

ORDINANCE NO. 04532

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE MAKING CERTAIN FINDINGS OF LOCAL
CONDITIONS, ADOPTING THE 2009 EDITION OF THE INTERNATIONAL
FIRE CODE WITH THE 2010 CALIFORNIA FIRE CODE AMENDMENTS KNOWN AS
THE 2010 CALIFORNIA FIRE CODE, CALIFORNIA CODE OF REGULATIONS,
TITLE 24 PART 9 PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AND
MODIFICATIONS THERETO AS SET FORTH HEREIN, INCLUDING APPENDIX
CHAPTERS 4, B, C, D, F, H, I, AND J, AND REPEALING AND REPLACING
CHAPTER 3.84 OF TITLE 3 OF THE SAN MATEO COUNTY ORDINANCE CODE**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. Findings of Fact

For the purposes of this ordinance, the Board of Supervisors hereby makes the following findings, as required by Sections 17958.7 and 18941.5 of the California Health and Safety Code. The Board of Supervisors finds and declares that the unique characteristics of the topography, geographic, climatic, and the balance of light industrial, commercial and residential properties located within the areas served by the San Mateo County Fire Department, requires the formal adoption of the 2009 International Fire Code with the 2010 California Fire Code Amendments, including all Appendix Chapters, Referenced Standards and modifications contained herein which are reasonably necessary in order to protect health, safety, and welfare of the residents and properties in the areas served, because of the existence of the following local conditions:

1. Climatic Conditions

The areas served by the San Mateo County Fire Department, on average, experience an annual rainfall between 15 to 24 inches. This rainfall can be expected between October and April of each year. However, during the summer and early fall months there is little, if any, measurable precipitation. During this dry period, the temperatures range from 70°-90° with light to gusty westerly winds and occasionally but becoming more common, northeast to easterly winds, known as the Diablo Winds. These drying winds, mixed with the natural vegetation, which is dominant throughout the area, creates hazardous fuel conditions, which further increases extensive wildfire risk. With residential developments encroaching into these wooded, grass, or brush covered areas, wind and terrain-driven fires could have severe consequences to improved properties at risk. This has been demonstrated on several occasions in the Bay Area.

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2. **Geographical Conditions**

Geographic Location. The areas served by the San Mateo County Fire Department are located in unincorporated areas of the county, from the southern end of the county adjacent to the County of Santa Cruz and the County of Santa Clara, to the northern boundary adjacent to the City and County of San Francisco.

Seismic Location. The relatively young geological processes that have created the San Francisco bay region are still active today. Seismically, the County of San Mateo sits along the active San Andreas Fault, and is rated as a Seismic Zone Classification of C to F.

Size and Population. Direct service protection areas served by the San Mateo County Fire Department encompass approximately 330 square miles and 17,500 people.

Roads and Streets. The number of vehicle miles driven is steadily increasing despite limited growth. Many older streets are narrow and steep. The impact of additional planned developments and increased traffic flow will continue to create an effect on the delivery of fire protection services.

Soil Conditions. The areas closest to the Bay are overlain by unconsolidated fine silt clay, known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. The mountainous areas are a combination of solid rock to mixed rock and earth. The topography varies from steep mountainous terrain, to flat coastal lands. Slopes range from (0) degrees to more than (20) degrees on numerous streets and driveways.

Vegetation. The hilly portions of the County contain old growth and second growth timberland, oak woodlands, dense brush and a heavy growth of natural grasses. Numerous fires occur within the County and surrounding City jurisdiction lands each year.

3. **Topographical Conditions**

The topographic element, as would be expected, is closely associated with the geographic element. With the significant elevation changes within the County, development is a geographical concern. Elevation changes within developments following the path of least resistance, creating a meandering pattern of structures. This does not lend itself to a systematic street and road layout, which would promote easy traffic flow.

Topographic constraints have allowed only a few major cross-county thoroughfares to be constructed. These main thoroughfares tend to be heavily congested, primarily during commute hours and seasonal periods of the year. "Pass-through" vehicular traffic in corridors, such as Highway 92, Highway 35, Edgewood Road, and Highway 84, increase commute time traffic for East and West bound vehicular movement to US 101 and Interstate 280. The increased traffic has increased the response time of fire apparatus and other emergency vehicles. The conditions

associated with topography in this county are intensified with the construction of large remote residential structures.

Employment areas are scattered throughout the county, and the people who work in these complexes add to the traffic congestion throughout the county and local cities, thereby further increasing fire apparatus response times.

SECTION 2. Existing Chapter 3.84 of Title 3 of the San Mateo County Ordinance Code is repealed in its entirety.

SECTION 3. A new Chapter 3.84 is added to Title 3 of the San Mateo County Ordinance Code to be numbered and entitled and to read as follows:

Chapter 3.84 Fire Protection Regulations

§ 3.84.010 Title and Scope

This Chapter shall be known and may be cited as the San Mateo County Fire Code. The provisions of this Chapter shall apply to all of the unincorporated areas of the County served by the San Mateo County Fire Department.

§ 3.84.020 Documents Adopted by Reference

For the purpose of establishing proper regulations for building construction and the use of certain systems involving flammable, volatile, or hazardous materials, and for the regulation of activities that threaten the health and safety of local residents, the 2009 International Fire Code with the 2010 California Fire Code Amendments, (herein "The Fire Code") published by the International Code Council, together with Appendix Chapters 4, B, C, D, F, H, I, and J, is hereby adopted subject to the modifications set forth below.

§ 3.84.030 San Mateo County Fire Department

The San Mateo County Fire Department is hereby established and shall be administered by the County Fire Chief.

§ 3.84.040 County Fire Chief

"County Fire Warden" and "County Fire Chief" shall mean the "Fire Chief" of the San Mateo – Santa Cruz Unit of the California Department of Forestry and Fire Protection (CAL FIRE) or authorized representative thereof, so long as there shall be in effect an agreement for CAL FIRE to provide fire protection services to the County. The Fire Warden / Fire Chief shall have all powers and duties conferred upon Fire Chiefs by state law.

§ 3.84.050 County Fire Chief Duties

The Board of Supervisors hereby delegates the authority granted by section 24008 of the Government Code and authorizes the County Fire Chief to appoint from qualified personnel on the Chief's staff such as Deputy, Assistant, and Battalion Chiefs (Chief

Officers) as necessary to perform those duties relating to fire or fire protection as are required by the Board. The County Fire Chief and appointed designees shall aid in enforcing all laws and ordinances and any rules and regulations adopted by the State Fire Marshal relating to fires or fire prevention and protection and shall exercise peace officer powers pursuant to the provisions of section 24008 of the Government Code.

§ 3.84.060 Bureau of Fire Prevention and Enforcement Duties

The Board of Supervisors authorizes the County Fire Chief to establish a Bureau of Fire Prevention, which shall be known herein as the San Mateo County Fire Marshal's Office. The Fire Code adopted and amended herein shall be enforced by the San Mateo County Fire Marshal's Office under the direction of the County Fire Chief.

§ 3.84.070 County Fire Marshal

The "County Fire Marshal" is the chief officer assigned to the San Mateo County Fire Marshal's Office. The County Fire Marshal shall be known as the "Fire Code Official" as defined in the Fire Code.

§ 3.84.080 No Liability for Damages

This Code shall not be construed to hold the County of San Mateo or any of its officers or employees liable for any damage to persons or property by reason of any inspection or reinspection authorized herein or by reason of the approval or disapproval of any equipment or process authorized herein, or for any act or omission in connection with the control or extinguishment of any fire or in connection with any other official duties.

§ 3.84.090 Chimney Screens Required

Any chimney upon any cabin, house, hotel, house trailer, or other building or improvement located in any timber, grass, brush, or grain covered area shall have across the opening thereof a galvanized or copper screen spark arrester of a mesh not larger than one-half of an inch.

§ 3.84.100 Fuel Breaks

- A. Every person, owning, leasing or otherwise controlling improved real property, shall maintain an effective fuel break for the protection of improvements by removing all hazardous flammable materials or growth from the ground around each improvement for a distance of not less than 30 feet from its exterior circumference. The County Fire Chief may require a distance of up to 100 feet to be cleared if he determines that the greater distance is necessary to protect improvements. Where the Distance from the improvements to the property line of the parcel upon which the improvement is located is less than the distance required to be cleared, the person owning, leasing or otherwise controlling the property shall bear any and all costs associated with clearing an area sufficient to provide the required fuel break, including area that is adjacent to the property.

- B. In determining the extent of clearing necessary to establish an adequate fuel break, due consideration shall be given to the retention of existing landscaping or natural features that, in the opinion of the County Fire Marshal, do not increase the risk of the spread of a fire.
- C. Any determination as to the required size of a fuel break shall give due consideration to the presence of any sensitive habitats entitled to protection under federal, state or local laws, and shall comply with such laws. In the case of any development for which environmental review is required, and for which a fuel break will be required, the environmental review shall consider any environmental impacts which may result from the creation of the required fuel break.

§ 3.84.110 Land Divisions

- A. No final map for a major land division shall be approved within the boundaries of an area served by a public water system until the County Fire Marshal certifies that the land division has met the provisions of California Fire Code Sections 503 and 508 for Fire Apparatus Access Roads and Fire Protection Water Supply either through installation of required improvements before final map approval, or through a subdivision or other binding agreement which requires installation of the required improvements by a specified date following final map approval, whichever is appropriate.
- B. No parcel map for a minor land division shall be approved within the boundaries of an area served by a public water system until the County Fire Marshal certifies that the land division has met the provisions of California Fire Code Sections 503 and 508 for Fire Apparatus Access Roads and Fire Protection Water Supply either through installation of required improvements before final map approval, or through a subdivision or other binding agreement which requires installation of the required improvements by a specified date following final map approval, whichever is appropriate.
- C. The requirements of this section do not apply to lot line adjustments between four or fewer existing parcels, where land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

§ 3.84.120 Construction, Relocation and Alteration

Every person who constructs, relocates, alters (adding to a building which will increase the size or value of the building by 50 percent or more); a building or portion of a building shall comply with the provisions of California Fire Code Sections 503 and 508 for Fire Apparatus Access Roads and Fire Protection Water Supply. Valuation of a building and alterations shall be determined in the same manner as determined under applicable building codes.

§ 3.84.130 Modifications to Fire Code

The San Mateo County Board of Supervisors hereby determines that modifications to

certain specific sections of the California Fire Code are reasonably necessary due to local conditions as set forth in the following Sections.

§ 3.84.140 Special Events

Section 105.6.4.1 of the California Fire Code is adopted to read as follows:

To conduct a special event either inside or outside of a structure. Special events include but are not limited to the following types of activity: crafts faire, festivals, historical celebrations, etc.

§ 3.84.150 Explosives

Section 105.6.14 of the California Fire Code is amended to read as follows:

An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 33 of this code, or when a local permit or approval from the Fire Chief is required by the California Code of Regulations Title 19, Division 1, Chapter 6 – Fireworks or Chapter 10 – Explosives.

Exception: Small arms ammunition of .75 caliber or less, cartridges for propellant-actuated power devices, and cartridges for industrial guns, 20 pounds or less of smokeless powder, 5 pounds or less of black sporting powder providing such smokeless or black sporting powder is for the hand loading of small arms or small arms ammunition.

§ 3.84.160 Open Burning

Section 105.6.30 of the California Fire Code is deleted:

§ 3.84.170 Fire Protection Board of Appeals

Section 108.1 of the California Fire Code is amended to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the County Fire Marshal relative to the application and interpretation of this Code, there is established a Fire Protection Board of Appeals, consisting of three members to hear appeals and to grant such relief or make such interpretation or explanation as may be necessary and proper pursuant to the provisions of this Code. The Fire Protection Board of Appeals shall consist of the San Mateo County Fire Chief, the San Mateo County Fire Operations Chief and the Planning Department Director or their authorized representatives. The County Fire Marshal shall act as Secretary of the Board. The Fire Protection Board of Appeals shall adopt rules and regulations for conducting its hearings and shall render all decisions and findings in writing to the appellant, with duplicate copy to the County Fire Marshal.

Any appeal of a decision, order or determination made by the Fire Marshal shall be in writing and filed with the San Mateo County Fire Chief within thirty (30) days from the date of the decision, order or determination being appealed. The notice of appeal shall:

1. Specify the substance and particulars of the decision, order or determination being appealed, including the date of the decision, order or determination.
2. Describe the grounds for and arguments in support of the appeal.
3. Be signed by the appellant or his/her duly authorized agent.
4. Include the mailing address of the appellant.

Whenever a notice of appeal is filed with the Fire Chief, the Fire Chief shall set the matter for hearing at the earliest reasonable time and shall notify the appellant of the place, date and time the Board of Appeals shall hear and consider the appeal. The Fire Chief shall give notice of the hearing to the appellant at least seven days prior to the time set for the hearing. Notice shall be given to the appellant by first class mail and certified mail to the address shown on the notice of appeal.

§ 3.84.180 Violations

Section 109.3 of the California Fire Code is amended to read as follows:

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 directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable as set forth in the Penal Code. Each day that the violation continues after a notice has been served shall be deemed as a separate offense.

§ 3.84.190 Failure to Comply

Section 111.4 of the California Fire Code is amended to read as follows:

No person shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition.

§ 3.84.200 Traffic Calming Devices

Section 503.4.1 of the California Fire Code is added to read as follows:

Traffic calming devices are prohibited unless approved by the fire code official. Traffic calming devices shall not be installed on designated fire apparatus response routes. When approved, traffic calming devices shall be installed in accordance with the San Mateo County Fire Dept's "Traffic Calming Devices" Standard Detail.

§ 3.84.210 Premises Identification

Section 505.1.1 of the California Fire Code is added to read as follows:

New residential buildings shall have **internally illuminated** address numbers contrasting with the background so as to be seen from the public way fronting the building. Residential address numbers shall be at least six feet above the finished surface of the driveway. Where buildings are located remotely to the public roadway, additional signage at the driveway/roadway entrance leading to the building and/or on each individual building shall be required by the San Mateo County Fire Department. This remote signage shall consist of a 6 inch by 18 inch green reflective metal sign with 3 inch reflective Numbers/ Letters similar to Hy-Ko 911 or equivalent.

§ 3.84.220 Multiple Tenant Structures

Section 505.1.2 of the California Fire Code is added to read as follows:

Multiple tenant buildings, using the same street address numbers, shall have suite or unit identification posted as required by the San Mateo County Fire Department.

§ 3.84.230 Commercial/Industrial Size and Stroke of Numbers.

Section 505.1.3 of the California Fire Code is added to read as follows:

Building address numbers shall be either internally or externally illuminated and contrasting with the background so as to be seen from the public way fronting the building.

Building address number heights shall be sized in accordance with the table noted below. The number stroke shall be 1/2-inch or larger.

<u>Distance from Road</u>	<u>Address No. Size</u>
0-50 feet	6-inch
50-100 feet	8-inch
100-150 feet	10-inch
150 + feet	12-inch

with a corresponding increase in stroke width.

§ 3.84.240 Rear Addressing.

Section 505.1.4 of the California Fire Code is added to read as follows:

When required by the Chief, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of the property. Number stroke and size will comply with Section 505.1 for residential buildings and 505.1.3 for commercial buildings.

§ 3.84.250 Suite/Unit Identification.

Section 505.1.5 of the California Fire Code is added to read as follows:

Buildings containing separate suite and/or unit identification shall have the suite or unit

identification clearly posted with assigned letters or numbers having a minimum height of four inches and a minimum stroke of 3/8 inch. Assigned letters or numbers shall be of contrasting color to the background and located between 5 feet and 6 feet off the finished floor. Directional address numbers or letters shall be provided.

§ 3.84.260 Directories.

Section 505.1.6 of the California Fire Code is added to read as follows:

Complexes with multiple buildings may be required by the San Mateo County Fire Department to provide one or more of the following: a directory, a premise map or directional signage. Location, size and color of such elements will be determined by the San Mateo County Fire Department on a site-specific basis.

§ 3.84.270 Automatic Fire Sprinklers Required.

Section 903.1.2 of the California Fire Code is added to read as follows:

All automatic fire sprinkler systems installed as required by the San Mateo building Code Ordinance must be approved by the County Fire Marshal.

§ 3.84.280 Fire Department Response To False Alarms

Section 907.9.5.1 of the California Fire Code is added to read as follows:

Any building owner or owner's agent who fails to properly maintain and service any smoke detector or fire alarm system, water flow detection alarm or fire sprinkler tamper alarm, after being notified that service or maintenance is required, will be subject to the payment of costs related to any false alarm response by the fire department.

§ 3.84.290 Making False Report

Section 907.9.5.2 of the California Fire Code is added to read as follows:

It shall be unlawful for a person to give, signal or transmit a false alarm. A false report may include signals from a fire alarm system, including signals caused during fire alarm maintenance without prior Fire Department notification. Any person making a false report will be subject to the payment of costs related to any false report response by the fire department.

§ 3.84.300 Identification

Section 912.4.1 of the California Fire Code is added to read as follows:

Fire department connections to sprinkler systems and/or standpipe systems shall clearly identify the building served as required by the San Mateo County Fire Department.

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§ 3.84.310 Fireworks

Section 3301.2 of the California Fire Code is added to read as follows:

All non-professional fireworks, including but not limited to, those listed by the California State Fire Marshal as "Safe and Sane," are prohibited within the jurisdictional boundaries of the San Mateo County Fire Department on a year around basis.

§ 3.84.320 Permits

Section 3301.3 of the California Fire Code is added to read as follows:

Permits shall be required as set forth in Section 105.6 and regulated in accordance with this section.

§ 3.84.330 Other Permits Required

Nothing stated in this chapter shall relieve a property owner from obtaining any other permits required by law for improvements imposed under the provisions of this chapter, including but not limited to a coastal development permit for improvements in the coastal zone.

SECTION 4.

This Ordinance shall be effective thirty (30) days from the passage thereof.

* * * * *

Regularly passed and adopted this 14th day of December, 2010.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

CAROLE GROOM

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

Carole Groom

Vice President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original ordinance filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Marie L. Peterson

Marie L. Peterson, Deputy
Clerk of the Board of Supervisors

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