to insect infestations and plant diseases.

(b) Wildfires have grown larger and have increased in intensity over the last several decades. As compared with 1986, wildfires in the western United States have occurred nearly four times more often, burning more than six times the land area and lasting almost five times as long. Through the end of 2017 calendar year, 11 of the 20 most destructive wildfires in California have occurred in the last 10 years. The 2018 calendar year witnessed the most destructive wildfires in California history in terms of the loss of life and structures.

(c) In terms of the size of wildfires, in the last decade, enormous wildfires have consumed vast areas, including the 2013 Rim Fire impacting national park and national forest lands, the 2017 Napa Valley, Sonoma Valley, and Santa Rosa wildfires, the 2017 Thomas Fire impacting 200,000 acres, and the 2018 Camp

Fire.

(d) Wildfires, which have impacted occupied areas, have resulted in enormous human and financial costs, including the following:

(1) The 1991 Berkley-Oakland Tunnel Fire, which resulted in 25 deaths, the loss of more than 3,000 homes, and a total financial loss of $1.5 billion in 1991 United States dollars.

(2) The 2003 San Diego Cedar Fire, which resulted in 15 deaths and the loss of 2,000 structures.

(3) The 2017 Tubbs Fire, which resulted in 22 deaths, the loss of 5,643 structures, and a total financial loss of approximately $1.3 billion in 2017 United States dollars.

(4) The 2017 Thomas Fire, which resulted in 2 deaths, the loss of more than 1,000 homes, and a total financial loss of approximately $2.2 billion in 2018 United States dollars.

(5) The 2018 Camp Fire, which resulted in 89 deaths, the loss of 18,804 structures, and at least $12.4 billion in 2018 United States dollars in insured losses.

(e) More than 2,000,000 California households, approximately one in four residential structures in California, are located within or in wildfire movement proximity of “high” or “very high” fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection. Additionally, areas subject to seismic risks confront the likelihood that wildfires could result from downed power lines and ruptures of natural gas lines caused by earthquakes.

(f) There is a pressing need for wildfire prevention and minimization strategies, on an area-specific basis, that combine increased wildfire resistance within developed areas to minimize wildfire impacts with comprehensive vegetation management measures in wildlands to prevent or severely limit large-scale wildfires from developing and spreading as follows:

(1) Wildfire minimization programs. Developed areas need to carry out comprehensive urban vegetation management programs to reduce vegetation wildfire fuel loads within developed areas. Further, there is a need to provide funding for the hardening of homes and other structures to increase their resistance to wildfires.

(2) Wildfire prevention programs. Comprehensive wildlands vegetation management, responsive to the widely varying vegetation conditions

throughout California, is required to reduce vegetation wildfire fuel loads, in relation to the flammability of different vegetation types, to the maximum extent feasible to prevent or severely limit the spread of wildfires.

(3) Wildfire response planning. Area-specific plans should include measures needed to include planning for safe wildlands access for firefighters to the maximum extent feasible.

(g) The diversity of vegetation and development patterns through the state necessitate a geographic approach to planning and implementing wildfire prevention and minimization strategies with fire prevention management agencies covering the geographic areas in which wildfires have or may occur.

(h) Local public agencies have made efforts to prevent wildfires, but, in many instances, lack the expertise, authority, or the financial resources to undertake or complete the tasks at hand.

(i) Wildfires do not respect jurisdictional boundaries or property lines.

Section J101.1.3 is added to read as follows:

**J101.1.3** Assembly Bill 3074 Chaptered September 29, 2020.

(a) The Legislature finds and declares all of the following:

(1) Catastrophic wildfires pose an urgent threat to lives, properties, and resources in California. The state experienced the deadliest and most destructive wildfires in its history in 2017 and 2018. Fueled by five years of drought, unprecedented buildup of dry vegetation, and extreme winds, the size and intensity of recent wildfires caused the loss of more than 100 lives, the destruction of tens of thousands of homes and businesses, and the exposure of millions of urban and rural Californias to unhealthy air. Compared with fire activities in 1986, recent wildfires in the western United States have occurred nearly four times more often, burned more than six times the land area, and lasted almost five times as long.

(2) Climate change, an epidemic of dead and dying trees, a century of fire exclusion, and the proliferation of new homes in the wildland-urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25,000,000 acres of California wildlands are classified as under very high or extreme fire threat, extending that risk over one-half of the state. More than 2,000,000 California households and approximately one in four residential structures in California are located within or near “high” or

"very high" fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection.

(3) Certain populations in the state are particularly vulnerable to wildfire. These Californians live in communities that face near-term public safety threats given their location and geography. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates that vulnerability.

(4) While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, the intensity of the wildfire threat in California warrants higher levels of action and fortitude. California must develop scalable statewide options to encourage cost-effective structure hardening to create fire-resistant homes, businesses, and public buildings within wildfire hazard areas, with a focus on vulnerable communities.

(5) California must also increase the pace and scale of defensible space assessments, inspections, and community education across the state. Creating and maintaining defensible space is essential for increasing a home's chance of surviving a wildfire. California should encourage and use all available resources, including community organizations and local governments, to help homeowners and businesses understand how to create and maintain defensible space around their properties.

(6) Ember ignitions are responsible for the majority of wildland fire home ignitions. Establishing a five-foot ember-resistant zone around a structure to eliminate specified materials near structures that will likely be ignitied by embers provides important new protections that enhance a home's chance of surviving a wildfire.

**Purpose/Rationale:** These amendments are currently in effect under Ordinance 32, Section 4912. They are intended to further support and authorize the local amendments to the 2025 California Wildland-Urban Interface Code as adopted by the California State Fire Marshal.

**ARTICLE 5 - EFFECTIVE DATE**

This ordinance shall be effective 30 days from the date of its final passage or January 1, 2026, whichever is later.

In addition, upon ratification by the legislative body of the County of Ventura or of any city where Article 3, Section 903; Article 3, Appendix B; and Article 4, Section 604.11 are adopted to apply, pursuant to subdivision (c) of Health and Safety Code Section 13869.7, the aforementioned provisions shall apply upon the effective date of this Ordinance or upon the date of said ratification or adoption by the County or any city, whichever is later.

PASSED AND ADOPTED this _____ day of _____, 2025, by the following vote:

AYES: Directors _____

NOES: Directors _____

ABSENT: Directors _____

_____
CHAIR, BOARD OF DIRECTORS
COUNTY OF VENTURA

ATTEST:

SEVET JOHNSON
Clerk of the Board of Directors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board

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**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: James Mason, Community & Economic Development Director

Subject: ORDINANCE NO. 1349 ADOPTING BY REFERENCE THE CALIFORNIA BUILDING STANDARDS CODE, 2025 EDITION (CALIFORNIA CODE OF REGULATIONS, TITLE 24), THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE

Date: November 5, 2025

Agenda Item: 11.A

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## RECOMMENDATION:

Staff recommends that the City Council:

1. Open the public hearing, receive comment, close the public hearing.
2. Adopt Ordinance No. 1349, entitled "An Ordinance of the City Council of the City of Santa Paula amending Sections 150.001, 150.015, 150.025, 150.045, 150.055, 150.075, 150.085, 150.150, 150.160, 150.170, 150.180, 150.190, and adding 150.200 and 150.210, of Chapter 150 of the Santa Paula Municipal Code to adopt by reference the California Building Standards Code, 2025 Edition, (California Code of Regulations, Title 24) including the 2025 California Administrative Code; Volumes 1 and 2 of the 2025 California Building Code; the 2025 California Residential Code including Appendices AH Patio Covers, AJ Existing Structures, and AX Swimming Pool Safety Act; the 2025 California Electrical Code; the 2025 California Mechanical Code; the 2025 California Plumbing Code including Appendix M Peak Water Demand Calculator; the 2025 California Energy Code; the 2025 California Wildland-Urban Interface Code; the 2025 California Historical Building Code; the California Existing Building Code; the 2025 California Green Building Standards Code; the 2025 California Referenced Standards Code; the 2024 International Property Maintenance Code; and the 2024 International Swimming Pool and Spa Code"

**Presented by: James Mason, Community & Economic Development Director**

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## BACKGROUND:

New editions of California Building Standards Code (CBSC) codified as Title 24 of the California Code of Regulations (CCR), are published every three years in a triennial cycle with supplemental information published during mid-cycle years. Publication of triennial editions of the CCR began in 1989. The most recent version of the code last adopted by the city was the 2022 edition published July 1, 2022. The California Health and Safety Code requires local

governments to adopt the most current editions of the model codes related to construction. The new 2025 California Building Standards Code, Title 24, will become effective January 1, 2026 and are the minimum regulated codes adopted by the State of California for construction. All jurisdictions are required to adopt the updated codes in order to maintain local consistency with state requirements.

As a part of the code updates and revisions the city may adopt the International Property Maintenance Code (IPMC) and the 2024 International Swimming Pool and Spa Code (ISPSC). The IPMC is a model code that regulates the minimum maintenance requirements for existing buildings. It is a document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. The ISPSC is a model code that establishes minimum requirements for the design, construction, alteration, repair and maintenance of swimming pools, spas, hot tubs and aquatic facilities.

These 2022 California codes to be updated and added are as follows:

Part 1 California Administrative Code; Part 2 California Building Code Volumes 1 and 2; Part 2.5 California Residential Code; Part 3 California Electrical Code; Part 4 California Mechanical Code; Part 5 California Plumbing Code; Part 6 California Energy Code; Part 7 California Wildland-Urban Interface Code; Part 8 California Historical Building Code; Part 9 California Fire Code; Part 10 California Existing Building Code; Part 11 California Green Building Standards Code; Part 12 California Referenced Standards Code; The 2024 International Property Maintenance Code; and the 2024 International Swimming Pool and Spa Code.

**ANALYSIS:**

The 2025 edition of California Building Standards Commission's (CBSC), California Code of Regulations, Title 24 (CCR) are the standards for construction. These codes are adopted by the State from the 2024 International Code Council's model codes and will go in to effect January 1, 2026. The 2024 International Property Maintenance Code (IPMC) are standards for property maintenance code compliance, and the 2024 International Swimming Pool and Spa Code (ISPSC) are the standards for the construction and maintenance of pools, spas, hot tubs, and aquatic facilities. The IMPC and the ISPSC have provisions that the California Building Standards Code do not have.

Government Code Section 50022.3 establishes the following procedure for adopting another code by reference, which is different from the City's usual procedure:

- At the first meeting, Council is to consider, introduce and waive first reading of the ordinance after holding a public hearing; the public hearing is not noticed. This took place at the October 15, 2025 City Council regular meeting.
- At a second meeting, a noticed public hearing is held to adopt the ordinance. Notice of this public hearing must be published twice in a local newspaper at least 14 days before the public hearing. The City Council may then adopt the ordinance at the conclusion of the public hearing. This is what is taking place at tonight's meeting.

**STRATEGIC PLAN:**

N/A

**FISCAL IMPACTS:**

There is no fiscal impact.

**OPTIONS:**

As an alternative to Staff's recommendation, the City Council may:

1. Reject Staff's recommendation. Doing so, however, would result in the City code misaligning with the 2025 edition of California Building Standards Code (California Code of Regulations, Title 24), the 2024 International Property Maintenance Code, and 2024 International Swimming Pool and Spa Code for the City of Santa Paula Building and Safety Division, resulting in non-compliance with current building code development, and health and safety standards set by state law.

**ATTACHMENTS:**

A - Ordinance No. 1349 Building Codes Adoption

**ORDINANCE NO. 1349**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA AMENDING SECTIONS 150.001, 150.015, 150.025, 150.045, 150.055, 150.075, 150.085, 150.150, 150.160, 150.170, 150.180, AND 150.190 AND ADDING SECTIONS 150.200 AND 150.210 OF CHAPTER 150 OF THE SANTA PAULA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2025 EDITION OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CALIFORNIA CODE OF REGULATIONS, TITLE 24) INCLUDING THE 2025 CALIFORNIA ADMINISTRATIVE CODE; VOLUMES 1 AND 2 OF THE 2025 CALIFORNIA BUILDING CODE; THE 2025 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDICES AH PATIO COVERS, AJ EXISTING BUILDINGS AND STRUCTURES, AX SWIMMING POOL SAFETY ACT; THE 2025 CALIFORNIA ELECTRICAL CODE; THE 2025 CALIFORNIA MECHANICAL CODE; THE 2025 CALIFORNIA PLUMBING CODE; THE 2025 CALIFORNIA ENERGY CODE; THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE; THE 2025 CALIFORNIA HISTORICAL BUILDING CODE; THE 2025 CALIFORNIA EXISTING BUILDING CODE; THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2025 CALIFORNIA REFERENCED STANDARDS CODE; THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE

The City Council of the City of Santa Paula ordains as follows:

SECTION 1. RECITALS.

A. California Government Code Sections 50022.1 et seq. authorizes the City of Santa Paula ("City") to adopt by reference the California Building Standards Code, 2025 edition (California Code of Regulations Title 24,), including certain uniform codes including the 2025 California Administrative Code, the 2025 California Building Code, the 2025 California Residential Code, including Appendices AH Patio Covers, AJ Existing Buildings and Structures, AX Swimming Pool Safety Act, the 2025 California Electrical Code, the 2025 California Mechanical Code, the 2025 California Plumbing Code, the 2025 California Energy Code, the 2025 California Wildlife-Urban Interface Code; the 2025 California Historical Building Code, the 2025 California Existing Building Code, the 2025 California Green Building Standards Code, the 2025 California Referenced Standards Code, as well as the 2024 International Property Maintenance Code, and the 2024 International Swimming Pool And Spa Code.

B. The City Council previously adopted the 2022 edition of the California Building Standards Code as adopted by the State of California Building Standards

Commission in Title 24 of the California Code of Regulations.

C. The City now desires to adopt the provisions of the 2025 California Building Standards Code.

D. The City Council previously adopted the 2021 edition of the International Property Maintenance Code as published by the International Code Council.

E. The City now desires to adopt the provisions of the 2024 International Property Maintenance Code as published by the International Code Council.

F. The City now desires to adopt the provisions of the 2024 International Swimming Pool and Spa Code as published by the International Code Council.

G. The City held a public hearing on November 5, 2025, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the California Building Standards Commission, California Code of Regulations as amended herein.

H. The City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066.

I. Any and all other legal prerequisites relating to the adoption of this ordinance have occurred.

SECTION 2: Sections 150.001, 150.015, and 150.025 of Chapter 150 of the Santa Paula Municipal Code are hereby amended to read as follows (where stricken text indicates deletions and underlined text indicates additions):

**"CALIFORNIA ADMINISTRATIVE CODE**

**§ 150.001 CALIFORNIA ADMINISTRATIVE CODE ADOPTED BY REFERENCE.**

Pursuant to Cal. Gov't code §§ 50022.1 et seq., Title 24, Part 1 of the California Code of Regulations, namely the ~~2022~~ 2025 California Administrative Code, as published by the California Building Standards Commission, is hereby adopted by reference. This section will not be applicable to §§ 150.035 and 150.036, Chapter 151, and Chapter 16.106."

**CALIFORNIA BUILDING CODE**

**§ 150.015 CALIFORNIA BUILDING CODE ADOPTED BY REFERENCE.** Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 2 of the California Code of Regulations, namely the ~~2022~~ 2025 California Building Code, as published by the California Building Standards Commission, is hereby adopted by reference.

**CALIFORNIA PLUMBING CODE**

**§ 150.025 CALIFORNIA PLUMBING CODE ADOPTED BY REFERENCE.**

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 5 of the California Code of Regulations, namely the ~~2022~~ 2025 California Plumbing Code, as published by the California Building Standards Commission, is hereby adopted by reference."

SECTION 3: Sections 150.040, 150.045, 150.055, 150.075, and 150.085 of Chapter 150 of the Santa Paula Municipal Code are hereby amended to read as follows (where stricken text indicates deletions and underlined text indicates additions):

**"~~INTERNATIONAL URBAN-WILDLAND INTERFACE CODE~~**

~~§ 150.040 ADOPTED BY REFERENCE.~~

~~That certain code known as the International Urban-Wildland Interface Code 2012 Edition is adopted by reference.~~

**CALIFORNIA ELECTRICAL CODE**

**§ 150.045 CALIFORNIA ELECTRICAL CODE ADOPTED BY REFERENCE.**

Pursuant to Cal. Gov't code §§ 50022.1 et seq., Title 24, Part 3 of the California Code of Regulations, namely the ~~2022~~ 2025 California Electrical Code, as published by the California Building Standards Commission, is hereby adopted by reference.

**CALIFORNIA MECHANICAL CODE**

**§ 150.055 CALIFORNIA MECHANICAL CODE ADOPTED BY REFERENCE.** Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part ~~4~~ of the California Code of Regulations, namely the ~~2022~~ 2025 California Mechanical Code, as published by the California Building Standards Commission, is hereby adopted by reference.

**CALIFORNIA RESIDENTIAL CODE**

**§ 150.075 CALIFORNIA RESIDENTIAL CODE ADOPTED BY REFERENCE.**

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 2.5 of the California Code of Regulations, namely the ~~2022~~ 2025 California Residential Code including Appendices AH Patio Covers, AJ Existing Buildings and Structures, and AX Swimming Pool Safety Act, as published by the California Building Standards Commission, is hereby adopted by reference.

"§ 150.075 California Residential Code Table R301.2 Added & Revised by filling the table values as follows:

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| SEISMIC DESIGN CAT. | SUBJECT TO DAMAGE FROM | | | ICE BARRIER UNDERLAYMENT REQUIRED | FLOOD HAZARDS | AIR FREEZING INDEX | MEAN ANNUAL TEMP. |
|---|---|---|---|---|---|---|---|
| | WEATHERING | FROST LINE DEPTH | TERMITE | | | | |
| $D_2$ OR E | NEGLIGIBLE | >12" | VERY HEAVY | NO | May 2025 | NONE | 61.8 $^{O}$ F<br>16.6 $^{O}$ C |
| **MANUAL J DESIGN CRITERIA** | | | | | | | |
| Indoor winter design dry-bulb temperature | Indoor winter design dry-bulb temperature | | | Outdoor winter design dry-bulb temperature | | Heating temperature difference | |
| 70 $^{o}$F<br>(21.11 $^{o}$C) | 70 $^{o}$F<br>(21.11 $^{o}$C) | | | 34 $^{o}$F<br>(1.11 $^{o}$C) | | 36 $^{o}$F<br>(2.2 $^{o}$C) | |
| Indoor Summer design relative humidity | Indoor Summer design dry-bulb temperature | | | Outdoor Summer design dry-bulb temperature | | Cooling temperature difference | |
| 50% RH | 75 $^{o}$F<br>(23.9 $^{o}$C) | | | 1% dry-bulb ≈ 80.6 $^{o}$F<br>(27 $^{o}$C) | | 6 $^{o}$F<br>(-14.4 $^{o}$C) | |

| GROUND SNOW LOAD | WIND DESIGN | | | |
|---|---|---|---|---|
| | SPEED (MPH) | TOPOGRAPHIC EFFECTS | SPECIAL WIND REGION | WINDBORNE DEBRIS ZONE |
| ZERO | 110 | NO | NO | NO |
| | | | | |
| Elevation | | | Altitude correction factor | Coincident wet bulb |
| 279 ft (85 m) | | | +0.08 in Hg | 67 °F (19.44 °C) |
| Latitude | | | Daily Range | Indoor Summer design relative humidity |
| 34° 21’12.6” N | | | Light variation | 50% RH |

## CALIFORNIA GREEN STANDARDS CODE

### § 150.085 CALIFORNIA GREEN BUILDING STANDARDS CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 11 of the California Code of Regulations, namely the ~~2022~~ 2025 California Green Building Standards Code, as published by the California Building Standards Commission, is hereby adopted by reference."

SECTION 4: Sections 150.150, 150.160, 150.170, 150.180, and 150.190 of Chapter 150 of the Santa Paula Municipal Code are hereby amended to read as follows (where stricken text indicates deletions and underlined text indicates additions):

## INTERNATIONAL PROPERTY MAINTENANCE CODE

### § 150.150 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., that certain code known as the International Property Maintenance Code, ~~2021~~ 2024 Edition, published by the International Code Council, is hereby adopted by reference.

## CALIFORNIA ENERGY CODE

### § 150.160 CALIFORNIA ENERGY CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 6 of the California Code of Regulations, namely the ~~2022~~ 2025 California Energy Code, as published by the California Building Standards Commission, is hereby adopted by reference.

## CALIFORNIA REFERENCED STANDARDS CODE

### § 150.170 CALIFORNIA REFERENCED STANDARDS CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 12 of the California Code of Regulations, namely the ~~2022~~ 2025 California Referenced Standards Code, as published by the California Building Standards Commission, is hereby adopted by reference.

## CALIFORNIA EXISTING BUILDING CODE

### § 150.180 CALIFORNIA EXISTING BUILDING CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 10 of the California Code of Regulations, namely the ~~2022~~ 2025 California Existing Building Code, as published by the California Building Standards Commission, is hereby adopted by reference.

## CALIFORNIA HISTORICAL BUILDING CODE

### § 150.190 CALIFORNIA HISTORICAL BUILDING CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 8 of the California Code of Regulations, namely the ~~2022~~ 2025 California Historical Building Code, as published by the California Building Standards Commission, is hereby adopted by reference."

SECTION 5: Sections 150.200 and 150.210 of Chapter 150 of the Santa Paula Municipal Code are hereby added to read as follows:

"**CALIFORNIA WILDLIFE-URBAN INTERFACE CODE**

### § 150.200 CALIFORNIA WILDLAND-URBAN INTERFACE CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., Title 24, Part 7 of the California Code of Regulations, namely the 2025 California Wildland-Urban Interface Code, as published by the California Building Standards Commission, is hereby adopted by reference.

## INTERNATIONAL SWIMMING POOL AND SPA CODE

### § 150.210 INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED BY REFERENCE.

Pursuant to Cal. Gov't Code §§ 50022.1 et seq., that certain code known as the International Swimming Pool and Spa Code, 2024 edition, published by the International Code Council, is hereby adopted by reference."

SECTION 6: All references to the Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, Wildland-Urban Interface, and Referenced Standards Codes, as well as the International Property Maintenance Code and the International Swimming Pool and Spa Code, and/or the Santa Paula Code by that name in the Santa Paula Municipal Code, City forms, City documents, or City regulations shall be construed to refer to the codes adopted herein and as amended hereinafter.

SECTION 7: One (1) complete copy of each of these Santa Paula codes, including all of the codes adopted by reference, shall be maintained in the office of the Building Official and available for public review.

SECTION 8: In the event there are conflicts between the provisions of these codes and other codes or provisions adopted by the City, the most restrictive provision shall apply.

SECTION 9: Repeal of Conflicting Ordinances. All prior ordinances or parts conflicting or inconsistent with the provisions of this ordinance are hereby repealed

SECTION 10: Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 11: Publication. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and with fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the Office Of the City Clerk, in accordance with California Government Code Section 36933.

SECTION 12: Effective Date. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on January 1, 2026, which is to be no less than thirty (30) days from and after the date of its final passage and adoption.

SECTION 13: CEQA. The City Council finds that this ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act (CEQA) guidelines because it has no potential to cause direct or indirect physical changes to the environment. Alternatively, the ordinance is also exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA guidelines because.it can be seen with certainty that adoption of this ordinance will not have a significant adverse effect on the environment. The codes adopted herein are dictated by the California Buildings Standards Code and are their adoption by reference is purely administrative. Staff is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Santa Paula, California on the 5th day of November, 2025.

_____
Pedro Chavez, Mayor

ATTEST:

_____
Julie Latshaw, City Clerk

APPROVED AS TO FORM:

_____
Monica Castillo, City Attorney

CITY OF SANTA PAULA )
COUNTY OF VENTURA ) §
STATE OF CALIFORNIA )

I, Julie Latshaw, City Clerk of the City of Santa Paula, California, do hereby certify that the foregoing ordinance No. 1349 was introduced and given first reading on the 15th day of October 2025 upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and was PASSED AND ADOPTED UPON SECOND READING on the 5th day of November 2025 upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Julie Latshaw, City Clerk

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dan Singer, City Manager

Subject: AGREEMENT WITH THE SANTA PAULA CHAMBER OF COMMERCE

Date: November 5, 2025

Agenda Item: 12.A

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## RECOMMENDATION:

Staff recommends that the City Council:

1. Review the proposed engagement agreement with the Chamber of Commerce, and
2. Authorize the City Manager to enter into a professional services agreement with the Chamber of Commerce for fiscal year 2025-26.

**Presented by:** City Manager Dan Singer

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## BACKGROUND:

The relationship between the Santa Paula Chamber of Commerce (“Chamber”) and the City has become a strategic one that helps drive economic growth and community development and supports the City Council's adopted Strategic Plan. The Chamber represents businesses, advocating for favorable conditions and policies. This collaboration promotes tourism, local events and promotions, and fosters a sense of community. In the past two-years, the Chamber collaborated with City staff to continue programs such as the business roundtable sessions with local business owners, and conducted workshops with partners such as the Economic Development Collaborative (“EDC”) and Women’s Economic Ventures (“WEV”). In addition, a new partnership was launched, called Business Connect, which supports regular site visits by the Mayor, City staff and members of the Chamber, to key local businesses in town.

In the latest contractual services agreement, the Chamber of Commerce’s scope of services included key components from the City’s Two-Year Strategic Plan. Members of the Chamber's Board of Directors will attend the meeting to report on those achievements.

## ANALYSIS:

As part of the new agreement, the Chamber will take on several new initiatives aimed at strengthening Santa Paula’s business climate and tourism potential. This includes conducting an analysis for a potential Visitor Center to assess its feasibility and impact on tourism growth, as well as developing business attraction strategies. These efforts will include the creation of a

**Business Welcome Team** and a **Business Welcome Toolkit**, both designed to provide resources and personalized support to prospective business owners interested in locating or investing in Santa Paula.

Since the Passage of the adopted budget, members of the Chamber Board of Directors and City staff have further refined the scope of work as identified within the contractual services agreement attached as Exhibit A.

Once executed, the Chamber will continue to work with staff to execute the outlined scope of work and shall submit to the City Manager, or his/her designee, a monthly verbal or written report in addition to an annual State of the City report to the community on achieved milestones, projects or programs implemented.

## STRATEGIC PLAN:

Approval of this item moves the City closer to completing several objectives contained within City Council's two-year Strategic Plan, Section B. Economic Development with the goal of enhancing the economic vitality of the community through measures targeted towards development and business retention and expansion and attraction, resulting in diverse housing options, increased revenue generation, job creation, and a business friendly community.

## FISCAL IMPACTS:

Funds for this professional services agreement have been budgeted for in the amount of $30,000 for FY25/26 under the Community & Economic Development Department budget, GL 100-5-3002-223.

## OPTIONS:

City Council has the following available alternatives to staff's recommendations:

1. Direct Staff to make revisions to the Chamber's scope of work and/or request the Chamber to modify their proposed scope;
2. Do not enter into an agreement with the Chamber of Commerce.

## ATTACHMENTS:

Exhibit A - City_Contract_FINAL_DRAFT_2025-2026 Chamber-c1 -ds.docx

**CITY OF SANTA PAULA**
**CONTRACTUAL SERVICES AGREEMENT**

## ARTICLE 1. PARTIES.

THIS CONTRACTUAL SERVICES AGREEMENT (hereinafter the "Agreement") is made this July 1, 2025, (the "Effective Date") by and between the City of Santa Paula (hereinafter the "City"), a municipal corporation, with its principal place of business at 970 Ventura Street, Santa Paula, California 93060, and the Santa Paula Chamber of Commerce (hereinafter the "Chamber"), a California nonprofit corporation, with its principal place of business at 866 E Main Street, Santa Paula, California 93060. The City and the Chamber are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

## ARTICLE 2. RECITALS.

**2.1** The Chamber desires to perform and assume responsibility and obligation for the provision of certain services ("Services"), as hereinafter described, on the terms and conditions set forth herein.

**2.2** The City desires to engage the Chamber to render such Services, as hereinafter described on the terms and conditions set forth herein. The City has determined that the provision of these Services will be of benefit to the City by fostering and reinforcing the City's positive image and furthering the City's goals of encouraging business development and strengthening communities.

## ARTICLE 3. ENGAGEMENT AND SERVICES OF THE CHAMBER.

**3.1 Engagement of the Chamber.** The City hereby engages the Chamber, and the Chamber promises and agrees to furnish the City, subject to the terms and conditions set forth in this Agreement, all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the Services. The Services are more particularly described in Exhibit A attached hereto and incorporated herein by reference. The Chamber agrees to perform the Services in accordance with the terms and conditions of this Agreement, the exhibit attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

**3.2 Term and Termination.** The term of this Agreement shall be from July 1, 2025, to June 30, 2026, unless earlier terminated as provided herein. This Agreement may be terminated by either Party upon thirty (30) days written notice. Upon termination, the Chamber shall be compensated only for those Services which have been adequately rendered to City, and the Chamber shall be entitled to no further compensation. In the event of early termination of this Agreement, Chamber shall identify expenditures of the City's payment to Chamber since the most recent Quarterly Report (defined below) and remit any unused funds allocated for future events or expenditures. Unused funds shall refer to any remaining balance from the total funds allocated by City to Chamber for the purpose of organizing, hosting, and providing the Services as outlined in

Exhibit "A." The remittance of unused funds shall be paid to City within thirty (30) days of written notice of early termination. Chamber shall provide a detailed written explanation of the calculation and amount of the unused funds being remitted. This explanation shall be provided to City along with the corresponding remittance.

**ARTICLE 4. RESPONSIBILITIES OF THE CHAMBER.**

**4.1 Progress.** The Chamber shall work closely and cooperate fully with the City at all reasonable times. The Chamber shall report on the progress of the activities and projects planned in connection with this Agreement quarterly to the City Manager.

**4.2 Reporting.** The Chamber shall submit to the City Manager, or his/her designee, a written or oral report regarding the status and progress of the Services. The report shall demonstrate the Chamber's full compliance with the requirements of this Agreement including a summary of the activities performed and planned in connection with this Agreement, and quantifiable milestones and goals for each program planned and implemented in connection with this Agreement. The report shall be provided during the monthly Chamber meeting with the City Manager, or his/her designee. Once a year, at a City Council meeting, the Chamber will provide an annual report to the community on achieved milestones, projects or programs implemented.

**4.3 Accounting Records.** The Chamber shall maintain complete and accurate financial records, including but not limited to, receipts and disbursements, with respect to all costs and expenses incurred by the Chamber during the Term of this Agreement. All such records shall be clearly identifiable. The Chamber, upon the City's request, shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement at the City's request.

**4.4 Reserved.**

**4.5 The Chamber's Responsibilities for Costs and Expenses.** Except as otherwise expressly stated herein, the Chamber shall be responsible for all costs and expenses incurred relative to the Chamber, personnel of the Chamber and sub consultants of the Chamber in connection with the performance of the Services, including, without limitation,' payment of salaries, fringe benefits, contributions, payroll taxes, withholding taxes and other taxes or levies, office overhead expense, travel expenses, telephone and other telecommunication expenses, and document reproduction expenses.

**4.6 Independent Contractor.** The Services shall be performed by the Chamber or under its supervision. The Chamber shall determine the means, methods and details of performing the Services subject to the requirements of this Agreement. The Chamber represents that it possesses the professional and technical personnel required to perform the Services. The City retains the Chamber on an independent contractor basis and not as an employee of the City. The personnel performing the Services on behalf of the Chamber shall at all times be under the Chamber's exclusive direction and control.

**4.7 The City's Representative.** The City hereby designates the City Manager to act as its representative for the performance of this Agreement ("City's Representative"). The City's Representative shall have the power to act on behalf of the City for all purposes under this Agreement. The Chamber shall not accept direction or orders from any person other than the City's Representative or his or her designee.

**4.8 The Chamber's Representative.** The Chamber hereby designates its Executive Director, or his or her designee, to act as its representative for the performance of this Agreement ("Chamber's Representative"). The Chamber's Representative shall have full authority to represent and act on behalf of the Chamber for all purposes of this Agreement. The Chamber's Representative shall supervise and direct the Services, using his or her best skill and attention, and shall be responsible for all means, methods, techniques, sequences, and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

**4.9 Personnel; Licenses.** The Chamber represents and warrants that it and all personnel engaged in performing Services are and shall be fully qualified, authorized, and permitted under state and local law to perform such Services. The Chamber represents and warrants that it and all personnel and sub consultants engaged in performing the Services have and keep all licenses, permits, qualifications, and approvals of whatever nature that are legally required to perform the Services under this Agreement.

**4.10 Conformance to Applicable Requirements.** All aspects of the provision of the Services by the Chamber shall conform to all applicable city, county, state, and federal laws, rules, and regulations in effect at the time the Services are provided.

**4.11. Insurance Coverage.** The Chamber agrees to maintain adequate insurance coverage throughout the term of this Agreement as determined by the City, including but not limited to general liability insurance, property insurance, and any other coverage required by the City and applicable California laws. The Chamber shall include the City as an additional insured party on any and all insurance policies procured or maintained in connection with this Agreement. The Chamber shall provide proof of insurance to the City upon request and shall promptly notify the City of any material changes to the coverage during the term of this Agreement.

**4.12. Indemnity.** The Chamber shall indemnify, defend, and hold harmless City, its officials, officers, employees, and agents from any claims, demands, causes of action, suits, actions, proceedings, costs, expenses, liabilities, judgements, awards, settlements, losses, damages or injuries of any kind, and expenses (including reasonable attorneys' fees) arising out of or, pertaining to, or resulting from the provision of Services, unless such claims arise from the City's negligence or willful misconduct. The Chamber's obligation to indemnify shall survive expiration or termination of this Agreement and shall not be restricted to insurance proceeds, if any, received by Chamber, the City, its officials, officers, employees, agents, or volunteers.

## ARTICLE 5. RESPONSIBILITIES OF THE CITY.

**5.1 Cooperation.** The City shall cooperate with the Chamber relative to the provisions of the Services. To the extent permitted by applicable law, the City shall provide criteria and

information in its possession, or reasonably obtainable by it, as requested by the Chamber, and shall make that information and related data available for the Chamber's use during the performance of this Agreement.

**ARTICLE 6. COMPENSATION.**

**6.1 Compensation.** In consideration of the Services performed by the Chamber for the City, the City shall pay to the Chamber compensation in the sum of **Thirty Thousand Dollars ($30,000)** per year for the Term of this Agreement. In no event shall compensation under this Agreement exceed the compensation set forth herein without the City's prior written approval.

The Parties may mutually agree that the City may provide to the Chamber materials, services, and equipment in partial or total satisfaction of any monetary compensation due to the Chamber hereunder. The value of such equipment, materials and services shall be as agreed upon between the Parties.

**6.2 Extra Services.** The Chamber shall not receive additional compensation for any extra service unless such extra service has been authorized in writing by the City prior to the commencement of the extra service.

**6.3 Reimbursements.** The Chamber shall not be reimbursed for any expenses unless authorized in writing by the City.

**6.4 Payment of Compensation.** The Chamber shall submit an invoice to the City on an annual basis. The City shall make payment to the Chamber within thirty (30) days following the receipt of the invoice.

**ARTICLE 7. GENERAL PROVISIONS.**

**7.1. Delivery of Notices.** All notices permitted or required under this Agreement shall be given to the respective Parties at the following address, or at such other address as the respective Parties may provide in writing for this purpose:

**Chamber:** Santa Paula Chamber of Commerce
PO Box 1
Santa Paula, California 93061
Attn: Executive Director

**City:** City of Santa Paula
970 Ventura Street
Santa Paula, California 93060
Attn: City Clerk

**With copy to:** City of Santa Paula
970 Ventura Street

Santa Paula, California 93060
Attn: City Manager

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the Party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

**7.2 Confidentiality.** All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents and Data either created by or provided to the Consultant in connection with the performance of this Agreement shall be held confidential by the Chamber. Such materials shall not, without the prior written consent of City, by used by the Chamber for any purposes other than the performance of the Services. Nor shall such materials be disclosed to any person or entity not connected with the performance of the Services. Nothing furnished to the Chamber which is otherwise known to the Chamber or is generally known, or has become known, to the related industry shall be deemed confidential. The Chamber shall not use the City's name or insignia, photographs of any product of the Services, or any publicity pertaining to the Services in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of the City.

**7.3 Cooperation; Further Acts.** The Parties shall fully cooperate with one another and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

**7.4 Entire Agreement.** This Agreement contains the entire Agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings, or agreements. This Agreement may only be modified by a writing signed by both Parties.

**7.5 Governing Law.** This Agreement shall be governed by the laws of the State of California. Venue shall be in Ventura County.

**7.6 Time of Essence.** Time is of the essence for each provision of this Agreement.

**7.7 City's Right to Employ Other Consultants.** The City reserves right to employ other consultants in connection with the Services.

**7.8 Successors and Assigns.** This Agreement shall be binding on the successors and assigns of the Parties and shall not be assigned by the Chamber without the prior written consent of City.

**7.9 Assignment or Transfer.** The Chamber shall not assign, hypothecate, or transfer, either directly or by operation of law, this Agreement, or any interest herein without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted

assignment, hypothecation, or transfer.

**7.10 Construction; References; Captions.** Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not workdays. All references to the Chamber include all personnel, employees, agents, and subcontractors of the Chamber, except as otherwise specified in this Agreement. All references to the City include its respective directors, elected officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

**7.11 Amendment; Modification.** No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

**7.12 Waiver.** No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

**7.13 No Third-Party Beneficiaries.** There are no intended third-party beneficiaries of any right or obligation assumed by the Parties.

**7.14 Invalidity; Severability.** If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

**7.15 Equal Opportunity Employment.** The City represents that it is an equal opportunity employer, and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, or termination. City shall also comply with all relevant provisions of the City's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

**7.16 Labor Certification.** By its signature hereunder, the Consultant certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code and agrees to comply with such provisions prior to commencing the performance of the Services.

**7.17 Authority to Enter Agreement.** The Chamber has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party

warrants the individuals who have signed this Agreement have the legal power, right, and authority to enter into this Agreement and bind each respective Party.

**7.18 Counterparts.** This Agreement may be signed in counterparts, each of which constitute an original.

**7.19 Subcontracting**. The Chamber shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of the City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. The Chamber may utilize vendors to complete the Services as reasonably necessary.

**[Signatures on following pages]**

Dated: _____

CITY OF SANTA PAULA
a Municipal corporation

By_____
Dan Singer, City Manager

Dated: _____

SANTA PAULA CHAMBER OF COMMERCE
a California nonprofit corporation

By _____
NAME, Board Chair

ATTEST:

_____
Julie Latshaw, City Clerk

APPROVED AS TO FORM:

_____
Monica Castillo, City Attorney

**EXHIBIT A**

**CITY OF SANTA PAULA**
**CONTRACTUAL SERVICES AGREEMENT**

Scope of Services

The Santa Paula Chamber of Commerce and the City of Santa Paula Contractual Services Agreement is a key component to the economic and community development of the City of Santa Paula and surrounding areas. The Chamber, through this partnership agreement, will act as a liaison between the City and the business community. The Chamber, through diverse business events and educational resources, will augment and support the various economic development and community enhancement programs implemented by the City. No portion of the City's payment under this Agreement will be used for political purposes, including but not limited to, advocating or opposing any local municipal election issue or candidate. The City's payment shall only be used for those services provided in this scope of services.

The Santa Paula Chamber of Commerce will assist the City in implementing the following objectives of the Economic Development portion of the Strategic Plan as outlined below.

**B. - ECONOMIC DEVELOPMENT**

**Objective #B2 – Regional Employment – Growth and attraction of regional employment hubs.**

- **Business Connect Program –** The Chamber will implement the Business Connect Program, a proactive outreach initiative designed to maintain regular engagement with key businesses throughout the city. We will serve as a liaison and facilitator between the business community and city departments, ensuring streamlined communication and access to municipal services, resources, and staff support. Through scheduled check-ins and relationship building, the program will identify and help remove barriers to business growth, address operational challenges before they escalate, and foster collaborative problem-solving between businesses and city leadership. This ongoing engagement strategy strengthens business retention by demonstrating the city's commitment to supporting established enterprises and ensuring they have the tools and support needed for long-term success.

- **Business Roundtables –** The Chamber will organize and facilitate bi-monthly business roundtable discussions bringing together representatives from diverse industry sectors including retail, hospitality, agriculture, manufacturing, nonprofits, and professional services. These structured sessions will provide business owners and managers with direct access to city leadership to share insights, voice concerns, discuss emerging trends, and offer input on policies and initiatives affecting the local business climate. We will collaborate with city staff to prepare agendas, moderate discussions to ensure productive dialogue, document key themes and recommendations, and provide summary reports to

city staff and elected officials. These roundtables strengthen public-private sector collaboration and ensure business perspectives inform municipal decision-making.

- **Annual Employment Law Review –** The Chamber will host an annual employment law and human resources update session designed to keep business owners and operators informed of recent legislative changes, new compliance requirements, and best practices affecting workplace management. This educational program will cover updates to state and federal employment laws, wage and hour regulations, workplace safety requirements, employee benefits mandates, and other HR-related changes that impact local businesses. We will partner with organizations that procure qualified legal or HR professionals to present the material, provide practical guidance for implementation, and offer opportunities for attendees to ask questions relevant to their specific business situations. This session ensures Santa Paula businesses remain compliant and informed, reducing legal risks and supporting sound employment practices.

**Objective #B3 – Downtown Enhancement- Develop guidelines which address architecture, landscaping, streets, and hardscape elements in partnership with the Property Business Improvement District (PBID).**

- **AmeriCorps Management Fellow-** The Chamber will provide day-to-day management and supervision of one AmeriCorps member assigned to support PBID and Chamber operations. Our management responsibilities include: assigning meaningful work projects aligned with Chamber/PBID goals; conducting regular supervision meetings to provide guidance, feedback, and performance evaluations; integrating the fellow into our organizational workflow and team culture; tracking project progress and deliverables; and coordinating with the City regarding the fellow's activities and outcomes. We will ensure the fellow is productively engaged in capacity-building work that advances the City's mission while developing their professional skills. The Chamber will split the stipend cost up to $7,500 for the program.

**Objective #B4 – Marketing- Work with partners to invest in the marketing of Santa Paula collectively to promote Santa Paula to increase economic vitality.**

- **Visitor Center Downtown –** The Chamber will conduct a feasibility analysis for establishing a visitor center in downtown. This study will assess potential locations, operational models, staffing requirements, estimated startup and annual operating costs, funding sources, services to be provided, and projected visitor traffic. We will research best practices from comparable communities, evaluate partnership opportunities with local tourism entities, and analyze the potential economic impact on downtown businesses. A detailed report with findings and recommendations will be delivered to city staff by the completion of this contract, providing the necessary information to determine whether to proceed with visitor center development. In the interim the Chamber will create a self-service Visitor Center in its office on Main Street with visitor information, maps, and business brochures.

- **State of the City Address Support-** The Chamber will provide logistical support for the annual State of the City address by coordinating all food and beverage services for the event. Our responsibilities include selecting and contracting with caterers or local food vendors, managing menu planning within budget parameters, and overseeing setup and service during the event. The city will retain responsibility for all vendor payments and invoicing. This coordination support ensures a professionally executed event that reflects positively on the city while showcasing local businesses when possible.

- **Grand Openings and Ribbon Cutting Ceremonies –** The Chamber will coordinate grand openings, ribbon cutting ceremonies, and milestone celebrations for new and existing businesses throughout Santa Paula. Our services include event planning and logistics, providing ceremonial ribbons and oversized scissors, inviting city officials and dignitaries to participate, coordinating media outreach to generate publicity, promoting events through our communication channels and social media platforms, and facilitating networking opportunities during celebrations. These events generate visibility for businesses, attract community attention and support, create positive media coverage, and demonstrate the city's commitment to celebrating entrepreneurship and business growth.

- **Community-Wide Events** – The Chamber will plan and execute the 2025 Holiday Parade, Best of the Santa Clara River Valley Awards, Coffee with a Cops series, and an event similar to the Taste of Santa Paula. Additionally, we will collaborate with city staff to assess the feasibility of reinstating the Cruise Nights series for 2026. This feasibility assessment will examine logistical requirements, budget implications, staffing needs, community interest, and potential partnerships necessary to successfully launch the event series. Based on this joint evaluation, recommendations will be provided regarding whether to proceed with Cruise Nights implementation. The Chamber remains open to collaborating on other signature community events on a case-by-case basis, evaluating opportunities based on mission alignment, resource availability, and potential community impact, with a spirit of partnership whenever possible.

**Objective #B7 – Business Attraction- Identify and attract businesses that create jobs, increase revenues, and provide services that meet consumer needs.**

- **Business Welcome Team -** The Chamber will establish and coordinate a Welcome Team dedicated to supporting prospective businesses interested in relocating to or investing in Santa Paula. This team will serve as a concierge service to engage with potential business owners, assess their needs and goals, strategize solutions to address challenges or concerns, and streamline navigation through city processes including permitting, licensing, and site selection. The Welcome Team will facilitate connections between prospects and relevant city departments, property owners, and community resources, ensuring a positive and efficient experience that encourages business investment and demonstrates the city's commitment to economic development.
- **Business Welcome Toolkit-** The Chamber will develop a comprehensive Business Welcome Toolkit to provide prospective business owners with essential information and resources for making informed relocation and investment decisions. This toolkit will include an overview of available business services, step-by-step permitting and licensing

guidance, Chamber membership benefits and programs, local and regional business incentives, financing resources, demographic and market data, and key contact information for city departments and support organizations. The toolkit will be available in both print and digital formats, available in both English and Spanish, and will be regularly updated to ensure accuracy and relevance for businesses considering Santa Paula as their location.

- **City Film Liaison --** The Chamber will serve as the City's official Film Liaison, acting as the primary point of contact for production companies, location scouts, and filmmakers interested in filming within Santa Paula. Our responsibilities include promoting the city as a film-friendly destination, marketing available locations and local resources to the film industry, facilitating communication between production companies and city departments, streamlining the permitting process, and providing assistance with logistical needs such as location scouting and local vendor connections. We will actively work to increase filming activity in the city by developing relationships with film commissions, production companies, and industry professionals, showcasing the city's unique locations and small-town character, and maintaining a database of film-ready locations and local crew/services to support productions of all sizes.

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Monica Castillo, City Attorney

Subject: 2025 CITY COUNCIL & LEGISLATIVE BODY MANUAL OF PROCEDURAL GUIDELINES

Date: November 5, 2025

Agenda Item: 12.B

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**RECOMMENDATION:**

Staff recommends the City Council:

1. Adopt Resolution No. 7593 approving the "Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Santa Paula"

**Presented by: Monica Castillo, City Attorney**

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**BACKGROUND:**

Adopted October 8, 2023, the 2023 Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings for the City of Santa Paula (“Manual”) governs the conduct of Council (and subordinate body) meetings consistent with State and Federal law. The current Manual is based on several prior amendments and were drafted over the course of four study sessions held in 2023.

At study sessions held on May 7, 2025, September 17, 2025, and October 1, 2025, the City Council discussed updates to the current Manual. A copy of the Manual as revised by the Council during these study sessions is Exhibit A to the Resolution (Attachment A). For ease of review, a redline of changes to the current Manual (Attachment B) and a redline of changes to the draft Manual made since the last study session held October 1, 2025 (Attachment C) are attached to this staff report.

**ANALYSIS:**

The amended Manual updates and modernizes the guidelines governing the conduct of Council (and subordinate body) meetings and brings the guidelines into conformance with recent changes in State law. If approved, the Manual will include the following updates:

1. Section 1.2 - Revise definition of "Sub-Legislative Bodies" to clarify these bodies are not decision-making bodies.
2. Section 4.2 - Require at least the City Attorney, City Manager, City Clerk, or designee

attend a closed session meeting.

3. Section 5.1(d) - Allow certain standing committees to request that the City Manager place an item on the City Council agenda when the item is time-sensitive or falls within the Council Strategic Plan objectives.
4. Section 5.2 - Extend agenda posting requirements to Sub-Legislative Bodies (i.e. advisory committees made subject to the Brown Act such as the Measure R Oversight Committee)
5. Section 5.10(b) - Require Sub-Legislative Bodies to keep minutes.
6. Section 6.1(f) - Replace "Public Comment" with "Invite Public Comment, if any."
7. Section 6.1(k) - Add "Public Hearings" before "Action Items" to agenda order.
8. Section 6.4(d) - Add a process for City Council to refer an item or issue to a committee, board, or commission. Referral requires consensus without objection or, if there is an objection, a majority vote.
9. Section 6.6(c) - Add that during the City Manager Report, City Council may engage in discussion to form a consensus to schedule future special meetings or activities.
10. Section 7.1 - Increase external meeting presentation time from 5 minutes to 10 minutes, and add that staff presentations should be limited to 15 minutes.
11. Section 8.3(e) and other sections - Change "spokesmen" to "spokesperson".
12. Section 8.5 - Update the Levine Act campaign contribution disqualifications and recusal rules, including rules around "agents".
13. Sections 9.2 & 9.3 - Restructure sections so that Section 9.2 discusses the general duties of the Mayor and Section 9.3 discusses the Mayor and Vice Mayor appointment process.
14. Section 9.3(c) - Revise so that priority to Mayorship and Vice Mayorship should first be given to the councilmember with the longest continuous service since last serving as Mayor or Vice Mayor, and next to the councilmember who has not previously served. Add that a councilmember should only serve once as Mayor during his or her term.
15. Section 9.7(a) - Require requests to the City Manager or staff that involve substantial cost or staff resources first be approved by the City or the City Council. Also require notice of approved requests and their responses be shared with all members of the City Council only if pertinent to all.
16. Section 9.9(b) - Require requests for City Attorney opinions requiring over 2 hours of billable time first be approved by the City Manager or the City Council.

In addition to rules of procedure and other guidelines, the Manual contains the City Council Code of Conduct (Exhibit A to the Manual). Proposed additions to the Code of Conduct are as follows:

1. Section 1.0 (i) - Councilmembers must endeavor to minimize cell phone use during meetings and must excuse themselves to use their phones for important matters.
2. Section 3.0 - When there are disruptive attendees at a meeting, the Mayor is encouraged to politely ask attendees to cease disruptions in order to get through all items on the agenda. The Mayor is also encouraged to make a statement at the start of meetings asking attendees to abstain from disruptive expressions of support or opposition that may create an environment that could deter others from participating and instead to do so in non-disruptive ways such as raising a hand, shaking hands, or other gestures that do not interrupt proceedings. Members of the public holding signs will be asked to move to the back or to hold signs so as not to obstruct others' views.

Lastly, due to an inadvertent omission from prior study session discussions, the proposed

Manual introduces a new subsection to Section 9.1 (Presiding Officer) for Council's consideration. The new subsection (d) provides: "Consistent with customary practice, the Chairperson and Vice Chairperson (when filling in for the Chairperson) should allow other members of the Legislative Body to first speak and make motions, and only in the absence of member comments or if no member makes a motion should the Chairperson and Vice Chairperson then consider making a motion."

**STRATEGIC PLAN:**

This item does not directly support an identified objective of the 2025-2027 Strategic Plan. However, an updated Manual benefits the community by promoting orderly, ethical, and transparent governance.

**FISCAL IMPACTS:**

None.

**OPTIONS:**

The Council has the following available alternative options to Staff's recommendations:

1. Do not approve Resolution No. 7593 and continue relying of the current procedural rules, or
2. Provide additional direction to City staff to revise provisions of the proposed Manual.

**ATTACHMENTS:**

A - Reso Adopting 2025 Council Manual w Ex.
B - Redline of Current 2023 Manual
C - Redline of Draft 10-1-25 CC Manual

**RESOLUTION NO. 7593**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA PAULA ADOPTING A MANUAL OF PROCEDURAL GUIDELINES FOR THE CONDUCT OF CITY COUNCIL AND CONSTITUENT BODY/COMMISSION MEETINGS**

The City Council of the City of Santa Paula does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

A. Government Code § 36813 authorizes the City Council to establish rules governing the conduct of its proceedings;

B. The City Council of the City of Santa Paula wishes to adopt certain rules of order and procedure to ensure that government is conducted in the City in an orderly, fair and open way, and that the rights of the people to speak and be heard on matters of public interest are protected; and

C. These rules are intended to comply with, the Ralph M. Brown Act (Government Code §§ 54950 - 54962) and other applicable law. The Brown Act and other applicable law will supersede any conflicting provision of the rules.

SECTION 2: *Adoption of the Manual of Procedural Guidelines.* The City Council hereby adopts the Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings ("Guidelines"), attached as Exhibit A.

SECTION 3: The Guidelines shall remain in place until rescinded by resolution of the City Council. All prior resolutions establishing and amending the Guidelines are hereby rescinded.

SECTION 4: This Resolution becomes effective immediately upon adoption and will remain effective until rescinded and superseded by a subsequent resolution.

PASSED AND ADOPTED this 5th day of November, 2025

_____
Pedro Chavez, Mayor

ATTEST:

_____
Julie Latshaw, CMC, City Clerk

APPROVED AS TO FORM:

_____
Monica Castillo, City Attorney

APPROVED AS TO CONTENT:

_____
Dan Singer, City Manager

# Exhibit A
# to
# Resolution No. XXXX

## Manual of Procedural Guidelines for the Conduct of City Council and Constituent Body/Commission Meetings

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# MANUAL OF PROCEDURAL GUIDELINES FOR THE CONDUCT OF CITY COUNCIL AND CONSTITUENT BODY/COMMISSION MEETINGS

(Last amended: November 5, 2025)

## ARTICLE I -SCOPE

### 1.1 Application of Rules

This Manual (the "Manual") shall establish the procedures for the conduct of all meetings of the City of Santa Paula City Council and other constituent, governing bodies and commissions as authorized by Government Code § 36813.

This Manual rescinds and supersedes all prior City resolutions setting forth rules of procedure for the conduct of meetings by City Legislative Bodies (defined below). Wherever there is a conflict between this Manual and any prior City resolution, the terms and rules in this Manual shall govern. Resolutions more specifically superseded by this Manual include, without limitation, the following:

City of Santa Paula Resolution No. 6023;
City of Santa Paula Resolution No. 6161;
City of Santa Paula Resolution No. 7264;
City of Santa Paula Resolution No. 7294;
City of Santa Paula Resolution No. 7376; and
City of Santa Paula Resolution No. 7483

### 1.2 Definitions

The following definitions shall apply to these rules and procedures:

a) "Legislative Body" means any quorum of any council, board, commission or standing committee (as defined in Government Code § 54952), or other governing body of the City of Santa Paula that is subject to the Brown Act (Government Code § 54950 et seq.). This includes the Santa Paula City Council, Planning Commission, Recreation Commission, and any standing committee subject to the Brown Act. The term "Legislative Body" does not include Non-Governing Bodies, as defined below.

b) "Presiding Officer" means the chairperson of the Legislative Body. For example, this refers to the Mayor when read in the context of the City Council and the Chair of any Commission.

c) "Vice Chair" means the vice chairperson to the Presiding Officer. For example, the Vice Chair means the Vice Mayor in the case of the City Council and the Vice Chairperson of any Commission.

d) "Clerk/Secretary" means the person responsible for taking and maintaining the record of proceedings for all meetings, preparation of agendas, calendar clerk and custodian of rules, resolutions, ordinances and Legislative Body

records. For example, the Clerk/Secretary refers to the City Clerk in the case of the City.

e) "City Attorney" means the legal advisor to the Legislative Body.

f) "City Manager" means the Chief Executive Officer of the City. The City Manager, or his/her designee, may also serve as the Personnel Officer pursuant to the City's Personnel Rules and Regulations, adopted May 16, 2005, as may be amended. The City Manager can designate appropriate staff to serve as the clerk/secretary to any Commission of the City.

g) "Non-Governing Bodies" means wholly advisory committees and bodies that are not subject to the provisions of the Brown Act. An "ad hoc" committee is an advisory committee not subject to the Brown Act if it (1) consists solely of less than a quorum of its parent Legislative Body, (2) is composed solely of members of its parent Legislative Body, (3) has no continuing subject matter jurisdiction, and (4) does not have a meeting fixed by formal action of its parent Legislative Body.

h) "Sub-Legislative Bodies" means wholly advisory committees which are subject to the Brown Act. An advisory committee is subject to the Brown Act if it (i) is established by ordinance, resolution, or other formal action; or (ii) has a fixed regular meeting schedule; or (iii) has continuing subject matter jurisdiction over a non-temporary issue; or (iv) continues to conduct business in excess of 180 days; or (v) has a majority membership of officials from other Legislative Bodies. Sub-legislative bodies are not decision-making bodies though given continuing subject matter jurisdiction over a non-temporary issue.

These rules and procedures are enacted pursuant to authority granted by Government Code §§ 36813 and 54954 et seq. The purpose of this Manual is to provide that the Legislative Bodies' procedures will be consistent with the Brown Act and also to establish procedures which will be convenient for the public and contribute to the orderly conduct of any Legislative Bodies' business. The procedures herein are in addition to, and not in place of, applicable ordinances and statutes and in the event of conflict between this Manual and applicable ordinances or statutes, the latter shall govern. In the event that any state statute referenced herein is renumbered, the reference herein shall be deemed to refer to the successor statute dealing with the same subject matter.

## ARTICLE II -MEETINGS

### 2.1 Regular Meetings

Unless otherwise specified by a resolution or ordinance applicable to a specific Legislative Body, the regular meeting of the City Council will be held on the first and third Wednesday of each month at 6:30 p.m. in the Council Chambers at City Hall, or at such other times or locations as the Legislative Body may from time to time designate, in the order of adjournment, or in the notice of call of any special meeting. In the event

a day of meeting shall be a legal holiday, said meeting shall be held on the next business day, unless otherwise specified by the Legislative Body.

### 2.2 Special Meetings

The Presiding Officer may, when he or she deems it expedient, or upon the written request of a majority of the Legislative Body, call a special meeting of the Legislative Body for the purpose of transacting the business designated in the call. The means and method for calling such special meeting shall be as set forth in the Brown Act as it now exists in Government Code § 54956 or may hereafter be amended. The City Manager, when necessary for the purpose of conducting city business and the continuity of governance, may request the Presiding Officer to call a special meeting. At such special meeting, no business shall be considered other than as designated in the call.

### 2.3 Emergency Meetings

An emergency meeting may be called by the Presiding Officer or by a majority of the Legislative Body where an emergency exists. An "emergency" means:

a) A work stoppage, terrorist act or threat, crippling disaster or other activity which severely impairs public health or safety as determined by the majority of the Legislative Body; or

b) Such other circumstance specified by State law as authorizing the conduct of an emergency meeting. Any emergency meeting shall be called, noticed, and conducted only in accordance with the procedures set forth in State law at Government Code § 54956.5, as may be amended.

### 2.4 Attendance

A majority of members of the Legislative Body shall constitute a quorum. For example, three members of the City Council constitute a quorum. Less than a majority may meet at noticed public meetings to adjourn from time to time, or to compel the attendance of absent members. Any member who fails to attend all of the regular meetings of the Legislative Body for 60 days, unless such absences are excused, shall surrender the office and be deemed to have surrendered the office.[1]

### 2.5 Study Sessions

The Legislative Body may meet informally in conference or "study" sessions regarding concerns of the Legislative Body to interchange information, provided that all discussions and conclusions shall be informal. Such meeting shall be called in the same manner as for special meetings or adjourned meetings, as applicable, and be subject to the Brown Act. Each notice shall indicate that an opportunity for public

[1] This 60-day rule is based on Government Code § 36513(a).

comment shall be provided before any matter shall be determined. When a meeting has been designated a Study Session, the Legislative Body shall not take any action with respect to the matter under study except with prior public notice, appearing on a properly posted agenda, of such intent to take action.

### 2.6 Adjournment

At 10:30 p.m., if business has not concluded, no new business will be considered unless by a majority vote the City Council agrees to begin new business. Items under consideration at 10:30 p.m. may be concluded. If a majority does not agree to begin new business, the remaining items will be postponed to the next City Council meeting.

## ARTICLE III -NOTICE AND AGENDA

### 3.1 Notice and Agenda for Regular Meetings

For every regular Legislative Body or Sub-Legislative Body meeting, the Clerk/Secretary or his or her designee shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all the items of business to be discussed at the meeting as set forth in Article V. The notice and agenda may be combined in a single document.

The notice and agenda must be posted at least seventy-two (72) hours before the regular meeting in a location freely accessible to public twenty-four (24) hours a day during the seventy-two (72) hour period and where the notice and agenda is not likely to be removed or obscured by other postal material. Specifically, the notice and agenda shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

### 3.2 Notice and Agenda for Special Meetings

For every special meeting, the Clerk/Secretary or his or her designee shall post a written notice specifying the time and place of the special meeting and the business to be transacted and send such notice to each member of the Legislative Body or Sub-Legislative Body (unless the member has filed a written waiver of notice with the Clerk/Secretary) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. The notice shall serve as the agenda for the special meeting and shall contain a brief description of all the items of business to be discussed at the meeting as set forth in Article V.

The notice for a special meeting shall be conspicuously posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to the public twenty-four (24) hours a day and where the notice is not likely to be

removed or obscured by other posted material. Specifically, the notice shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

### 3.3 Notice and Agenda for Adjourned Meetings

The Legislative Body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. Should less than a quorum be in attendance, the Clerk/Secretary will list the attendees in the minutes. If all members are absent from any regular or adjourned regular meeting, the Clerk/Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each member of the Legislative Body at least twenty-four (24) hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held, within twenty-four (24) hours after the time of adjournment. (Government Code § 54955.) When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. If the subsequent meeting is conducted within five (5) days of the original meeting, matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting. If the subsequent meeting is more than five (5) days from the original meeting, a new agenda must be prepared and posted pursuant to Government Code § 54954.2.

### 3.4 Affidavit of Posting

Immediately following the posting of the notice and agenda, the Clerk/Secretary or his or her designee shall complete an Affidavit of Posting, in a form to be developed by the Clerk/Secretary. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting, and shall be signed under penalty of perjury. The Clerk/Secretary shall retain all such affidavits, together with a copy of each notice and agenda so posted. The affidavit, notice, and agenda shall be retained at least two (2) years subsequent to the date of posting, and pursuant to Government Code § 34090, shall not be destroyed by the Clerk/Secretary thereafter except in accordance with the City's record retention policies.

## ARTICLE IV -CLOSED SESSIONS

### 4.1 Generally

The Legislative Body may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. Public comment shall be permitted on closed session matters prior to the closed session. If a closed session is included on the agenda, the description of the item shall meet the requirements of and shall identify the statutory basis for the closed session. During closed session, the Legislative Body shall exclude all persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the Legislative Body during a closed session are required. There shall be no closed session during any emergency meeting. Closed session may not be held regarding a matter not listed on a properly posted agenda for closed session except upon the Legislative Body first taking action to place the item on the agenda as a closed session item as permitted by law.

### 4.2 Persons Authorized

Persons present in the closed session shall be only those persons necessary to the discussion of the matter under consideration. All other persons shall be excused. The Clerk/Secretary may attend each closed session of the Legislative Body and keep and enter into a minute book a record of any reportable decisions made at the meeting. At least the City Attorney, City Manager, City Clerk, or a designee familiar with the Brown Act shall be in the meeting.

### 4.3 Confidentiality

The minute book for any closed session is not a public record and shall be kept confidential and shall be available only to members of the Legislative Body or as otherwise provided by law. (Government Code § 54957.2(a).) No person attending a closed session shall publicly discuss or otherwise reveal the proceedings in the closed session unless such publication has been approved by the vote of the Legislative Body taken during the closed session or as otherwise required by law. Violation of this rule shall subject the violator to censure by the Legislative Body as provided in Section 7 herein.

### 4.4 Public Reports

Before recessing into closed session, the Presiding Officer or City Attorney shall announce that the Body is recessing into closed session and shall name each closed session topic that will be discussed in closed session in at least as much detail as shown on the agenda.

Following closed session, the Presiding Officer or City Attorney shall report publicly any reportable actions taken on a closed session matter and, if any vote was taken, shall announce that the matter was put to a vote, the results of the vote, and the vote or abstention of every member present.

Votes will be taken in closed session for those reportable actions identified in Government Code § 54957.1 including (1) approval of an agreement concluding real

estate negotiations if Council's own approval renders the agreement final; (2) approval given to legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter into an amicus curiae; (3) approval given to legal counsel of a settlement of pending litigation, as defined in the Government Code § 54956.9, if Council accepts a settlement offer signed by the opposing party; (4) a disposition reached as to claims if Council's action approves a monetary payment agreed upon by the claimant; (5) an action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee (provided such action is within the scope of Council authority); and (6) approval of an agreement concluding labor negotiations if Council's own approval renders the agreement final.

## ARTICLE V -AGENDA CONTENTS

### 5.1 Preparation of Agendas

a) **Agenda Posting**. Barring insurmountable difficulties, the agenda should ordinarily be delivered to the members of the City Council by 6:00 p.m. on Thursday preceding the City Council's regular Wednesday meeting. In the event of a Special Meeting, agendas should be delivered no less than 24 hours before the time set for the Special Meeting or as promptly as practicable, whichever is earlier. The agenda shall also be available to the general public at the time it is delivered to the members of the Legislative Body, or in any case as required by the Brown Act.

b) **Future Agenda Items – Not Time-Sensitive**. Any Legislative Body member may have placed on the agenda any business that should be deliberated upon in the future by the Legislative Body. Any Legislative Body member desiring to present a subject for the Legislative Body's consideration shall submit to the City Manager a request to place the matter on a future agenda by completing a City-provided form. The form must be submitted no later than the Monday before the agenda is delivered to members of City Council. Such Monday is referred to in this Section as the "Submittal Deadline." The form will at minimum require a description of the proposed matter for discussion and a requested future meeting date. The matter shall then be listed on the next agenda under "Items for Future Agendas" for discussion of whether it should be a future agenda item. The listing of the matter allows a discussion of whether a staff report should be prepared and the item brought back for consideration. Action to place the item on a future agenda for consideration requires a consensus and the absence of an objection. If there is an objection, the Mayor must call for a majority vote. The City Manager has discretion as to when the item will be placed on the agenda, unless otherwise directed by the City Council.

c) **Future Agenda Items – Time-Sensitive**. If a Legislative Body member does not become aware of a time-sensitive matter before the Submittal Deadline, the member may request by motion that the matter be placed on a future agenda during a meeting. The motion must be made during the portion of the meeting designated for "Items for Future Agendas." At least one other councilmember must second the motion, and if there is none, the item may be submitted using the procedure described in paragraph b), above. A matter is "time-sensitive" if direction or action from

the City Council is needed within 45 days. When making the motion, the moving member must state the reason why the matter qualifies as time-sensitive.

d) **Standing Committee Placement of Agenda Items.** On occasion, the following standing committees may need the City Council to discuss or take action within a short period of time due to the City's potential legal exposure or because of its importance:

- Cannabis Standing Committee
- Economic Development Standing Committee
- Finance Committee
- Homelessness and Housing Standing Committee

If an item considered by these standing committees does not fall within the Strategic Plan objectives and requires direction or action of the City Council within 45 days of a committee meeting, the committee may request that the City Manager place the item on a future agenda. For an item that falls within the Strategic Plan objectives, the item need not be time-sensitive and may be referred to the City Manager for placement on a future agenda. Both councilmembers appointed on the committee must agree the item qualifies for placement on a future agenda.

e) Notwithstanding the foregoing, the City Manager generally has responsibility for setting the agenda for the Legislative Body in consultation with the Mayor (except for any Commission where the responsibility may be assigned to the City Manager's designee), and may place matters on the agenda in accordance with the City Manager's evaluation of administrative priorities and resource capacities of City.

### 5.2 Description of Matters

All items of business to be transacted or discussed at a meeting of a Legislative Body or Sub-Legislative Body shall be briefly described on the agenda. The description may, but need not, set out the specific action or alternatives which will be considered by the bodies, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda. The description of closed session matters shall meet the requirements of Government Code §54954.2 and, where applicable, §54954.5. Matters may be designated as "pending" and listed for the sole purpose of determining if they will be on a future agenda.

### 5.3 Action Items

a) Matters may formally be adopted by an ordinance, a resolution, minute order, or other motion (thereafter recorded by minute entry). Technically, all three are equally as legally effective and binding but vary in the formality of respective memorialization. While most actions will be presented to the Legislative Body in a

written form prior to, or at, the meeting, the Legislative Body may amend any proposed action as written by carried motion of the Legislative Body at the time of its presentation for adoption. If an action as written is so amended by the Legislative Body, it shall be revised to reflect the Body's amendments for later execution by the Presiding Officer.

b) Besides ordinances and resolutions, action can be taken by motion and recorded as a minute order. A "minute order" denotes a Legislative Body action which is recorded simply by an item entered in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

c) As a general rule, a recorded majority of the quorum for a Legislative Body may take an action. However, for the City Council, resolutions, orders or the payment of money, and all ordinances require a recorded majority vote of the total membership of the City Council. Some actions, such as the passage of an urgency ordinance or adoption of a resolution of necessity to condemn property, require a super-majority vote. Under the Political Reform Act of 1974, a member with a financial conflict of interest regarding a matter before the member's board must leave the room while that matter is being discussed, heard, or acted on, so that member cannot be counted towards the quorum for that matter.

### 5.4 Resolutions

a) A "resolution" is a formal action with findings taken by the Legislative Body, generally pre-prepared in writing, designated by sequential number, and reference to which shall be inscribed in the minutes and an approved copy of each resolution filed in the official book of resolutions of the Legislative Body. Resolutions are used when specifically required by law, when needed as a separate evidentiary document to demonstrate findings or to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional explanatory material it often recites) to facilitate such future reference and research.

b) A resolution may be adopted at the same meeting it is presented. Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Article XI, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it.

c) Where a resolution cannot reasonably be prepared in advance of a meeting, the Legislative Body may instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Legislative Body meeting. Where urgent, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Article XI, shall be followed. All resolutions must be approved by the City Attorney or Deputy City Attorney.

### 5.5 Ordinances (City Council Only)

a) The City Council is the only Legislative Body empowered to legislate the Santa Paula Municipal Code by adoption of ordinances.

b) Ordinances, other than urgency ordinances, require at least two readings at different meetings held at least five days apart with the first reading considered to be introduction and the second adoption. Unless a Councilmember requests a full reading, a proposed ordinance may be read in title only.

c) When read by title only, further reading of an ordinance may be waived by a majority vote of the Council members present and voting. The waiver of further reading may be accomplished by one vote for all ordinances presented on the agenda of the present meeting. (Government Code § 36934.)

d) The Clerk/Secretary shall prepare copies of all proposed ordinances for distribution to all members of the City Council with the agenda packet for the meeting at which the ordinance is to be introduced, or at such earlier time as is expedient. Ordinances shall be numbered and kept by the Clerk/Secretary with the same formality as resolutions as described above in Section 5.4.

e) An urgency ordinance is an ordinance adopted for the immediate preservation of the public peace, health and safety, containing a declaration of facts constituting the urgency. An urgency ordinance takes effect immediately and requires four-fifths vote of the City Council for passage pursuant to Government Code § 36937. If one member is absent in a five-member Council, an urgency ordinance must pass by a unanimous vote. Urgency ordinances may be adopted either at a regular or special meeting. (Government Code § 36934.)

f) All ordinances must be approved by the City Attorney or Deputy City Attorney. No ordinance may be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, the City Manager, or prepared by the City Attorney on his/her own initiative.

### 5.6 Contracts and Agreements

When any contract or agreement is to be considered by the Legislative Body, the complete contract and agreement, if complete in form for execution, shall be made a part of the agenda package presented to the Legislative Body and shall be made available for viewing by the public within the time frames required under the Brown Act and/or the California Public Records Act. (Government Code §§ 6250 through 6276.48.) All contracts and agreements must, before being placed on the Agenda, be approved as to form and legality by the City Attorney or Deputy City Attorney. Such approval must be indicated in the staff report.

### 5.7 Limitation of Actions by Agenda

No action or discussion shall be taken by the Legislative Body, on any item not appearing on a posted agenda, subject only to the exceptions listed in Section 5.9 below. “Action taken” as used herein shall mean a collective decision made by a

majority of the Legislative Body, a collective commitment or promise by a majority of the Legislative Body to make a positive or a negative decision, or an actual vote by a majority of the Legislative Body upon a motion, proposal, resolution, order, or ordinance.

### 5.8 Public Comment Period

a) Pursuant to Government Code § 54954.3, every agenda posted for any meeting shall contain an item entitled "Public Comment" in order to provide for an opportunity for the public to address the Legislative Body on items of interest to the public within the Legislative Body's subject matter jurisdiction. The public comment period should be conducted in accordance with Article VII.

b) Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.

### 5.9 Exceptions to Agenda Requirement for Action Taken

The Legislative Body may take action at a meeting on an item not appearing on the agenda for that meeting only under one of the following circumstances:

a) Upon a majority determination that an "emergency situation," which is either (i) a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, or (ii) a dire crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a Legislative Body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both. All discussion of such emergencies must be in open session.

b) Upon a determination by a two-thirds (2/3) vote of the Legislative Body, or if less than two-thirds of the Legislative Body are present by a unanimous vote of those members present, that the need to take action arose subsequent to the agenda posting.

For the purposes of this Subsection, the term "need to take action" shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the Legislative Body. The mere failure of any person to notify the Legislative Body or staff of a pre-existing situation requiring Legislative Body attention until after the time for the posting of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the Legislative Body makes a determination pursuant to this Subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the "need to take action" and why the item could not be placed on the agenda.

### 5.10 Minutes and Recordings

a) An account of all proceedings of the Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available. Unless requested by a majority of the quorum, the minutes may be approved without reading.

b) Sub-Legislative Bodies shall comply with the same rules for keeping Minutes as Legislative Bodies, except that the responsible staff member will prepare the Minutes.

c) Any recording of a meeting made by or at the direction of the Legislative Body or Sub-Legislative Body is a public record that must be retained and made available to the public for at least 2 years. (Government Code § 34090(d)). A recording may be deleted without the approval of the Legislative Body and City Attorney if reproduced in an electronic medium that does not allow alteration to the original and the reproduction is a true copy of archival quality kept in a safe and separate place for security purposes. (Government Code § 34090.5.) The Clerk/Secretary or responsible staff member must provide to the public, without charge, equipment to review the record.

## ARTICLE VI -ORDER OF BUSINESS

### 6.1 Order of Business

The order of business of each meeting shall be contained in the agenda prepared by the Clerk/Secretary unless the majority of the Legislative Body members consent to take items out of order. The order of business at meetings of the Legislative Body may be as follows in accordance with the procedures specified in this Article VI:

a) Call to Order
b) Invocation
c) Flag Salute
d) Roll Call
e) Closed Session Report, if applicable.
f) Invite Public Comment, if any
g) Presentations
h) City Council Reports
i) City Manager Reports
j) Consent Calendar (See Section 6.3 below.)

k) Public Hearings
l) Action Items
m) Items for Future Agendas
n) Adjournment

### 6.2 Call to Order

The meeting of the Legislative Body shall be called to order by the Presiding Officer, or the Vice-Chair in the Presiding Officer's absence. In the absence of both the Presiding Officer and Vice Chair, the meeting shall be called to order by the Clerk/Secretary and the three Legislative Body members present shall elect by majority vote a Presiding Officer for that meeting.

### 6.3 Consent Items

Matters of a routine or generally uncontested nature and non-controversial, shall be placed on the agenda as Consent Items and may be approved by the Legislative Body in a single motion by adoption of the Consent Calendar. For example, items the City Manager believes will not require City Council discussion and are routine in nature as well as resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action may be added as Consent Items. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein. All matters on the Consent Calendar shall be subject to public comment procedures in Article VII(Public Comment and Presentations). Upon the request of any member of the Legislative Body or upon the request of a member of the public made through the Presiding Officer, a matter may be removed from the Consent Calendar for separate discussion and/or action.

Each matter proposed for consideration as part of the Consent Items, including any recommended action, shall be described on the notice and agenda posted for the meeting. During the meeting, the Clerk/Secretary may be asked to read Consent Items into the record for the purpose of informing the public on the subjects being considered. The following matters are not appropriate for the Consent Calendar:

a) Ordinances shall not be placed on the Consent Calendar for approval unless the ordinance has first been read or the reading of the ordinance has been waived as required by law.

b) Any matter where the City Manager believes (i) it unlikely that there would be unanimous approval by the Legislative Body, or (ii) there is likely to be public comment on the matter, or (iii) a public presentation of the matter would be beneficial to the community.

### 6.4 City Representatives and Advisory Bodies (City Council Only)

a) From time to time the Council may be required to assign a representative of the City to non-City boards, commissions or organizations (e.g., boards or commissions of another agency or joint powers authority). Except as

otherwise required by law or by the policies of the non-City organization, the Mayor shall make all such appointments of City representatives on non-City organizations after consultation with the City Council. Council appointments to non-City organizations shall be considered and made with the goal of keeping the appointee in the organization for a long enough period of time that the appointee may gain seniority and/or a position of leadership within the organization. This goal shall be construed to mean that the same appointee should remain within a non-City organization for at least two years where reasonably possible and convenient for said appointee. Appointees serve at the pleasure of the Council.

b) The City Council shall have the power to establish advisory committees, commissions, other Legislative Bodies, and Non-Governing Bodies. Any committee which is (i) established by ordinance, resolution or other formal action, or (ii) has a fixed regular meeting schedule, or (iii) has continuing subject matter jurisdiction over a non-temporary issue, or (iv) which continues to conduct business in excess of 180 days, or (v) has a majority membership of officials from other Legislative Bodies, shall be subject to the provisions of the Brown Act. Such committees are referred to herein as "**Sub-Legislative Bodies**" and are made subject to the Brown Act pursuant to this Manual.

Advisory bodies and committees may take the following form:

(i) Ad Hoc Committees

The Council may, as the need arises, authorize the appointment of "ad hoc" Council committees composed of two members. Except where otherwise specifically provided by law, the Presiding Officer shall appoint the members of the Council committees, subject to the approval of the Council. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Council.

(ii) Standing Committees

The Council may, subject to the Brown Act, create other committees, boards, and commissions, whether Legislative Bodies or Non-Governing Bodies, to assist in the conduct and operation of the City government with such jurisdiction and duties as the Council may specify. Except as otherwise required by law, the Mayor shall make appointments of members to such committees, boards or commissions subject to the approval of the Council. The procedure of filling vacancies and provision of notice thereof shall be subject to the provisions of the Maddy Act (Government Code §§ 54970-54974).

(iii) Sub-Legislative Bodies and Non-Governing Bodies shall be responsible for reporting the Body's activities to the City

Council. The members of a Sub-Legislative Body or Non-Governing Body shall operate within the jurisdiction established by the Council and shall not have authority to make subcommittees unless specifically granted such authority by action of the full City Council. Staff members may be assigned to assist any Council-created committee by the City Manager; staff members so assigned shall not be members of the committee unless specifically appointed as such by action of a majority of the Council.

(iv) Absent any other provision to the contrary, members of any non-City organization, or City committees, boards or commissions may be removed by the Council without cause by a majority vote of the whole Council body. Any member of the City Council may place the question of such removal on the agenda. Any committees, boards, or commissions so created may be abolished by a majority vote of the whole Council body by repeal of the enacting ordinance or resolution.

c) Santa Paula Municipal Code §12.06, as may be amended, governs the appointment of members to City bodies, committees, boards, and commissions that assist City Council in conducting City business (e.g. the Recreation, Housing and Planning Commissions).

d) City Council Direction to other Bodies. At the time an agenda item is discussed during a noticed public meeting of City Council, any Member may move to refer that item or an issue raised by that item to a City committee, board, or commission with subject matter jurisdiction. Referral requires City Council member consensus and absence of an objection. If there is an objection, the Mayor must call for a majority vote.

### 6.5 Budgets

The City Council shall have the power to approve the City budget. Approval of the budget constitutes approval of a proposed plan of expenditures and revenues. It does not constitute an authorization for expenditures. With respect to any given expenditure, the applicable procedure shall be followed. Further, adoption of the budget does not, unless otherwise specified by resolution, constitute authorization for any specific employment class or position.

### 6.6 Items from Members

a) There is a specific item on the agenda referred to as “City Council Reports” for receiving general comments, announcements, and/or suggestions from members of the Legislative Body. This can be used to inform the public concerning upcoming events, report on members’ attendance at conferences and seminars, or request that staff look into specific matters or similar matters. (See Section 5.1

regarding future agenda items if item requires Council action.) These matters may not be discussed, opined upon or deliberated, and if they do not concern a matter on the agenda, shall be handled by the Presiding Officer according to the same procedures set out for Public Comment in Section 7.2. No action may be taken on such matters without being placed on a subsequent agenda.

b) There is an agenda item referred to as "Items for Future Agendas." Matters are listed under this item pursuant to Section 5.1(b) or (c) where a member has asked that the matter be scheduled for discussion of whether a future staff report should be prepared.

c) There is an agenda item referred to as "City Manager Reports." This may be used by the City Manager similarly to the item for members of the Legislative Body in Subsection (a) above to make announcements without separately listing the matter on the agenda, and subject to the same restriction that there may be no discussion or action on such matter except for the purpose of forming consensus on the setting of any future special meetings or activities of the Legislative Body.

## ARTICLE VII -PUBLIC COMMENT AND PRESENTATIONS

### 7.1 City Council Meeting Presentations

City Council presentations are for providing information to the Mayor and Council, City management, and the community about activities of interest and value to the City. These presentations typically feature activities, events, infrastructure projects, and honors and celebrations for organizations, corporations, and residents to recognize their service to the Santa Paula community. Presentations are also given to present honors and recognitions for City staff for outstanding service or commitment to the City's mission and goals. Please Note: This is not the appropriate time to seek funds from the City and/or endorsements from City Council or discuss politics. Subject to the discretion of the Mayor, all external presentations are to be no more than 10 minutes in length; this is to include all speakers for the group being recognized. Staff presentations should be limited to 15 minutes.

### 7.2 Public Comment

At the beginning of any Legislative Body meeting the public shall be afforded the right to comment on any and all issues (not on the agenda) within the subject matter jurisdiction of the Legislative Body. Such general public comment on non-agendized issues shall be taken at the beginning of the meeting under a "Public Comment" heading. With regard to matters not on the agenda, the Legislative Body may ask questions of persons who raise new matters during the Public Comment period or otherwise, and the Presiding Officer should handle such matters as provided in Section 7.3, below. However, all Legislative Body questions must be limited to facts-only informational inquiries, and the Legislative Body may not discuss the merits, express any opinions or ask questions that convey opinions or thought processes with respect to any non-agendized issue. The public shall also be afforded the right to comment on

every item appearing on the agenda prior to the Legislative Body's consideration of that item, as provided in Section 7.4 below.

### 7.3 Time Limitations

The time limit to speak for public comments is three minutes during a noticed public meeting, provided that these limits do not apply to a project applicant speaking at a public hearing pursuant to Article VIII. Notwithstanding these time limits, the Presiding Officer has the full prerogative to maintain meeting order and decorum as provided in Section 9.1 and Article X generally. For example, the Mayor may shorten the time limit to accommodate a lengthy agenda. Likewise, the Mayor may extend time if he or she finds such extension is reasonably necessary to allow the speaker to complete his/her message without repetition or unnecessary tangents.

The Legislative Body may also adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The Legislative Body has discretion to modify its regulations regarding time limits on public comment if necessary.

### 7.4 Additional Procedures for Public Comment on Agenda Items

a) Members of the public shall have the opportunity to address the Legislative Body on each and every item listed on the agenda. Public comment on agenda items must be heard prior to the Legislative Body's consideration/discussion of the item. Public comments on an agenda item may be heard either in combination with the Public Comment period at the start of the meeting, or at the time the Legislative Body opens the item, or both, as determined by the Legislative Body and set forth in the agenda. No speaker may comment on the same item during both the Public Comment period and at the time the item is heard later in the agenda.

b) Each member of the public addressing the Council must submit such written information as the Clerk/Secretary may request for the record, step to the podium, and give their name and address for the record. However, members of the public cannot be required to provide their name or other information as a condition of providing public comment.

c) When any identifiable group of persons, as distinguished from the general public, seeks to address the Council on the same agenda item, the Mayor has the discretion to ask that the group select a spokesperson to address the Council. If additional issues are to be presented at the hearing by any other member of such group, the Mayor may limit the number of persons to address the Council to avoid unnecessary repetition of information presented to the Council.

d) The purpose of the public comment period is to receive input from the public, not to create a debate between the Members and the public. Members should generally refrain from debating members of the public during the period for public comment, but if Members desire to clarify comments by members of the public,

they may ask factual questions, and if necessary, should do so during the public comment period.

e) The Presiding Officer should clearly open and close the public comment period. After the close of the public comment period, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

f) A member of the public addressing the Council may not speak on behalf of another member of the public (i.e. "comment by proxy") unless the person whom a speaker is representing attends the meeting and submits his or her own comment card (or equivalent in the case of virtual meetings). Such represented person is not required to stay for the entire meeting.

### 7.5 Procedural Order for Individual Agenda Items

The procedural order for items of business appearing on the agenda at meetings of the Legislative Body may be as follows:

a) Introduction of item

b) Invite staff presentation.

c) Council invited to ask staff any questions or clarifications

d) Public comment

e) Mayor to ask staff if they have any closing comments and/or responses to public comments.

f) Council deliberation and discussion

g) Introduction of motion, second, further discussion if needed, vote.

After a motion has been made, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

## ARTICLE VIII -NOTICED PUBLIC HEARINGS

### 8.1 Public Hearings; Notice; Fairness

a) Matters noticed to be heard by the Legislative Body shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

b) Legislative Body members shall not overtly or implicitly promise a particular action by City staff or by any Legislative Body. Where a Legislative Body member is contacted about an issue that will be presented to any Legislative Body of

the City, it is appropriate to give a brief overview of the aforesaid City policy, to refer to City staff for further information, or to suggest that the concern be brought to the whole Council at the hearing or Council meeting, as appropriate.

c) All public hearing notices shall be issued and published in compliance with any statutory notice requirements applicable to the particular hearing at issue and such notice shall inform interested persons of the statute of limitations to challenge the validity of any action taken by the Legislative Body on such matter.

d) In all matters before a Legislative Body, whether a public hearing or otherwise, the Body must judge the matter fairly and without personal bias. Although every Legislative Body member has a right to their own personal opinions, Legislative Body members should by their demeanor show an ability to listen to a variety of viewpoints and demonstrate a reasonable willingness to consider all sides of an issue before them. For quasi-adjudicative and adjudicative proceedings involving public hearings, the members of the Legislative Body shall not prejudice the matter prior to the public hearing, shall be fair and impartial, and shall decide the matter based upon the evidence and the statutorily required findings.

e) For such matters, Legislative Body members should avoid expressing an opinion or divulging their thought process until after the public hearing has been completed.

f) When there is a potential for conflict of interest or a due process concern that may impact a public hearing, Legislative Body members may contact the City Attorney. See Section 9.7 for provisions pertaining to City Attorney advice.

### 8.2 Continuance of Hearings

a) Any hearing being held or noticed or ordered to be held by the Legislative Body may, by order or, notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for adjourned meetings.

b) When it is the decision of the Legislative Body to continue an item which appears on the agenda, prior to hearing any report, testimony or taking evidence on the item, the Legislative Body may make such intent known at the beginning of the meeting. At that time the public shall be offered the opportunity to speak regarding the intent to continue the item. At the time regularly scheduled for the hearing of the item, the Legislative Body shall then take action to continue the item after again informing the public of the intent to continue the matter. No testimony or evidence shall be taken at that time unless the speaker will not be available at the continued hearing date.

c) When the Legislative Body has continued the public hearing on an item after its commencement, persons testifying at the first public hearing shall be permitted to again address the Legislative Body on the item at the continued hearing subject to the finding of the Presiding Officer that the testimony is redundant. If found to

be redundant, the time allotted for testimony by the individual may be summarily reduced.

d) Continuances of a public hearing to a date certain need not be re-noticed unless (i) the hearing has not been continued to a date certain, or (ii) has been continued three or more times and the Presiding Officer believes confusion may be created as to the time of the hearing.

**8.3 Conduct of Hearings**

d) When a matter for public hearing comes before the Legislative Body, the Presiding Officer shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing. Written materials included and not included in the agenda packet are received and filed. The Presiding Officer shall permit members of the Legislative Body to ask questions of staff, but should prevent expressions of opinion by members of the Legislative Body before the conduct of the hearing.

e) The Presiding Officer shall thereafter open the public hearing and inquire if there are any persons present who desire to address the Legislative Body on the matter. Any person desiring to speak or present evidence upon being recognized, may speak or present evidence relevant to the matter being heard. Any testimony shall be truthful. The applicant/representative usually speaks first and is limited to twenty (20) minutes, any portion of which can be used for rebuttal. The City Council may amend this time limit by consensus or majority vote depending on the complexity of the issues. Rebuttal occurs following the remainder of the public testimony.

f) Members of the Legislative Body who wish to ask questions of the speakers, during the public hearing portion, may do so but should be mindful that the purpose of the public hearing is to obtain testimony and evidence from the speakers, and not to debate the merits of the matter with speakers. Members should avoid debate and expressions of personal opinion until after the close of the public hearing. Unlike public comment periods, generally there should be no response to speaker comments until after the close of the hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. All persons interested in the matter being heard by the Legislative Body shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the Clerk/Secretary as part of the record. Each speaker may only speak once during the public hearing unless the Legislative Body requests additional clarification later in the process.

g) Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the Legislative Body without reopening the public hearing. If, however, the Legislative Body receives relevant new evidence after the close of the public hearing and such new evidence may impact the

Legislative Body motion or vote, the Legislative Body may re-open the public hearing to obtain public comments upon such new evidence.

h) The Presiding Officer has the prerogative to establish special rules, such as to require group spokesperson, to limit the number of speakers to limit the total time for testimony to allow speakers to give time to others, or otherwise control the hearing, provided that (i) speakers are treated fairly, and that (ii) any such special rules are announced in advance of their application. The Presiding Officer always retains the prerogative to cut off speakers who are unduly repetitious, and to permit the extension of time to speakers.

i) Members of the public are allowed to show videos, PowerPoint presentations or similar presentations provided such video or presentation is relevant to the subject matter of the Legislative Body, is within the established time limit, and is provided to City staff 24 hours in advance of the meeting.

### 8.4 Extra-Meeting Contacts on Matters Set for Public Hearing

a) Legislative Body members should minimize their contacts with developers, applicants, or other persons who will be the subject of a quasi-adjudicative or adjudicative public hearing matter to be heard before the Legislative Body. Legislative Body members should avoid extra-meeting contacts with persons who will be the subject of a public hearing before the Legislative Body or with advocacy groups or special interests.

b) If a Legislative Body member is contacted directly by such person outside the meeting setting, the member shall refrain from expressing any viewpoints or thought processes to the person until after the public hearing. The Legislative Body member may explain that they are unable to express any viewpoint on the matter until all evidence has been heard in the course of a public hearing and should encourage any such person to present their position in writing or orally at the public hearing.

c) At the commencement of the public hearing, the Legislative Body member must disclose publicly any extra-meeting contacts or discussions had which may be relevant to the decision.

d) The limitations set forth in this Section shall not be read as preventing a Legislative Body member from inspecting a site that will be relevant to a public hearing, although such sight inspection should be disclosed on the record at the beginning of the public hearing.

### 8.5 Contributions and Recusal (Levine Act)

The Levine Act (Gov. Code § 84308) imposes certain disclosure and disqualification requirements on officers with regard to campaign contributions. The Levine Act applies only to a proceeding involving a license, permit, or other entitlement for use.[2] Previously, the Levine Act applied only to officers on appointed boards. With

[2] This is defined as "all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid,

the passage of Senate Bill 1439[3] in 2022, amended by Senate Bill 1181 and Senate Bill 1243 in 2024[4], the Levine Act now applies to officers serving on elected boards (such as the City Council) as well.

a) Beginning January 1, 2023, elected and appointed members of Legislative Bodies may not participate in a proceeding involving a party's application for a license, permit, or other entitlement for use while the proceeding is pending and for 12 months after the final decision is made, if the member has received a campaign contribution from that party or party's agent exceeding $500 and the member knows or has reason to know that the party has a financial interest in the decision.

b) This disqualification is also triggered by the receipt of a campaign contribution exceeding $500 from a "participant" or participant's agent in the decision if the member knows or "has reason to know" that the participant has a financial interest in the decision. A "participant" in general means someone who is not the party but who actively supports or opposes the party's application for a license, permit, or other entitlement and who has a financial interest in the decision.

c) A member may not make, participate in making, or in any way attempt to use his/her official position to influence the decision if the member has willfully or knowingly received a contribution exceeding $500 within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the member knows or "has reason to know" the participant has a financial interest in the decision. Before the decision is made, the member who received a disqualifying contribution within the preceding 12 months must disclose that fact on the record of the proceeding.

d) A member aware of any of the following facts "has reason to know" of a participant's potential financial interest:

(i) The participant has an interest in property within 500 feet of the real property at issue in the proceeding;

(ii) The participant has an economic interest in a business entity that may see a significant increase or decrease in customers as a result of the proceeding; or

entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises." (Gov. Code § 84308(a)(5).)

[3] The Fair Political Practices Commission (FPPC), in response to several questions from the League of California Cities and other stakeholders, has adopted implementing regulations to clarify the ambiguous text of Senate Bill 1439 (SB 1439), as amended. (See Cal. Code Regs. tit. 2, §§ 18438, 18438.1, 18438.2, 18438.3, 18438.4, 18438.5, 18438.6, 18438.7, 18438.8.)

[4] SB 1181 and SB 1243 went into effect January 1, 2025.

(iii) The participant has a business relationship with the applicant that may result in additional services provided to the applicant as a result of the proceeding.

e) The member also may not accept, solicit, or direct a contribution from a party or participant (if the member knows or has reason to know of the participant's financial interest), exceeding $500 while the proceeding is pending and during the 12 months after the date of the final decision. If such a contribution is received during the 12 months after the final decision, the officer may "cure" the violation by returning the contribution within 30 days of accepting, soliciting, or directing the contribution, whichever comes latest. The member may "cure" the violation only if the member did not know or have reason to know of the participant's financial interest.

f) "Agent": An "agent" for purposes of this section shall mean a person who represents a party or participant for compensation and appears before or otherwise "communicates with the Legislative Body for purposes of influencing the pending proceeding" on behalf of a party or participant. An agent may not make any contribution to a member while a proceeding is pending and for 12 months after a final decision.[5] To "communicate with the Legislative Body for purposes of influencing the pending proceeding" does not include the following:

(i) Preparing architectural or engineering drawings or similar submissions for a proceeding if (1) the work is performed pursuant to the person's profession and (2) the person makes no contact with the City other than contact with staff concerning the processing to evaluate the submissions.

(ii) Providing technical data or analysis if the person does not engage in direct communication to influence the proceeding.

g) "Pending": For members, a proceeding is "pending" when (1) the item is placed on the Legislative Body's agenda, or (2) the member knows a proceeding involving a license, permit or other entitlement for use is before the agency for its decision, and it is reasonably foreseeable that the decision will come before the member in the member's decision-making capacity. For a party or party's agent, or a participant or participant's agent, the proceeding is "pending" when it is filed with the City, or, if the proceeding does not require an application, when the proceeding is before the City for its decision or other action. This means that once the application is filed, the party or participant may not make a contribution over $500, and their agents may not make any contribution. A member who accepts the contribution, however, will not be at risk of violating the Levine Act if the member does not know or have any reason to know about the proceeding.

[5] Effective January 1, 2025 pursuant to SB 1181 and SB 1243.

h) Officers must take the following steps after learning that a disqualifying contribution was made:

(i) For contributions over $500 made before a final decision, a party, participant, and member who is disqualified pursuant to this section must disclose the contribution on the record of the proceeding. The member must then recuse him or herself from the proceeding unless the member takes the steps described in subparagraph (ii) below.

(ii) The member may still participate in the proceeding if (i) he or she knew or should have known about the contribution and proceeding for fewer than 30 days; (ii) he or she discloses the disqualifying contribution on the record, and confirms the contribution in excess of $500 will be returned within 30 days from the time the member knew or should have known about the contribution and proceeding; and (iii) the contribution is returned within that timeframe.

The Levine Act is a complex statute that requires a nuanced analysis of facts. Legislative Body members should consult the City Attorney if they suspect a potential violation.

## ARTICLE IX -OFFICERS

### 9.1 Presiding Officer

a) The meeting shall be presided over and chaired by the Presiding Officer, or, in the Presiding Officer's absence, the Vice Chair. The Presiding Officer shall have the authority to rule any speaker out of order, including speakers during the public comment period if the subject raised is not within the subject matter jurisdiction of the Legislative Body, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing. The Presiding Officer shall have the responsibility for the conduct of meetings in an orderly manner and to prevent the obstruction of business, and in carrying out this responsibility shall have the authority to give the floor to any member of the Legislative Body or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, to caution speakers as to disruptive behavior, and to order any persons willfully interrupting the meeting to be removed from the room, including as provided in Article X.

b) The Vice Chair shall generally take the place of the Presiding Officer in the absence of the Presiding Officer. In the absence of the Vice Chair, the Presiding Officer may call any other member to take his or her place as Presiding Officer; such substitution is not to continue beyond adjournment.

c) Any determination made by the Presiding Officer may be appealed by the making of a Motion to Appeal the Ruling by any other member of the Legislative

Body. The Presiding Officer's determination will stand unless a majority of the Legislative Body members vote in favor of the Motion to Appeal the Ruling, in which case the ruling of the Presiding Officer will be overridden.

d) Consistent with customary practice, the Chairperson and Vice Chairperson (when filling in for the Chairperson) should allow other members of the Legislative Body to first speak and make motions, and only in the absence of member comments or if no member makes a motion should the Chairperson and Vice Chairperson then consider making a motion.

### 9.2 Mayor

a) Although a ceremonial position, the Mayor occupies the highest office in the municipal government and is expected to provide the leadership necessary to keep the city moving in the proper direction. Effective mayors act not only as leaders staking out policy positions, but also facilitators of effective teamwork. The Mayor shepherds the City through public meetings and in doing so must ensure the Council's important policy issues and long-term future concerns are fairly debated by the entire Council for the benefit of the public.

b) The Mayor is the designated representative of the City and the City Council for purposes of presenting and expressing the official City position on an issue. If individual members of the Council or other Legislative Bodies are contacted by the media for a statement of official City position, the member should refer such inquiries to the Mayor. Otherwise, public or media statements by a Legislative Body member should be clearly characterized as comments upon a personal viewpoint.

### 9.3 Appointment of Mayor and Vice Mayor

a) Each Member elected to the Council is equally qualified and deserving to hold the offices of Mayor and Vice Mayor and each Councilmember should be given ample opportunity to serve in one or both of these offices.

b) It is the express intention of the Council that as many Members as possible serve as Mayor and Vice Mayor as long as they are in good standing.

c) The Member appointed as Mayor must have been a member of the Council for approximately two years. In the absence of a Member with sufficient tenure on the Council and absent disqualifying circumstances, priority should be given first to the Member with the longest continuous service since last serving as Mayor or Vice Mayor, and thereafter to any Member who has not previously served as Mayor or Vice Mayor. A Member should serve as Mayor only once during his or her term.

d) The Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Mayor must be a member of the City Council and retains all powers of a Councilmember.

e) The Vice Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Vice Mayor must be a member of the City Council and retains all powers of a Councilmember.

f) **Procedure for Mayoral Election.**

(i) The Clerk/Secretary will state the procedures for electing the Mayor and Vice Mayor.

(ii) The election of the Mayor will be conducted by the Clerk/Secretary or a designee.

(iii) The Clerk/Secretary will declare that the office of Mayor is vacant and that nominations are open.

(iv) Any member of the City Council may nominate any member of the City Council as Mayor, including him or herself. A second to a nomination is not required.

(v) Any member of the City Council may move to close the nominations at any time after all Councilmembers have had the opportunity to make a nomination. The motion requires a second and must receive a vote of a majority of the City Council to pass.

(vi) After nominations have been closed, the Council can debate the nominations. After deliberations conclude, the Clerk/Secretary will call for the vote on the election of the Mayor.

(vii) The nominees will be voted on in the order the nominations were made.

(viii) The first Councilmember receiving the vote of a majority of the City Council is the Mayor and the election will be closed.

(ix) If no member of the City Council receives a majority vote, the Clerk/Secretary will re-open the nominations and conduct a new election until a Mayor is elected.

g) Procedure for Vice-Mayoral Election.

The election of the Vice Mayor will be conducted in the same manner as the election of the Mayor, except that it is generally expected, although not mandatory, that the Vice Mayor should succeed to the office of Mayor.

### 9.4 Use of Letterhead.

Members of the City Council may use official City letterhead to correspond with other public officials and with consultants on matters of City business but any such correspondence shall state that the views expressed therein are personal and not the position of the City unless the City Council has officially adopted such position. No other Legislative Body or Sub-Legislative Body may take a position officially representing the City unless authorized to do so by the City Council.

### 9.5 Email Policy

a) Members of the Legislative Body are provided with City email accounts which must be utilized for the conduct of City business, including communications with constituents. Members should be aware that all such communications may be subject to the Public Records Act (Government Code § 7920.0000 et seq). Use of private email accounts for City business may also make them subject to disclosure.

b) Members of the Legislative Body are subject to the Brown Act in the use of email. Email communications may not be used to develop a collective consensus or decision on any matter. Email communications to the entire Body should be avoided but may be permitted to provide factual information, for example such as arranging an event, where no discussion or exchange of opinions on a matter within the jurisdiction of the Legislative Body is initiated or occurs. When sending an email to provide such factual information, a member of the Legislative Body should advise all other members, “Please do not reply all to this email.” Where a concern exists regarding whether an email complies with the Brown Act, the email can be forwarded to the City Manager or City Attorney for review.

c) In the event the entire Legislative Body is contacted about an issue on a weekday, for example, by letter or email, either the Presiding Officer or designee shall within 24 hours acknowledge receipt of the communication by replying: “We have received your [email/letter] dated _____. The City Council values your opinions. To avoid any risk of violating of the Brown Act, your [email/letter] has been forwarded to the [City Manager/City Attorney/appropriate staff]. If you have not heard from a City representative within _____ days, please contact the Mayor and/or City Manager.”

### 9.6 Social Media Policy

a) The City Council, as the legislative body of the City of Santa Paula, hereby adopts the following policy regarding the private use of social media by its individual members. This policy is adopted, in part, in light of California Assembly Bill No. 992, effective January 1, 2021, which authorizes members of a legislative body to use social media to communicate with the public, subject to statutory exceptions.

b) The Council acknowledges that social media has become an integral channel of communication between individual members and the public. The Council appreciates that proper use of social media can serve many important

functions, including: (1) building awareness and interest around the City (i.e., mission, services, projects, meetings, activities and events, etc.); (2) supplementing the rapid disbursement of emergency information; and (3) fostering civic pride and engagement within the community. The Council recognizes, however, that its members' use of social media must be balanced against legal obligations with respect to transparency in the conduct of the people's business.[6] For these reasons, the following protocols will be followed.

c) Definitions

(i) City: the City of Santa Paula, California.

(ii) Councilmember and other public officials: any member of the City Council and any member of a City Council-appointed committee or other governing body of the City of Santa Paula

(iii) City business: information relating to the conduct of the public's business or communications concerning matters within the subject matter of the City's jurisdiction, including, but not limited to, pending or potential City projects, past or prospective City agenda items, or City budgets or expenditures involving City funds.

(iv) Open and accessible to the public: members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(v) Social media platforms: an online service that is open and accessible to the public. Examples include Snapchat, Instagram, Facebook, Twitter, blogs, TikTok and Reddit.

d) Public Records Act: Councilmembers and other public officials should be aware that their posts, comments, and responses about City business on social media platforms, whether on public or private pages, may be subject to disclosure under the Public Records Act.

e) First Amendment: Councilmembers and other public officials should also be aware that their private social media accounts may be transformed into

[6] E.g., the Brown Act requires that legislative bodies of public agencies deliberate and take action openly. (Gov. Code §§ 54950 et seq.). Additionally, communications regarding City business on private accounts may be subject to disclosure under the Public Records Act. (Gov. Code §§ 7920.0000 et seq.)

public forums where members of the public may have First Amendment rights. In determining whether a private social media page has become a public forum, courts have examined factors including:

(i) How the public official is identified on the site (i.e., is she identified as “Mayor” or simply “Jane Doe”?);

(ii) How the page is titled (i.e., is the account registered as a governmental account or a private account?);

(iii) How the public official “invites” users to use the page (i.e., in cases in which the account was deemed a public one, the public official solicited the public’s opinion on City matters);

(iv) Whether the public official is “transacting” City matters on the site (i.e., posting about matters before the City);

(v) Whether City employees help maintain and operate the site; and

(vi) Whether the public official uses the site to engage directly with the public (i.e., replying to constituent comments regarding City business).

f) Whether an account is private or public is fact-specific and depends on the totality of the circumstances. In some instances, courts have sided with plaintiffs in finding that public officials’ use of their social media accounts have turned those sites into public forums.[7]For these reasons, Councilmembers shall comply with the following best practices:

(i) No use of City staff: Councilmembers and other public officials will not use City staff to help maintain their personal accounts on social media platforms.

(ii) Separate accounts; private page disclosure: Councilmembers and other public officials will keep all personal social media accounts separate from those of the City and other Councilmembers. To that end, Councilmembers and other public officials should include language that is substantially similar to the following on all personal pages: “This is my personal social media and is not intended as a forum to discuss City business.”

[7] See e.g., *Davison v. Randall* (4th Cir. 2019) 912 F.3d 666 [Court found that county board of supervisor’s Facebook page had transformed into a public forum. As such, the court held that the supervisor violated the First Amendment when she blocked a member of the public from her page].

(iii) Content moderation if potential public forum: If there are reasons to believe that a Councilmember or other public official's private social media page has turned into a public forum, the Councilmember or public official should not block members of the public from the page or delete comments with which they disagree.

g) Brown Act: Councilmembers and other public officials may engage in separate conversations or communicate on social media platforms to answer questions, provide information to the public, or solicit information from the public regarding City business. In accordance with AB 992, Councilmembers and other public officials will not do either of the following on a social media platform:

(i) Discussion by a majority: Discuss City business with a majority of Councilmembers or, as applicable, with a majority of the relevant City Council-appointed committee or commission. That includes communicating, posting, sharing, commenting, or using digital icons (i.e., a thumbs up or an emoji); or

(ii) Direct responses: Respond directly to another Councilmember or other public official's communication, comment or post if the topic concerns City business.

h) Consequences: Failure of a Councilmember to abide by this policy, following its adoption, may result in censure by the Council.

### 9.7 Clerk/Secretary

The Clerk/Secretary or his/her deputy shall attend all meetings of the Legislative Body unless excused, and shall keep the official minutes and perform such other duties as may be requested by the Legislative Body.

### 9.8 City Manager

a) The City Manager, or designee, shall attend all meetings of the Legislative Body unless excused. The City Manager may make recommendations to the Legislative Body and shall have the right to take part in all discussions of the Legislative Body, but shall have no vote. The City Manager, shall provide the Legislative Body with a staff report providing sufficient information to be the basis for any action by the Legislative Body at its meeting. Any officer or employee of the City, when directed by the City Manager, shall attend any meeting of the Legislative Body and may present information relating to matters before the Legislative Body.

b) Consistent with Title 3, Section 31.08, Powers and Duties of the City Manager, of the Santa Paula Municipal Code, it shall be the duty of the City Manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits, and privileges granted by the Council are faithfully observed.

Further, it shall be the duty of the City Manager to recommend to the Council for adoption such measures and ordinances he/she deems necessary and to prepare, submit and administer, after adoption by the City Council, the annual budget and salary plan. It shall be the duty of the City Manager to keep the Council at all times fully informed as to the financial condition and needs of the city

c) Any member of the Legislative Body may request that the City Manager or members of the staff to investigate a matter related to the interests of the City. Where fulfillment of the request involves substantial cost or staff resources, the request must first be approved by the City Manager or by the Legislative Body during the part of a meeting for "Future Agenda Items" using the procedure in Section 5.1(b) or (c). The decision to approve the request involving substantial cost or staff resources , will be communicated to the entire City Council. Regardless of whether a request requires approval, all responses to requests that are of consequence to the entire City Council will be distributed to the entire City Council. For purposes of this subsection, "Substantial cost or staff resources" means more than one hour of staff time.

### 9.9 City Attorney

a) The City Attorney, or deputy, shall attend all meetings of the City Council unless excused and shall upon request of any member give an opinion, either written or oral, on questions of law. The City Attorney, or deputy, shall attend all meetings of such other Legislative Bodies as directed by the City Council or City Manager. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body pursuant to Section 3 of Article XI, below. All ordinances and resolutions, all contracts, deeds, and easements or other legal instruments shall be approved as to form and legality by the City Attorney. Contracts may be approved as to form and/or legality by the City Attorney when exceeding purchasing ordinance and policy guidelines. In any case of ambiguity or uncertainty in the interpretation or application of this Manual to any procedure, the Presiding Officer may direct such question to the City Attorney for a ruling.

b) Any member of the Legislative Body may request from the City Attorney a legal opinion regarding any matter related to the interests of the City. Where a legal opinion involves over two (2) hours of attorney time, the request for the opinion must first be approved by the City Manager or by the Legislative Body during the part of a meeting for "Future Agenda Items" using the procedure in Section 5.1(b) and (c). The City Attorney is the legal representative of the City acting through its Legislative Body. There is a continuing legal question as to whether the City Attorney may have an attorney-client relationship with any individual member of the Legislative Body or the City staff. As a consequence any discussion with the City Attorney which leads to the conclusion that the interests of the City are at risk must be revealed to all relevant members of the Legislative Body and the City staff by the City Attorney. The City Attorney shall not have an attorney-client relationship with individual councilmembers. The City Attorney is required to maintain the confidentiality of such communications

from persons outside the City to the extent required or permitted by law, including the Rules of Professional Responsibility promulgated by the State Bar.

c) The City Attorney has no statutory duty or authority under the Political Reform Act to provide Political Reform Act advice to any Legislative Body member but should provide advice to members when requested. However, a Legislative Body member may not rely on advice from the City Attorney to provide him or her with immunity from FPPC enforcement or prosecution. Such immunity may be obtained only through a written advice letter obtained from the FPPC, on the question at issue, by the Legislative Body member. A Legislative Body member enjoys no privilege of attorney/client confidentiality in reviewing these matters with the City Attorney. Any advice given to an individual member of a Legislative Body cannot be withheld from the rest of the City or Legislative Body. If, after receipt of an opinion of the City Attorney the Legislative Body member wishes to participate in the decision making process with immunity from prosecution or enforcement, the City Attorney shall assist the Legislative Body member in making direct contact with the FPPC for informal or formal advice upon which the Legislative Body member can rely.

d) [City Council Only]. It often happens that other jurisdictions or the League of California Cities or other regional or statewide association will ask the City to participate in the filing of a letter or brief before a court in a matter deemed to be of concern to all or a great many cities. These “friend of the court” or “amicus” briefs have the effect of informing the court how widespread its opinion will be and how that opinion will affect cities. Such participation is normally without direct cost to the City. In considering whether to direct City Attorney to file or join an amicus brief, the City Council shall consider whether such brief would represent or propose a position that conflicts with, or causes strife amongst, other City-related interests such as, without limitation, the interests of employee organizations, law enforcement, or public safety.

(i) Upon receipt of the request, the City Attorney shall make the request available through the City Manager to the Council. Upon a determination by any Council member that there is an interest in participating in the action in the manner proposed, the Council member shall inform the City Manager or City Attorney who shall place the matter as an item for discussion in closed session on the agenda of the next Legislative Body meeting. The City Attorney may otherwise place an amicus request on the agenda on his or her initiative.

(ii) In lieu of the foregoing process, where there is urgency to the matter, the City Attorney is authorized to undertake the filing of the letter or brief where (i) in the opinion of City Attorney the legal matter significantly affects the interests of the City, (ii) the City Attorney has consulted with and received the approval of the City Manager, (iii) the cost to

the City will not exceed $5000, and (iv) the City Attorney makes a written report of the action to the Legislative Body.

(iii) Approval given to City Attorney to defend, or seek or refrain from seeking, appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a closed session consultation shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

### 9.10 Conflicts of Interest

All Legislative Body members are subject to the provisions of California Law, such as Chapter 1, Title 9, of the California Government Code, relative to conflicts of interest, and to conflicts of interest codes adopted by the Legislative Body. Any Legislative Body member prevented from voting because of a conflict of interest shall refrain from in any way participating in the matter giving rise to the conflict. Where recusal from a matter is made on the basis of a conflict of interest arising from a financial interest in the decision, the Legislative Body member shall announce their recusal from the matter when it is first opened, and then shall set forth the reason for the recusal with the degree of specificity at least equal to the disclosure of the Legislative Body member's financial interests on the Legislative Body member's annual statement of financial interests; immediately after such announcements, the Legislative Body member shall leave the room. The Legislative Body member shall not overhear the staff report, participate in the discussion or deliberations and shall not otherwise make or participate in making the decision or in any way attempt to use his or her official position to influence the decision, including inquiries and discussion with City staff. This shall not prevent the conflicted Legislative Body member from coming before the Legislative Body solely during the public comment period as an affected resident to state his/her opinion on how the matter impacts their disqualifying interests.

### 9.11 No Financial Interest in Contracts

A member of a Legislative Body shall not have a financial interest in a contract within the meaning of Government Code §1090 et seq. made in their official capacity

and such contract shall be null and void whether the member participates in the making of the contract or not.

### 9.12 Ethical Standards

A member of a Legislative Body shall maintain the highest ethical standards and shall adhere to all laws and the ordinances and regulations of the City in carrying out their duties.

## ARTICLE X -DECORUM AND ORDER

### 10.1 Decorum and Order

a) The rules governing decorum and order in the governance of the City is attached hereto as Exhibit A (the "Code of Conduct"). The Code of Conduct describes the manner in which City Officials should treat one another, City staff, constituents, and others they come into contact with in representing the City of Santa Paula. The Code of Conduct is intended to advance the City's goals by providing efficient and high quality services to City residents and a safe and productive work environment for the City's employees.

### 10.2 Persons Authorized To Be Within Platform/Dais

No person except Legislative Body officials or authorized Legislative Body staff shall be permitted behind the Legislative Body dais without permission or consent of the Presiding Officer or the City Manager.

### 10.3 Personal Privilege

If a Legislative Body member is personally offended by the remarks of another member, the offended Legislative Body member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Presiding Officer will maintain control of this discussion. The right of a member to address the Legislative Body on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned or impugned.

### 10.4 Disruptive Members of the Public

Members of the public have the right to criticize the Legislative Body and public officials, which may involve the use of profanity and other forms of expression. The public does not have the right to impede the orderly conduct of a public meeting. When a member of the public is disruptive, the Presiding Officer must warn the individual that their behavior is disrupting the meeting and their failure to stop their behavior may result in their removal. If the individual does not promptly cease the disruptive behavior, the Presiding Officer or their designee may order removal of the individual. "Disruptive behavior" means behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," including but not limited to: (1) behavior

that violates one of the Legislative Body's regulations addressing the conduct of open meetings or any other law, or (2) behavior a reasonable observer would perceive as an actual threat to use force by that member of the public. (Government Code § 54957.95.) Removal of the disruptive person should only be used as a last resort.

## ARTICLE XI -PARLIAMENTARY PROCEDURES

### 11.1 Procedures In Absence Of Rules

a) City Council proceedings should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, the Santa Paula Municipal Code, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for in this Article XI may be determined by the Mayor, subject to a vote of the entire Council. In addition, the City Council may, upon majority vote, alter or modify any provision of this Article (hereinafter, "Rules") when appropriate or desirable.

b) These Rules are adopted to expedite the City Council' s business transactions in an orderly fashion and are procedural only. **Failure to strictly observe these Rules will not affect the Council's jurisdiction or invalidate any Council action conforming with applicable law**.

c) Any provision of these Rules not governed by the Government Code or other applicable law may be temporarily suspended by a two-thirds vote of all members of the Legislative Body. Such suspension may be removed at any time by the same vote of members. The vote on any such suspension shall be taken by yeas or nays and entered upon the record.

### 11.2 Precedence of Motions

a) A motion may be debated by the Legislative Body after it is made. During debate, any member of the Legislative Body may "call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

b) When a motion is before the Legislative Body, no other motion may be considered except:

(i) Motion to Amend — (debatable only as it relates to the amendment)

An amendment which modifies the motion is in order. However, a substitute motion is in order if the intent is changed. Amendments are voted on first, and the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There may only be one amending motion on the floor at any one time.

(ii) Motion to Postpone — (a motion to postpone indefinitely is debatable)

If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.

(iii) Motion to Table — (Undebatable and not subject to amendment)

The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

(iv) Motion for Previous Question (Undebatable)

A motion for previous question closes debate on the main motion and is non-debatable. If motion fails, debate is reopened; if motion passes, then vote must be taken on the main motion.

### 11.3 Voting

a) After a full opportunity for debate if it appears that there is a consensus of opinion among the members of the Legislative Body on the matter to be voted upon, the Presiding Officer may state the consensus of the Legislative Body and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the Legislative Body. The Presiding Officer may also determine that a consensus exists following a call for a vote by any member of the Legislative Body by a Motion to Call the Question.

b) The order voting shall be random with the Mayor voting last. The Clerk/Secretary shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond ‘aye’, ‘no’ or ‘abstain.’ After every vote the Legislative Body shall declare the result and, on all but consensus votes, shall note for the record the number of votes for or against the question. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Legislative Body.

c) During a collective vote (Ayes and Nays), silence of any Councilmember denotes an affirmative vote.

d) Any Councilmember has the right to enter into public record reasons for dissent or protests against any motion carried by the majority.

### 11.4 Votes Needed

a) Usually, in the absence of a contrary statutory provision (such as urgency measures), a majority of a quorum which constitutes a simple majority of the Legislative Body may act for that body. However, resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of a Legislative Body.

b) State law may dictate certain instances in which the number of votes required is greater than a majority of all Legislative Body members. As a matter of convenience, questions on which the voting requirement is varied by the State statutes and these rules, include, without limitation, the following:

(i) Levying Taxes - Ordinances providing for the Assessment and collection of taxes require the approval of two-thirds of the members of the whole Council.

(ii) Assessment - Assessments require a two-thirds vote of the whole Council.

(iii) Bonds and Certificates of Participation - Authorizing the issuance of these financial instruments requires a two-thirds vote of the total Council.

(iv) Eminent Domain - The exercise of Eminent Domain requires a two-thirds vote of the total Council.

c) Any official with a conflict of interest is not counted for purposes of establishing a quorum, and must not vote on, make, participate in any way in, or attempt to influence the decision. A Legislative Body member abstaining on any other grounds than a conflict under the Political Reform Act shall be counted as present for purposes of a quorum and such abstentions are counted with the majority. The Legislative Body member who leaves the dais solely to avoid participating in a specific item shall, in absence of a conflict, be counted as if they were present but abstaining and such abstentions are also counted with the majority.

d) If a motion is lost on an ordinance or any motion when the legally required number of votes for passage is three (3), when two (2) members of the Legislative Body are absent, the matter will be automatically continued to the next regular meeting. In the case of an Urgency Ordinance, which requires a four-fifths vote to pass, a unanimous vote on a motion is required for passage when one (1) Councilmember is absent.

### 11.5 Reconsider

Any Legislative Body member who voted with the majority may move to reconsider any action at the same meeting or, within sixty (60) calendar days, request in writing to the Clerk/Secretary that it be agendized for consideration at the following meeting, provided that reconsideration shall not be permitted where a party other than the City has acted in reliance on the Legislative Body's action and would be

substantially prejudiced by such reconsideration. The Clerk shall apprise the City Attorney of any facts constituting substantial prejudice and may rely upon the determination of the City Attorney. The motion for reconsideration is debatable and has precedence over a pending motion. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Legislative Body member who voted against the earlier motion may move for reconsideration at the following meeting. The member seeking reconsideration must have the matter agendized unless the motion will be made at the same meeting where the original action was taken. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting which meets any applicable noticing requirements. If the action to be reconsidered is a Public Hearing item, it must be re-noticed in the event the motion to reconsider passes. Where it is clearly established that all interested members of the public are still present, however, the item may be reconsidered without further notice. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Legislative Body.

### 11.6 Tie Votes

Tie Votes shall be lost motions unless an additional Motion is made which obtains a majority vote to break the tie. When all Legislative Body members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal. In such case, the findings in support of the decision shall be those of the lower body. If a tie vote results at a time when less than all members of the Legislative Body are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Legislative Body, unless otherwise ordered by the Legislative Body. A member of the Legislative Body may change his/her vote only if the change is made immediately following the announcement of the vote by the Presiding Officer and before the next agenda item is announced.

### 11.7 Abstentions

Members of the Legislative Body are discouraged from abstaining from a vote for reasons other than a legally-disqualifying, financial conflicts of interest. However, if a member chooses to abstain from voting as a result of what he/she perceives as a personal or non-financial conflict of interest, the member may do so after stating for the record the nature of the perceived conflict. A member of the Legislative Body who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention. In the event of such a perceived conflict (as opposed to a legally-disqualifying conflict), the member is not required to leave the dais.

a) A Legislative Body member shall generally express their positions on all matters except those where they are required to abstain due to legally recognized conflict of interest.

b) A Legislative Body member who has appealed the action of any person or body of the City on a matter which does not constitute a conflict of interest for the member under any law, may participate in the hearing on the appeal, unless there is clear and convincing evidence that such member is not objective or the member feels that they are unable to remain neutral, or as may be otherwise advised by the City Attorney. Notwithstanding any contrary provisions herein, in bringing an appeal, the Legislative Body member need not give reasons for making the appeal.

c) A Legislative Body member may abstain from action on a matter where in the member's opinion, there might be a public perception that participation in the discussion or decision would be inappropriate even though the member has no disqualifying financial interest within the meaning of FPPC rules and regulations.

### 11.8 Votes Of Members Previously Absent

a) A Legislative Body member who was not present at a meeting should generally not vote on the approval of minutes for that meeting, but the voting on such minutes shall have no effect on the validity of the minutes.

b) A Legislative Body member may vote on a continued item after an absence from the earlier public hearing of the matter if, prior to the vote, the member affirms on the record that they have familiarized themselves with the record of the earlier meeting and are prepared to vote on the issue. If the member shall abstain from the vote, the member shall be counted towards the quorum on the issue and the abstention shall be counted with the vote of the majority of the quorum.

c) The foregoing shall not apply to the matter of a vote on the minutes of a meeting at which the member was not in attendance. In that instance, the member abstaining on the grounds of non-attendance at the meeting to which the minutes pertain shall not be counted towards the quorum on the issue and the abstention shall not be counted with the votes of the majority of the quorum.

### 11.9 Appeals by Members of Legislative Body for Quasi-Adjudicatory Decisions

Except where otherwise provided, a member of the City Council may be deemed an interested person in any decision by a subordinate body and shall have standing to appeal to the City Council any decision by the subordinate body, or any determination made by any official of the City by filing a written appeal. The appeal shall not state any grounds for the appeal and the resulting hearing shall be de novo. "De novo" means that the City Council decides the appeal without deference to the subordinate body's decision and decides the matter on appeal as if heard for the first time. The appeal must be filed within 10 days of the making of the decision being appealed and shall be filed with the Clerk/Secretary who shall give written notice to the applicant, and provide written notice to other persons as required for the original action. The hearing shall be held at the first regular meeting of the Council for which notice can be legally given.

## 11.10 Findings and Decisions

Decisions of a Legislative Body, when acting as a quasi-adjudicative body (public hearings) should be framed in terms of "findings" of fact, potentially relevant conclusions of law, and ultimate decisions showing the basis for the decision and the nexus between the findings, the conclusions, and the decision. The Legislative Body members must consider any legally-mandated findings applicable to a matter and consider the evidence presented to them in light of such findings in making their decisions.

## 11.11 Presentation of Evidence

a) Oral Evidence

Oral evidence may be taken on oath or affirmation if requested by the Legislative Body.

b) Exhibits and Documents

Documentary evidence, exhibits, written communications, and documents used and relied upon by the Legislative Body during meetings must be made part of the record.

c) Communications and Petitions

All communications and petitions must be read aloud either in full or in summary. A reading in full must be made at the request of a majority of the Legislative Body. All such communications and petitions may be placed into evidence at the discretion of the Legislative Body.

d) Staff Reports

A written staff report should be prepared and orally reviewed as part of the staff presentation. Such report is evidence and part of the record.

e) Large Maps and Displays

Large size maps and displays presented for use at the hearing should be displayed in full view of the Legislative Body. When practicable, such maps or displays, or their authentic reductions, will be placed into the record.

f) Admissible Evidence

A Public Hearing need not be conducted according to legal rules of evidence. Any evidence may be accepted if it is relevant and of the type

which reasonable persons rely upon in conducting serious affairs. Irrelevant and unduly repetitious evidence will be excluded.

## ARTICLE XII -MISCELLANEOUS

### 12.1 Interpretation

This Manual shall be liberally construed to effectuate its purpose and no ordinance, resolution, proceeding or other action of the Legislative Body shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Legislative Body to technically comply with, observe, or follow the within rules. The City Council may, by resolution, adopt further rules of interpretation or practice.

### 12.2 Amendments

This Manual may be amended from time to time as necessary by resolution passed by a majority vote of the City Council at any regular or special meeting, provided that no such amendment shall be adopted unless at least seven days' prior written notice thereof has been given to all Legislative Body members serving the City. Such notice shall identify the Section or Sections of the Manual proposed to be amended.

**Exhibit A**
**CODE OF CONDUCT**

## CODE OF CONDUCT

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others they come into contact with. Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect of each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

### 1.0 Council Conduct with One Another

a) Members of the Legislative Body should refer to one another formally during public meetings as Mayor, Vice Mayor or Councilmember followed by the individual's last name.

b) Difficult questions, though challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, members of the Legislative Body to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

c) Any member of the Legislative Body wishing to speak, or any member of the public wishing to address the Legislative Body must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any member of the Legislative Body who seeks the floor when appropriately entitled to address the Legislative Body. The Legislative Body member shall confine himself or herself to the question under debate. It is the responsibility of the Chair to keep the comments on track during public meetings. Members of the Legislative Body should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason.

d) Any member of the Legislative Body, including the Presiding Officer, may bring a matter of business properly before the Legislative Body for decision by making a motion. Any Legislative Body member, including the Presiding Officer, except the Legislative Body member making the motion, may second a motion. Once a motion is seconded, it may be opened for discussion and debate.

e) The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the majority Legislative Body.

f) Legislative Body members shall accord the utmost courtesy to each other, to City or Legislative Body employees, and to the public appearing before the Legislative Body and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities, which disrupt, disturb or otherwise impede the orderly conduct of the Legislative Body meeting.

g) Any Legislative Body member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Legislative Body shall require the member to so act.

h) The members of the Legislative Body shall not engage in communications between themselves during the Legislative Body meeting regarding matters being considered on the agenda unless and until the Legislative Body has opened that agenda item. In order to minimize exposure to a Brown Act violation, Legislative Body members are discouraged from discussing any City business during breaks or before and after meetings; City business may only be discussed by a quorum of Legislative Body members when it is opened as a duly-noticed agenda item. Legislative Body members should not leave the room during an agenda item.

i) Legislative Body members shall endeavor to minimize cell phone use during meetings. If a matter of significance arises, the member shall excuse themselves to use his or her cell phone far enough from the meeting location so as to avoid a disruption.

j) The members of the Legislative Body shall always be attentive and show respect to those addressing the Legislative Body provided that nothing shall prevent the enforcement of the rules of decorum herein.

k) No Legislative Body member attending a meeting of another City commission or committee shall make any statement or, give the appearance or indicate in any way that they are representing the Legislative Body unless they have been authorized to do so by the Legislative Body. When making a comment at such a meeting, the Legislative Body member should make it clear that they are speaking solely as an individual. Unless officially appointed to participate on a committee, Legislative Body members should make an effort not to insert themselves into or take positions on matters which will ultimately be decided upon by the Legislative Body.

l) The Legislative Body may censure its own members for misconduct pursuant to Section 7.0, below.

**2.0 Council Conduct with City Staff**

a) Governance of a city relies on the cooperative efforts of elected officials, who set policy, and city staff, who implement and administer the Legislative Body's

policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

b) During meetings, City staff and employees shall observe the same rules of procedure and decorum applicable to Legislative Body members. The City Manager shall ensure that all staff and employees observe such decorum. Any staff members, including the City Manager, desiring to address the Legislative Body or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any individual Legislative Body member or member of the public.

c) Questions of City staff and/or requests for follow-up or additional background information should be directed only to the City Manager, the City Attorney, Assistant/Deputy City Manager, or Department Heads. The Office of the City Manager should be copied on any request, except those to the City Attorney. When in doubt about what staff contact is appropriate, Legislative Body members should ask the City Manager for direction. Materials supplied to a Legislative Body member in response to a request will be made available to all members of the Legislative Body so that all have equal access to information. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

d) Members of the legislative body should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Members of the legislative body must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.

e) Legislative Body members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

### 3.0 Council Conduct with the Public

a) In Public Meetings, members of the Legislative Body should make every effort to make the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. In the event of disruptive behavior while a Councilmember is speaking on an item, the Mayor is encouraged to politely ask attendees to cease disruptions so that the Council can get through all business on the agenda. The Mayor is also encouraged to make the following statement, or a statement of similar effect, at the start of each meeting:

"To maintain a public meeting environment conducive and welcoming to receive public comments from all members of the public, the audience is discouraged from engaging in displays of support or opposition to staff reports or public comments, including clapping, yelling, booing, hissing, or cheering, that may create a disruptive environment for members of the public wishing to participate, including when entering and exiting the Council Chambers. Members of the public who wish to express their views during the meeting are encouraged to do so in silent, non-disruptive ways—such as raising a hand, shaking hands, or another quiet gesture of support or opposition that does not obstruct views or interrupt proceedings.

Members of the public holding signs are asked to hold the signs on their person in front of them or move to the back of the room so as not to obstruct the view of other members of the public wishing to participate in the meeting."

b) Public Hearings.

1. Members of the Legislative Body should be fair and equitable in allocating public hearing time to individual speakers. The Presiding Officer will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Presiding Officer may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

2. Each speaker may only speak once during a public hearing unless a Member of the Legislative Body requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Presiding Officer reopens the public hearing for a limited and specific purpose.

c) It is disconcerting to speakers to have Members of the Legislative Body not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

d) Only the Presiding Officer, not individual Members of the Legislative Body, can interrupt a speaker during a presentation. However, an individual Member can ask the Presiding Officer for a point of order if the speaker is off the topic or exhibiting behavior or language the Member finds disturbing.

e) If speakers become flustered or defensive by questions, it is the responsibility of the Presiding Officer to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by individual Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to

belligerently challenge or belittle the speaker. A Member's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

f) Members of the Legislative Body should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

g) The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body.

h) Members of the Legislative Body will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise a particular action, or to promise City staff will do something specific (fix a pothole, plant new flowers in the median, etc.)

### 4.0 Council Conduct with Other Public Agencies

a) When any Member appearing before another governmental agency or organization to gives a statement on an issue, the Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

b) If the Member is representing the City, the Member must support and advocate the official City position on an issue, not a personal viewpoint.

c) If the Member is also a voting member on another organization's body whose position is different from the City, the Member should abstain from voting on the issue if it significantly impacts or is detrimental to the City's interest. Members of the Legislative Body should be clear about which organizations they represent and inform the Mayor and Council of their involvement. If there is a chance another organization's position significantly impacts the City's interest, Members should consult the City Attorney.

### 5.0 Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Qualified individuals who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

a) If attending a Board or Commission meeting, be careful to only express personal opinions.

b) Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

c) Members of the Legislative Body should not contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for individual Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

d) The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor do Councilmembers have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

e) Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

**6.0 Other Council Conduct While In Office.**

Unless expressly stated otherwise in this section, each member of the City Council shall:

a) Safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising objectivity, independence and honesty.

b) Not deliberately lie or mislead the public, staff, or fellow Members, unless there is a good faith belief that full disclosure of facts would potentially violate the law.

c) Consider whether an action exceeds or appears to exceed authority of his or her office for personal or financial gain. When in doubt, avoid actions that create, in the mind of a reasonable observer, the appearance of impropriety, ethical lapses, legal violations or actions inconsistent with this Code of Conduct or the Manual.

d) Refrain from making unauthorized commitments or promises of any kind purporting to bind the City. Refrain from any gratuitous comments that may harm the City's position in litigation or potential litigation.

e) Refrain from using status as a public officeholder to influence the outcome of a community meeting. When attending as a resident, indicate when expressing personal opinions and refer questions related to City policies to the City Manager.

f) Utilize City resources, including but not limited to, equipment, supplies, staff time, telephones, computers and fax machines in a manner consistent with City policies, the Fair Political Practices Commission regulations and state laws.

g) Ensure that correspondence paid for with public funds or on City stationery must relate to bona fide City business and must not purport to advance or advocate a policy not previously approved by the City Council. No Member shall create or transmit any City correspondence without authorization from the City Council to serve as spokesperson for this purpose. Councilmembers may distribute City public information.

h) Legislative Body members are encouraged to notify the City Attorney when an employee communicates alleged misconduct by the City Manager.

i) Legislative Body members are encouraged to share with the City Manager information received that may be relevant to the best interests of the City.

## 7.0 Enforcement of Legislative Body Member Decorum During Meetings

a) When a Member disrupts a meeting by speaking out of turn or continually seeking the floor to rebut other Members who disagree, the Presiding Officer should first firmly but calmly remind the Member of the rules of procedure and decorum. If the Member continues to disrupt the meeting, the Presiding Officer's next step is to state, "The member is out of order and will not speak until called upon." If the behavior still persists, the Presiding Officer is to name the offender, describe the offender's unruly behavior, and instruct the City Clerk/Secretary to record the cited behavior or words in the minutes. A member of the Legislative Body may (but is not required to) then make a motion to impose a penalty on the offending Member or the Presiding Officer may ask, "What penalty should be imposed on the member?" Possible motions that the Legislative Body can make include:

1. A motion that the member must apologize

2. A motion that the member must leave the chambers for the remainder of the meeting or for a shorter period of time to cool off.

If the Legislative Body wants the Member to leave the chambers while the penalty is discussed, this option must be presented in the form of a motion. If the Legislative Body does not ask the Member to leave during the discussion, the Member

should be allowed to speak briefly in his or her defense. If the Member denies the charges, then the City Clerk/Secretary can read back what he or she has said or done. Expulsion from the meeting requires a two-thirds vote. At the request of a single Member, the vote must be taken by ballot.

b) The Santa Paula Police Chief or designee shall be ex-officio sergeant-at-arms of the Legislative Body. He or she shall carry out all orders and instructions given to him or her by the Presiding Officer for the purpose of maintaining order and decorum in the Legislative Body meeting. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-at-arms to eject the disruptive Member.

c) In the event the disruptive Member is the Presiding Officer, the Vice Chair shall carry out the enforcement of order and decorum as described in this section.

**8.0 Censure of Legislative Body Members**

a) It shall be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate any general law or regulation, and any rule, law, ordinance, or resolution of the City of Santa Paula. It shall also be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate a policy of the City which has been adopted following a vote of the Legislative Body or the City Council on the matter and which by its terms is expressly made applicable to the Legislative Body.

b) Any violation of this Code of Conduct by a Legislative Body Member may be punished through the administration of a public censure of the member by the member's legislative body. Such censure may be in addition to any other punishment applicable to the violation. For purposes of this section, "censure" shall mean the adoption of a motion setting forth a statement of disapproval of a legislative body member's conduct.

c) A Legislative Body Member may not be made the subject of a motion for censure without first being given notice of the violation and an opportunity to correct the violation, if it can reasonably be corrected. Upon a continued violation or failure to correct, the charged member shall be given notice and an opportunity to be heard as follows:

1. Only a sitting Member of the Legislative Body whose member commits the violation may initiate proceedings for the censure of one of its members.

2. Proceedings shall be commenced by the presentation of a written statement of charges to the subject Legislative Body Member with a copy delivered concurrently to the clerk/secretary by the member initiating the charge.

3. Initiation shall not require the prior approval of the Legislative Body. The statement of charges shall be given at least ten days prior to

the meeting at which the censure motion is proposed to be brought. The notice shall contain, at a minimum, the designation of the specific rule, law regulation, etc. Which the member is claimed to have violated and a statement of the date, place, and time at which the violation occurred. The statement shall further contain a description of the conduct of the member which is alleged to constitute the violation. The statement of charges shall be delivered to all other Legislative Body members.

4. Within seven (7) days after delivery of the statement of charges, the charged member should deliver a written response to the other members of the Legislative Body unless the charged member chooses to defer to response to the hearing.

d) The motion for censure shall be agendized and considered at the first regular meeting occurring 10 days following the delivery of the statement of charges to the Member and clerk/secretary. The hearing may not be continued except upon the absence from the meeting of a Member of the Legislative Body other than the Member bringing the charge or the member who is the subject of the charge.

e) The hearing shall be conducted in an open session by the presiding officer unless the presiding officer is a party to the action, in which case the vice chair or some other Member shall conduct the proceedings. The hearing shall generally proceed by a reading of the charges by the charging member. The charging member may present witnesses; the charged member may answer in rebuttal; members of the public may speak in favor or opposed to the charge; and the remaining members may speak to the charges in that order.

f) Passage of the motion for censure shall require a majority vote of the Members of the Legislative Body. The voting members shall not go into closed session for deliberation.

g) If the motion for censure does not pass, the proceedings shall be at an end. A new motion for censure on the same grounds of violation may not thereafter be commenced against the same Legislative Body Member for a period of one (1) calendar year from date of the vote. However, new proceedings may be commenced on the same charges within the one (1) year period on the vote of 4 members of the five-member Legislative Body.

h) If the motion for censure does pass, such motion shall become a part of the public record, a copy of which shall be made available upon demand to any member of the public and notice of same shall be placed in the administrative file of the Legislative Body Member. A censure can include:

1. Adoption of a resolution expressing disapproval of the conduct giving rise to the censure.

2. Removal from representing the Council at any activities where they might be designated by the Council as a representative of the City.

3. Removal or non-appointment of a Legislative Body Member from committees.

4. Removal or non-appointment of a Legislative Body Member from the offices of Mayor or Vice-Mayor.

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**MANUAL OF PROCEDURAL GUIDELINES FOR THE CONDUCT OF CITY COUNCIL AND CONSTITUENT BODY/COMMISSION MEETINGS**

(Last amended: ~~October 18~~November 5, ~~2023~~2025)

## ARTICLE I -SCOPE

### 1.1 Application of Rules

This Manual (the "Manual") shall establish the procedures for the conduct of all meetings of the City of Santa Paula City Council and other constituent, governing bodies and commissions as authorized by Government Code § 36813.

This Manual rescinds and supersedes all prior City resolutions setting forth rules of procedure for the conduct of meetings by City Legislative Bodies (defined below). Wherever there is a conflict between this Manual and any prior City resolution, the terms and rules in this Manual shall govern. Resolutions more specifically superseded by this Manual include, without limitation, the following:

City of Santa Paula Resolution No. 6023;
City of Santa Paula Resolution No. 6161;
City of Santa Paula Resolution No. 7264;
City of Santa Paula Resolution No. 7294; ~~and~~
City of Santa Paula Resolution No. 7376~~.~~; and
City of Santa Paula Resolution No. 7483

### 1.2 Definitions

The following definitions shall apply to these rules and procedures:

a) "Legislative Body" means any quorum of any council, board, commission or standing committee (as defined in Government Code § 54952), or other governing body of the City of Santa Paula that is subject to the Brown Act (Government Code § 54950 et seq.). This includes the Santa Paula City Council, Planning Commission, Recreation Commission, and any standing committee subject to the Brown Act. The term "Legislative Body" does not include Non-Governing Bodies, as defined below.

b) "Presiding Officer" means the chairperson of the Legislative Body. For example, this refers to the Mayor when read in the context of the City Council and the Chair of any Commission.

c) "Vice Chair" means the vice chairperson to the Presiding Officer. For example, the Vice Chair means the Vice Mayor in the case of the City Council and the Vice Chairperson of any Commission.

d) "Clerk/Secretary" means the person responsible for taking and maintaining the record of proceedings for all meetings, preparation of agendas, calendar clerk and custodian of rules, resolutions, ordinances and Legislative Body

records. For example, the Clerk/Secretary refers to the City Clerk in the case of the City.

e) "City Attorney" means the legal advisor to the Legislative Body.

f) "City Manager" means the Chief Executive Officer of the City. The City Manager, or his/her designee, may also serve as the Personnel Officer pursuant to the City's Personnel Rules and Regulations, adopted May 16, 2005, as may be amended. The City Manager can designate appropriate staff to serve as the clerk/secretary to any Commission of the City.

g) "Non-Governing Bodies" means wholly advisory committees and bodies that are not subject to the provisions of the Brown Act. An "ad hoc" committee is an advisory committee not subject to the Brown Act if it (1) consists solely of less than a quorum of its parent Legislative Body, (2) is composed solely of members of its parent Legislative Body, (3) has no continuing subject matter jurisdiction, and (4) does not have a meeting fixed by formal action of its parent Legislative Body.

h) "Sub-Legislative Bodies" means wholly advisory committees which are subject to the Brown Act. An advisory committee is subject to the Brown Act if it (i) is established by ordinance, resolution, or other formal action; or (ii) has a fixed regular meeting schedule; or (iii) has continuing subject matter jurisdiction over a non-temporary issue; or (iv) continues to conduct business in excess of 180 days; or (v) has a majority membership of officials from other Legislative Bodies. Sub-legislative bodies are not decision-making bodies though given continuing subject matter jurisdiction over a non-temporary issue.

These rules and procedures are enacted pursuant to authority granted by Government Code §§ 36813 and 54954 et seq. The purpose of this Manual is to provide that the Legislative Bodies' procedures will be consistent with the Brown Act and also to establish procedures which will be convenient for the public and contribute to the orderly conduct of any Legislative Bodies' business. The procedures herein are in addition to, and not in place of, applicable ordinances and statutes and in the event of conflict between this Manual and applicable ordinances or statutes, the latter shall govern. In the event that any state statute referenced herein is renumbered, the reference herein shall be deemed to refer to the successor statute dealing with the same subject matter.

## ARTICLE II -MEETINGS

### 2.1 Regular Meetings

Unless otherwise specified by a resolution or ordinance applicable to a specific Legislative Body, the regular meeting of the City Council will be held on the first and third Wednesday of each month at 6:30 p.m. in the Council Chambers at City Hall, or at such other times or locations as the Legislative Body may from time to time designate, in the order of adjournment, or in the notice of call of any special meeting. In the event

a day of meeting shall be a legal holiday, said meeting shall be held on the next business day, unless otherwise specified by the Legislative Body.

### 2.2 Special Meetings

The Presiding Officer may, when he or she deems it expedient, or upon the written request of a majority of the Legislative Body, call a special meeting of the Legislative Body for the purpose of transacting the business designated in the call. The means and method for calling such special meeting shall be as set forth in the Brown Act as it now exists in Government Code § 54956 or may hereafter be amended. The City Manager, when necessary for the purpose of conducting city business and the continuity of governance, may request the Presiding Officer to call a special meeting. At such special meeting, no business shall be considered other than as designated in the call.

### 2.3 Emergency Meetings

An emergency meeting may be called by the Presiding Officer or by a majority of the Legislative Body where an emergency exists. An "emergency" means:

a) A work stoppage, terrorist act or threat, crippling disaster or other activity which severely impairs public health or safety as determined by the majority of the Legislative Body; or

b) Such other circumstance specified by State law as authorizing the conduct of an emergency meeting. Any emergency meeting shall be called, noticed, and conducted only in accordance with the procedures set forth in State law at Government Code § 54956.5, as may be amended.

### 2.4 Attendance

A majority of members of the Legislative Body shall constitute a quorum. For example, three members of the City Council constitute a quorum. Less than a majority may meet at noticed public meetings to adjourn from time to time, or to compel the attendance of absent members. Any member who fails to attend all of the regular meetings of the Legislative Body for 60 days, unless such absences are excused, shall surrender the office and be deemed to have surrendered the office.[1]

### 2.5 Study Sessions

The Legislative Body may meet informally in conference or "study" sessions regarding concerns of the Legislative Body to interchange information, provided that all discussions and conclusions shall be informal. Such meeting shall be called in the same manner as for special meetings or adjourned meetings, as applicable, and be subject to the Brown Act. Each notice shall indicate that an opportunity for public

[1] This 60-day rule is based on Government Code § 36513(a).

comment shall be provided before any matter shall be determined. When a meeting has been designated a Study Session, the Legislative Body shall not take any action with respect to the matter under study except with prior public notice, appearing on a properly posted agenda, of such intent to take action.

### 2.6 Adjournment

At 10:30 p.m., if business has not concluded, no new business will be considered unless by a majority vote the City Council agrees to begin new business. Items under consideration at 10:30 p.m. may be concluded. If a majority does not agree to begin new business, the remaining items will be postponed to the next City Council meeting.

## ARTICLE III -NOTICE AND AGENDA

### 3.1 Notice and Agenda for Regular Meetings

For every regular Legislative Body or Sub-Legislative Body meeting, the Clerk/Secretary or his or her designee shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all the items of business to be discussed at the meeting as set forth in Article V. The notice and agenda may be combined in a single document.

The notice and agenda must be posted at least seventy-two (72) hours before the regular meeting in a location freely accessible to public twenty-four (24) hours a day during the seventy-two (72) hour period and where the notice and agenda is not likely to be removed or obscured by other postal material. Specifically, the notice and agenda shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

### 3.2 Notice and Agenda for Special Meetings

For every special meeting, the Clerk/Secretary or his or her designee shall post a written notice specifying the time and place of the special meeting and the business to be transacted and send such notice to each member of the Legislative Body or Sub-Legislative Body (unless the member has filed a written waiver of notice with the Clerk/Secretary) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. The notice shall serve as the agenda for the special meeting and shall contain a brief description of all the items of business to be discussed at the meeting as set forth in Article V.

The notice for a special meeting shall be conspicuously posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to the public twenty-four (24) hours a day and where the notice is not likely to be

removed or obscured by other posted material. Specifically, the notice shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

### 3.3 Notice and Agenda for Adjourned Meetings

The Legislative Body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. Should less than a quorum be in attendance, the Clerk/Secretary will list the attendees in the minutes. If all members are absent from any regular or adjourned regular meeting, the Clerk/Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each member of the Legislative Body at least twenty-four (24) hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held, within twenty-four (24) hours after the time of adjournment. (Government Code § 54955.) When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. If the subsequent meeting is conducted within five (5) days of the original meeting, matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting. If the subsequent meeting is more than five (5) days from the original meeting, a new agenda must be prepared and posted pursuant to Government Code § 54954.2.

### 3.4 Affidavit of Posting

Immediately following the posting of the notice and agenda, the Clerk/Secretary or his or her designee shall complete an Affidavit of Posting, in a form to be developed by the Clerk/Secretary. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting, and shall be signed under penalty of perjury. The Clerk/Secretary shall retain all such affidavits, together with a copy of each notice and agenda so posted. The affidavit, notice, and agenda shall be retained at least two (2) years subsequent to the date of posting, and pursuant to Government Code § 34090, shall not be destroyed by the Clerk/Secretary thereafter except in accordance with the City's record retention policies.

## ARTICLE IV -CLOSED SESSIONS

### 4.1 Generally

The Legislative Body may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. Public comment shall be permitted on closed session matters prior to the closed session. If a closed session is included on the agenda, the description of the item shall meet the requirements of and shall identify the statutory basis for the closed session. During closed session, the Legislative Body shall exclude all persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the Legislative Body during a closed session are required. There shall be no closed session during any emergency meeting. Closed session may not be held regarding a matter not listed on a properly posted agenda for closed session except upon the Legislative Body first taking action to place the item on the agenda as a closed session item as permitted by law.

### 4.2 Persons Authorized

Persons present in the closed session shall be only those persons necessary to the discussion of the matter under consideration. All other persons shall be excused. The Clerk/Secretary may attend each closed session of the Legislative Body and keep and enter into a minute book a record of any reportable decisions made at the meeting. At least the City Attorney, City Manager, City Clerk, or a designee familiar with the Brown Act shall be in the meeting.

### 4.3 Confidentiality

The minute book for any closed session is not a public record and shall be kept confidential and shall be available only to members of the Legislative Body or as otherwise provided by law. (Government Code § 54957.2(a).) No person attending a closed session shall publicly discuss or otherwise reveal the proceedings in the closed session unless such publication has been approved by the vote of the Legislative Body taken during the closed session or as otherwise required by law. Violation of this rule shall subject the violator to censure by the Legislative Body as provided in Section 7 herein.

### 4.4 Public Reports

Before recessing into closed session, the Presiding Officer or City Attorney shall announce that the Body is recessing into closed session and shall name each closed session topic that will be discussed in closed session in at least as much detail as shown on the agenda.

Following closed session, the Presiding Officer or City Attorney shall report publicly any reportable actions taken on a closed session matter and, if any vote was taken, shall announce that the matter was put to a vote, the results of the vote, and the vote or abstention of every member present.

Votes will be taken in closed session for those reportable actions identified in Government Code § 54957.1 including (1) approval of an agreement concluding real

estate negotiations if Council's own approval renders the agreement final; (2) approval given to legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter into an amicus curiae; (3) approval given to legal counsel of a settlement of pending litigation, as defined in the Government Code § 54956.9, if Council accepts a settlement offer signed by the opposing party; (4) a disposition reached as to claims if Council's action approves a monetary payment agreed upon by the claimant; (5) an action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee (provided such action is within the scope of Council authority); and (6) approval of an agreement concluding labor negotiations if Council's own approval renders the agreement final.

## ARTICLE V -AGENDA CONTENTS

### 5.1 Preparation of Agendas

a) **Agenda Posting**. Barring insurmountable difficulties, the agenda should ordinarily be delivered to the members of the City Council by 6:00 p.m. on Thursday preceding the City Council's regular Wednesday meeting. In the event of a Special Meeting, agendas should be delivered no less than 24 hours before the time set for the Special Meeting or as promptly as practicable, whichever is earlier. The agenda shall also be available to the general public at the time it is delivered to the members of the Legislative Body, or in any case as required by the Brown Act.

b) **Future Agenda Items – Not Time-Sensitive**. Any Legislative Body member may have placed on the agenda any business that should be deliberated upon in the future by the Legislative Body. Any Legislative Body member desiring to present a subject for the Legislative Body's consideration shall submit to the City Manager a request to place the matter on a future agenda by completing a City-provided form. The form must be submitted no later than the Monday before the agenda is delivered to members of City Council. Such Monday is referred to in this Section as the "Submittal Deadline." The form will at minimum require a description of the proposed matter for discussion and a requested future meeting date. The matter shall then be listed on the next agenda under "Items for Future Agendas" for discussion of whether it should be a future agenda item. The listing of the matter allows a discussion of whether a staff report should be prepared and the item brought back for consideration. Action to place the item on a future agenda for consideration requires a consensus and the absence of an objection. If there is an objection, the Mayor must call for a majority vote. The City Manager has discretion as to when the item will be placed on the agenda, unless otherwise directed by the City Council.

c) **Future Agenda Items – Time-Sensitive**. If a Legislative Body member does not become aware of a time-sensitive matter before the Submittal Deadline, the member may request by motion that the matter be placed on a future agenda during a meeting. The motion must be made during the portion of the meeting designated for "Items for Future Agendas." At least one other councilmember must second the motion, and if there is none, the item may be submitted using the procedure described in paragraph b), above. A matter is "time-sensitive" if direction or action from

the City Council is needed within 45 days. When making the motion, the moving member must state the reason why the matter qualifies as time-sensitive.

d) **Standing Committee Placement of Agenda Items.** On occasion, the following standing committees may need the City Council to discuss or take action within a short period of time due to the City's potential legal exposure or because of its importance:

- Cannabis Standing Committee
- Economic Development Standing Committee
- Finance Committee
- Homelessness and Housing Standing Committee

If an item considered by these standing committees does not fall within the Strategic Plan objectives and requires direction or action of the City Council within 45 days of a committee meeting, the committee may request that the City Manager place the item on a future agenda. For an item that falls within the Strategic Plan objectives, the item need not be time-sensitive and may be referred to the City Manager for placement on a future agenda. Both councilmembers appointed on the committee must agree the item qualifies for placement on a future agenda.

e) ~~d)~~ Notwithstanding the foregoing, the City Manager generally has responsibility for setting the agenda for the Legislative Body in consultation with the Mayor (except for any Commission where the responsibility may be assigned to the City Manager's designee), and may place matters on the agenda in accordance with the City Manager's evaluation of administrative priorities and resource capacities of City.

### 5.2 Description of Matters

All items of business to be transacted or discussed at a meeting of ~~the~~a Legislative Body~~,~~ or Sub-Legislative Body shall be briefly described on the agenda. The description may, but need not, set out the specific action or alternatives which will be considered by the ~~Legislative Body,~~bodies, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda. The description of closed session matters shall meet the requirements of Government Code §54954.2 and, where applicable, §54954.5. Matters may be designated as "pending" and listed for the sole purpose of determining if they will be on a future agenda.

### 5.3 Action Items

a) Matters may formally be adopted by an ordinance, a resolution, minute order, or other motion (thereafter recorded by minute entry). Technically, all three are equally as legally effective and binding but vary in the formality of respective memorialization. While most actions will be presented to the Legislative Body in a

written form prior to, or at, the meeting, the Legislative Body may amend any proposed action as written by carried motion of the Legislative Body at the time of its presentation for adoption. If an action as written is so amended by the Legislative Body, it shall be revised to reflect the Body's amendments for later execution by the Presiding Officer.

b) Besides ordinances and resolutions, action can be taken by motion and recorded as a minute order. A "minute order" denotes a Legislative Body action which is recorded simply by an item entered in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

c) As a general rule, a recorded majority of the quorum for a Legislative Body may take an action. However, for the City Council, resolutions, orders or the payment of money, and all ordinances require a recorded majority vote of the total membership of the City Council. Some actions, such as the passage of an urgency ordinance or adoption of a resolution of necessity to condemn property, require a super-majority vote. Under the Political Reform Act of 1974, a member with a financial conflict of interest regarding a matter before the member's board must leave the room while that matter is being discussed, heard, or acted on, so that member cannot be counted towards the quorum for that matter.

### 5.4 Resolutions

a) A "resolution" is a formal action with findings taken by the Legislative Body, generally pre-prepared in writing, designated by sequential number, and reference to which shall be inscribed in the minutes and an approved copy of each resolution filed in the official book of resolutions of the Legislative Body. Resolutions are used when specifically required by law, when needed as a separate evidentiary document to demonstrate findings or to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional explanatory material it often recites) to facilitate such future reference and research.

b) A resolution may be adopted at the same meeting it is presented. Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Article XI, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it.

c) Where a resolution cannot reasonably be prepared in advance of a meeting, the Legislative Body may instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Legislative Body meeting. Where urgent, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Article XI, shall be followed. All resolutions must be approved by the City Attorney or Deputy City Attorney.

### 5.5 Ordinances (City Council Only)

a) The City Council is the only Legislative Body empowered to legislate the Santa Paula Municipal Code by adoption of ordinances.

b) Ordinances, other than urgency ordinances, require at least two readings at different meetings held at least five days apart with the first reading considered to be introduction and the second adoption. Unless a Councilmember requests a full reading, a proposed ordinance may be read in title only.

c) When read by title only, further reading of an ordinance may be waived by a majority vote of the Council members present and voting. The waiver of further reading may be accomplished by one vote for all ordinances presented on the agenda of the present meeting. (Government Code § 36934.)

d) The Clerk/Secretary shall prepare copies of all proposed ordinances for distribution to all members of the City Council with the agenda packet for the meeting at which the ordinance is to be introduced, or at such earlier time as is expedient. Ordinances shall be numbered and kept by the Clerk/Secretary with the same formality as resolutions as described above in Section 5.4.

e) An urgency ordinance is an ordinance adopted for the immediate preservation of the public peace, health and safety, containing a declaration of facts constituting the urgency. An urgency ordinance takes effect immediately and requires four-fifths vote of the City Council for passage pursuant to Government Code § 36937. If one member is absent in a five-member Council, an urgency ordinance must pass by a unanimous vote. Urgency ordinances may be adopted either at a regular or special meeting. (Government Code § 36934.)

f) All ordinances must be approved by the City Attorney or Deputy City Attorney. No ordinance may be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, the City Manager, or prepared by the City Attorney on his/her own initiative.

### 5.6 Contracts and Agreements

When any contract or agreement is to be considered by the Legislative Body, the complete contract and agreement, if complete in form for execution, shall be made a part of the agenda package presented to the Legislative Body and shall be made available for viewing by the public within the time frames required under the Brown Act and/or the California Public Records Act. (Government Code §§ 6250 through 6276.48.) All contracts and agreements must, before being placed on the Agenda, be approved as to form and legality by the City Attorney or Deputy City Attorney. Such approval must be indicated in the staff report.

### 5.7 Limitation of Actions by Agenda

No action or discussion shall be taken by the Legislative Body, on any item not appearing on a posted agenda, subject only to the exceptions listed in Section 5.9 below. “Action taken” as used herein shall mean a collective decision made by a

majority of the Legislative Body, a collective commitment or promise by a majority of the Legislative Body to make a positive or a negative decision, or an actual vote by a majority of the Legislative Body upon a motion, proposal, resolution, order, or ordinance.

### 5.8 Public Comment Period

a) Pursuant to Government Code § 54954.3, every agenda posted for any meeting shall contain an item entitled "Public Comment" in order to provide for an opportunity for the public to address the Legislative Body on items of interest to the public within the Legislative Body's subject matter jurisdiction. The public comment period should be conducted in accordance with Article VII.

b) Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.

### 5.9 Exceptions to Agenda Requirement for Action Taken

The Legislative Body may take action at a meeting on an item not appearing on the agenda for that meeting only under one of the following circumstances:

a) Upon a majority determination that an "emergency situation," which is either (i) a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, or (ii) a dire crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a Legislative Body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both. All discussion of such emergencies must be in open session.

b) Upon a determination by a two-thirds (2/3) vote of the Legislative Body, or if less than two-thirds of the Legislative Body are present by a unanimous vote of those members present, that the need to take action arose subsequent to the agenda posting.

For the purposes of this Subsection, the term "need to take action" shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the Legislative Body. The mere failure of any person to notify the Legislative Body or staff of a pre-existing situation requiring Legislative Body attention until after the time for the posting of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the Legislative Body makes a determination pursuant to this Subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the "need to take action" and why the item could not be placed on the agenda.

### 5.10 Minutes and Recordings

a) An account of all proceedings of the Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available. Unless requested by a majority of the quorum, the minutes may be approved without reading.

b) Sub-Legislative Bodies shall comply with the same rules for keeping Minutes as Legislative Bodies, except that the responsible staff member will prepare the Minutes.

c) ~~b)~~ Any recording of a meeting made by or at the direction of the Legislative Body or Sub-Legislative Body is a public record that must be retained and made available to the public for at least 2 years. (Government Code § 34090(d)). A recording may be deleted without the approval of the Legislative Body and City Attorney if reproduced in an electronic medium that does not allow alteration to the original and the reproduction is a true copy of archival quality kept in a safe and separate place for security purposes. (Government Code § 34090.5.) The Clerk/Secretary or responsible staff member must provide to the public, without charge, equipment to review the record.

## ARTICLE VI -ORDER OF BUSINESS

### 6.1 Order of Business

The order of business of each meeting shall be contained in the agenda prepared by the Clerk/Secretary unless the majority of the Legislative Body members consent to take items out of order. The order of business at meetings of the Legislative Body may be as follows in accordance with the procedures specified in this Article VI:

a) Call to Order
b) Invocation
c) Flag Salute
d) Roll Call
e) Closed Session Report, if applicable.
f) Invite Public Comment, if any
g) Presentations
h) City Council Reports
i) City Manager Reports
j) Consent Calendar (See Section 6.3 below.)

k) Public Hearings
l) ~~k)~~ Action Items
m) ~~l)~~ Items for Future Agendas
n) ~~m)~~ Adjournment

### 6.2 Call to Order

The meeting of the Legislative Body shall be called to order by the Presiding Officer, or the Vice-Chair in the Presiding Officer's absence. In the absence of both the Presiding Officer and Vice Chair, the meeting shall be called to order by the Clerk/Secretary and the three Legislative Body members present shall elect by majority vote a Presiding Officer for that meeting.

### 6.3 Consent Items

Matters of a routine or generally uncontested nature and non-controversial, shall be placed on the agenda as Consent Items and may be approved by the Legislative Body in a single motion by adoption of the Consent Calendar. For example, items the City Manager believes will not require City Council discussion and are routine in nature as well as resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action may be added as Consent Items. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein. All matters on the Consent Calendar shall be subject to public comment procedures in Article VII(Public Comment and Presentations). Upon the request of any member of the Legislative Body or upon the request of a member of the public made through the Presiding Officer, a matter may be removed from the Consent Calendar for separate discussion and/or action.

Each matter proposed for consideration as part of the Consent Items, including any recommended action, shall be described on the notice and agenda posted for the meeting. During the meeting, the Clerk/Secretary may be asked to read Consent Items into the record for the purpose of informing the public on the subjects being considered. The following matters are not appropriate for the Consent Calendar:

a) Ordinances shall not be placed on the Consent Calendar for approval unless the ordinance has first been read or the reading of the ordinance has been waived as required by law.

b) Any matter where the City Manager believes (i) it unlikely that there would be unanimous approval by the Legislative Body, or (ii) there is likely to be public comment on the matter, or (iii) a public presentation of the matter would be beneficial to the community.

### 6.4 City Representatives and Advisory Bodies (City Council Only)

a) From time to time the Council may be required to assign a representative of the City to non-City boards, commissions or organizations (e.g., boards or commissions of another agency or joint powers authority). Except as

otherwise required by law or by the policies of the non-City organization, the Mayor shall make all such appointments of City representatives on non-City organizations after consultation with the City Council. Council appointments to non-City organizations shall be considered and made with the goal of keeping the appointee in the organization for a long enough period of time that the appointee may gain seniority and/or a position of leadership within the organization. This goal shall be construed to mean that the same appointee should remain within a non-City organization for at least two years where reasonably possible and convenient for said appointee. Appointees serve at the pleasure of the Council.

b) The City Council shall have the power to establish advisory committees, commissions, other Legislative Bodies, and Non-Governing Bodies. Any committee which is (i) established by ordinance, resolution or other formal action, or (ii) has a fixed regular meeting schedule, or (iii) has continuing subject matter jurisdiction over a non-temporary issue, or (iv) which continues to conduct business in excess of 180 days, or (v) has a majority membership of officials from other Legislative Bodies, shall be subject to the provisions of the Brown Act. Such committees are referred to herein as "**Sub-Legislative Bodies**" and are made subject to the Brown Act pursuant to this Manual.

Advisory bodies and committees may take the following form:

(i) Ad Hoc Committees

The Council may, as the need arises, authorize the appointment of "ad hoc" Council committees composed of two members. Except where otherwise specifically provided by law, the Presiding Officer shall appoint the members of the Council committees, subject to the approval of the Council. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Council.

(ii) Standing Committees

The Council may, subject to the Brown Act, create other committees, boards, and commissions, whether Legislative Bodies or Non-Governing Bodies, to assist in the conduct and operation of the City government with such jurisdiction and duties as the Council may specify. Except as otherwise required by law, the Mayor shall make appointments of members to such committees, boards or commissions subject to the approval of the Council. The procedure of filling vacancies and provision of notice thereof shall be subject to the provisions of the Maddy Act (Government Code §§ 54970-54974).

(iii) Sub-Legislative Bodies and Non-Governing Bodies shall be responsible for reporting the Body's activities to the City

Council. The members of a Sub-Legislative Body or Non-Governing Body shall operate within the jurisdiction established by the Council and shall not have authority to make subcommittees unless specifically granted such authority by action of the full City Council. Staff members may be assigned to assist any Council-created committee by the City Manager; staff members so assigned shall not be members of the committee unless specifically appointed as such by action of a majority of the Council.

(iv) Absent any other provision to the contrary, members of any non-City organization, or City committees, boards or commissions may be removed by the Council without cause by a majority vote of the whole Council body. Any member of the City Council may place the question of such removal on the agenda. Any committees, boards, or commissions so created may be abolished by a majority vote of the whole Council body by repeal of the enacting ordinance or resolution.

c) Santa Paula Municipal Code §12.06, as may be amended, governs the appointment of members to City bodies, committees, boards, and commissions that assist City Council in conducting City business (e.g. the Recreation, Housing and Planning Commissions).

d) City Council Direction to other Bodies. At the time an agenda item is discussed during a noticed public meeting of City Council, any Member may move to refer that item or an issue raised by that item to a City committee, board, or commission with subject matter jurisdiction. Referral requires City Council member consensus and absence of an objection. If there is an objection, the Mayor must call for a majority vote.

### 6.5 Budgets

The City Council shall have the power to approve the City budget. Approval of the budget constitutes approval of a proposed plan of expenditures and revenues. It does not constitute an authorization for expenditures. With respect to any given expenditure, the applicable procedure shall be followed. Further, adoption of the budget does not, unless otherwise specified by resolution, constitute authorization for any specific employment class or position.

### 6.6 Items from Members

a) There is a specific item on the agenda referred to as “City Council Reports” for receiving general comments, announcements, and/or suggestions from members of the Legislative Body. This can be used to inform the public concerning upcoming events, report on members’ attendance at conferences and seminars, or request that staff look into specific matters or similar matters. (See Section 5.1

regarding future agenda items if item requires Council action.) These matters may not be discussed, opined upon or deliberated, and if they do not concern a matter on the agenda, shall be handled by the Presiding Officer according to the same procedures set out for Public Comment in Section 7.2. No action may be taken on such matters without being placed on a subsequent agenda.

b) There is an agenda item referred to as "Items for Future Agendas." Matters are listed under this item pursuant to Section 5.1(b) or (c) where a member has asked that the matter be scheduled for discussion of whether a future staff report should be prepared.

c) There is an agenda item referred to as "City Manager Reports." This may be used by the City Manager similarly to the item for members of the Legislative Body in Subsection (a) above to make announcements without separately listing the matter on the agenda, and subject to the same restriction that there may be no discussion or action on such matter except for the purpose of forming consensus on the setting of any future special meetings or activities of the Legislative Body.

## ARTICLE VII -PUBLIC COMMENT AND PRESENTATIONS

### 7.1 City Council Meeting Presentations

City Council presentations are for providing information to the Mayor and Council, City management, and the community about activities of interest and value to ~~include~~the City. These presentations typically feature activities, events ~~and~~, infrastructure projects ~~relating to the City,~~ and honors and celebrations for organizations, corporations, and residents ~~which reflect~~to recognize their service to the Santa Paula community~~,~~. Presentations are also given to present honors and recognitions for City staff for outstanding service or commitment to the City's mission and goals. Please Note: This is not the appropriate time to seek funds from the City and/or endorsements from City Council or discuss politics. Subject to the discretion of the Mayor, all external presentations are to be no more than ~~five~~10 minutes in length; this is to include all speakers for the group being recognized. Staff presentations should be limited to 15 minutes.

### 7.2 Public Comment

At the beginning of any Legislative Body meeting the public shall be afforded the right to comment on any and all issues (not on the agenda) within the subject matter jurisdiction of the Legislative Body. Such general public comment on non-agendized issues shall be taken at the beginning of the meeting under a "Public Comment" heading. With regard to matters not on the agenda, the Legislative Body may ask questions of persons who raise new matters during the Public Comment period or otherwise, and the Presiding Officer should handle such matters as provided in Section 7.3, below. However, all Legislative Body questions must be limited to facts-only informational inquiries, and the Legislative Body may not discuss the merits, express any opinions or ask questions that convey opinions or thought processes with respect

to any non-agendized issue. The public shall also be afforded the right to comment on every item appearing on the agenda prior to the Legislative Body's consideration of that item, as provided in Section 7.4 below.

### 7.3 Time Limitations

The time limit to speak for public comments is three minutes during a noticed public meeting, provided that these limits do not apply to a project applicant speaking at a public hearing pursuant to Article VIII. Notwithstanding these time limits, the Presiding Officer has the full prerogative to maintain meeting order and decorum as provided in Section 9.1 and Article X generally. For example, the Mayor may shorten the time limit to accommodate a lengthy agenda. Likewise, the Mayor may extend time if he or she finds such extension is reasonably necessary to allow the speaker to complete his/her message without repetition or unnecessary tangents.

The Legislative Body may also adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The Legislative Body has discretion to modify its regulations regarding time limits on public comment if necessary.

### 7.4 Additional Procedures for Public Comment on Agenda Items

a) Members of the public shall have the opportunity to address the Legislative Body on each and every item listed on the agenda. Public comment on agenda items must be heard prior to the Legislative Body's consideration/discussion of the item. Public comments on an agenda item may be heard either in combination with the Public Comment period at the start of the meeting, or at the time the Legislative Body opens the item, or both, as determined by the Legislative Body and set forth in the agenda. No speaker may comment on the same item during both the Public Comment period and at the time the item is heard later in the agenda.

b) Each member of the public addressing the Council must submit such written information as the Clerk/Secretary may request for the record, step to the podium, and give their name and address for the record. However, members of the public cannot be required to provide their name or other information as a condition of providing public comment.

c) When any identifiable group of persons, as distinguished from the general public, seeks to address the Council on the same agenda item, the Mayor has the discretion to ask that the group select a spokesperson to address the Council. If additional issues are to be presented at the hearing by any other member of such group, the Mayor may limit the number of persons to address the Council to avoid unnecessary repetition of information presented to the Council.

d) The purpose of the public comment period is to receive input from the public, not to create a debate between the Members and the public. Members should generally refrain from debating members of the public during the period for public comment, but if Members desire to clarify comments by members of the public,

they may ask factual questions, and if necessary, should do so during the public comment period.

e) The Presiding Officer should clearly open and close the public comment period. After the close of the public comment period, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

f) A member of the public addressing the Council may not speak on behalf of another member of the public (i.e. "comment by proxy") unless the person whom a speaker is representing attends the meeting and submits his or her own comment card (or equivalent in the case of virtual meetings). Such represented person is not required to stay for the entire meeting.

### 7.5 Procedural Order for Individual Agenda Items

The procedural order for items of business appearing on the agenda at meetings of the Legislative Body may be as follows:

a) Introduction of item

b) Invite staff presentation.

c) Council invited to ask staff any questions or clarifications

d) Public comment

e) Mayor to ask staff if they have any closing comments and/or responses to public comments.

f) Council deliberation and discussion

g) Introduction of motion, second, further discussion if needed, vote.

After a motion has been made, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

## ARTICLE VIII -NOTICED PUBLIC HEARINGS

### 8.1 Public Hearings; Notice; Fairness

a) Matters noticed to be heard by the Legislative Body shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

b) Legislative Body members shall not overtly or implicitly promise a particular action by City staff or by any Legislative Body. Where a Legislative Body member is contacted about an issue that will be presented to any Legislative Body of

the City, it is appropriate to give a brief overview of the aforesaid City policy, to refer to City staff for further information, or to suggest that the concern be brought to the whole Council at the hearing or Council meeting, as appropriate.

c) All public hearing notices shall be issued and published in compliance with any statutory notice requirements applicable to the particular hearing at issue and such notice shall inform interested persons of the statute of limitations to challenge the validity of any action taken by the Legislative Body on such matter.

d) In all matters before a Legislative Body, whether a public hearing or otherwise, the Body must judge the matter fairly and without personal bias. Although every Legislative Body member has a right to their own personal opinions, Legislative Body members should by their demeanor show an ability to listen to a variety of viewpoints and demonstrate a reasonable willingness to consider all sides of an issue before them. For quasi-adjudicative and adjudicative proceedings involving public hearings, the members of the Legislative Body shall not prejudice the matter prior to the public hearing, shall be fair and impartial, and shall decide the matter based upon the evidence and the statutorily required findings.

e) For such matters, Legislative Body members should avoid expressing an opinion or divulging their thought process until after the public hearing has been completed.

f) When there is a potential for conflict of interest or a due process concern that may impact a public hearing, Legislative Body members may contact the City Attorney. See Section 9.7 for provisions pertaining to City Attorney advice.

### 8.2 Continuance of Hearings

a) Any hearing being held or noticed or ordered to be held by the Legislative Body may, by order or, notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for adjourned meetings.

b) When it is the decision of the Legislative Body to continue an item which appears on the agenda, prior to hearing any report, testimony or taking evidence on the item, the Legislative Body may make such intent known at the beginning of the meeting. At that time the public shall be offered the opportunity to speak regarding the intent to continue the item. At the time regularly scheduled for the hearing of the item, the Legislative Body shall then take action to continue the item after again informing the public of the intent to continue the matter. No testimony or evidence shall be taken at that time unless the speaker will not be available at the continued hearing date.

c) When the Legislative Body has continued the public hearing on an item after its commencement, persons testifying at the first public hearing shall be permitted to again address the Legislative Body on the item at the continued hearing subject to the finding of the Presiding Officer that the testimony is redundant. If found to

be redundant, the time allotted for testimony by the individual may be summarily reduced.

d) Continuances of a public hearing to a date certain need not be re-noticed unless (i) the hearing has not been continued to a date certain, or (ii) has been continued three or more times and the Presiding Officer believes confusion may be created as to the time of the hearing.

### 8.3 Conduct of Hearings

a) ~~a)~~ When a matter for public hearing comes before the Legislative Body, the Presiding Officer shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing. Written materials included and not included in the agenda packet are received and filed. The Presiding Officer shall permit members of the Legislative Body to ask questions of staff, but should prevent expressions of opinion by members of the Legislative Body before the conduct of the hearing.

b) ~~b)~~ The Presiding Officer shall thereafter open the public hearing and inquire if there are any persons present who desire to address the Legislative Body on the matter. Any person desiring to speak or present evidence upon being recognized, may speak or present evidence relevant to the matter being heard. Any testimony shall be truthful. The applicant/representative usually speaks first and is limited to twenty (20) minutes, any portion of which can be used for rebuttal. The City Council may amend this time limit by consensus or majority vote depending on the complexity of the issues. Rebuttal occurs following the remainder of the public testimony.

c) ~~c)~~ Members of the Legislative Body who wish to ask questions of the speakers, during the public hearing portion, may do so but should be mindful that the purpose of the public hearing is to obtain testimony and evidence from the speakers, and not to debate the merits of the matter with speakers. Members should avoid debate and expressions of personal opinion until after the close of the public hearing. Unlike public comment periods, generally there should be no response to speaker comments until after the close of the hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. All persons interested in the matter being heard by the Legislative Body shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the Clerk/Secretary as part of the record. Each speaker may only speak once during the public hearing unless the Legislative Body requests additional clarification later in the process.

d) ~~d)~~ Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the Legislative Body without reopening the public hearing. If, however, the Legislative Body receives relevant new

evidence after the close of the public hearing and such new evidence may impact the Legislative Body motion or vote, the Legislative Body may re-open the public hearing to obtain public comments upon such new evidence.

e) ~~e)~~ The Presiding Officer has the prerogative to establish special rules, such as to require group ~~spokesmen~~spokesperson, to limit the number of speakers to limit the total time for testimony to allow speakers to give time to others, or otherwise control the hearing, provided that (i) speakers are treated fairly, and that (ii) any such special rules are announced in advance of their application. The Presiding Officer always retains the prerogative to cut off speakers who are unduly repetitious, and to permit the extension of time to speakers.

f) ~~f)~~ Members of the public are allowed to show videos, PowerPoint presentations or similar presentations provided such video or presentation is relevant to the subject matter of the Legislative Body, is within the established time limit, and is provided to City staff 24 hours in advance of the meeting.

### 8.4 Extra-Meeting Contacts on Matters Set for Public Hearing

a) Legislative Body members should minimize their contacts with developers, applicants, or other persons who will be the subject of a quasi-adjudicative or adjudicative public hearing matter to be heard before the Legislative Body. Legislative Body members should avoid extra-meeting contacts with persons who will be the subject of a public hearing before the Legislative Body or with advocacy groups or special interests.

b) If a Legislative Body member is contacted directly by such person outside the meeting setting, the member shall refrain from expressing any viewpoints or thought processes to the person until after the public hearing. The Legislative Body member may explain that they are unable to express any viewpoint on the matter until all evidence has been heard in the course of a public hearing and should encourage any such person to present their position in writing or orally at the public hearing.

c) At the commencement of the public hearing, the Legislative Body member must disclose publicly any extra-meeting contacts or discussions had which may be relevant to the decision.

d) The limitations set forth in this Section shall not be read as preventing a Legislative Body member from inspecting a site that will be relevant to a public hearing, although such sight inspection should be disclosed on the record at the beginning of the public hearing.

### 8.5 Contributions and Recusal (Levine Act)

The Levine Act (Gov. Code § 84308) imposes certain disclosure and disqualification requirements on officers with regard to campaign contributions. The Levine Act applies only to a proceeding involving a license, permit, or other entitlement for use.[2] Previously, the Levine Act applied only to officers on appointed boards. With

[2] This is defined as "all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid,

the passage of Senate Bill 1439[3] in 2022, amended by Senate Bill 1181 and Senate Bill 1243 in 2024[4], the Levine Act now applies to officers serving on elected boards (such as the City Council) as well.[4]

a) Beginning January 1, 2023, elected and appointed members of Legislative Bodies may not participate in a proceeding involving a party's application for a license, permit, or other entitlement for use while the proceeding is pending and for 12 months after the final decision is made, if the ~~officer~~member has received a campaign contribution from that party~~,~~ or ~~the~~ party's agent exceeding $~~250 in the aggregate~~500 and the member knows or has reason to know that the party has a financial interest in the decision.

b) This disqualification is also triggered by the receipt of a ~~donation~~campaign contribution exceeding $~~250~~500 from a "participant" or participant's agent in the decision~~, or a participant's agent,~~ if the member knows or "has reason to know" that the participant has a financial interest in the decision. A "participant" in general means someone who is not the party but who actively supports or opposes the party's application for a license, permit, or other entitlement and who has a financial interest in the decision. ~~A~~

c) A member may not make, participate in making, or in any way attempt to use his/her official position to influence the decision if the member has willfully or knowingly received a contribution exceeding $500 within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the member knows or "has reason to know" the participant has a financial interest in the decision. Before the decision is made, the member who received a disqualifying contribution within the preceding 12 months must disclose that fact on the record of the proceeding.

d) A member aware of any of the following facts "has reason to know" of a participant's potential financial interest:

(i) The participant has an interest in property within 500 feet of the real property at issue in the proceeding;

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entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises." (Gov. Code § 84308(a)(5).)

[3] The Fair Political Practices Commission (FPPC), in response to several questions from the League of California Cities and other stakeholders, has adopted implementing regulations to clarify the ambiguous text of Senate Bill 1439 (SB 1439), as amended. (See ~~Amended and New Regulations~~Cal. Code Regs. tit. 2, §§ 18438, 18438.1, 18438.2, 18438.3, 18438.4, 18438.5, 18438.6, 18438.7, 18438.8.) ~~Further, a lawsuit challenging the constitutionality of SB 1439 (*Family Business Association of California, et al. v. Fair Political Practices Commission*, Case No. 34-2023-00335169-CU-MC-GDS), was brought and subsequently dismissed on June 16, 2023. It is not clear at this time whether the court's decision will be appealed.~~

[4] SB 1181 and SB 1243 went into effect January 1, 2025.

~~[4]SB 1439 does not apply to contributions to members of elected bodies (the City Council) made during 2022.~~

(ii) The participant has an economic interest in a business entity that may see a significant increase or decrease in customers as a result of the proceeding; or

(iii) The participant has a business relationship with the applicant that may result in additional services provided to the applicant as a result of the proceeding.

e) ~~c)~~ The member also may not accept, solicit, or direct a contribution from a party~~,~~ or participant~~, or their agents~~ (if the member knows or has reason to know of the participant's financial interest), exceeding $~~250~~500 while the proceeding is pending and during the 12 months after the date of the final decision. If such a contribution is received during the 12 months after the final decision, the officer may "cure" the violation by returning the contribution~~, provided certain conditions are satisfied.~~ within 30 days of accepting, soliciting, or directing the contribution, whichever comes latest. The member may "cure" the violation only if the member did not know or have reason to know of the participant's financial interest.

f) ~~d)~~ "Agent": An "agent" for purposes of this section shall mean a person who represents a party or participant for compensation and appears before or otherwise "communicates with the Legislative Body for purposes of influencing the pending proceeding~~.~~" on behalf of a party or participant. An agent may not make any contribution to a member while a proceeding is pending and for 12 months after a final decision.[5] To "communicate with the Legislative Body for purposes of influencing the pending proceeding" does not include the following:

(i) Preparing architectural or engineering drawings or similar submissions for a proceeding if (1) the work is performed pursuant to the person's profession and (2) the person makes no contact with the City other than contact with staff concerning the processing to evaluate the submissions.

(ii) Providing technical data or analysis if the person does not engage in direct communication to influence the proceeding.

g) ~~e)~~ "Pending": For ~~officers~~members, a proceeding is "pending" when (1) the item is placed on the Legislative Body's agenda, or (2) the member knows a proceeding involving a license, permit or other entitlement for use is before the agency for its decision, and it is reasonably foreseeable that the decision will come before the member ~~and the member knows or has reason to know the decision is within the jurisdiction of the Legislative Body~~in the member's decision-making capacity. For a party or party's agent, or a participant or participant's agent, the proceeding is "pending" when it is filed with the City, or, if the proceeding does not require an application, when the proceeding is before the City for its decision or other action ~~(i.e., when the application is filed)~~. This means that once the application is filed, the party or participant

[5] Effective January 1, 2025 pursuant to SB 1181 and SB 1243.

may not make a contribution over $~~250. An officer~~500, and their agents may not make any contribution. A member who accepts the contribution, however, will not be at risk of violating the Levine Act if the ~~officer~~member does not know or have any reason to know about the proceeding.

h) ~~f)~~ Officers must take the following steps after learning that a disqualifying contribution was made:

(i) For contributions over $~~250~~500 made before a final decision, a party, participant, and member who is disqualified pursuant to this section must disclose the contribution on the record of the proceeding. The member must then recuse him or herself from the proceeding unless the member takes the steps described in subparagraph ~~2~~(ii) below.

(ii) The member may still participate in the proceeding if (i) he or she knew or should have known about the contribution and proceeding for fewer than 30 days; (ii) he or she discloses the disqualifying contribution on the record, and confirms the contribution in excess of $~~250~~500 will be returned within 30 days from the time the member knew or should have known about the contribution and proceeding; and (iii) the contribution is returned within that timeframe.

The Levine Act is a complex statute that requires a nuanced analysis of facts. Legislative Body members should consult the City Attorney if they suspect a potential violation.

## ARTICLE IX -OFFICERS

### 9.1 Presiding Officer

a) The meeting shall be presided over and chaired by the Presiding Officer, or, in the Presiding Officer's absence, the Vice Chair. The Presiding Officer shall have the authority to rule any speaker out of order, including speakers during the public comment period if the subject raised is not within the subject matter jurisdiction of the Legislative Body, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing. The Presiding Officer shall have the responsibility for the conduct of meetings in an orderly manner and to prevent the obstruction of business, and in carrying out this responsibility shall have the authority to give the floor to any member of the Legislative Body or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, to caution speakers as to disruptive behavior, and to order any persons willfully interrupting the meeting to be removed from the room, including as provided in Article X.

b) The Vice Chair shall generally take the place of the Presiding Officer in the absence of the Presiding Officer. In the absence of the Vice Chair, the Presiding Officer may call any other member to take his or her place as Presiding Officer; such substitution is not to continue beyond adjournment.

c) Any determination made by the Presiding Officer may be appealed by the making of a Motion to Appeal the Ruling by any other member of the Legislative Body. The Presiding Officer's determination will stand unless a majority of the Legislative Body members vote in favor of the Motion to Appeal the Ruling, in which case the ruling of the Presiding Officer will be overridden.

d) Consistent with customary practice, the Chairperson and Vice Chairperson (when filling in for the Chairperson) should allow other members of the Legislative Body to first speak and make motions, and only in the absence of member comments or if no member makes a motion should the Chairperson and Vice Chairperson then consider making a motion.

## 9.2 ~~9.1.1~~ Mayor ~~and Vice-Mayor~~

a) Although a ceremonial position, the Mayor occupies the highest office in the municipal government and is expected to provide the leadership necessary to keep the city moving in the proper direction. Effective mayors act not only as leaders staking out policy positions, but also facilitators of effective teamwork. The Mayor shepherds the City through public meetings and in doing so must ensure the Council's important policy issues and long-term future concerns are fairly debated by the entire Council for the benefit of the public.

b) The Mayor is the designated representative of the City and the City Council for purposes of presenting and expressing the official City position on an issue. If individual members of the Council or other Legislative Bodies are contacted by the media for a statement of official City position, the member should refer such inquiries to the Mayor. Otherwise, public or media statements by a Legislative Body member should be clearly characterized as comments upon a personal viewpoint.

## 9.3 Appointment of Mayor and Vice Mayor

a) ~~b)~~ Each Member elected to the Council is equally qualified and deserving to hold the offices of Mayor and Vice Mayor and each Councilmember should be given ample opportunity to serve in one or both of these offices.

b) ~~c)~~ It is the express intention of the Council that as many Members as possible serve as Mayor and Vice Mayor as long as they are in good standing.

## ~~9.2 Representation of Legislative Body~~

c) The Member appointed as Mayor must have been a member of the Council for approximately two years. In the absence of a Member with sufficient tenure

on the Council and absent disqualifying circumstances, priority should be given first to the Member with the longest continuous service since last serving as Mayor or Vice Mayor, and thereafter to any Member who has not previously served as Mayor or Vice Mayor. A Member should serve as Mayor only once during his or her term.

d) ~~a)~~ The Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Mayor must be a member of the City Council and retains all powers of a Councilmember.

e) ~~b)~~ The Vice Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Vice ~~Major~~Mayor must be a member of the City Council and retains all powers of a Councilmember.

f) ~~c)~~ **Procedure for Mayoral ~~election:~~Election.**

(i) The Clerk/Secretary will state the procedures for electing the Mayor and Vice Mayor.

(ii) The election of the Mayor will be conducted by the Clerk/Secretary or a designee.

(iii) The Clerk/Secretary will declare that the office of Mayor is vacant and that nominations are open.

(iv) Any member of the City Council may nominate any member of the City Council as Mayor, including him or herself. A second to a nomination is not required.

(v) Any member of the City Council may move to close the nominations at any time after all Councilmembers have had the opportunity to make a nomination. The motion requires a second and must receive a vote of a majority of the City Council to pass.

(vi) After nominations have been closed, the Council can debate the nominations. After deliberations conclude, the Clerk/Secretary will call for the vote on the election of the Mayor.

(vii) The nominees will be voted on in the order the nominations were made.

(viii) The first Councilmember receiving the vote of a majority of the City Council is the Mayor and the election will be closed.

(ix) If no member of the City Council receives a majority vote, the Clerk/Secretary will re-open the nominations and conduct a new election until a Mayor is elected.

~~(x) The Councilmember appointed as Mayor must have been a member of the Council for approximately two years. In the absence of a Councilmember with sufficient tenure on the Council and absent disqualifying circumstances, priority should be given first to any Member who has not previously served as Mayor or Vice Mayor, and thereafter to the Member with the longest continuous service since last serving as Mayor or Vice Mayor.~~

g) ~~d)~~ Procedure for Vice-Mayoral Election.

The election of the Vice Mayor will be conducted in the same manner as the election of the Mayor, except that it is generally expected, although not mandatory, that the Vice Mayor should succeed to the office of Mayor.

~~e) The Mayor is the designated representative of the City and the City Council for purposes of presenting and expressing the official City position on an issue. If individual members of the Council or other Legislative Bodies are contacted by the media for a statement of official City position, the member should refer such inquiries to the Mayor. Otherwise, public or media statements by a Legislative Body member should be clearly characterized as comments upon a personal viewpoint.~~

**9.4** ~~**9.3**~~ **Use of Letterhead**.

Members of the City Council may use official City letterhead to correspond with other public officials and with consultants on matters of City business but any such correspondence shall state that the views expressed therein are personal and not the position of the City unless the City Council has officially adopted such position. No other Legislative Body or Sub-Legislative Body may take a position officially representing the City unless authorized to do so by the City Council.

**9.5** ~~**9.4**~~ **Email Policy**

a) Members of the Legislative Body are provided with City email accounts which must be utilized for the conduct of City business, including communications with constituents. Members should be aware that all such communications may be subject to the Public Records Act (Government Code § 7920.0000 et seq). Use of private email accounts for City business may also make them subject to disclosure.

b) Members of the Legislative Body are subject to the Brown Act in the use of email. Email communications may not be used to develop a collective consensus or decision on any matter. Email communications to the entire Body should be avoided but may be permitted to provide factual information, for example such as

arranging an event, where no discussion or exchange of opinions on a matter within the jurisdiction of the Legislative Body is initiated or occurs. When sending an email to provide such factual information, a member of the Legislative Body should advise all other members, "Please do not reply all to this email." Where a concern exists regarding whether an email complies with the Brown Act, the email can be forwarded to the City Manager or City Attorney for review.

c) In the event the entire Legislative Body is contacted about an issue on a weekday, for example, by letter or email, either the Presiding Officer or designee shall within 24 hours acknowledge receipt of the communication by replying: "We have received your [email/letter] dated _____. The City Council values your opinions. To avoid any risk of violating of the Brown Act, your [email/letter] has been forwarded to the [City Manager/City Attorney/appropriate staff]. If you have not heard from a City representative within _____ days, please contact the Mayor and/or City Manager."

### 9.6 ~~9.5~~ Social Media Policy

a) The City Council, as the legislative body of the City of Santa Paula, hereby adopts the following policy regarding the private use of social media by its individual members. This policy is adopted, in part, in light of California Assembly Bill No. 992, effective January 1, 2021, which authorizes members of a legislative body to use social media to communicate with the public, subject to statutory exceptions.

b) The Council acknowledges that social media has become an integral channel of communication between individual members and the public. The Council appreciates that proper use of social media can serve many important functions, including: (1) building awareness and interest around the City (i.e., mission, services, projects, meetings, activities and events, etc.); (2) supplementing the rapid disbursement of emergency information; and (3) fostering civic pride and engagement within the community. The Council recognizes, however, that its members' use of social media must be balanced against legal obligations with respect to transparency in the conduct of the people's business.[~~5~~6] For these reasons, the following protocols will be followed.

c) Definitions

(i) City: the City of Santa Paula, California.

(ii) Councilmember and other public officials: any member of the City Council and any member of a City Council-appointed committee or other governing body of the City of Santa Paula

[~~5~~6] E.g., the Brown Act requires that legislative bodies of public agencies deliberate and take action openly. (Gov. Code §§ 54950 et seq.). Additionally, communications regarding City business on private accounts may be subject to disclosure under the Public Records Act. (Gov. Code §§ 7920.0000 et seq.)

(iii) City business: information relating to the conduct of the public's business or communications concerning matters within the subject matter of the City's jurisdiction, including, but not limited to, pending or potential City projects, past or prospective City agenda items, or City budgets or expenditures involving City funds.

(iv) Open and accessible to the public: members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(v) Social media platforms: an online service that is open and accessible to the public. Examples include Snapchat, Instagram, Facebook, Twitter, blogs, TikTok and Reddit.

d) Public Records Act: Councilmembers and other public officials should be aware that their posts, comments, and responses about City business on social media platforms, whether on public or private pages, may be subject to disclosure under the Public Records Act.

e) First Amendment: Councilmembers and other public officials should also be aware that their private social media accounts may be transformed into public forums where members of the public may have First Amendment rights. In determining whether a private social media page has become a public forum, courts have examined factors including:

(i) How the public official is identified on the site (i.e., is she identified as "Mayor" or simply "Jane Doe"?);

(ii) How the page is titled (i.e., is the account registered as a governmental account or a private account?);

(iii) How the public official "invites" users to use the page (i.e., in cases in which the account was deemed a public one, the public official solicited the public's opinion on City matters);

(iv) Whether the public official is "transacting" City matters on the site (i.e., posting about matters before the City);

(v) Whether City employees help maintain and operate the site; and

(vi) Whether the public official uses the site to engage directly with the public (i.e., replying to constituent comments regarding City business).

f) Whether an account is private or public is fact-specific and depends on the totality of the circumstances. In some instances, courts have sided with plaintiffs in finding that public officials' use of their social media accounts have turned those sites into public forums.[67] For these reasons, Councilmembers shall comply with the following best practices:

(i) No use of City staff: Councilmembers and other public officials will not use City staff to help maintain their personal accounts on social media platforms.

(ii) Separate accounts; private page disclosure: Councilmembers and other public officials will keep all personal social media accounts separate from those of the City and other Councilmembers. To that end, Councilmembers and other public officials should include language that is substantially similar to the following on all personal pages: "This is my personal social media and is not intended as a forum to discuss City business."

(iii) Content moderation if potential public forum: If there are reasons to believe that a Councilmember or other public official's private social media page has turned into a public forum, the Councilmember or public official should not block members of the public from the page or delete comments with which they disagree.

g) Brown Act: Councilmembers and other public officials may engage in separate conversations or communicate on social media platforms to answer questions, provide information to the public, or solicit information from the public regarding City business. In accordance with AB 992, Councilmembers and other public officials will not do either of the following on a social media platform:

(i) Discussion by a majority: Discuss City business with a majority of Councilmembers or, as applicable, with a majority of the relevant City Council-appointed committee or commission. That includes communicating, posting, sharing, commenting, or using digital icons (i.e., a thumbs up or an emoji); or

[67] See e.g., *Davison v. Randall* (4th Cir. 2019) 912 F.3d 666 [Court found that county board of supervisor's Facebook page had transformed into a public forum. As such, the court held that the supervisor violated the First Amendment when she blocked a member of the public from her page].

(ii) Direct responses: Respond directly to another Councilmember or other public official's communication, comment or post if the topic concerns City business.

h) Consequences: Failure of a Councilmember to abide by this policy, following its adoption, may result in censure by the Council.

## 9.7 ~~9.6~~ Clerk/Secretary

The Clerk/Secretary or his/her deputy shall attend all meetings of the Legislative Body unless excused, and shall keep the official minutes and perform such other duties as may be requested by the Legislative Body.

## 9.8 ~~9.7~~ City Manager

a) The City Manager, or designee, shall attend all meetings of the Legislative Body unless excused. The City Manager may make recommendations to the Legislative Body and shall have the right to take part in all discussions of the Legislative Body, but shall have no vote. The City Manager, shall provide the Legislative Body with a staff report providing sufficient information to be the basis for any action by the Legislative Body at its meeting. Any officer or employee of the City, when directed by the City Manager, shall attend any meeting of the Legislative Body and may present information relating to matters before the Legislative Body.

b) Consistent with Title 3, Section 31.08, Powers and Duties of the City Manager, of the Santa Paula Municipal Code, it shall be the duty of the City Manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits, and privileges granted by the Council are faithfully observed. Further, it shall be the duty of the City Manager to recommend to the Council for adoption such measures and ordinances he/she deems necessary and to prepare, submit and administer, after adoption by the City Council, the annual budget and salary plan. It shall be the duty of the City Manager to keep the Council at all times fully informed as to the financial condition and needs of the city~~.~~

c) Any member of the Legislative Body may request that the City Manager or members of the staff to investigate a matter related to the interests of the City. Where fulfillment of the request involves substantial cost or staff resources, the request must first be approved by the City Manager or by the Legislative Body during the part of a meeting for "Future Agenda Items" using the procedure in Section 5.1(b) or (c). The decision to approve the request involving substantial cost or staff resources , will be communicated to the entire City Council. Regardless of whether a request requires approval, all responses to requests that are of consequence to the entire City Council will be distributed to the entire City Council. For purposes of this subsection, "Substantial cost or staff resources" means more than one hour of staff time.

## 9.9 ~~9.8~~ City Attorney

a) The City Attorney, or deputy, shall attend all meetings of the City Council unless excused and shall upon request of any member give an opinion, either written or oral, on questions of law. The City Attorney, or deputy, shall attend all meetings of such other Legislative Bodies as directed by the City Council or City Manager. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body pursuant to Section 3 of Article XI, below. All ordinances and resolutions, all contracts, deeds, and easements or other legal instruments shall be approved as to form and legality by the City Attorney. Contracts may be approved as to form and/or legality by the City Attorney when exceeding purchasing ordinance and policy guidelines. In any case of ambiguity or uncertainty in the interpretation or application of this Manual to any procedure, the Presiding Officer may direct such question to the City Attorney for a ruling.

b) Any member of the Legislative Body may request from the City Attorney a legal opinion regarding any matter related to the interests of the City. Where a legal opinion involves ~~substantial cost~~over two (2) hours of attorney time, the request for the opinion must first be approved by the City Manager or by ~~a majority of~~ the Legislative Body during the part of a meeting for "Future Agenda Items" using the procedure in Section 5.1(b) and (c). The City Attorney is the legal representative of the City acting through its Legislative Body. There is a continuing legal question as to whether the City Attorney may have an attorney-client relationship with any individual member of the Legislative Body or the City staff. As a consequence any discussion with the City Attorney which leads to the conclusion that the interests of the City are at risk must be revealed to all relevant members of the Legislative Body and the City staff by the City Attorney. The City Attorney shall not have an attorney-client relationship with individual councilmembers. The City Attorney is required to maintain the confidentiality of such communications from persons outside the City to the extent required or permitted by law, including the Rules of Professional Responsibility promulgated by the State Bar.

c) The City Attorney has no statutory duty or authority under the Political Reform Act to provide Political Reform Act advice to any Legislative Body member but should provide advice to members when requested. However, a Legislative Body member may not rely on advice from the City Attorney to provide him or her with immunity from FPPC enforcement or prosecution. Such immunity may be obtained only through a written advice letter obtained from the FPPC, on the question at issue, by the Legislative Body member. A Legislative Body member enjoys no privilege of attorney/client confidentiality in reviewing these matters with the City Attorney. Any advice given to an individual member of a Legislative Body cannot be withheld from the rest of the City or Legislative Body. If, after receipt of an opinion of the City Attorney the Legislative Body member wishes to participate in the decision making process with immunity from prosecution or enforcement, the City Attorney shall assist the Legislative

Body member in making direct contact with the FPPC for informal or formal advice upon which the Legislative Body member can rely.

d) [City Council Only]. It often happens that other jurisdictions or the League of California Cities or other regional or statewide association will ask the City to participate in the filing of a letter or brief before a court in a matter deemed to be of concern to all or a great many cities. These "friend of the court" or "amicus" briefs have the effect of informing the court how widespread its opinion will be and how that opinion will affect cities. Such participation is normally without direct cost to the City. In considering whether to direct City Attorney to file or join an amicus brief, the City Council shall consider whether such brief would represent or propose a position that conflicts with, or causes strife amongst, other City-related interests such as, without limitation, the interests of employee organizations, law enforcement, or public safety.

(i) Upon receipt of the request, the City Attorney shall make the request available through the City Manager to the Council. Upon a determination by any Council member that there is an interest in participating in the action in the manner proposed, the Council member shall inform the City Manager or City Attorney who shall place the matter as an item for discussion in closed session on the agenda of the next Legislative Body meeting. The City Attorney may otherwise place an amicus request on the agenda on his or her initiative.

(ii) In lieu of the foregoing process, where there is urgency to the matter, the City Attorney is authorized to undertake the filing of the letter or brief where (i) in the opinion of City Attorney the legal matter significantly affects the interests of the City, (ii) the City Attorney has consulted with and received the approval of the City Manager, (iii) the cost to the City will not exceed $5000, and (iv) the City Attorney makes a written report of the action to the Legislative Body.

(iii) Approval given to City Attorney to defend, or seek or refrain from seeking, appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a closed session consultation shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person

upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

### 9.10 ~~9.9~~ Conflicts of Interest

All Legislative Body members are subject to the provisions of California Law, such as Chapter 1, Title 9, of the California Government Code, relative to conflicts of interest, and to conflicts of interest codes adopted by the Legislative Body. Any Legislative Body member prevented from voting because of a conflict of interest shall refrain from in any way participating in the matter giving rise to the conflict. Where recusal from a matter is made on the basis of a conflict of interest arising from a financial interest in the decision, the Legislative Body member shall announce their recusal from the matter when it is first opened, and then shall set forth the reason for the recusal with the degree of specificity at least equal to the disclosure of the Legislative Body member's financial interests on the Legislative Body member's annual statement of financial interests; immediately after such announcements, the Legislative Body member shall leave the room. The Legislative Body member shall not overhear the staff report, participate in the discussion or deliberations and shall not otherwise make or participate in making the decision or in any way attempt to use his or her official position to influence the decision, including inquiries and discussion with City staff. This shall not prevent the conflicted Legislative Body member from coming before the Legislative Body solely during the public comment period as an affected resident to state his/her opinion on how the matter impacts their disqualifying interests.

### 9.11 ~~9.10~~ No Financial Interest in Contracts

A member of a Legislative Body shall not have a financial interest in a contract within the meaning of Government Code §1090 et seq. made in their official capacity and such contract shall be null and void whether the member participates in the making of the contract or not.

### 9.12 ~~9.11~~ Ethical Standards

A member of a Legislative Body shall maintain the highest ethical standards and shall adhere to all laws and the ordinances and regulations of the City in carrying out their duties.

## ARTICLE X -DECORUM AND ORDER

### 10.1 Decorum and Order

a) The rules governing decorum and order in the governance of the City is attached hereto as Exhibit A (the "Code of Conduct"). The Code of Conduct describes the manner in which City Officials should treat one another, City staff, constituents, and others they come into contact with in representing the City of Santa

Paula. The Code of Conduct is intended to advance the City's goals by providing efficient and high quality services to City residents and a safe and productive work environment for the City's employees.

### 10.2 Persons Authorized To Be Within Platform/Dais

No person except Legislative Body officials or authorized Legislative Body staff shall be permitted behind the Legislative Body dais without permission or consent of the Presiding Officer or the City Manager.

### 10.3 Personal Privilege

If a Legislative Body member is personally offended by the remarks of another member, the offended Legislative Body member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Presiding Officer will maintain control of this discussion. The right of a member to address the Legislative Body on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned or impugned.

### 10.4 Disruptive Members of the Public

Members of the public have the right to criticize the Legislative Body and public officials, which may involve the use of profanity and other forms of expression. The public does not have the right to impede the orderly conduct of a public meeting. When a member of the public is disruptive, the Presiding Officer must warn the individual that their behavior is disrupting the meeting and their failure to stop their behavior may result in their removal. If the individual does not promptly cease the disruptive behavior, the Presiding Officer or their designee may order removal of the individual. "Disruptive behavior" means behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," including but not limited to: (1) behavior that violates one of the Legislative Body's regulations addressing the conduct of open meetings or any other law, or (2) behavior a reasonable observer would perceive as an actual threat to use force by that member of the public. (Government Code § 54957.95.) Removal of the disruptive person should only be used as a last resort.

## ARTICLE XI -PARLIAMENTARY PROCEDURES

### 11.1 Procedures In Absence Of Rules

a) City Council proceedings should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, the Santa Paula Municipal Code, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for in this Article XI may be determined by the Mayor, subject to a vote of the entire Council. In addition, the City Council may, upon majority vote, alter or modify any provision of this Article (hereinafter, "Rules") when appropriate or desirable.

b) These Rules are adopted to expedite the City Council' s business transactions in an orderly fashion and are procedural only. **Failure to strictly observe these Rules will not affect the Council's jurisdiction or invalidate any Council action conforming with applicable law**.

c) Any provision of these Rules not governed by the Government Code or other applicable law may be temporarily suspended by a two-thirds vote of all members of the Legislative Body. Such suspension may be removed at any time by the same vote of members. The vote on any such suspension shall be taken by yeas or nays and entered upon the record.

### 11.2 Precedence of Motions

a) A motion may be debated by the Legislative Body after it is made. During debate, any member of the Legislative Body may "call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

b) When a motion is before the Legislative Body, no other motion may be considered except:

(i) Motion to Amend — (debatable only as it relates to the amendment)

An amendment which modifies the motion is in order. However, a substitute motion is in order if the intent is changed. Amendments are voted on first, and the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There may only be one amending motion on the floor at any one time.

(ii) Motion to Postpone — (a motion to postpone indefinitely is debatable)

If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.

(iii) Motion to Table — (Undebatable and not subject to amendment)

The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

(iv) Motion for Previous Question (Undebatable)

A motion for previous question closes debate on the main motion and is non-debatable. If motion fails, debate is reopened; if motion passes, then vote must be taken on the main motion.

### 11.3 Voting

a) After a full opportunity for debate if it appears that there is a consensus of opinion among the members of the Legislative Body on the matter to be voted upon, the Presiding Officer may state the consensus of the Legislative Body and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the Legislative Body. The Presiding Officer may also determine that a consensus exists following a call for a vote by any member of the Legislative Body by a Motion to Call the Question.

b) The order voting shall be random with the Mayor voting last. The Clerk/Secretary shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond 'aye', 'no' or 'abstain.' After every vote the Legislative Body shall declare the result and, on all but consensus votes, shall note for the record the number of votes for or against the question. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Legislative Body.

c) During a collective vote (Ayes and Nays), silence of any Councilmember denotes an affirmative vote.

d) Any Councilmember has the right to enter into public record reasons for dissent or protests against any motion carried by the majority.

### 11.4 Votes Needed

a) Usually, in the absence of a contrary statutory provision (such as urgency measures), a majority of a quorum which constitutes a simple majority of the Legislative Body may act for that body. However, resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of a Legislative Body.

b) State law may dictate certain instances in which the number of votes required is greater than a majority of all Legislative Body members. As a matter of convenience, questions on which the voting requirement is varied by the State statutes and these rules, include, without limitation, the following:

(i) Levying Taxes - Ordinances providing for the Assessment and collection of taxes require the approval of two-thirds of the members of the whole Council.

(ii) Assessment - Assessments require a two-thirds vote of the whole Council.

(iii) Bonds and Certificates of Participation - Authorizing the issuance of these financial instruments requires a two-thirds vote of the total Council.

(iv) Eminent Domain - The exercise of Eminent Domain requires a two-thirds vote of the total Council.

c) Any official with a conflict of interest is not counted for purposes of establishing a quorum, and must not vote on, make, participate in any way in, or attempt to influence the decision. A Legislative Body member abstaining on any other grounds than a conflict under the Political Reform Act shall be counted as present for purposes of a quorum and such abstentions are counted with the majority. The Legislative Body member who leaves the dais solely to avoid participating in a specific item shall, in absence of a conflict, be counted as if they were present but abstaining and such abstentions are also counted with the majority.

d) If a motion is lost on an ordinance or any motion when the legally required number of votes for passage is three (3), when two (2) members of the Legislative Body are absent, the matter will be automatically continued to the next regular meeting. In the case of an Urgency Ordinance, which requires a four-fifths vote to pass, a unanimous vote on a motion is required for passage when one (1) Councilmember is absent.

### 11.5 Reconsider

Any Legislative Body member who voted with the majority may move to reconsider any action at the same meeting or, within sixty (60) calendar days, request in writing to the Clerk/Secretary that it be agendized for consideration at the following meeting, provided that reconsideration shall not be permitted where a party other than the City has acted in reliance on the Legislative Body's action and would be substantially prejudiced by such reconsideration. The Clerk shall apprise the City Attorney of any facts constituting substantial prejudice and may rely upon the determination of the City Attorney. The motion for reconsideration is debatable and has precedence over a pending motion. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Legislative Body member who voted against the earlier motion may move for reconsideration at the following meeting. The member seeking reconsideration must have the matter agendized unless the motion will be made at the same meeting where the original action was taken. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting which meets any applicable noticing requirements. If the action to be reconsidered is a Public Hearing item, it must be re-noticed in the event the motion to reconsider passes. Where it is clearly established that all interested members of the public are still present, however, the item may be reconsidered without further notice. After a motion for reconsideration has once been acted upon, no other

motion for reconsideration thereof shall be made without unanimous consent of the Legislative Body.

### 11.6 Tie Votes

Tie Votes shall be lost motions unless an additional Motion is made which obtains a majority vote to break the tie. When all Legislative Body members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal. In such case, the findings in support of the decision shall be those of the lower body. If a tie vote results at a time when less than all members of the Legislative Body are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Legislative Body, unless otherwise ordered by the Legislative Body. A member of the Legislative Body may change his/her vote only if the change is made immediately following the announcement of the vote by the Presiding Officer and before the next agenda item is announced.

### 11.7 Abstentions

Members of the Legislative Body are discouraged from abstaining from a vote for reasons other than a legally-disqualifying, financial conflicts of interest. However, if a member chooses to abstain from voting as a result of what he/she perceives as a personal or non-financial conflict of interest, the member may do so after stating for the record the nature of the perceived conflict. A member of the Legislative Body who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention. In the event of such a perceived conflict (as opposed to a legally-disqualifying conflict), the member is not required to leave the dais.

a) A Legislative Body member shall generally express their positions on all matters except those where they are required to abstain due to legally recognized conflict of interest.

b) A Legislative Body member who has appealed the action of any person or body of the City on a matter which does not constitute a conflict of interest for the member under any law, may participate in the hearing on the appeal, unless there is clear and convincing evidence that such member is not objective or the member feels that they are unable to remain neutral, or as may be otherwise advised by the City Attorney. Notwithstanding any contrary provisions herein, in bringing an appeal, the Legislative Body member need not give reasons for making the appeal.

c) A Legislative Body member may abstain from action on a matter where in the member's opinion, there might be a public perception that participation in the discussion or decision would be inappropriate even though the member has no disqualifying financial interest within the meaning of FPPC rules and regulations.

### 11.8 Votes Of Members Previously Absent

a) A Legislative Body member who was not present at a meeting should generally not vote on the approval of minutes for that meeting, but the voting on such minutes shall have no effect on the validity of the minutes.

b) A Legislative Body member may vote on a continued item after an absence from the earlier public hearing of the matter if, prior to the vote, the member affirms on the record that they have familiarized themselves with the record of the earlier meeting and are prepared to vote on the issue. If the member shall abstain from the vote, the member shall be counted towards the quorum on the issue and the abstention shall be counted with the vote of the majority of the quorum.

c) The foregoing shall not apply to the matter of a vote on the minutes of a meeting at which the member was not in attendance. In that instance, the member abstaining on the grounds of non-attendance at the meeting to which the minutes pertain shall not be counted towards the quorum on the issue and the abstention shall not be counted with the votes of the majority of the quorum.

### 11.9 Appeals by Members of Legislative Body for Quasi-Adjudicatory Decisions

Except where otherwise provided, a member of the City Council may be deemed an interested person in any decision by a subordinate body and shall have standing to appeal to the City Council any decision by the subordinate body, or any determination made by any official of the City by filing a written appeal. The appeal shall not state any grounds for the appeal and the resulting hearing shall be de novo. “De novo” means that the City Council decides the appeal without deference to the subordinate body’s decision and decides the matter on appeal as if heard for the first time. The appeal must be filed within 10 days of the making of the decision being appealed and shall be filed with the Clerk/Secretary who shall give written notice to the applicant, and provide written notice to other persons as required for the original action. The hearing shall be held at the first regular meeting of the Council for which notice can be legally given.

### 11.10 Findings and Decisions

Decisions of a Legislative Body, when acting as a quasi-adjudicative body (public hearings) should be framed in terms of “findings” of fact, potentially relevant conclusions of law, and ultimate decisions showing the basis for the decision and the nexus between the findings, the conclusions, and the decision. The Legislative Body members must consider any legally-mandated findings applicable to a matter and consider the evidence presented to them in light of such findings in making their decisions.

### 11.11 Presentation of Evidence

a) Oral Evidence

Oral evidence may be taken on oath or affirmation if requested by the Legislative Body.

b) Exhibits and Documents

Documentary evidence, exhibits, written communications, and documents used and relied upon by the Legislative Body during meetings must be made part of the record.

c) Communications and Petitions

All communications and petitions must be read aloud either in full or in summary. A reading in full must be made at the request of a majority of the Legislative Body. All such communications and petitions may be placed into evidence at the discretion of the Legislative Body.

d) Staff Reports

A written staff report should be prepared and orally reviewed as part of the staff presentation. Such report is evidence and part of the record.

e) Large Maps and Displays

Large size maps and displays presented for use at the hearing should be displayed in full view of the Legislative Body. When practicable, such maps or displays, or their authentic reductions, will be placed into the record.

f) Admissible Evidence

A Public Hearing need not be conducted according to legal rules of evidence. Any evidence may be accepted if it is relevant and of the type which reasonable persons rely upon in conducting serious affairs. Irrelevant and unduly repetitious evidence will be excluded.

## ARTICLE XII -MISCELLANEOUS

### 12.1 Interpretation

This Manual shall be liberally construed to effectuate its purpose and no ordinance, resolution, proceeding or other action of the Legislative Body shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Legislative Body to technically comply with, observe, or follow the within rules. The City Council may, by resolution, adopt further rules of interpretation or practice.

### 12.2 Amendments

This Manual may be amended from time to time as necessary by resolution passed by a majority vote of the City Council at any regular or special meeting, provided that no such amendment shall be adopted unless at least seven days' prior written notice thereof has been given to all Legislative Body members serving the City. Such notice shall identify the Section or Sections of the Manual proposed to be amended.

## Exhibit A
## CODE OF CONDUCT

## CODE OF CONDUCT

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others they come into contact with. Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect of each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

### 1.0 Council Conduct with One Another

a) Members of the Legislative Body should refer to one another formally during public meetings as Mayor, Vice Mayor or Councilmember followed by the individual's last name.

b) Difficult questions, though challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, members of the Legislative Body to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

c) Any member of the Legislative Body wishing to speak, or any member of the public wishing to address the Legislative Body must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any member of the Legislative Body who seeks the floor when appropriately entitled to address the Legislative Body. The Legislative Body member shall confine himself or herself to the question under debate. It is the responsibility of the Chair to keep the comments on track during public meetings. Members of the Legislative Body should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason.

d) Any member of the Legislative Body, including the Presiding Officer, may bring a matter of business properly before the Legislative Body for decision by making a motion. Any Legislative Body member, including the Presiding Officer, except the Legislative Body member making the motion, may second a motion. Once a motion is seconded, it may be opened for discussion and debate.

e) The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the majority Legislative Body.

f) Legislative Body members shall accord the utmost courtesy to each other, to City or Legislative Body employees, and to the public appearing before the Legislative Body and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities, which disrupt, disturb or otherwise impede the orderly conduct of the Legislative Body meeting.

g) Any Legislative Body member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Legislative Body shall require the member to so act.

h) The members of the Legislative Body shall not engage in communications between themselves during the Legislative Body meeting regarding matters being considered on the agenda unless and until the Legislative Body has opened that agenda item. In order to minimize exposure to a Brown Act violation, Legislative Body members are discouraged from discussing any City business during breaks or before and after meetings; City business may only be discussed by a quorum of Legislative Body members when it is opened as a duly-noticed agenda item. Legislative Body members should not leave the room during an agenda item.

i) Legislative Body members shall endeavor to minimize cell phone use during meetings. If a matter of significance arises, the member shall excuse themselves to use his or her cell phone far enough from the meeting location so as to avoid a disruption.

j) ~~i)~~ The members of the Legislative Body shall always be attentive and show respect to those addressing the Legislative Body provided that nothing shall prevent the enforcement of the rules of decorum herein.

k) ~~j)~~ No Legislative Body member attending a meeting of another City commission or committee shall make any statement or, give the appearance or indicate in any way that they are representing the Legislative Body unless they have been authorized to do so by the Legislative Body. When making a comment at such a meeting, the Legislative Body member should make it clear that they are speaking solely as an individual. Unless officially appointed to participate on a committee, Legislative Body members should make an effort not to insert themselves into or take positions on matters which will ultimately be decided upon by the Legislative Body.

l) ~~k)~~ The Legislative Body may censure its own members for misconduct pursuant to Section 7.0, below.

**2.0 Council Conduct with City Staff**

a) Governance of a city relies on the cooperative efforts of elected officials, who set policy, and city staff, who implement and administer the Legislative Body's

policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

b) During meetings, City staff and employees shall observe the same rules of procedure and decorum applicable to Legislative Body members. The City Manager shall ensure that all staff and employees observe such decorum. Any staff members, including the City Manager, desiring to address the Legislative Body or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any individual Legislative Body member or member of the public.

c) Questions of City staff and/or requests for follow-up or additional background information should be directed only to the City Manager, the City Attorney, Assistant/Deputy City Manager, or Department Heads. The Office of the City Manager should be copied on any request, except those to the City Attorney. When in doubt about what staff contact is appropriate, Legislative Body members should ask the City Manager for direction. Materials supplied to a Legislative Body member in response to a request will be made available to all members of the Legislative Body so that all have equal access to information. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

d) Members of the legislative body should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Members of the legislative body must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.

e) Legislative Body members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

### 3.0 Council Conduct with the Public

a) In Public Meetings, members of the Legislative Body should make every effort to make the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. In the event of disruptive behavior while a Councilmember is speaking on an item, the Mayor is encouraged to politely ask attendees to cease disruptions so that the Council can get through all business on the agenda. The Mayor is also encouraged to make the following statement, or a statement of similar effect, at the start of each meeting:

"To maintain a public meeting environment conducive and welcoming to receive public comments from all members of the public, the audience is discouraged from engaging in displays of support or opposition to staff reports or public comments, including clapping, yelling, booing, hissing, or cheering, that may create a disruptive environment for members of the public wishing to participate, including when entering and exiting the Council Chambers. Members of the public who wish to express their views during the meeting are encouraged to do so in silent, non-disruptive ways—such as raising a hand, shaking hands, or another quiet gesture of support or opposition that does not obstruct views or interrupt proceedings.

Members of the public holding signs are asked to hold the signs on their person in front of them or move to the back of the room so as not to obstruct the view of other members of the public wishing to participate in the meeting."

b) Public Hearings.

1. ~~b)~~ Members of the Legislative Body should be fair and equitable in allocating public hearing time to individual speakers. The Presiding Officer will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Presiding Officer may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

2. ~~c)~~ Each speaker may only speak once during a public hearing unless a Member of the Legislative Body requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Presiding Officer reopens the public hearing for a limited and specific purpose.

c) ~~d)~~ It is disconcerting to speakers to have Members of the Legislative Body not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

d) ~~e)~~ Only the Presiding Officer, not individual Members of the Legislative Body, can interrupt a speaker during a presentation. However, an individual Member can ask the Presiding Officer for a point of order if the speaker is off the topic or exhibiting behavior or language the Member finds disturbing.

e) ~~f)~~ If speakers become flustered or defensive by questions, it is the responsibility of the Presiding Officer to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by individual Members to members of the

public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. A Member's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

f) ~~g)~~ Members of the Legislative Body should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

g) ~~h)~~ The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body.

h) ~~i)~~ Members of the Legislative Body will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise a particular action, or to promise City staff will do something specific (fix a pothole, plant new flowers in the median, etc.)

## 4.0 Council Conduct with Other Public Agencies

a) When any Member appearing before another governmental agency or organization to gives a statement on an issue, the Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

b) If the Member is representing the City, the Member must support and advocate the official City position on an issue, not a personal viewpoint.

c) If the Member is also a voting member on another organization's body whose position is different from the City, the Member should abstain from voting on the issue if it significantly impacts or is detrimental to the City's interest. Members of the Legislative Body should be clear about which organizations they represent and inform the Mayor and Council of their involvement. If there is a chance another organization's position significantly impacts the City's interest, Members should consult the City Attorney.

## 5.0 Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Qualified individuals who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

a) If attending a Board or Commission meeting, be careful to only express personal opinions.

b) Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

c) Members of the Legislative Body should not contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for individual Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

d) The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor do Councilmembers have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

e) Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

### 6.0 Other Council Conduct While In Office.

Unless expressly stated otherwise in this section, each member of the City Council shall:

a) Safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising objectivity, independence and honesty.

b) Not deliberately lie or mislead the public, staff, or fellow Members, unless there is a good faith belief that full disclosure of facts would potentially violate the law.

c) Consider whether an action exceeds or appears to exceed authority of his or her office for personal or financial gain. When in doubt, avoid actions that create, in the mind of a reasonable observer, the appearance of impropriety, ethical lapses, legal violations or actions inconsistent with this Code of Conduct or the Manual.

d) Refrain from making unauthorized commitments or promises of any kind purporting to bind the City. Refrain from any gratuitous comments that may harm the City's position in litigation or potential litigation.

e) Refrain from using status as a public officeholder to influence the outcome of a community meeting. When attending as a resident, indicate when expressing personal opinions and refer questions related to City policies to the City Manager.

f) Utilize City resources, including but not limited to, equipment, supplies, staff time, telephones, computers and fax machines in a manner consistent with City policies, the Fair Political Practices Commission regulations and state laws.

g) Ensure that correspondence paid for with public funds or on City stationery must relate to bona fide City business and must not purport to advance or advocate a policy not previously approved by the City Council. No Member shall create or transmit any City correspondence without authorization from the City Council to serve as spokesperson for this purpose. Councilmembers may distribute City public information.

h) Legislative Body members are encouraged to notify the City Attorney when an employee communicates alleged misconduct by the City Manager.

i) Legislative Body members are encouraged to share with the City Manager information received that may be relevant to the best interests of the City.

**7.0 Enforcement of Legislative Body Member Decorum During Meetings**

a) When a Member disrupts a meeting by speaking out of turn or continually seeking the floor to rebut other Members who disagree, the Presiding Officer should first firmly but calmly remind the Member of the rules of procedure and decorum. If the Member continues to disrupt the meeting, the Presiding Officer's next step is to state, "The member is out of order and will not speak until called upon." If the behavior still persists, the Presiding Officer is to name the offender, describe the offender's unruly behavior, and instruct the City Clerk/Secretary to record the cited behavior or words in the minutes. A member of the Legislative Body may (but is not required to) then make a motion to impose a penalty on the offending Member or the Presiding Officer may ask, "What penalty should be imposed on the member?" Possible motions that the Legislative Body can make include:

1. A motion that the member must apologize

2. A motion that the member must leave the chambers for the remainder of the meeting or for a shorter period of time to cool off.

If the Legislative Body wants the Member to leave the chambers while the penalty is discussed, this option must be presented in the form of a motion. If the Legislative Body does not ask the Member to leave during the discussion, the Member

should be allowed to speak briefly in his or her defense. If the Member denies the charges, then the City Clerk/Secretary can read back what he or she has said or done. Expulsion from the meeting requires a two-thirds vote. At the request of a single Member, the vote must be taken by ballot.

b) The Santa Paula Police Chief or designee shall be ex-officio sergeant-at-arms of the Legislative Body. He or she shall carry out all orders and instructions given to him or her by the Presiding Officer for the purpose of maintaining order and decorum in the Legislative Body meeting. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-at-arms to eject the disruptive Member.

c) In the event the disruptive Member is the Presiding Officer, the Vice Chair shall carry out the enforcement of order and decorum as described in this section.

**8.0 Censure of Legislative Body Members**

a) It shall be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate any general law or regulation, and any rule, law, ordinance, or resolution of the City of Santa Paula. It shall also be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate a policy of the City which has been adopted following a vote of the Legislative Body or the City Council on the matter and which by its terms is expressly made applicable to the Legislative Body.

b) Any violation of this Code of Conduct by a Legislative Body Member may be punished through the administration of a public censure of the member by the member's legislative body. Such censure may be in addition to any other punishment applicable to the violation. For purposes of this section, "censure" shall mean the adoption of a motion setting forth a statement of disapproval of a legislative body member's conduct.

c) A Legislative Body Member may not be made the subject of a motion for censure without first being given notice of the violation and an opportunity to correct the violation, if it can reasonably be corrected. Upon a continued violation or failure to correct, the charged member shall be given notice and an opportunity to be heard as follows:

1. Only a sitting Member of the Legislative Body whose member commits the violation may initiate proceedings for the censure of one of its members.

2. Proceedings shall be commenced by the presentation of a written statement of charges to the subject Legislative Body Member with a copy delivered concurrently to the clerk/secretary by the member initiating the charge.

3. Initiation shall not require the prior approval of the Legislative Body. The statement of charges shall be given at least ten days prior to

the meeting at which the censure motion is proposed to be brought. The notice shall contain, at a minimum, the designation of the specific rule, law regulation, etc. Which the member is claimed to have violated and a statement of the date, place, and time at which the violation occurred. The statement shall further contain a description of the conduct of the member which is alleged to constitute the violation. The statement of charges shall be delivered to all other Legislative Body members.

4. Within seven (7) days after delivery of the statement of charges, the charged member should deliver a written response to the other members of the Legislative Body unless the charged member chooses to defer to response to the hearing.

d) The motion for censure shall be agendized and considered at the first regular meeting occurring 10 days following the delivery of the statement of charges to the Member and clerk/secretary. The hearing may not be continued except upon the absence from the meeting of a Member of the Legislative Body other than the Member bringing the charge or the member who is the subject of the charge.

e) The hearing shall be conducted in an open session by the presiding officer unless the presiding officer is a party to the action, in which case the vice chair or some other Member shall conduct the proceedings. The hearing shall generally proceed by a reading of the charges by the charging member. The charging member may present witnesses; the charged member may answer in rebuttal; members of the public may speak in favor or opposed to the charge; and the remaining members may speak to the charges in that order.

f) Passage of the motion for censure shall require a majority vote of the Members of the Legislative Body. The voting members shall not go into closed session for deliberation.

g) If the motion for censure does not pass, the proceedings shall be at an end. A new motion for censure on the same grounds of violation may not thereafter be commenced against the same Legislative Body Member for a period of one (1) calendar year from date of the vote. However, new proceedings may be commenced on the same charges within the one (1) year period on the vote of 4 members of the five-member Legislative Body.

h) If the motion for censure does pass, such motion shall become a part of the public record, a copy of which shall be made available upon demand to any member of the public and notice of same shall be placed in the administrative file of the Legislative Body Member. A censure can include:

1. Adoption of a resolution expressing disapproval of the conduct giving rise to the censure.

2. Removal from representing the Council at any activities where they might be designated by the Council as a representative of the City.

3. Removal or non-appointment of a Legislative Body Member from committees.

4. Removal or non-appointment of a Legislative Body Member from the offices of Mayor or Vice-Mayor.

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**MANUAL OF PROCEDURAL GUIDELINES FOR THE CONDUCT OF CITY COUNCIL AND CONSTITUENT BODY/COMMISSION MEETINGS**

(Last amended: ~~October 18~~November 5, ~~2023~~2025)

## ARTICLE I -SCOPE

### 1.1 Application of Rules

This Manual (the "Manual") shall establish the procedures for the conduct of all meetings of the City of Santa Paula City Council and other constituent, governing bodies and commissions as authorized by Government Code § 36813.

This Manual rescinds and supersedes all prior City resolutions setting forth rules of procedure for the conduct of meetings by City Legislative Bodies (defined below). Wherever there is a conflict between this Manual and any prior City resolution, the terms and rules in this Manual shall govern. Resolutions more specifically superseded by this Manual include, without limitation, the following:

City of Santa Paula Resolution No. 6023;
City of Santa Paula Resolution No. 6161;
City of Santa Paula Resolution No. 7264;
City of Santa Paula Resolution No. 7294; ~~and~~
City of Santa Paula Resolution No. 7376~~.~~; and
City of Santa Paula Resolution No. 7483

### 1.2 Definitions

The following definitions shall apply to these rules and procedures:

a) "Legislative Body" means any quorum of any council, board, commission or standing committee (as defined in Government Code § 54952), or other governing body of the City of Santa Paula that is subject to the Brown Act (Government Code § 54950 et seq.). This includes the Santa Paula City Council, Planning Commission, Recreation Commission, and any standing committee subject to the Brown Act. The term "Legislative Body" does not include Non-Governing Bodies, as defined below.

b) "Presiding Officer" means the chairperson of the Legislative Body. For example, this refers to the Mayor when read in the context of the City Council and the Chair of any Commission.

c) "Vice Chair" means the vice chairperson to the Presiding Officer. For example, the Vice Chair means the Vice Mayor in the case of the City Council and the Vice Chairperson of any Commission.

d) "Clerk/Secretary" means the person responsible for taking and maintaining the record of proceedings for all meetings, preparation of agendas, calendar clerk and custodian of rules, resolutions, ordinances and Legislative Body

records. For example, the Clerk/Secretary refers to the City Clerk in the case of the City.

e) "City Attorney" means the legal advisor to the Legislative Body.

f) "City Manager" means the Chief Executive Officer of the City. The City Manager, or his/her designee, may also serve as the Personnel Officer pursuant to the City's Personnel Rules and Regulations, adopted May 16, 2005, as may be amended. The City Manager can designate appropriate staff to serve as the clerk/secretary to any Commission of the City.

g) "Non-Governing Bodies" means wholly advisory committees and bodies that are not subject to the provisions of the Brown Act. An "ad hoc" committee is an advisory committee not subject to the Brown Act if it (1) consists solely of less than a quorum of its parent Legislative Body, (2) is composed solely of members of its parent Legislative Body, (3) has no continuing subject matter jurisdiction, and (4) does not have a meeting fixed by formal action of its parent Legislative Body.

h) "Sub-Legislative Bodies" means wholly advisory committees which are subject to the Brown Act. An advisory committee is subject to the Brown Act if it (i) is established by ordinance, resolution, or other formal action; or (ii) has a fixed regular meeting schedule; or (iii) has continuing subject matter jurisdiction over a non-temporary issue; or (iv) continues to conduct business in excess of 180 days; or (v) has a majority membership of officials from other Legislative Bodies. Sub-legislative bodies are not decision-making bodies though given continuing subject matter jurisdiction over a non-temporary issue.

These rules and procedures are enacted pursuant to authority granted by Government Code §§ 36813 and 54954 et seq. The purpose of this Manual is to provide that the Legislative Bodies' procedures will be consistent with the Brown Act and also to establish procedures which will be convenient for the public and contribute to the orderly conduct of any Legislative Bodies' business. The procedures herein are in addition to, and not in place of, applicable ordinances and statutes and in the event of conflict between this Manual and applicable ordinances or statutes, the latter shall govern. In the event that any state statute referenced herein is renumbered, the reference herein shall be deemed to refer to the successor statute dealing with the same subject matter.

## ARTICLE II -MEETINGS

### 2.1 Regular Meetings

Unless otherwise specified by a resolution or ordinance applicable to a specific Legislative Body, the regular meeting of the City Council will be held on the first and third Wednesday of each month at 6:30 p.m. in the Council Chambers at City Hall, or at such other times or locations as the Legislative Body may from time to time designate, in the order of adjournment, or in the notice of call of any special meeting. In the event

a day of meeting shall be a legal holiday, said meeting shall be held on the next business day, unless otherwise specified by the Legislative Body.

### 2.2 Special Meetings

The Presiding Officer may, when he or she deems it expedient, or upon the written request of a majority of the Legislative Body, call a special meeting of the Legislative Body for the purpose of transacting the business designated in the call. The means and method for calling such special meeting shall be as set forth in the Brown Act as it now exists in Government Code § 54956 or may hereafter be amended. The City Manager, when necessary for the purpose of conducting city business and the continuity of governance, may request the Presiding Officer to call a special meeting. At such special meeting, no business shall be considered other than as designated in the call.

### 2.3 Emergency Meetings

An emergency meeting may be called by the Presiding Officer or by a majority of the Legislative Body where an emergency exists. An "emergency" means:

a) A work stoppage, terrorist act or threat, crippling disaster or other activity which severely impairs public health or safety as determined by the majority of the Legislative Body; or

b) Such other circumstance specified by State law as authorizing the conduct of an emergency meeting. Any emergency meeting shall be called, noticed, and conducted only in accordance with the procedures set forth in State law at Government Code § 54956.5, as may be amended.

### 2.4 Attendance

A majority of members of the Legislative Body shall constitute a quorum. For example, three members of the City Council constitute a quorum. Less than a majority may meet at noticed public meetings to adjourn from time to time, or to compel the attendance of absent members. Any member who fails to attend all of the regular meetings of the Legislative Body for 60 days, unless such absences are excused, shall surrender the office and be deemed to have surrendered the office.[1]

### 2.5 Study Sessions

The Legislative Body may meet informally in conference or "study" sessions regarding concerns of the Legislative Body to interchange information, provided that all discussions and conclusions shall be informal. Such meeting shall be called in the same manner as for special meetings or adjourned meetings, as applicable, and be subject to the Brown Act. Each notice shall indicate that an opportunity for public

[1] This 60-day rule is based on Government Code § 36513(a).

comment shall be provided before any matter shall be determined. When a meeting has been designated a Study Session, the Legislative Body shall not take any action with respect to the matter under study except with prior public notice, appearing on a properly posted agenda, of such intent to take action.

### 2.6 Adjournment

At 10:30 p.m., if business has not concluded, no new business will be considered unless by a majority vote the City Council agrees to begin new business. Items under consideration at 10:30 p.m. may be concluded. If a majority does not agree to begin new business, the remaining items will be postponed to the next City Council meeting.

## ARTICLE III -NOTICE AND AGENDA

### 3.1 Notice and Agenda for Regular Meetings

For every regular Legislative Body or Sub-Legislative Body meeting, the Clerk/Secretary or his or her designee shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all the items of business to be discussed at the meeting as set forth in Article V. The notice and agenda may be combined in a single document.

The notice and agenda must be posted at least seventy-two (72) hours before the regular meeting in a location freely accessible to public twenty-four (24) hours a day during the seventy-two (72) hour period and where the notice and agenda is not likely to be removed or obscured by other postal material. Specifically, the notice and agenda shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

### 3.2 Notice and Agenda for Special Meetings

For every special meeting, the Clerk/Secretary or his or her designee shall post a written notice specifying the time and place of the special meeting and the business to be transacted and send such notice to each member of the Legislative Body or Sub-Legislative Body (unless the member has filed a written waiver of notice with the Clerk/Secretary) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. The notice shall serve as the agenda for the special meeting and shall contain a brief description of all the items of business to be discussed at the meeting as set forth in Article V.

The notice for a special meeting shall be conspicuously posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to the public twenty-four (24) hours a day and where the notice is not likely to be

removed or obscured by other posted material. Specifically, the notice shall be posted at the place indicated below, and/or at such other location(s) as the Clerk/Secretary may designate:

SANTA PAULA CITY HALL FOYER

CITY OF SANTA PAULA WEBSITE

### 3.3 Notice and Agenda for Adjourned Meetings

The Legislative Body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. Should less than a quorum be in attendance, the Clerk/Secretary will list the attendees in the minutes. If all members are absent from any regular or adjourned regular meeting, the Clerk/Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each member of the Legislative Body at least twenty-four (24) hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held, within twenty-four (24) hours after the time of adjournment. (Government Code § 54955.) When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. If the subsequent meeting is conducted within five (5) days of the original meeting, matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting. If the subsequent meeting is more than five (5) days from the original meeting, a new agenda must be prepared and posted pursuant to Government Code § 54954.2.

### 3.4 Affidavit of Posting

Immediately following the posting of the notice and agenda, the Clerk/Secretary or his or her designee shall complete an Affidavit of Posting, in a form to be developed by the Clerk/Secretary. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting, and shall be signed under penalty of perjury. The Clerk/Secretary shall retain all such affidavits, together with a copy of each notice and agenda so posted. The affidavit, notice, and agenda shall be retained at least two (2) years subsequent to the date of posting, and pursuant to Government Code § 34090, shall not be destroyed by the Clerk/Secretary thereafter except in accordance with the City's record retention policies.

## ARTICLE IV -CLOSED SESSIONS

### 4.1 Generally

The Legislative Body may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. Public comment shall be permitted on closed session matters prior to the closed session. If a closed session is included on the agenda, the description of the item shall meet the requirements of and shall identify the statutory basis for the closed session. During closed session, the Legislative Body shall exclude all persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the Legislative Body during a closed session are required. There shall be no closed session during any emergency meeting. Closed session may not be held regarding a matter not listed on a properly posted agenda for closed session except upon the Legislative Body first taking action to place the item on the agenda as a closed session item as permitted by law.

### 4.2 Persons Authorized

Persons present in the closed session shall be only those persons necessary to the discussion of the matter under consideration. All other persons shall be excused. The Clerk/Secretary may attend each closed session of the Legislative Body and keep and enter into a minute book a record of any reportable decisions made at the meeting. At least the City Attorney, City Manager, City Clerk, or a designee familiar with the Brown Act shall be in the meeting.

### 4.3 Confidentiality

The minute book for any closed session is not a public record and shall be kept confidential and shall be available only to members of the Legislative Body or as otherwise provided by law. (Government Code § 54957.2(a).) No person attending a closed session shall publicly discuss or otherwise reveal the proceedings in the closed session unless such publication has been approved by the vote of the Legislative Body taken during the closed session or as otherwise required by law. Violation of this rule shall subject the violator to censure by the Legislative Body as provided in Section 7 herein.

### 4.4 Public Reports

Before recessing into closed session, the Presiding Officer or City Attorney shall announce that the Body is recessing into closed session and shall name each closed session topic that will be discussed in closed session in at least as much detail as shown on the agenda.

Following closed session, the Presiding Officer or City Attorney shall report publicly any reportable actions taken on a closed session matter and, if any vote was taken, shall announce that the matter was put to a vote, the results of the vote, and the vote or abstention of every member present.

Votes will be taken in closed session for those reportable actions identified in Government Code § 54957.1 including (1) approval of an agreement concluding real

estate negotiations if Council's own approval renders the agreement final; (2) approval given to legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter into an amicus curiae; (3) approval given to legal counsel of a settlement of pending litigation, as defined in the Government Code § 54956.9, if Council accepts a settlement offer signed by the opposing party; (4) a disposition reached as to claims if Council's action approves a monetary payment agreed upon by the claimant; (5) an action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee (provided such action is within the scope of Council authority); and (6) approval of an agreement concluding labor negotiations if Council's own approval renders the agreement final.

## ARTICLE V -AGENDA CONTENTS

### 5.1 Preparation of Agendas

a) **Agenda Posting**. Barring insurmountable difficulties, the agenda should ordinarily be delivered to the members of the City Council by 6:00 p.m. on Thursday preceding the City Council's regular Wednesday meeting. In the event of a Special Meeting, agendas should be delivered no less than 24 hours before the time set for the Special Meeting or as promptly as practicable, whichever is earlier. The agenda shall also be available to the general public at the time it is delivered to the members of the Legislative Body, or in any case as required by the Brown Act.

b) **Future Agenda Items – Not Time-Sensitive**. Any Legislative Body member may have placed on the agenda any business that should be deliberated upon in the future by the Legislative Body. Any Legislative Body member desiring to present a subject for the Legislative Body's consideration shall submit to the City Manager a request to place the matter on a future agenda by completing a City-provided form. The form must be submitted no later than the Monday before the agenda is delivered to members of City Council. Such Monday is referred to in this Section as the "Submittal Deadline." The form will at minimum require a description of the proposed matter for discussion and a requested future meeting date. The matter shall then be listed on the next agenda under "Items for Future Agendas" for discussion of whether it should be a future agenda item. The listing of the matter allows a discussion of whether a staff report should be prepared and the item brought back for consideration. Action to place the item on a future agenda for consideration requires a consensus and the absence of an objection. If there is an objection, the Mayor must call for a majority vote. The City Manager has discretion as to when the item will be placed on the agenda, unless otherwise directed by the City Council.

c) **Future Agenda Items – Time-Sensitive**. If a Legislative Body member does not become aware of a time-sensitive matter before the Submittal Deadline, the member may request by motion that the matter be placed on a future agenda during a meeting. The motion must be made during the portion of the meeting designated for "Items for Future Agendas." At least one other councilmember must second the motion, and if there is none, the item may be submitted using the procedure described in paragraph b), above. A matter is "time-sensitive" if direction or action from

the City Council is needed within 45 days. When making the motion, the moving member must state the reason why the matter qualifies as time-sensitive.

d) **Standing Committee Placement of Agenda Items.** On occasion, the following standing committees may need the City Council to discuss or take action within a short period of time due to the City's potential legal exposure or because of its importance:

- Cannabis Standing Committee
- Economic Development Standing Committee
- Finance Committee
- Homelessness and Housing Standing Committee

If an item considered by these standing committees does not fall within the Strategic Plan objectives and requires direction or action of the City Council within 45 days of a committee meeting, the committee may request that the City Manager place the item on a future agenda. For an item that falls within the Strategic Plan objectives, the item need not be time-sensitive and may be referred to the City Manager for placement on a future agenda. Both councilmembers appointed on the committee must agree the item qualifies for placement on a future agenda.

e) Notwithstanding the foregoing, the City Manager generally has responsibility for setting the agenda for the Legislative Body in consultation with the Mayor (except for any Commission where the responsibility may be assigned to the City Manager's designee), and may place matters on the agenda in accordance with the City Manager's evaluation of administrative priorities and resource capacities of City.

### 5.2 Description of Matters

All items of business to be transacted or discussed at a meeting of a Legislative Body or Sub-Legislative Body shall be briefly described on the agenda. The description may, but need not, set out the specific action or alternatives which will be considered by the bodies, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda. The description of closed session matters shall meet the requirements of Government Code §54954.2 and, where applicable, §54954.5. Matters may be designated as "pending" and listed for the sole purpose of determining if they will be on a future agenda.

### 5.3 Action Items

a) Matters may formally be adopted by an ordinance, a resolution, minute order, or other motion (thereafter recorded by minute entry). Technically, all three are equally as legally effective and binding but vary in the formality of respective memorialization. While most actions will be presented to the Legislative Body in a

written form prior to, or at, the meeting, the Legislative Body may amend any proposed action as written by carried motion of the Legislative Body at the time of its presentation for adoption. If an action as written is so amended by the Legislative Body, it shall be revised to reflect the Body's amendments for later execution by the Presiding Officer.

b) Besides ordinances and resolutions, action can be taken by motion and recorded as a minute order. A "minute order" denotes a Legislative Body action which is recorded simply by an item entered in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

c) As a general rule, a recorded majority of the quorum for a Legislative Body may take an action. However, for the City Council, resolutions, orders or the payment of money, and all ordinances require a recorded majority vote of the total membership of the City Council. Some actions, such as the passage of an urgency ordinance or adoption of a resolution of necessity to condemn property, require a super-majority vote. Under the Political Reform Act of 1974, a member with a financial conflict of interest regarding a matter before the member's board must leave the room while that matter is being discussed, heard, or acted on, so that member cannot be counted towards the quorum for that matter.

### 5.4 Resolutions

a) A "resolution" is a formal action with findings taken by the Legislative Body, generally pre-prepared in writing, designated by sequential number, and reference to which shall be inscribed in the minutes and an approved copy of each resolution filed in the official book of resolutions of the Legislative Body. Resolutions are used when specifically required by law, when needed as a separate evidentiary document to demonstrate findings or to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional explanatory material it often recites) to facilitate such future reference and research.

b) A resolution may be adopted at the same meeting it is presented. Where a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Article XI, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it.

c) Where a resolution cannot reasonably be prepared in advance of a meeting, the Legislative Body may instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next Legislative Body meeting. Where urgent, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Article XI, shall be followed. All resolutions must be approved by the City Attorney or Deputy City Attorney.

### 5.5 Ordinances (City Council Only)

a) The City Council is the only Legislative Body empowered to legislate the Santa Paula Municipal Code by adoption of ordinances.

b) Ordinances, other than urgency ordinances, require at least two readings at different meetings held at least five days apart with the first reading considered to be introduction and the second adoption. Unless a Councilmember requests a full reading, a proposed ordinance may be read in title only.

c) When read by title only, further reading of an ordinance may be waived by a majority vote of the Council members present and voting. The waiver of further reading may be accomplished by one vote for all ordinances presented on the agenda of the present meeting. (Government Code § 36934.)

d) The Clerk/Secretary shall prepare copies of all proposed ordinances for distribution to all members of the City Council with the agenda packet for the meeting at which the ordinance is to be introduced, or at such earlier time as is expedient. Ordinances shall be numbered and kept by the Clerk/Secretary with the same formality as resolutions as described above in Section 5.4.

e) An urgency ordinance is an ordinance adopted for the immediate preservation of the public peace, health and safety, containing a declaration of facts constituting the urgency. An urgency ordinance takes effect immediately and requires four-fifths vote of the City Council for passage pursuant to Government Code § 36937. If one member is absent in a five-member Council, an urgency ordinance must pass by a unanimous vote. Urgency ordinances may be adopted either at a regular or special meeting. (Government Code § 36934.)

f) All ordinances must be approved by the City Attorney or Deputy City Attorney. No ordinance may be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, the City Manager, or prepared by the City Attorney on his/her own initiative.

### 5.6 Contracts and Agreements

When any contract or agreement is to be considered by the Legislative Body, the complete contract and agreement, if complete in form for execution, shall be made a part of the agenda package presented to the Legislative Body and shall be made available for viewing by the public within the time frames required under the Brown Act and/or the California Public Records Act. (Government Code §§ 6250 through 6276.48.) All contracts and agreements must, before being placed on the Agenda, be approved as to form and legality by the City Attorney or Deputy City Attorney. Such approval must be indicated in the staff report.

### 5.7 Limitation of Actions by Agenda

No action or discussion shall be taken by the Legislative Body, on any item not appearing on a posted agenda, subject only to the exceptions listed in Section 5.9 below. “Action taken” as used herein shall mean a collective decision made by a

majority of the Legislative Body, a collective commitment or promise by a majority of the Legislative Body to make a positive or a negative decision, or an actual vote by a majority of the Legislative Body upon a motion, proposal, resolution, order, or ordinance.

### 5.8 Public Comment Period

a) Pursuant to Government Code § 54954.3, every agenda posted for any meeting shall contain an item entitled "Public Comment" in order to provide for an opportunity for the public to address the Legislative Body on items of interest to the public within the Legislative Body's subject matter jurisdiction. The public comment period should be conducted in accordance with Article VII.

b) Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.

### 5.9 Exceptions to Agenda Requirement for Action Taken

The Legislative Body may take action at a meeting on an item not appearing on the agenda for that meeting only under one of the following circumstances:

a) Upon a majority determination that an "emergency situation," which is either (i) a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, or (ii) a dire crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a Legislative Body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both. All discussion of such emergencies must be in open session.

b) Upon a determination by a two-thirds (2/3) vote of the Legislative Body, or if less than two-thirds of the Legislative Body are present by a unanimous vote of those members present, that the need to take action arose subsequent to the agenda posting.

For the purposes of this Subsection, the term "need to take action" shall mean those circumstances whose occurrence creates a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the Legislative Body. The mere failure of any person to notify the Legislative Body or staff of a pre-existing situation requiring Legislative Body attention until after the time for the posting of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the Legislative Body makes a determination pursuant to this Subsection, the minutes of the meeting at which the determination is made shall reflect what circumstances gave rise to the "need to take action" and why the item could not be placed on the agenda.

### 5.10 Minutes and Recordings

a) An account of all proceedings of the Legislative Body in open meetings shall be kept by the Clerk/Secretary. The Clerk/Secretary shall prepare an abbreviated record of the meeting proceedings for approval by the Legislative Body which when adopted by the Legislative Body shall be the official Minutes of the meeting. Amendment of the minutes may be made only as to factual accuracy and not as to a change of intent. The Minutes of the meeting need not be verbatim. Only the best and most complete available recording of the meeting shall constitute the official record of the Legislative Body, but the Minutes shall constitute the official record of the Legislative Body meeting where a verbatim record of the meeting is not available. Unless requested by a majority of the quorum, the minutes may be approved without reading.

b) Sub-Legislative Bodies shall comply with the same rules for keeping Minutes as Legislative Bodies, except that the responsible staff member will prepare the Minutes.

c) Any recording of a meeting made by or at the direction of the Legislative Body or Sub-Legislative Body is a public record that must be retained and made available to the public for at least 2 years. (Government Code § 34090(d)). A recording may be deleted without the approval of the Legislative Body and City Attorney if reproduced in an electronic medium that does not allow alteration to the original and the reproduction is a true copy of archival quality kept in a safe and separate place for security purposes. (Government Code § 34090.5.) The Clerk/Secretary or responsible staff member must provide to the public, without charge, equipment to review the record.

## ARTICLE VI -ORDER OF BUSINESS

### 6.1 Order of Business

The order of business of each meeting shall be contained in the agenda prepared by the Clerk/Secretary unless the majority of the Legislative Body members consent to take items out of order. The order of business at meetings of the Legislative Body may be as follows in accordance with the procedures specified in this Article VI:

a) Call to Order
b) Invocation
c) Flag Salute
d) Roll Call
e) Closed Session Report, if applicable.
f) Invite Public Comment, if any
g) Presentations
h) City Council Reports
i) City Manager Reports
j) Consent Calendar (See Section 6.3 below.)

k) Public Hearings
l) Action Items
m) Items for Future Agendas
n) Adjournment

### 6.2 Call to Order

The meeting of the Legislative Body shall be called to order by the Presiding Officer, or the Vice-Chair in the Presiding Officer's absence. In the absence of both the Presiding Officer and Vice Chair, the meeting shall be called to order by the Clerk/Secretary and the three Legislative Body members present shall elect by majority vote a Presiding Officer for that meeting.

### 6.3 Consent Items

Matters of a routine or generally uncontested nature and non-controversial, shall be placed on the agenda as Consent Items and may be approved by the Legislative Body in a single motion by adoption of the Consent Calendar. For example, items the City Manager believes will not require City Council discussion and are routine in nature as well as resolutions confirming action from a previous meeting which are brought back for approval of form rather than approval of action may be added as Consent Items. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein. All matters on the Consent Calendar shall be subject to public comment procedures in Article VII(Public Comment and Presentations). Upon the request of any member of the Legislative Body or upon the request of a member of the public made through the Presiding Officer, a matter may be removed from the Consent Calendar for separate discussion and/or action.

Each matter proposed for consideration as part of the Consent Items, including any recommended action, shall be described on the notice and agenda posted for the meeting. During the meeting, the Clerk/Secretary may be asked to read Consent Items into the record for the purpose of informing the public on the subjects being considered. The following matters are not appropriate for the Consent Calendar:

a) Ordinances shall not be placed on the Consent Calendar for approval unless the ordinance has first been read or the reading of the ordinance has been waived as required by law.

b) Any matter where the City Manager believes (i) it unlikely that there would be unanimous approval by the Legislative Body, or (ii) there is likely to be public comment on the matter, or (iii) a public presentation of the matter would be beneficial to the community.

### 6.4 City Representatives and Advisory Bodies (City Council Only)

a) From time to time the Council may be required to assign a representative of the City to non-City boards, commissions or organizations (e.g., boards or commissions of another agency or joint powers authority). Except as

otherwise required by law or by the policies of the non-City organization, the Mayor shall make all such appointments of City representatives on non-City organizations after consultation with the City Council. Council appointments to non-City organizations shall be considered and made with the goal of keeping the appointee in the organization for a long enough period of time that the appointee may gain seniority and/or a position of leadership within the organization. This goal shall be construed to mean that the same appointee should remain within a non-City organization for at least two years where reasonably possible and convenient for said appointee. Appointees serve at the pleasure of the Council.

b) The City Council shall have the power to establish advisory committees, commissions, other Legislative Bodies, and Non-Governing Bodies. Any committee which is (i) established by ordinance, resolution or other formal action, or (ii) has a fixed regular meeting schedule, or (iii) has continuing subject matter jurisdiction over a non-temporary issue, or (iv) which continues to conduct business in excess of 180 days, or (v) has a majority membership of officials from other Legislative Bodies, shall be subject to the provisions of the Brown Act. Such committees are referred to herein as "**Sub-Legislative Bodies**" and are made subject to the Brown Act pursuant to this Manual.

Advisory bodies and committees may take the following form:

(i) Ad Hoc Committees

The Council may, as the need arises, authorize the appointment of "ad hoc" Council committees composed of two members. Except where otherwise specifically provided by law, the Presiding Officer shall appoint the members of the Council committees, subject to the approval of the Council. Any committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Council.

(ii) Standing Committees

The Council may, subject to the Brown Act, create other committees, boards, and commissions, whether Legislative Bodies or Non-Governing Bodies, to assist in the conduct and operation of the City government with such jurisdiction and duties as the Council may specify. Except as otherwise required by law, the Mayor shall make appointments of members to such committees, boards or commissions subject to the approval of the Council. The procedure of filling vacancies and provision of notice thereof shall be subject to the provisions of the Maddy Act (Government Code §§ 54970-54974).

(iii) Sub-Legislative Bodies and Non-Governing Bodies shall be responsible for reporting the Body's activities to the City

Council. The members of a Sub-Legislative Body or Non-Governing Body shall operate within the jurisdiction established by the Council and shall not have authority to make subcommittees unless specifically granted such authority by action of the full City Council. Staff members may be assigned to assist any Council-created committee by the City Manager; staff members so assigned shall not be members of the committee unless specifically appointed as such by action of a majority of the Council.

(iv) Absent any other provision to the contrary, members of any non-City organization, or City committees, boards or commissions may be removed by the Council without cause by a majority vote of the whole Council body. Any member of the City Council may place the question of such removal on the agenda. Any committees, boards, or commissions so created may be abolished by a majority vote of the whole Council body by repeal of the enacting ordinance or resolution.

c) Santa Paula Municipal Code §12.06, as may be amended, governs the appointment of members to City bodies, committees, boards, and commissions that assist City Council in conducting City business (e.g. the Recreation, Housing and Planning Commissions).

d) City Council Direction to other Bodies. At the time an agenda item is discussed during a noticed public meeting of City Council, any Member may move to refer that item or an issue raised by that item to a City committee, board, or commission with subject matter jurisdiction. Referral requires City Council member consensus and absence of an objection. If there is an objection, the Mayor must call for a majority vote.

### 6.5 Budgets

The City Council shall have the power to approve the City budget. Approval of the budget constitutes approval of a proposed plan of expenditures and revenues. It does not constitute an authorization for expenditures. With respect to any given expenditure, the applicable procedure shall be followed. Further, adoption of the budget does not, unless otherwise specified by resolution, constitute authorization for any specific employment class or position.

### 6.6 Items from Members

a) There is a specific item on the agenda referred to as “City Council Reports” for receiving general comments, announcements, and/or suggestions from members of the Legislative Body. This can be used to inform the public concerning upcoming events, report on members’ attendance at conferences and seminars, or request that staff look into specific matters or similar matters. (See Section 5.1

regarding future agenda items if item requires Council action.) These matters may not be discussed, opined upon or deliberated, and if they do not concern a matter on the agenda, shall be handled by the Presiding Officer according to the same procedures set out for Public Comment in Section 7.2. No action may be taken on such matters without being placed on a subsequent agenda.

b) There is an agenda item referred to as "Items for Future Agendas." Matters are listed under this item pursuant to Section 5.1(b) or (c) where a member has asked that the matter be scheduled for discussion of whether a future staff report should be prepared.

c) There is an agenda item referred to as "City Manager Reports." This may be used by the City Manager similarly to the item for members of the Legislative Body in Subsection (a) above to make announcements without separately listing the matter on the agenda, and subject to the same restriction that there may be no discussion or action on such matter except for the purpose of forming consensus on the setting of any future special meetings or activities of the Legislative Body.

## ARTICLE VII -PUBLIC COMMENT AND PRESENTATIONS

### 7.1 City Council Meeting Presentations

City Council presentations are for providing information to the Mayor and Council, City management, and the community about activities of interest and value to ~~include~~the City. These presentations typically feature activities, events ~~and~~, infrastructure projects ~~relating to the City,~~ and honors and celebrations for organizations, corporations, and residents ~~which reflect~~to recognize their service to the Santa Paula community~~,~~. Presentations are also given to present honors and recognitions for City staff for outstanding service or commitment to the City's mission and goals. Please Note: This is not the appropriate time to seek funds from the City and/or endorsements from City Council or discuss politics. Subject to the discretion of the Mayor, all external presentations are to be no more than 10 minutes in length; this is to include all speakers for the group being recognized. Staff presentations should be limited to 15 minutes.

### 7.2 Public Comment

At the beginning of any Legislative Body meeting the public shall be afforded the right to comment on any and all issues (not on the agenda) within the subject matter jurisdiction of the Legislative Body. Such general public comment on non-agendized issues shall be taken at the beginning of the meeting under a "Public Comment" heading. With regard to matters not on the agenda, the Legislative Body may ask questions of persons who raise new matters during the Public Comment period or otherwise, and the Presiding Officer should handle such matters as provided in Section 7.3, below. However, all Legislative Body questions must be limited to facts-only informational inquiries, and the Legislative Body may not discuss the merits, express any opinions or ask questions that convey opinions or thought processes with respect

to any non-agendized issue. The public shall also be afforded the right to comment on every item appearing on the agenda prior to the Legislative Body's consideration of that item, as provided in Section 7.4 below.

### 7.3 Time Limitations

The time limit to speak for public comments is three minutes during a noticed public meeting, provided that these limits do not apply to a project applicant speaking at a public hearing pursuant to Article VIII. Notwithstanding these time limits, the Presiding Officer has the full prerogative to maintain meeting order and decorum as provided in Section 9.1 and Article X generally. For example, the Mayor may shorten the time limit to accommodate a lengthy agenda. Likewise, the Mayor may extend time if he or she finds such extension is reasonably necessary to allow the speaker to complete his/her message without repetition or unnecessary tangents.

The Legislative Body may also adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The Legislative Body has discretion to modify its regulations regarding time limits on public comment if necessary.

### 7.4 Additional Procedures for Public Comment on Agenda Items

a) Members of the public shall have the opportunity to address the Legislative Body on each and every item listed on the agenda. Public comment on agenda items must be heard prior to the Legislative Body's consideration/discussion of the item. Public comments on an agenda item may be heard either in combination with the Public Comment period at the start of the meeting, or at the time the Legislative Body opens the item, or both, as determined by the Legislative Body and set forth in the agenda. No speaker may comment on the same item during both the Public Comment period and at the time the item is heard later in the agenda.

b) Each member of the public addressing the Council must submit such written information as the Clerk/Secretary may request for the record, step to the podium, and give their name and address for the record. However, members of the public cannot be required to provide their name or other information as a condition of providing public comment.

c) When any identifiable group of persons, as distinguished from the general public, seeks to address the Council on the same agenda item, the Mayor has the discretion to ask that the group select a spokesperson to address the Council. If additional issues are to be presented at the hearing by any other member of such group, the Mayor may limit the number of persons to address the Council to avoid unnecessary repetition of information presented to the Council.

d) The purpose of the public comment period is to receive input from the public, not to create a debate between the Members and the public. Members should generally refrain from debating members of the public during the period for public comment, but if Members desire to clarify comments by members of the public,

they may ask factual questions, and if necessary, should do so during the public comment period.

e) The Presiding Officer should clearly open and close the public comment period. After the close of the public comment period, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

f) A member of the public addressing the Council may not speak on behalf of another member of the public (i.e. "comment by proxy") unless the person whom a speaker is representing attends the meeting and submits his or her own comment card (or equivalent in the case of virtual meetings). Such represented person is not required to stay for the entire meeting.

### 7.5 Procedural Order for Individual Agenda Items

The procedural order for items of business appearing on the agenda at meetings of the Legislative Body may be as follows:

a) Introduction of item

b) Invite staff presentation.

c) Council invited to ask staff any questions or clarifications

d) Public comment

e) Mayor to ask staff if they have any closing comments and/or responses to public comments.

f) Council deliberation and discussion

g) Introduction of motion, second, further discussion if needed, vote.

After a motion has been made, no member of the public shall address the Legislative Body without first securing permission of the Presiding Officer.

## ARTICLE VIII -NOTICED PUBLIC HEARINGS

### 8.1 Public Hearings; Notice; Fairness

a) Matters noticed to be heard by the Legislative Body shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

b) Legislative Body members shall not overtly or implicitly promise a particular action by City staff or by any Legislative Body. Where a Legislative Body member is contacted about an issue that will be presented to any Legislative Body of

the City, it is appropriate to give a brief overview of the aforesaid City policy, to refer to City staff for further information, or to suggest that the concern be brought to the whole Council at the hearing or Council meeting, as appropriate.

c) All public hearing notices shall be issued and published in compliance with any statutory notice requirements applicable to the particular hearing at issue and such notice shall inform interested persons of the statute of limitations to challenge the validity of any action taken by the Legislative Body on such matter.

d) In all matters before a Legislative Body, whether a public hearing or otherwise, the Body must judge the matter fairly and without personal bias. Although every Legislative Body member has a right to their own personal opinions, Legislative Body members should by their demeanor show an ability to listen to a variety of viewpoints and demonstrate a reasonable willingness to consider all sides of an issue before them. For quasi-adjudicative and adjudicative proceedings involving public hearings, the members of the Legislative Body shall not prejudice the matter prior to the public hearing, shall be fair and impartial, and shall decide the matter based upon the evidence and the statutorily required findings.

e) For such matters, Legislative Body members should avoid expressing an opinion or divulging their thought process until after the public hearing has been completed.

f) When there is a potential for conflict of interest or a due process concern that may impact a public hearing, Legislative Body members may contact the City Attorney. See Section 9.7 for provisions pertaining to City Attorney advice.

### 8.2 Continuance of Hearings

a) Any hearing being held or noticed or ordered to be held by the Legislative Body may, by order or, notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for adjourned meetings.

b) When it is the decision of the Legislative Body to continue an item which appears on the agenda, prior to hearing any report, testimony or taking evidence on the item, the Legislative Body may make such intent known at the beginning of the meeting. At that time the public shall be offered the opportunity to speak regarding the intent to continue the item. At the time regularly scheduled for the hearing of the item, the Legislative Body shall then take action to continue the item after again informing the public of the intent to continue the matter. No testimony or evidence shall be taken at that time unless the speaker will not be available at the continued hearing date.

c) When the Legislative Body has continued the public hearing on an item after its commencement, persons testifying at the first public hearing shall be permitted to again address the Legislative Body on the item at the continued hearing subject to the finding of the Presiding Officer that the testimony is redundant. If found to

be redundant, the time allotted for testimony by the individual may be summarily reduced.

d) Continuances of a public hearing to a date certain need not be re-noticed unless (i) the hearing has not been continued to a date certain, or (ii) has been continued three or more times and the Presiding Officer believes confusion may be created as to the time of the hearing.

### 8.3 Conduct of Hearings

d) When a matter for public hearing comes before the Legislative Body, the Presiding Officer shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing. Written materials included and not included in the agenda packet are received and filed. The Presiding Officer shall permit members of the Legislative Body to ask questions of staff, but should prevent expressions of opinion by members of the Legislative Body before the conduct of the hearing.

e) The Presiding Officer shall thereafter open the public hearing and inquire if there are any persons present who desire to address the Legislative Body on the matter. Any person desiring to speak or present evidence upon being recognized, may speak or present evidence relevant to the matter being heard. Any testimony shall be truthful. The applicant/representative usually speaks first and is limited to twenty (20) minutes, any portion of which can be used for rebuttal. The City Council may amend this time limit by consensus or majority vote depending on the complexity of the issues. Rebuttal occurs following the remainder of the public testimony.

f) Members of the Legislative Body who wish to ask questions of the speakers, during the public hearing portion, may do so but should be mindful that the purpose of the public hearing is to obtain testimony and evidence from the speakers, and not to debate the merits of the matter with speakers. Members should avoid debate and expressions of personal opinion until after the close of the public hearing. Unlike public comment periods, generally there should be no response to speaker comments until after the close of the hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process to all affected persons. All persons interested in the matter being heard by the Legislative Body shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the Clerk/Secretary as part of the record. Each speaker may only speak once during the public hearing unless the Legislative Body requests additional clarification later in the process.

g) Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the Legislative Body without reopening the public hearing. If, however, the Legislative Body receives relevant new evidence after the close of the public hearing and such new evidence may impact the

Legislative Body motion or vote, the Legislative Body may re-open the public hearing to obtain public comments upon such new evidence.

h) The Presiding Officer has the prerogative to establish special rules, such as to require group spokesperson, to limit the number of speakers to limit the total time for testimony to allow speakers to give time to others, or otherwise control the hearing, provided that (i) speakers are treated fairly, and that (ii) any such special rules are announced in advance of their application. The Presiding Officer always retains the prerogative to cut off speakers who are unduly repetitious, and to permit the extension of time to speakers.

i) Members of the public are allowed to show videos, PowerPoint presentations or similar presentations provided such video or presentation is relevant to the subject matter of the Legislative Body, is within the established time limit, and is provided to City staff 24 hours in advance of the meeting.

### 8.4 Extra-Meeting Contacts on Matters Set for Public Hearing

a) Legislative Body members should minimize their contacts with developers, applicants, or other persons who will be the subject of a quasi-adjudicative or adjudicative public hearing matter to be heard before the Legislative Body. Legislative Body members should avoid extra-meeting contacts with persons who will be the subject of a public hearing before the Legislative Body or with advocacy groups or special interests.

b) If a Legislative Body member is contacted directly by such person outside the meeting setting, the member shall refrain from expressing any viewpoints or thought processes to the person until after the public hearing. The Legislative Body member may explain that they are unable to express any viewpoint on the matter until all evidence has been heard in the course of a public hearing and should encourage any such person to present their position in writing or orally at the public hearing.

c) At the commencement of the public hearing, the Legislative Body member must disclose publicly any extra-meeting contacts or discussions had which may be relevant to the decision.

d) The limitations set forth in this Section shall not be read as preventing a Legislative Body member from inspecting a site that will be relevant to a public hearing, although such sight inspection should be disclosed on the record at the beginning of the public hearing.

### 8.5 Contributions and Recusal (Levine Act)

The Levine Act (Gov. Code § 84308) imposes certain disclosure and disqualification requirements on officers with regard to campaign contributions. The Levine Act applies only to a proceeding involving a license, permit, or other entitlement for use.[2] Previously, the Levine Act applied only to officers on appointed boards. With

[2] This is defined as "all business, professional, trade, and land use licenses and permits and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid,

the passage of Senate Bill 1439[3] in 2022, amended by Senate Bill 1181 and Senate Bill 1243 in 2024[4], the Levine Act now applies to officers serving on elected boards (such as the City Council) as well.

a) Beginning January 1, 2023, elected and appointed members of Legislative Bodies may not participate in a proceeding involving a party's application for a license, permit, or other entitlement for use while the proceeding is pending and for 12 months after the final decision is made, if the member has received a campaign contribution from that party or party's agent exceeding $500 and the member knows or has reason to know that the party has a financial interest in the decision.

b) This disqualification is also triggered by the receipt of a campaign contribution exceeding $500 from a "participant" or participant's agent in the decision if the member knows or "has reason to know" that the participant has a financial interest in the decision. A "participant" in general means someone who is not the party but who actively supports or opposes the party's application for a license, permit, or other entitlement and who has a financial interest in the decision.

c) A member may not make, participate in making, or in any way attempt to use his/her official position to influence the decision if the member has willfully or knowingly received a contribution exceeding $500 within the preceding 12 months from a party or a party's agent, or from any participant or a participant's agent if the member knows or "has reason to know" the participant has a financial interest in the decision. Before the decision is made, the member who received a disqualifying contribution within the preceding 12 months must disclose that fact on the record of the proceeding.

d) A member aware of any of the following facts "has reason to know" of a participant's potential financial interest:

(i) The participant has an interest in property within 500 feet of the real property at issue in the proceeding;

(ii) The participant has an economic interest in a business entity that may see a significant increase or decrease in customers as a result of the proceeding; or

entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor, or personal employment contracts), and all franchises." (Gov. Code § 84308(a)(5).)

[3] The Fair Political Practices Commission (FPPC), in response to several questions from the League of California Cities and other stakeholders, has adopted implementing regulations to clarify the ambiguous text of Senate Bill 1439 (SB 1439), as amended. (See Cal. Code Regs. tit. 2, §§ 18438, 18438.1, 18438.2, 18438.3, 18438.4, 18438.5, 18438.6, 18438.7, 18438.8.)

[4] SB 1181 and SB 1243 went into effect January 1, 2025.

(iii) The participant has a business relationship with the applicant that may result in additional services provided to the applicant as a result of the proceeding.

e) The member also may not accept, solicit, or direct a contribution from a party or participant (if the member knows or has reason to know of the participant's financial interest), exceeding $500 while the proceeding is pending and during the 12 months after the date of the final decision. If such a contribution is received during the 12 months after the final decision, the officer may "cure" the violation by returning the contribution within 30 days of accepting, soliciting, or directing the contribution, whichever comes latest. The member may "cure" the violation only if the member did not know or have reason to know of the participant's financial interest.

f) "Agent": An "agent" for purposes of this section shall mean a person who represents a party or participant for compensation and appears before or otherwise "communicates with the Legislative Body for purposes of influencing the pending proceeding" on behalf of a party or participant. An agent may not make any contribution to a member while a proceeding is pending and for 12 months after a final decision.[5] To "communicate with the Legislative Body for purposes of influencing the pending proceeding" does not include the following:

(i) Preparing architectural or engineering drawings or similar submissions for a proceeding if (1) the work is performed pursuant to the person's profession and (2) the person makes no contact with the City other than contact with staff concerning the processing to evaluate the submissions.

(ii) Providing technical data or analysis if the person does not engage in direct communication to influence the proceeding.

g) "Pending": For members, a proceeding is "pending" when (1) the item is placed on the Legislative Body's agenda, or (2) the member knows a proceeding involving a license, permit or other entitlement for use is before the agency for its decision, and it is reasonably foreseeable that the decision will come before the member in the member's decision-making capacity. For a party or party's agent, or a participant or participant's agent, the proceeding is "pending" when it is filed with the City, or, if the proceeding does not require an application, when the proceeding is before the City for its decision or other action. This means that once the application is filed, the party or participant may not make a contribution over $500, and their agents may not make any contribution. A member who accepts the contribution, however, will not be at risk of violating the Levine Act if the member does not know or have any reason to know about the proceeding.

[5] Effective January 1, 2025 pursuant to SB 1181 and SB 1243.

h) Officers must take the following steps after learning that a disqualifying contribution was made:

(i) For contributions over $500 made before a final decision, a party, participant, and member who is disqualified pursuant to this section must disclose the contribution on the record of the proceeding. The member must then recuse him or herself from the proceeding unless the member takes the steps described in subparagraph (ii) below.

(ii) The member may still participate in the proceeding if (i) he or she knew or should have known about the contribution and proceeding for fewer than 30 days; (ii) he or she discloses the disqualifying contribution on the record, and confirms the contribution in excess of $500 will be returned within 30 days from the time the member knew or should have known about the contribution and proceeding; and (iii) the contribution is returned within that timeframe.

The Levine Act is a complex statute that requires a nuanced analysis of facts. Legislative Body members should consult the City Attorney if they suspect a potential violation.

## ARTICLE IX -OFFICERS

### 9.1 Presiding Officer

a) The meeting shall be presided over and chaired by the Presiding Officer, or, in the Presiding Officer's absence, the Vice Chair. The Presiding Officer shall have the authority to rule any speaker out of order, including speakers during the public comment period if the subject raised is not within the subject matter jurisdiction of the Legislative Body, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter which is the subject of the public hearing. The Presiding Officer shall have the responsibility for the conduct of meetings in an orderly manner and to prevent the obstruction of business, and in carrying out this responsibility shall have the authority to give the floor to any member of the Legislative Body or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, to caution speakers as to disruptive behavior, and to order any persons willfully interrupting the meeting to be removed from the room, including as provided in Article X.

b) The Vice Chair shall generally take the place of the Presiding Officer in the absence of the Presiding Officer. In the absence of the Vice Chair, the Presiding Officer may call any other member to take his or her place as Presiding Officer; such substitution is not to continue beyond adjournment.

c) Any determination made by the Presiding Officer may be appealed by the making of a Motion to Appeal the Ruling by any other member of the Legislative

Body. The Presiding Officer's determination will stand unless a majority of the Legislative Body members vote in favor of the Motion to Appeal the Ruling, in which case the ruling of the Presiding Officer will be overridden.

d) Consistent with customary practice, the Chairperson and Vice Chairperson (when filling in for the Chairperson) should allow other members of the Legislative Body to first speak and make motions, and only in the absence of member comments or if no member makes a motion should the Chairperson and Vice Chairperson then consider making a motion.

### 9.2 Mayor

a) Although a ceremonial position, the Mayor occupies the highest office in the municipal government and is expected to provide the leadership necessary to keep the city moving in the proper direction. Effective mayors act not only as leaders staking out policy positions, but also facilitators of effective teamwork. The Mayor shepherds the City through public meetings and in doing so must ensure the Council's important policy issues and long-term future concerns are fairly debated by the entire Council for the benefit of the public.

b) The Mayor is the designated representative of the City and the City Council for purposes of presenting and expressing the official City position on an issue. If individual members of the Council or other Legislative Bodies are contacted by the media for a statement of official City position, the member should refer such inquiries to the Mayor. Otherwise, public or media statements by a Legislative Body member should be clearly characterized as comments upon a personal viewpoint.

### 9.3 Appointment of Mayor and Vice Mayor

a) Each Member elected to the Council is equally qualified and deserving to hold the offices of Mayor and Vice Mayor and each Councilmember should be given ample opportunity to serve in one or both of these offices.

b) It is the express intention of the Council that as many Members as possible serve as Mayor and Vice Mayor as long as they are in good standing.

c) The Member appointed as Mayor must have been a member of the Council for approximately two years. In the absence of a Member with sufficient tenure on the Council and absent disqualifying circumstances, priority should be given first to the Member with the longest continuous service since last serving as Mayor or Vice Mayor, and thereafter to any Member who has not previously served as Mayor or Vice Mayor. A Member should serve as Mayor only once during his or her term.

d) The Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Mayor must be a member of the City Council and retains all powers of a Councilmember.

e) The Vice Mayor is elected by a majority vote of the Council for a one-year term at the first regular meeting of the City Council in December of each year. (Santa Paula Municipal Code § 30.02.) The Vice Mayor must be a member of the City Council and retains all powers of a Councilmember.

f) **Procedure for Mayoral Election.**

(i) The Clerk/Secretary will state the procedures for electing the Mayor and Vice Mayor.

(ii) The election of the Mayor will be conducted by the Clerk/Secretary or a designee.

(iii) The Clerk/Secretary will declare that the office of Mayor is vacant and that nominations are open.

(iv) Any member of the City Council may nominate any member of the City Council as Mayor, including him or herself. A second to a nomination is not required.

(v) Any member of the City Council may move to close the nominations at any time after all Councilmembers have had the opportunity to make a nomination. The motion requires a second and must receive a vote of a majority of the City Council to pass.

(vi) After nominations have been closed, the Council can debate the nominations. After deliberations conclude, the Clerk/Secretary will call for the vote on the election of the Mayor.

(vii) The nominees will be voted on in the order the nominations were made.

(viii) The first Councilmember receiving the vote of a majority of the City Council is the Mayor and the election will be closed.

(ix) If no member of the City Council receives a majority vote, the Clerk/Secretary will re-open the nominations and conduct a new election until a Mayor is elected.

g) Procedure for Vice-Mayoral Election.

The election of the Vice Mayor will be conducted in the same manner as the election of the Mayor, except that it is generally expected, although not mandatory, that the Vice Mayor should succeed to the office of Mayor.

### 9.4 Use of Letterhead.

Members of the City Council may use official City letterhead to correspond with other public officials and with consultants on matters of City business but any such correspondence shall state that the views expressed therein are personal and not the position of the City unless the City Council has officially adopted such position. No other Legislative Body or Sub-Legislative Body may take a position officially representing the City unless authorized to do so by the City Council.

### 9.5 Email Policy

a) Members of the Legislative Body are provided with City email accounts which must be utilized for the conduct of City business, including communications with constituents. Members should be aware that all such communications may be subject to the Public Records Act (Government Code § 7920.0000 et seq). Use of private email accounts for City business may also make them subject to disclosure.

b) Members of the Legislative Body are subject to the Brown Act in the use of email. Email communications may not be used to develop a collective consensus or decision on any matter. Email communications to the entire Body should be avoided but may be permitted to provide factual information, for example such as arranging an event, where no discussion or exchange of opinions on a matter within the jurisdiction of the Legislative Body is initiated or occurs. When sending an email to provide such factual information, a member of the Legislative Body should advise all other members, “Please do not reply all to this email.” Where a concern exists regarding whether an email complies with the Brown Act, the email can be forwarded to the City Manager or City Attorney for review.

c) In the event the entire Legislative Body is contacted about an issue on a weekday, for example, by letter or email, either the Presiding Officer or designee shall within 24 hours acknowledge receipt of the communication by replying: “We have received your [email/letter] dated _____. The City Council values your opinions. To avoid any risk of violating of the Brown Act, your [email/letter] has been forwarded to the [City Manager/City Attorney/appropriate staff]. If you have not heard from a City representative within _____ days, please contact the Mayor and/or City Manager.”

### 9.6 Social Media Policy

a) The City Council, as the legislative body of the City of Santa Paula, hereby adopts the following policy regarding the private use of social media by its individual members. This policy is adopted, in part, in light of California Assembly Bill No. 992, effective January 1, 2021, which authorizes members of a legislative body to use social media to communicate with the public, subject to statutory exceptions.

b) The Council acknowledges that social media has become an integral channel of communication between individual members and the public. The Council appreciates that proper use of social media can serve many important

functions, including: (1) building awareness and interest around the City (i.e., mission, services, projects, meetings, activities and events, etc.); (2) supplementing the rapid disbursement of emergency information; and (3) fostering civic pride and engagement within the community. The Council recognizes, however, that its members' use of social media must be balanced against legal obligations with respect to transparency in the conduct of the people's business.[6] For these reasons, the following protocols will be followed.

c) Definitions

(i) City: the City of Santa Paula, California.

(ii) Councilmember and other public officials: any member of the City Council and any member of a City Council-appointed committee or other governing body of the City of Santa Paula

(iii) City business: information relating to the conduct of the public's business or communications concerning matters within the subject matter of the City's jurisdiction, including, but not limited to, pending or potential City projects, past or prospective City agenda items, or City budgets or expenditures involving City funds.

(iv) Open and accessible to the public: members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(v) Social media platforms: an online service that is open and accessible to the public. Examples include Snapchat, Instagram, Facebook, Twitter, blogs, TikTok and Reddit.

d) Public Records Act: Councilmembers and other public officials should be aware that their posts, comments, and responses about City business on social media platforms, whether on public or private pages, may be subject to disclosure under the Public Records Act.

[6] E.g., the Brown Act requires that legislative bodies of public agencies deliberate and take action openly. (Gov. Code §§ 54950 et seq.). Additionally, communications regarding City business on private accounts may be subject to disclosure under the Public Records Act. (Gov. Code §§ 7920.0000 et seq.)

e) First Amendment: Councilmembers and other public officials should also be aware that their private social media accounts may be transformed into public forums where members of the public may have First Amendment rights. In determining whether a private social media page has become a public forum, courts have examined factors including:

(i) How the public official is identified on the site (i.e., is she identified as "Mayor" or simply "Jane Doe"?);

(ii) How the page is titled (i.e., is the account registered as a governmental account or a private account?);

(iii) How the public official "invites" users to use the page (i.e., in cases in which the account was deemed a public one, the public official solicited the public's opinion on City matters);

(iv) Whether the public official is "transacting" City matters on the site (i.e., posting about matters before the City);

(v) Whether City employees help maintain and operate the site; and

(vi) Whether the public official uses the site to engage directly with the public (i.e., replying to constituent comments regarding City business).

f) Whether an account is private or public is fact-specific and depends on the totality of the circumstances. In some instances, courts have sided with plaintiffs in finding that public officials' use of their social media accounts have turned those sites into public forums.[7]For these reasons, Councilmembers shall comply with the following best practices:

(i) No use of City staff: Councilmembers and other public officials will not use City staff to help maintain their personal accounts on social media platforms.

(ii) Separate accounts; private page disclosure: Councilmembers and other public officials will keep all personal social media accounts separate from those of the City and other Councilmembers. To that end, Councilmembers and other public officials should include language that is substantially similar to the following on all

[7] See e.g., *Davison v. Randall* (4th Cir. 2019) 912 F.3d 666 [Court found that county board of supervisor's Facebook page had transformed into a public forum. As such, the court held that the supervisor violated the First Amendment when she blocked a member of the public from her page].

personal pages: “This is my personal social media and is not intended as a forum to discuss City business.”

(iii) Content moderation if potential public forum: If there are reasons to believe that a Councilmember or other public official’s private social media page has turned into a public forum, the Councilmember or public official should not block members of the public from the page or delete comments with which they disagree.

g) Brown Act: Councilmembers and other public officials may engage in separate conversations or communicate on social media platforms to answer questions, provide information to the public, or solicit information from the public regarding City business. In accordance with AB 992, Councilmembers and other public officials will not do either of the following on a social media platform:

(i) Discussion by a majority: Discuss City business with a majority of Councilmembers or, as applicable, with a majority of the relevant City Council-appointed committee or commission. That includes communicating, posting, sharing, commenting, or using digital icons (i.e., a thumbs up or an emoji); or

(ii) Direct responses: Respond directly to another Councilmember or other public official’s communication, comment or post if the topic concerns City business.

h) Consequences: Failure of a Councilmember to abide by this policy, following its adoption, may result in censure by the Council.

### 9.7 Clerk/Secretary

The Clerk/Secretary or his/her deputy shall attend all meetings of the Legislative Body unless excused, and shall keep the official minutes and perform such other duties as may be requested by the Legislative Body.

### 9.8 City Manager

a) The City Manager, or designee, shall attend all meetings of the Legislative Body unless excused. The City Manager may make recommendations to the Legislative Body and shall have the right to take part in all discussions of the Legislative Body, but shall have no vote. The City Manager, shall provide the Legislative Body with a staff report providing sufficient information to be the basis for any action by the Legislative Body at its meeting. Any officer or employee of the City, when directed by the City Manager, shall attend any meeting of the Legislative Body and may present information relating to matters before the Legislative Body.

b) Consistent with Title 3, Section 31.08, Powers and Duties of the City Manager, of the Santa Paula Municipal Code, it shall be the duty of the City Manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits, and privileges granted by the Council are faithfully observed. Further, it shall be the duty of the City Manager to recommend to the Council for adoption such measures and ordinances he/she deems necessary and to prepare, submit and administer, after adoption by the City Council, the annual budget and salary plan. It shall be the duty of the City Manager to keep the Council at all times fully informed as to the financial condition and needs of the city

c) Any member of the Legislative Body may request that the City Manager or members of the staff to investigate a matter related to the interests of the City. Where fulfillment of the request involves substantial cost or staff resources, the request must first be approved by the City Manager or by ~~a majority of~~ the Legislative Body during the part of a meeting for "Future Agenda Items" using the procedure in Section 5.1(b) or (c). The decision to approve the request involving substantial cost or staff resources , will be communicated to the entire City Council. Regardless of whether a request requires approval, all responses to requests that are of consequence to the entire City Council will be distributed to the entire City Council. For purposes of this subsection, "Substantial cost or staff resources" means more than one hour of staff time.

### 9.9 City Attorney

a) The City Attorney, or deputy, shall attend all meetings of the City Council unless excused and shall upon request of any member give an opinion, either written or oral, on questions of law. The City Attorney, or deputy, shall attend all meetings of such other Legislative Bodies as directed by the City Council or City Manager. The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body pursuant to Section 3 of Article XI, below. All ordinances and resolutions, all contracts, deeds, and easements or other legal instruments shall be approved as to form and legality by the City Attorney. Contracts may be approved as to form and/or legality by the City Attorney when exceeding purchasing ordinance and policy guidelines. In any case of ambiguity or uncertainty in the interpretation or application of this Manual to any procedure, the Presiding Officer may direct such question to the City Attorney for a ruling.

b) Any member of the Legislative Body may request from the City Attorney a legal opinion regarding any matter related to the interests of the City. Where a legal opinion involves over two (2) hours of attorney time, the request for the opinion must first be approved by the City Manager or by ~~a majority of~~ the Legislative Body during the part of a meeting for "Future Agenda Items" using the procedure in Section 5.1(b) and (c). The City Attorney is the legal representative of the City acting through its Legislative Body. There is a continuing legal question as to whether the City Attorney may have an attorney-client relationship with any individual member of the Legislative

Body or the City staff. As a consequence any discussion with the City Attorney which leads to the conclusion that the interests of the City are at risk must be revealed to all relevant members of the Legislative Body and the City staff by the City Attorney. The City Attorney shall not have an attorney-client relationship with individual councilmembers. The City Attorney is required to maintain the confidentiality of such communications from persons outside the City to the extent required or permitted by law, including the Rules of Professional Responsibility promulgated by the State Bar.

c) The City Attorney has no statutory duty or authority under the Political Reform Act to provide Political Reform Act advice to any Legislative Body member but should provide advice to members when requested. However, a Legislative Body member may not rely on advice from the City Attorney to provide him or her with immunity from FPPC enforcement or prosecution. Such immunity may be obtained only through a written advice letter obtained from the FPPC, on the question at issue, by the Legislative Body member. A Legislative Body member enjoys no privilege of attorney/client confidentiality in reviewing these matters with the City Attorney. Any advice given to an individual member of a Legislative Body cannot be withheld from the rest of the City or Legislative Body. If, after receipt of an opinion of the City Attorney the Legislative Body member wishes to participate in the decision making process with immunity from prosecution or enforcement, the City Attorney shall assist the Legislative Body member in making direct contact with the FPPC for informal or formal advice upon which the Legislative Body member can rely.

d) [City Council Only]. It often happens that other jurisdictions or the League of California Cities or other regional or statewide association will ask the City to participate in the filing of a letter or brief before a court in a matter deemed to be of concern to all or a great many cities. These “friend of the court” or “amicus” briefs have the effect of informing the court how widespread its opinion will be and how that opinion will affect cities. Such participation is normally without direct cost to the City. In considering whether to direct City Attorney to file or join an amicus brief, the City Council shall consider whether such brief would represent or propose a position that conflicts with, or causes strife amongst, other City-related interests such as, without limitation, the interests of employee organizations, law enforcement, or public safety.

(i) Upon receipt of the request, the City Attorney shall make the request available through the City Manager to the Council. Upon a determination by any Council member that there is an interest in participating in the action in the manner proposed, the Council member shall inform the City Manager or City Attorney who shall place the matter as an item for discussion in closed session on the agenda of the next Legislative Body meeting. The City Attorney may otherwise place an amicus request on the agenda on his or her initiative.

(ii) In lieu of the foregoing process, where there is urgency to the matter, the City Attorney is authorized to undertake the

filing of the letter or brief where (i) in the opinion of City Attorney the legal matter significantly affects the interests of the City, (ii) the City Attorney has consulted with and received the approval of the City Manager, (iii) the cost to the City will not exceed $5000, and (iv) the City Attorney makes a written report of the action to the Legislative Body.

(iii) Approval given to City Attorney to defend, or seek or refrain from seeking, appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a closed session consultation shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

### 9.10 Conflicts of Interest

All Legislative Body members are subject to the provisions of California Law, such as Chapter 1, Title 9, of the California Government Code, relative to conflicts of interest, and to conflicts of interest codes adopted by the Legislative Body. Any Legislative Body member prevented from voting because of a conflict of interest shall refrain from in any way participating in the matter giving rise to the conflict. Where recusal from a matter is made on the basis of a conflict of interest arising from a financial interest in the decision, the Legislative Body member shall announce their recusal from the matter when it is first opened, and then shall set forth the reason for the recusal with the degree of specificity at least equal to the disclosure of the Legislative Body member's financial interests on the Legislative Body member's annual statement of financial interests; immediately after such announcements, the Legislative Body member shall leave the room. The Legislative Body member shall not overhear the staff report, participate in the discussion or deliberations and shall not otherwise make or participate in making the decision or in any way attempt to use his or her official position to influence the decision, including inquiries and discussion with City staff. This shall not prevent the conflicted Legislative Body member from coming before the Legislative Body solely during the public comment period as an affected resident to state his/her opinion on how the matter impacts their disqualifying interests.

### 9.11 No Financial Interest in Contracts

A member of a Legislative Body shall not have a financial interest in a contract within the meaning of Government Code §1090 et seq. made in their official capacity and such contract shall be null and void whether the member participates in the making of the contract or not.

### 9.12 Ethical Standards

A member of a Legislative Body shall maintain the highest ethical standards and shall adhere to all laws and the ordinances and regulations of the City in carrying out their duties.

## ARTICLE X -DECORUM AND ORDER

### 10.1 Decorum and Order

a) The rules governing decorum and order in the governance of the City is attached hereto as Exhibit A (the "Code of Conduct"). The Code of Conduct describes the manner in which City Officials should treat one another, City staff, constituents, and others they come into contact with in representing the City of Santa Paula. The Code of Conduct is intended to advance the City's goals by providing efficient and high quality services to City residents and a safe and productive work environment for the City's employees.

### 10.2 Persons Authorized To Be Within Platform/Dais

No person except Legislative Body officials or authorized Legislative Body staff shall be permitted behind the Legislative Body dais without permission or consent of the Presiding Officer or the City Manager.

### 10.3 Personal Privilege

If a Legislative Body member is personally offended by the remarks of another member, the offended Legislative Body member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The Presiding Officer will maintain control of this discussion. The right of a member to address the Legislative Body on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned or impugned.

### 10.4 Disruptive Members of the Public

Members of the public have the right to criticize the Legislative Body and public officials, which may involve the use of profanity and other forms of expression. The public does not have the right to impede the orderly conduct of a public meeting. When a member of the public is disruptive, the Presiding Officer must warn the individual that their behavior is disrupting the meeting and their failure to stop their behavior may

result in their removal. If the individual does not promptly cease the disruptive behavior, the Presiding Officer or their designee may order removal of the individual. "Disruptive behavior" means behavior that "actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting," including but not limited to: (1) behavior that violates one of the Legislative Body's regulations addressing the conduct of open meetings or any other law, or (2) behavior a reasonable observer would perceive as an actual threat to use force by that member of the public. (Government Code § 54957.95.) Removal of the disruptive person should only be used as a last resort.

## ARTICLE XI -PARLIAMENTARY PROCEDURES

### 11.1 Procedures In Absence Of Rules

a) City Council proceedings should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, the Santa Paula Municipal Code, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for in this Article XI may be determined by the Mayor, subject to a vote of the entire Council. In addition, the City Council may, upon majority vote, alter or modify any provision of this Article (hereinafter, "Rules") when appropriate or desirable.

b) These Rules are adopted to expedite the City Council' s business transactions in an orderly fashion and are procedural only. **Failure to strictly observe these Rules will not affect the Council's jurisdiction or invalidate any Council action conforming with applicable law**.

c) Any provision of these Rules not governed by the Government Code or other applicable law may be temporarily suspended by a two-thirds vote of all members of the Legislative Body. Such suspension may be removed at any time by the same vote of members. The vote on any such suspension shall be taken by yeas or nays and entered upon the record.

### 11.2 Precedence of Motions

a) A motion may be debated by the Legislative Body after it is made. During debate, any member of the Legislative Body may "call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

b) When a motion is before the Legislative Body, no other motion may be considered except:

(i) Motion to Amend — (debatable only as it relates to the amendment)

An amendment which modifies the motion is in order. However, a substitute motion is in order if the intent is changed. Amendments are voted on first, and the main motion vote is last. A motion may

be amended more than once with each amendment being voted on separately. There may only be one amending motion on the floor at any one time.

(ii) Motion to Postpone — (a motion to postpone indefinitely is debatable)

If such a motion is adopted, the principal question is lost. Motion to postpone to a definite time is subject to debate and amendment as it relates to propriety of the postponement and time set.

(iii) Motion to Table — (Undebatable and not subject to amendment)

The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the next regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

(iv) Motion for Previous Question (Undebatable)

A motion for previous question closes debate on the main motion and is non-debatable. If motion fails, debate is reopened; if motion passes, then vote must be taken on the main motion.

### 11.3 Voting

a) After a full opportunity for debate if it appears that there is a consensus of opinion among the members of the Legislative Body on the matter to be voted upon, the Presiding Officer may state the consensus of the Legislative Body and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the Legislative Body. The Presiding Officer may also determine that a consensus exists following a call for a vote by any member of the Legislative Body by a Motion to Call the Question.

b) The order voting shall be random with the Mayor voting last. The Clerk/Secretary shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond ‘aye’, ‘no’ or ‘abstain.’ After every vote the Legislative Body shall declare the result and, on all but consensus votes, shall note for the record the number of votes for or against the question. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Legislative Body.

c) During a collective vote (Ayes and Nays), silence of any Councilmember denotes an affirmative vote.

d) Any Councilmember has the right to enter into public record reasons for dissent or protests against any motion carried by the majority.

### 11.4 Votes Needed

a) Usually, in the absence of a contrary statutory provision (such as urgency measures), a majority of a quorum which constitutes a simple majority of the Legislative Body may act for that body. However, resolutions, orders for the payment of money, and all ordinances require a recorded majority vote of the total membership of a Legislative Body.

b) State law may dictate certain instances in which the number of votes required is greater than a majority of all Legislative Body members. As a matter of convenience, questions on which the voting requirement is varied by the State statutes and these rules, include, without limitation, the following:

(i) Levying Taxes - Ordinances providing for the Assessment and collection of taxes require the approval of two-thirds of the members of the whole Council.

(ii) Assessment - Assessments require a two-thirds vote of the whole Council.

(iii) Bonds and Certificates of Participation - Authorizing the issuance of these financial instruments requires a two-thirds vote of the total Council.

(iv) Eminent Domain - The exercise of Eminent Domain requires a two-thirds vote of the total Council.

c) Any official with a conflict of interest is not counted for purposes of establishing a quorum, and must not vote on, make, participate in any way in, or attempt to influence the decision. A Legislative Body member abstaining on any other grounds than a conflict under the Political Reform Act shall be counted as present for purposes of a quorum and such abstentions are counted with the majority. The Legislative Body member who leaves the dais solely to avoid participating in a specific item shall, in absence of a conflict, be counted as if they were present but abstaining and such abstentions are also counted with the majority.

d) If a motion is lost on an ordinance or any motion when the legally required number of votes for passage is three (3), when two (2) members of the Legislative Body are absent, the matter will be automatically continued to the next regular meeting. In the case of an Urgency Ordinance, which requires a four-fifths vote to pass, a unanimous vote on a motion is required for passage when one (1) Councilmember is absent.

### 11.5 Reconsider

Any Legislative Body member who voted with the majority may move to reconsider any action at the same meeting or, within sixty (60) calendar days, request in writing to the Clerk/Secretary that it be agendized for consideration at the following meeting, provided that reconsideration shall not be permitted where a party other than the City has acted in reliance on the Legislative Body's action and would be substantially prejudiced by such reconsideration. The Clerk shall apprise the City Attorney of any facts constituting substantial prejudice and may rely upon the determination of the City Attorney. The motion for reconsideration is debatable and has precedence over a pending motion. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Legislative Body member who voted against the earlier motion may move for reconsideration at the following meeting. The member seeking reconsideration must have the matter agendized unless the motion will be made at the same meeting where the original action was taken. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting which meets any applicable noticing requirements. If the action to be reconsidered is a Public Hearing item, it must be re-noticed in the event the motion to reconsider passes. Where it is clearly established that all interested members of the public are still present, however, the item may be reconsidered without further notice. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Legislative Body.

### 11.6 Tie Votes

Tie Votes shall be lost motions unless an additional Motion is made which obtains a majority vote to break the tie. When all Legislative Body members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal. In such case, the findings in support of the decision shall be those of the lower body. If a tie vote results at a time when less than all members of the Legislative Body are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Legislative Body, unless otherwise ordered by the Legislative Body. A member of the Legislative Body may change his/her vote only if the change is made immediately following the announcement of the vote by the Presiding Officer and before the next agenda item is announced.

### 11.7 Abstentions

Members of the Legislative Body are discouraged from abstaining from a vote for reasons other than a legally-disqualifying, financial conflicts of interest. However, if a member chooses to abstain from voting as a result of what he/she perceives as a personal or non-financial conflict of interest, the member may do so after stating for the record the nature of the perceived conflict. A member of the Legislative Body who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention. In the event of such a perceived conflict (as opposed to a legally-disqualifying conflict), the member is not required to leave the dais.

a) A Legislative Body member shall generally express their positions on all matters except those where they are required to abstain due to legally recognized conflict of interest.

b) A Legislative Body member who has appealed the action of any person or body of the City on a matter which does not constitute a conflict of interest for the member under any law, may participate in the hearing on the appeal, unless there is clear and convincing evidence that such member is not objective or the member feels that they are unable to remain neutral, or as may be otherwise advised by the City Attorney. Notwithstanding any contrary provisions herein, in bringing an appeal, the Legislative Body member need not give reasons for making the appeal.

c) A Legislative Body member may abstain from action on a matter where in the member's opinion, there might be a public perception that participation in the discussion or decision would be inappropriate even though the member has no disqualifying financial interest within the meaning of FPPC rules and regulations.

### 11.8 Votes Of Members Previously Absent

a) A Legislative Body member who was not present at a meeting should generally not vote on the approval of minutes for that meeting, but the voting on such minutes shall have no effect on the validity of the minutes.

b) A Legislative Body member may vote on a continued item after an absence from the earlier public hearing of the matter if, prior to the vote, the member affirms on the record that they have familiarized themselves with the record of the earlier meeting and are prepared to vote on the issue. If the member shall abstain from the vote, the member shall be counted towards the quorum on the issue and the abstention shall be counted with the vote of the majority of the quorum.

c) The foregoing shall not apply to the matter of a vote on the minutes of a meeting at which the member was not in attendance. In that instance, the member abstaining on the grounds of non-attendance at the meeting to which the minutes pertain shall not be counted towards the quorum on the issue and the abstention shall not be counted with the votes of the majority of the quorum.

### 11.9 Appeals by Members of Legislative Body for Quasi-Adjudicatory Decisions

Except where otherwise provided, a member of the City Council may be deemed an interested person in any decision by a subordinate body and shall have standing to appeal to the City Council any decision by the subordinate body, or any determination made by any official of the City by filing a written appeal. The appeal shall not state any grounds for the appeal and the resulting hearing shall be de novo. "De novo" means that the City Council decides the appeal without deference to the subordinate body's decision and decides the matter on appeal as if heard for the first time. The appeal must be filed within 10 days of the making of the decision being appealed and shall be filed with the Clerk/Secretary who shall give written notice to the applicant, and provide

written notice to other persons as required for the original action. The hearing shall be held at the first regular meeting of the Council for which notice can be legally given.

### 11.10 Findings and Decisions

Decisions of a Legislative Body, when acting as a quasi-adjudicative body (public hearings) should be framed in terms of "findings" of fact, potentially relevant conclusions of law, and ultimate decisions showing the basis for the decision and the nexus between the findings, the conclusions, and the decision. The Legislative Body members must consider any legally-mandated findings applicable to a matter and consider the evidence presented to them in light of such findings in making their decisions.

### 11.11 Presentation of Evidence

a) Oral Evidence

Oral evidence may be taken on oath or affirmation if requested by the Legislative Body.

b) Exhibits and Documents

Documentary evidence, exhibits, written communications, and documents used and relied upon by the Legislative Body during meetings must be made part of the record.

c) Communications and Petitions

All communications and petitions must be read aloud either in full or in summary. A reading in full must be made at the request of a majority of the Legislative Body. All such communications and petitions may be placed into evidence at the discretion of the Legislative Body.

d) Staff Reports

A written staff report should be prepared and orally reviewed as part of the staff presentation. Such report is evidence and part of the record.

e) Large Maps and Displays

Large size maps and displays presented for use at the hearing should be displayed in full view of the Legislative Body. When practicable, such maps or displays, or their authentic reductions, will be placed into the record.

f) Admissible Evidence

A Public Hearing need not be conducted according to legal rules of evidence. Any evidence may be accepted if it is relevant and of the type which reasonable persons rely upon in conducting serious affairs. Irrelevant and unduly repetitious evidence will be excluded.

## ARTICLE XII -MISCELLANEOUS

### 12.1 Interpretation

This Manual shall be liberally construed to effectuate its purpose and no ordinance, resolution, proceeding or other action of the Legislative Body shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Legislative Body to technically comply with, observe, or follow the within rules. The City Council may, by resolution, adopt further rules of interpretation or practice.

### 12.2 Amendments

This Manual may be amended from time to time as necessary by resolution passed by a majority vote of the City Council at any regular or special meeting, provided that no such amendment shall be adopted unless at least seven days' prior written notice thereof has been given to all Legislative Body members serving the City. Such notice shall identify the Section or Sections of the Manual proposed to be amended.

# Exhibit A
# CODE OF CONDUCT

## CODE OF CONDUCT

This Code of Conduct is designed to describe the manner in which Councilmembers should treat one another, city staff, constituents, and others they come into contact with. Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect of each individual through words and actions is the touchstone that can help guide Councilmembers to do the right thing in even the most difficult situations.

### 1.0 Council Conduct with One Another

a) Members of the Legislative Body should refer to one another formally during public meetings as Mayor, Vice Mayor or Councilmember followed by the individual's last name.

b) Difficult questions, though challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, members of the Legislative Body to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

c) Any member of the Legislative Body wishing to speak, or any member of the public wishing to address the Legislative Body must first obtain the floor by being recognized by the Presiding Officer. The Presiding Officer must recognize any member of the Legislative Body who seeks the floor when appropriately entitled to address the Legislative Body. The Legislative Body member shall confine himself or herself to the question under debate. It is the responsibility of the Chair to keep the comments on track during public meetings. Members of the Legislative Body should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason.

d) Any member of the Legislative Body, including the Presiding Officer, may bring a matter of business properly before the Legislative Body for decision by making a motion. Any Legislative Body member, including the Presiding Officer, except the Legislative Body member making the motion, may second a motion. Once a motion is seconded, it may be opened for discussion and debate.

e) The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the majority Legislative Body.

f) Legislative Body members shall accord the utmost courtesy to each other, to City or Legislative Body employees, and to the public appearing before the Legislative Body and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities, which disrupt, disturb or otherwise impede the orderly conduct of the Legislative Body meeting.

g) Any Legislative Body member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Legislative Body shall require the member to so act.

h) The members of the Legislative Body shall not engage in communications between themselves during the Legislative Body meeting regarding matters being considered on the agenda unless and until the Legislative Body has opened that agenda item. In order to minimize exposure to a Brown Act violation, Legislative Body members are discouraged from discussing any City business during breaks or before and after meetings; City business may only be discussed by a quorum of Legislative Body members when it is opened as a duly-noticed agenda item. Legislative Body members should not leave the room during an agenda item.

i) Legislative Body members shall endeavor to minimize cell phone use during meetings. If a matter of significance arises, the member shall excuse themselves to use his or her cell phone far enough from the meeting location so as to avoid a disruption.

j) ~~i)~~ The members of the Legislative Body shall always be attentive and show respect to those addressing the Legislative Body provided that nothing shall prevent the enforcement of the rules of decorum herein.

k) ~~j)~~ No Legislative Body member attending a meeting of another City commission or committee shall make any statement or, give the appearance or indicate in any way that they are representing the Legislative Body unless they have been authorized to do so by the Legislative Body. When making a comment at such a meeting, the Legislative Body member should make it clear that they are speaking solely as an individual. Unless officially appointed to participate on a committee, Legislative Body members should make an effort not to insert themselves into or take positions on matters which will ultimately be decided upon by the Legislative Body.

l) ~~k)~~ The Legislative Body may censure its own members for misconduct pursuant to Section 7.0, below.

**2.0 Council Conduct with City Staff**

a) Governance of a city relies on the cooperative efforts of elected officials, who set policy, and city staff, who implement and administer the Legislative Body's

policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

b) During meetings, City staff and employees shall observe the same rules of procedure and decorum applicable to Legislative Body members. The City Manager shall ensure that all staff and employees observe such decorum. Any staff members, including the City Manager, desiring to address the Legislative Body or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to any individual Legislative Body member or member of the public.

c) Questions of City staff and/or requests for follow-up or additional background information should be directed only to the City Manager, the City Attorney, Assistant/Deputy City Manager, or Department Heads. The Office of the City Manager should be copied on any request, except those to the City Attorney. When in doubt about what staff contact is appropriate, Legislative Body members should ask the City Manager for direction. Materials supplied to a Legislative Body member in response to a request will be made available to all members of the Legislative Body so that all have equal access to information. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

d) Members of the legislative body should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation. Members of the legislative body must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.

e) Legislative Body members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

### 3.0 Council Conduct with the Public

a) In Public Meetings, members of the Legislative Body should make every effort to make the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony. In the event of disruptive behavior while a Councilmember is speaking on an item, the Mayor is encouraged to politely ask attendees to cease disruptions so that the Council can get through all business on the agenda. The Mayor is also encouraged to make the following statement, or a statement of similar effect, at the start of each meeting:

"To maintain a public meeting environment conducive and welcoming to receive public comments from all members of the public, the audience is discouraged from engaging in displays of support or opposition to staff reports or public comments, including clapping, yelling, booing, hissing, or cheering, that may create a disruptive environment for members of the public wishing to participate, including when entering and exiting the Council Chambers. Members of the public who wish to express their views during the meeting are encouraged to do so in silent, non-disruptive ways—such as raising a hand, shaking hands, or another quiet gesture of support or opposition that does not obstruct views or interrupt proceedings.

Members of the public holding signs are asked to hold the signs on their person in front of them or move to the back of the room so as not to obstruct the view of other members of the public wishing to participate in the meeting."

b) Public Hearings.

1. Members of the Legislative Body should be fair and equitable in allocating public hearing time to individual speakers. The Presiding Officer will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Presiding Officer may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

2. Each speaker may only speak once during a public hearing unless a Member of the Legislative Body requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Presiding Officer reopens the public hearing for a limited and specific purpose.

c) It is disconcerting to speakers to have Members of the Legislative Body not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

d) Only the Presiding Officer, not individual Members of the Legislative Body, can interrupt a speaker during a presentation. However, an individual Member can ask the Presiding Officer for a point of order if the speaker is off the topic or exhibiting behavior or language the Member finds disturbing.

e) If speakers become flustered or defensive by questions, it is the responsibility of the Presiding Officer to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by individual Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to

belligerently challenge or belittle the speaker. A Member's personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

f) Members of the Legislative Body should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

g) The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to procedures. Final rulings on parliamentary procedure are made by the Presiding Officer, subject to the appeal of the full Legislative Body.

h) Members of the Legislative Body will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise a particular action, or to promise City staff will do something specific (fix a pothole, plant new flowers in the median, etc.)

### 4.0 Council Conduct with Other Public Agencies

a) When any Member appearing before another governmental agency or organization to gives a statement on an issue, the Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

b) If the Member is representing the City, the Member must support and advocate the official City position on an issue, not a personal viewpoint.

c) If the Member is also a voting member on another organization's body whose position is different from the City, the Member should abstain from voting on the issue if it significantly impacts or is detrimental to the City's interest. Members of the Legislative Body should be clear about which organizations they represent and inform the Mayor and Council of their involvement. If there is a chance another organization's position significantly impacts the City's interest, Members should consult the City Attorney.

### 5.0 Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Qualified individuals who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

a) If attending a Board or Commission meeting, be careful to only express personal opinions.

b) Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

c) Members of the Legislative Body should not contact a Board or Commission member to lobby on behalf of an individual, business, or developer. It is acceptable for individual Members to contact Board or Commission members in order to clarify a position taken by the Board or Commission.

d) The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Councilmembers, nor do Councilmembers have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

e) Board and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

### 6.0 Other Council Conduct While In Office.

Unless expressly stated otherwise in this section, each member of the City Council shall:

a) Safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising objectivity, independence and honesty.

b) Not deliberately lie or mislead the public, staff, or fellow Members, unless there is a good faith belief that full disclosure of facts would potentially violate the law.

c) Consider whether an action exceeds or appears to exceed authority of his or her office for personal or financial gain. When in doubt, avoid actions that create, in the mind of a reasonable observer, the appearance of impropriety, ethical lapses, legal violations or actions inconsistent with this Code of Conduct or the Manual.

d) Refrain from making unauthorized commitments or promises of any kind purporting to bind the City. Refrain from any gratuitous comments that may harm the City's position in litigation or potential litigation.

e) Refrain from using status as a public officeholder to influence the outcome of a community meeting. When attending as a resident, indicate when expressing personal opinions and refer questions related to City policies to the City Manager.

f) Utilize City resources, including but not limited to, equipment, supplies, staff time, telephones, computers and fax machines in a manner consistent with City policies, the Fair Political Practices Commission regulations and state laws.

g) Ensure that correspondence paid for with public funds or on City stationery must relate to bona fide City business and must not purport to advance or advocate a policy not previously approved by the City Council. No Member shall create or transmit any City correspondence without authorization from the City Council to serve as spokesperson for this purpose. Councilmembers may distribute City public information.

h) Legislative Body members are encouraged to notify the City Attorney when an employee communicates alleged misconduct by the City Manager.

i) Legislative Body members are encouraged to share with the City Manager information received that may be relevant to the best interests of the City.

## 7.0 Enforcement of Legislative Body Member Decorum During Meetings

a) When a Member disrupts a meeting by speaking out of turn or continually seeking the floor to rebut other Members who disagree, the Presiding Officer should first firmly but calmly remind the Member of the rules of procedure and decorum. If the Member continues to disrupt the meeting, the Presiding Officer's next step is to state, "The member is out of order and will not speak until called upon." If the behavior still persists, the Presiding Officer is to name the offender, describe the offender's unruly behavior, and instruct the City Clerk/Secretary to record the cited behavior or words in the minutes. A member of the Legislative Body may (but is not required to) then make a motion to impose a penalty on the offending Member or the Presiding Officer may ask, "What penalty should be imposed on the member?" Possible motions that the Legislative Body can make include:

1. A motion that the member must apologize

2. A motion that the member must leave the chambers for the remainder of the meeting or for a shorter period of time to cool off.

If the Legislative Body wants the Member to leave the chambers while the penalty is discussed, this option must be presented in the form of a motion. If the Legislative Body does not ask the Member to leave during the discussion, the Member

should be allowed to speak briefly in his or her defense. If the Member denies the charges, then the City Clerk/Secretary can read back what he or she has said or done. Expulsion from the meeting requires a two-thirds vote. At the request of a single Member, the vote must be taken by ballot.

b) The Santa Paula Police Chief or designee shall be ex-officio sergeant-at-arms of the Legislative Body. He or she shall carry out all orders and instructions given to him or her by the Presiding Officer for the purpose of maintaining order and decorum in the Legislative Body meeting. Upon instructions from the Presiding Officer, it shall be the duty of the sergeant-at-arms to eject the disruptive Member.

c) In the event the disruptive Member is the Presiding Officer, the Vice Chair shall carry out the enforcement of order and decorum as described in this section.

**8.0 Censure of Legislative Body Members**

a) It shall be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate any general law or regulation, and any rule, law, ordinance, or resolution of the City of Santa Paula. It shall also be a violation of this Code of Conduct for any sitting Member of a Legislative Body to violate a policy of the City which has been adopted following a vote of the Legislative Body or the City Council on the matter and which by its terms is expressly made applicable to the Legislative Body.

b) Any violation of this Code of Conduct by a Legislative Body Member may be punished through the administration of a public censure of the member by the member's legislative body. Such censure may be in addition to any other punishment applicable to the violation. For purposes of this section, "censure" shall mean the adoption of a motion setting forth a statement of disapproval of a legislative body member's conduct.

c) A Legislative Body Member may not be made the subject of a motion for censure without first being given notice of the violation and an opportunity to correct the violation, if it can reasonably be corrected. Upon a continued violation or failure to correct, the charged member shall be given notice and an opportunity to be heard as follows:

1. Only a sitting Member of the Legislative Body whose member commits the violation may initiate proceedings for the censure of one of its members.

2. Proceedings shall be commenced by the presentation of a written statement of charges to the subject Legislative Body Member with a copy delivered concurrently to the clerk/secretary by the member initiating the charge.

3. Initiation shall not require the prior approval of the Legislative Body. The statement of charges shall be given at least ten days prior to

the meeting at which the censure motion is proposed to be brought. The notice shall contain, at a minimum, the designation of the specific rule, law regulation, etc. Which the member is claimed to have violated and a statement of the date, place, and time at which the violation occurred. The statement shall further contain a description of the conduct of the member which is alleged to constitute the violation. The statement of charges shall be delivered to all other Legislative Body members.

4. Within seven (7) days after delivery of the statement of charges, the charged member should deliver a written response to the other members of the Legislative Body unless the charged member chooses to defer to response to the hearing.

d) The motion for censure shall be agendized and considered at the first regular meeting occurring 10 days following the delivery of the statement of charges to the Member and clerk/secretary. The hearing may not be continued except upon the absence from the meeting of a Member of the Legislative Body other than the Member bringing the charge or the member who is the subject of the charge.

e) The hearing shall be conducted in an open session by the presiding officer unless the presiding officer is a party to the action, in which case the vice chair or some other Member shall conduct the proceedings. The hearing shall generally proceed by a reading of the charges by the charging member. The charging member may present witnesses; the charged member may answer in rebuttal; members of the public may speak in favor or opposed to the charge; and the remaining members may speak to the charges in that order.

f) Passage of the motion for censure shall require a majority vote of the Members of the Legislative Body. The voting members shall not go into closed session for deliberation.

g) If the motion for censure does not pass, the proceedings shall be at an end. A new motion for censure on the same grounds of violation may not thereafter be commenced against the same Legislative Body Member for a period of one (1) calendar year from date of the vote. However, new proceedings may be commenced on the same charges within the one (1) year period on the vote of 4 members of the five-member Legislative Body.

h) If the motion for censure does pass, such motion shall become a part of the public record, a copy of which shall be made available upon demand to any member of the public and notice of same shall be placed in the administrative file of the Legislative Body Member. A censure can include:

1. Adoption of a resolution expressing disapproval of the conduct giving rise to the censure.

2. Removal from representing the Council at any activities where they might be designated by the Council as a representative of the City.

3. Removal or non-appointment of a Legislative Body Member from committees.

4. Removal or non-appointment of a Legislative Body Member from the offices of Mayor or Vice-Mayor.

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| **Changes:** | |
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| ~~Delete~~ | 29 |
| ~~Move From~~ | 0 |
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| Table moves to | 0 |
| ~~Table moves from~~ | 0 |
| Embedded Graphics (Visio, ChemDraw, Images etc.) | 0 |
| Embedded Excel | 0 |
| Format changes | 0 |
| **Total Changes:** | 66 |

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Christy Ramirez, Finance Director

Subject: 2024/2025 YEAR END FISCAL REPORT & Q1 FY 2025/26 UPDATE

Date: November 5, 2025

Agenda Item: 12.C

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## RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt the recommended budget adjustments as noted in the fiscal impacts of this report.

**Presented by**: Finance Director Christy Ramirez

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## BACKGROUND:

The purpose of this report is to review the unaudited year end activity of FY 2024/25. The Fourth Quarter (Year-End) Financial Review is intended to provide the City Council the opportunity to review the City's Annual FY 2024/25 Operating Budget, which was adopted on June 21, 2023, and then amended throughout the fiscal year, and to report on the un-audited year-end financial activity. This is an overview of the revenue and expenditure activity in the General Fund, as well as the City's Special Funds. The first section of this report is a summary of the financial activity for the City's most significant fund, the General Fund, as of June 30, 2025. When necessary, staff may also include discussion on other miscellaneous funds and Capital Improvement Program (CIP) projects. The figures presented here are un-audited and may change upon the conclusion of the independent year-end audit that is currently underway.

## ANALYSIS:

### GENERAL FUNDS -

The General Fund is the general operating fund of the City and accounts for activities and services traditionally associated with general municipal services. When discussing the General Fund in this report, included is the sub funds such as Measure T and Recreation Program funds.

Overall, expenditures for the General Fund came in under budget, while many revenue categories exceeded budget projections. Details regarding revenue and expenditure performances and previous Council approved budget appropriations incurred this fiscal year are further outlined in this report.

**General Fund Revenue Analysis:**

The tables and summary information below provide additional detail on the revenue activity to date on a budget to actual comparison.

| All General Funds | Budget | Actuals | Variance |
|---|---|---|---|
| Charges for Service | $ 2,835,756 | $ 2,835,770 | 0.0% |
| Licenses & Permits | 1,723,628 | 1,837,191 | 6.6% |
| Fines & Penalties | 18,084 | 47,276 | 161.4% |
| Other Revenue | 313,686 | 339,294 | 8.2% |
| Intergovernmental Revenues | 916,852 | 851,056 | -7.2% |
| Property Related | 5,537,001 | 5,732,660 | 3.5% |
| Sales Tax | 7,712,364 | 9,662,579 | 25.3% |
| Other Taxes | 393,259 | 337,483 | -14.2% |
| TOT | 140,000 | 34,759 | -75.2% |
| Business License | 144,500 | 135,467 | -6.3% |
| Real Property Transfer Tax | 144,000 | 96,518 | -33.0% |
| Franchise Fee | 1,364,951 | 1,171,316 | -14.2% |
| Investments & Rents | 97,594 | 140,398 | 43.9% |
| Transfers | 2,269,605 | 2,243,204 | -1.2% |
| TOTALS | $ 23,182,779 | $ 25,198,228 | 8.7% |

**Charges for Services** ended the fiscal year as expected. Multiple adjustments were made throughout the year throughout the year to adjust budgets as additional information was acquired regarding ongoing development projects that impacted line items such as the Plan Check Fees and Accessibility Review, both of which came in higher than was originally budgeted, before amendments were made.

**Licenses and Permits** revenue categories have also ended the year in accordance with the projections communicated to Council at the 3rd quarter Fiscal Report. The largest category, building permits, consisted of $1,379,226 and is almost entirely due to ongoing development activity, one time in nature, rather than ongoing increased levels of traditional permits.

**Other Revenues** encompasses all other revenues not otherwise mentioned throughout this section. As noted in the Charges for Services and Licenses and Permits, this category has also previously been amended to account for the one time revenue of $256,335 for sale of

property. As such, revenues are in line with projections.

The **Intergovernmental Revenue** category, which includes the **Prop 172 sales tax** (sales tax for public safety activities) and miscellaneous grant funding came in under budget due to Youth Sports Program grant reimbursement not yet occurring.

The **Property Tax** category is composed of two payment types - the “Traditional” Property Tax, which are received in large part during the months of December and April, and the Property Tax in Lieu of Motor Vehicle License Fees (MVLF) which is received in two payments during January and May. Traditional property taxes ended the year about $186,989 above budgeted figures due to residual appropriations. As residual property tax varies by year, it is not typically budgeted for.

The annual **Sales Tax** budgeted figure of $9.67m is comprised of twelve (12) monthly payments for the traditional Sales Tax line item, as well as an equal amount of payments for the Measure T 1% Sales Tax and now Measure R 1% Sales Tax. While Measure R sales tax came in over budget by $1,310,506, that is simply due to the nature of it being the first allocation which was not budgeted for. About $1m was anticipated, however Measure R, Measure T, and General Sales tax each came out approximately $320,000 over budget due to a one time purchase of large equipment related to development activity.

Other Taxes consists of three subcategories including **Transient Occupancy Tax (TOT), Business License, and Real Property Transfer Tax. TOT** actual revenues ended below budgeted figures primarily due to the Transient Occupancy Tax shortfall previously communicated to Council related to decreased activity for migrant work housing. A slight shortfall of $17,261 was also experienced in Real Property Deed Transfer Tax which varies year over year.

The City collects **Franchise Fees** from five main service provider sources (Cable, Electric, Gas, Pipeline, Solid Waste). Each provider of these services has a different payment schedule. Electric and Gas providers make annual payments in April. The Cable provider is on a quarterly payment plan, while Pipeline franchise fees are collected twice a year. This category also includes the Commercial Refuse Hauler, or Trash Hauler Franchise Fees, The Year End totals appear to be short of projections by $200,000 due to the fourth payment of the year not having been posted to the proper year. Staff will correct this in a year end entry.

**Investments & Income** Staff is not recommending any changes to this group as revenues are in line with projections, slightly above budget by $55,000.

**Overhead/Transfers In** are revenues provided by other funds to offset costs in the General Fund. These charges are done via journal entry and trued up at the end of the year.

**General Fund Expenditure Analysis:**

The General Fund expenditures budget is currently at $26,086,059, of which $4,322,609 is for Capital Improvement Programs and $14.68 million is related to payroll expenses. A carryover request for $1,564,112 for General Fund CIPs will be included in the FY 2025-26 budget. A savings of $1,156,214 in salary related expenses related to ongoing staffing shortages throughout departments has contributed significantly to the available fund balance that is recommended to be distributed below. General department expenses were in line with

budgeted figures with the exception of Equipment Maintenance Charges due to decreased costs in the Fleet Division as well as Electric costs due to the previously discussed redistribution of charges of So Cal Edison bills to appropriate accounts mentioned at a past council meeting.

**FUND BALANCE AVAILABLE AND RECOMMENDED ADJUSTMENTS**

The anticipated ending General fund balance is $2,648,678. This balance consists of the aforementioned $1.16 million in salary savings, $969,394 from Measure T salary true up of the past two years, approximately $325,000 from excess sales tax, and $186,989 in excess property tax. After conferring with the Department Directors to identify any urgent unfunded needs of the City, the following recommendations are being made:

- Retention Bonus - Various funds will need additional allocations to cover the negotiated retention bonus that occurred during the labor negotiation process. The portion needed for the General Fund is $118,954
- General Fund Reserves - Staff recommends an increase of $300,000 to reflect the new total of approximately $3.6 needed to be at 20% of the General Fund Operating Budget for FY 24/25 which ended at $18,426,341.
- Wayfinding - Among the CIP projects identified with the adopted FY 25/26 & 26/27 budget, yet unfunded, was the implementation of new directional, entryway and monument signs for the City based on the outcome of the wayfinding report. The total CIP implementation costs are estimated at $750,000, with this first-year allocation request of $150,000 which will allow for critical downtown signage and other enhancements.
- Facility Maintenance - While many City owned buildings are in need of repair, staff generally budgets for the most time sensitive items to be done. An additional funding request of $100,000 will assist in addressing items not previously included in the budget.
- Special Fund Cleanup - The Franchise Fees include a portion for Stormwater quality expenses that are currently shown under Fund 205. A transfer of $214,243 is needed to cover expenses paid for by the AB 939 fees. Staff and an external consultant are also working on an audit of the Developer Deposit Funds which is expected to highlight projects that may be difficult to recover costs for, necessitating a write off of receivables balances.
- Police Department Remodel Phase II - While an incredible amount of work has been done on updating the Police Department, a major portion of construction is still needed in order to complete the recommended changes. Staff has been ready to move forward with the next phase of the project but was awaiting funding to be identified. It is anticipated that the additional $1.2 million needed to complete the project can escalate to over $2m if delayed much further, due to increased costs in construction and new tariffs not previously anticipated. Total Phase II costs may be closer to $1.5 million, but will rely on some project balance from Phase I, along with development impact fees.
- Humane Society - The animal services contract with SPARC ended in February 2025, leaving a need for replacement services which the Humane Society has been providing while a contract is being worked out. Staff recommends $40,000 be set aside for the services provided from February to June 2025, and will return to Council with a contract to memorialize the current year services being provided.
- Immigration Contribution - A portion of the community recently expressed a desire for the City Council to assist members of the community currently being impacted by the deportation of family members that may have been the sole breadwinners of their

homes. The Council's ad-hoc immigration committee has been tasked with looking into funding opportunities and recently met to request that $50,000 be set-aside for this purpose. The committee will return to the full Council with recommendations as to how these funds could be distributed.

The anticipated ending Measure T fund balance is $351,914. The balance consists of the excess sales tax received for a one time sale related to new construction. Staff met with the Measure T Committee who recommended the use of $150,000 for a new 8th Street Lighting Project. The remainder was recommended to be used for Downtown Parking Lot upgrades. At the time that was anticipated to be $201,914 however due to the allocation needed to fund the retention bonus agreed to during the budget process ($34,979), only $166,934 is recommended for the Downtown Parking Lot Upgrades. Council may wish to adjust these recommendations to reflect the initial need of $140,000 to the 8th street lighting project to further fund the Parking Lot upgrades up to $176,934.

The anticipated ending Measure R fund balance is $1,307,530. The balance consists of the total revenues collected for Measure R from March through June 2025, less a small expense under $3,000 used to implement the new tax rate. Staff met with the Measure R committee to communicate it's intended recommendation to Council to utilize the funds for both reaching a 20% reserve level ($900,000) as well as utilizing the remaining fund balance for additional paving for the Spring Pavement Management Plan ($411,758).

The anticipated ending Recreation Program fund (115) balance is $217,511. Staff recommends using 28% of this balance totaling $61,250 for fireworks ($38,750), an electric cart ($17,500) and legal fees ($5,000).

**CAPITAL IMPROVEMENT PROGRAM AND OTHER FUNDS:**

On a budget basis, the various grant type funds are balanced with revenues matching expenditures. However, on an actual basis, funds are reimbursed after they are expended. The reimbursement requests for grant expenditures are submitted in a timely manner either on a monthly or quarterly basis by the staff responsible for the project reimbursements. Any negative balances are the result of timing of revenues. Revenue projections are reviewed on a quarterly basis and recommended adjustments are made when necessary.

The Beverage Container grant was not properly budgeted for FY 25/26. A revenue allocation of $8,000 is requested, along with an expense allocation to utilize new revenue as well as existing fund balance is listed in the fiscal impacts section below.

**STRATEGIC PLAN:**

This item is not a goal or objective in City Council's two-year Strategic Plan, however it is important to communicate the City's fiscal status to the Council and the public to maintain operational excellence.

**FISCAL IMPACTS:**

**FY 2024/25 BUDGET**

Utilizing existing General Funds Balance, staff recommends the following adjustments:

| Account | Amount to Increase | Explanation |
|---|---|---|
| 100-5-xxxx-0xx Various | $118,954 | Retention Bonus |
| 100-5-7501-701 | $300,000 | Transfer to Reserves |
| 101-4-7500-7100 | $300,000 | Transfer from General Fund |
| 100-5-9XXX-660 | $150,000 | Wayfinding |
| 100-5-9xxx-660 | $100,000 | Facilities Maintenance |
| 100-5-7501-756 | $214,243 | Transfer to Stormwater Quality |
| 205-4-7500-7100 | $214,243 | Transfer from General Fund |
| 100-5-9xxx-660 | $1,200,000 | Police Dept Remodel - Phase II |
| 100-5-4507-221 | $40,000 | Humane Society Services 24/25 |
| 100-5-0501-323 | $50,000 | Immigration Funding |

Utilizing existing Recreation Fund Balance, staff recommends the following adjustments:

| Account | Amount to Increase | Explanation |
|---|---|---|
| 115-5-1502-203 | $5,000 | Legal Fees |
| 115-5-1502-610 | $17,500 | Electric Cart |
| 115-5-1502-181 | $38,750 | Fireworks |

Utilizing existing Measure T Fund Balance, staff recommends the following adjustments:

| Account | Amount to Increase | Explanation |
|---|---|---|
| 104-5-9402-660 | $150,000 | 8th St Lighting Project |
| 104-5-9xxx-660 | $166,934 | Downtown Parking Lot Upgrades |
| 104-5-xxxx-0xx Various | $34,979 | Retention Bonus |

Utilizing existing Measure R Fund Balance, staff recommends the following adjustments:

| Account | Amount to Increase | Explanation |
|---|---|---|
| 108-5-7501-758 | $900,000 | Transfer to Measure R Reserve |
| 107-4-7500-7100 | $900,000 | Transfer from Measure R |
| 108-5-9285-660 | $411,758 | Pavement Management Plan |

**FY 2025/26 BUDGET**

Budget for the Beverage Container Grant revenue and expenses. New revenue is anticipated at $8,000. Available fund balance as of June 30, 2025 is anticipated at $141,782.

| Account | Amount to Increase | Explanation |
|---|---|---|
| 305-4-1500-4049 | $8,000 | Annual Grant |

| | | |
|---|---|---|
| 305-5-1532-179 | $149,000 | Expenses to utilize total fund balance |

**OPTIONS:**

1. The Council may reject staff's recommendations and provide additional guidance on reserve transfers and budget allocations.

**ATTACHMENTS:**

**CITY OF SANTA PAULA**
**MEMORANDUM**

To: Honorable Mayor and Members of the City Council

From: Dan Singer, City Manager

Subject: FUTURE AGENDA ITEMS

Date: November 5, 2025

Agenda Item: 13.A

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## RECOMMENDATION:

Staff recommends City Council review future agenda items.

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## BACKGROUND:

The attached Future Agenda Items forecast identifies anticipated agenda items for upcoming Council meetings as well as Study Session topics and long-range discussion items. Placing this forecast on the agenda affords the Council and the public the opportunity to discuss such topics and to make any recommendations. It should be noted this is only a forecast and may change over the course of time or based on feedback by the Mayor and City Manager during review of future agendas.

## ANALYSIS:

Should a member of the City Council wish to introduce a future agenda topic, it should be done in compliance with the Council's adopted Manual of Procedural Guidelines, Section 5.1. Items introduced by a member of the Council during a Council meeting requires a second and should be reserved for time-sensitive matters needing attention within the proceeding 45 day period.

## STRATEGIC PLAN:

## FISCAL IMPACTS:

## OPTIONS:

## ATTACHMENTS:

11.5.2025 Future Agenda Items lm.docx

# Santa Paula City Council Tentative Agenda Schedule

| | Regular Meeting<br>November 19 - 6:30pm | |
|---|---|---|
| Admin | Department of Insurance Presentation | |
| Admin | Community Action Ventura County – Presentation | |
| Admin | City Manager Department Report | |
| Finance | Finance Vendor Contracts – RAMS & Chandler | |
| CDD | SPIRIT MOU | |
| PW | Athens Rate Adjustment | |
| PD | Humane Society Shelter Services Contract | |
| | **Regular Meeting<br>December 10 - 6:30pm** | |
| P&R | Visitor from the North Pole | |
| Clerk | Procedures for Election of Mayor and Vice Mayor | |
| Clerk | Mayor's Standing Committee | |
| Clerk | Adoption of 2026 Council Meeting Calendar | |
| PD | COPS Law Enforcement Funding | |
| | **STUDY SESSION TOPICS** | |
| Admin | No Smoking Ordinance | 3rd Qtr. |
| Finance | Development Impact Fees (DIF)* | 3rd Qtr. |
| Admin | Municipal Code Update – Joint with Planning Commission* | Ongoing |
| CDD | Use of Triangle Property on Housing | TBD |
| CDD | Mobile Home Rent Control Ordinance Workshop | 4th Qtr. |
| PW | 5-Year Pavement Management Plan – Cycle 2 - Workshop | |
| | **FUTURE AGENDA ITEMS** | |
| P&R | Fireworks Funding | Oct/Nov |
| CDD | Central Business District Live Entertainment Ord 1339 | TBD |
| Legal | Fire MOU Amendment for Station 26 | TBD |
| Legal | Harvest CFD | DEC/JAN |
| CDD | Downtown Vacancies Options* | TBD |
| CDD | Downtown Parking Inventory and Options* | TBD |
| PW | Water & Sewer Rate Study | TBD |
| PD | Proposed Public Safety Committee | TBD |
| CDD | Athens Rate Adjustment Request | TBD |
| Admin | MOU for Labor Contracts | TBD |

Activities associated with the Council's Strategic Plan*

Updated 10/30/25