

**ORDINANCE NO.** \_\_\_\_\_  
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,  
STATE OF CALIFORNIA

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**AN ORDINANCE MAKING CERTAIN FINDINGS OF LOCAL  
CONDITIONS, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL  
FIRE CODE WITH THE 2007 CALIFORNIA FIRE CODE AMENDMENTS  
PUBLISHED BY THE INTERNATIONAL FIRE CODE COUNCIL, AND  
MODIFICATIONS THERETO AS SET FORTH HEREIN, TOGETHER WITH ALL  
APPENDIX CHAPTERS AND REFERENCED STANDARDS, 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 2006 International Fire Code with the 2007 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.

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 2006 International Fire Code with the 2007 California Fire Code Amendments, (herein "The Fire Code") published by the International Code Council, together with all Appendix Chapters and Referenced Standards 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 Chief's (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**

Every person, owning, leasing or otherwise controlling improved real property, and every person, owning, leasing or otherwise controlling real property adjacent to 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 adjacent owner or lessee shall clear an area on his property sufficient to provide 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 International Fire Code Sections 503 and 508 for Fire Apparatus Access Roads and Fire Protection Water Supply.
- 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 International Fire Code Sections 503 and 508 for Fire Apparatus Access Roads and Fire Protection Water Supply.

#### **§ 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 International Fire Code Sections 503 and 508 for Fire Apparatus Access Roads and Fire Protection Water Supply.

#### **§ 3.84.130 Modifications to Fire Code**

The San Mateo County Board of Supervisors hereby determines that modifications to certain specific sections of the International Fire Code are reasonably necessary due to local conditions as set forth in the following Sections.

#### **§ 3.84.140 Fire Code Section 103.4.1 Deleted**

Section 103.4.1 of the International Fire Code is deleted in its entirety.

#### **§ 3.84.150 Fire Protection Board of Appeals**

Section 108.1 of the International 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.

#### **§ 3.84.160 Fire Code Section 108.3 Deleted**

Section 108.3 of the International Fire Code is deleted in its entirety.

#### **§ 3.84.170 Violations**

Section 109.3 of the International 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.

#### **§ 3.84.180 Failure to Comply**

Section 111.4 of the International 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.

**§ 3.84.190 Automatic Fire Sprinklers Required**

Section 903 of the International Fire Code is amended to read as follows:

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

**§ 3.84.200 Scope**

Section 3301.1 of the International Fire Code is amended 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.

**§ 3.84.210 Professional Pyrotechnics**

Section 3301.2 of the International Fire Code is amended to read as follows:

All professional pyrotechnical devices used for public display, or special effects, shall be in accordance with the applicable provisions of the State of California Code of Regulations, Title 19 and the applicable sections of the California Fire Code.

**§ 3.84.220 Fire Code Appendix A Deleted**

Appendix A of the International Fire Code is deleted in its entirety.

**SECTION 4.** This Ordinance shall be effective thirty (30) days from the passage thereof.

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