

**SAN MATEO CONSOLIDATED FIRE DEPARTMENT
FIRE CODE**

**ORDINANCE NO. ORD-2023-001
ESTABLISHING MODIFICATIONS TO THE SAN MATEO CONSOLIDATED FIRE
DEPARTMENT FIRE CODE BY MODIFYING THE 2021 INTERNATIONAL FIRE
CODE WITH THE 2022 CALIFORNIA FIRE CODE AMENDMENTS AND THE 2021
INTERNATIONAL WILDLAND URBAN INTERFACE CODE WITH LOCAL
FINDINGS AND MODIFICATIONS**

The San Mateo Consolidated Fire Department Board of Directors HEREBY ORDAINS
THE FOLLOWING:

PARTS

- I. Adoption
- II. Applicability
- III. Modifications
 - a. Division 1- Modifications to the California Fire Code
 - b. Division 2- Adoption and Modifications to the International Wildland Urban
Interface Code
- IV. Violations
- V. Fire and Life Safety Inspections
- VI. Local Findings and Amendments
- VII. Environmental Determination
- VIII. Notice Provided, Effective Date

PART I- ADOPTION

- A. The San Mateo Consolidated Fire Department hereby modifies the 2022 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2021 International Fire Code published by the International Code Council]), with California Amendments and the 2021 International Wildland Urban Interface Code as amended and as specified in part III of this ordinance. Those chapters and appendices not mentioned in section III are only enforceable if adopted by the State Fire Marshal. The 2022 California Fire Code, with the changes, additions, and deletions set forth this ordinance working on conjunction with the adoption as specified in ordinance 2022-001, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each city within the jurisdiction of the Department.
- B. The 2022 California Fire Code (CFC), California Code of Regulations, Title 24, Part 9, adopting the 2021 International Fire Code of the International Code Council with necessary California amendments, together with the non-building standards reproduced therein except otherwise provided by this ordinance and ordinance 2022-001, are adopted by reference as the Fire Code of the San Mateo Consolidated Fire Department. This Code including all amendments thereto, shall hereafter be called the “Fire Code,” and/or this “Code” and are adopted as and for the rules, regulations, and standards within the Jurisdiction as to all matters therein, except otherwise provided.
- C. No section of the Fire Prevention Code shall impose a mandatory duty of enforcement on the Jurisdiction, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, said section shall be deemed to invest the Jurisdiction, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section, or not to enforce it.
- D. A copy of the Fire Code, as defined herein, shall be kept on file on with the office of the San Mateo Consolidated Fire Department Fire Marshal.
- E. The San Mateo Consolidated Fire Department has determined that modifications to the 2021 International Fire Code with the 2022 California Amendments are needed and reasonably necessary due to local climatic, geological, and topographical conditions, as set forth in Attachment 1 (Findings in Support of Amendments to the 2022 California Fire Code), which are incorporated fully herein.

PART II- APPLICABILITY

- A. All sections of this Code shall apply to all buildings, structures, and portions thereof, and to replace premise or building.
- B. Whenever any provision of this Chapter code or in any other law, ordinance, or resolution of any kind, impose overlapping or contradictory regulations, or contain any restrictions covering the same subject matter, the provision that is more restrictive or imposes higher standards or requirements shall govern.

PART III- ADOPTION OF SECTIONS AND MODIFICATIONS

Chapter 2 is adopted in its entirety as per in ordinance 2022-001 and further amended below

Chapter 2 DEFINITIONS, ADDED

Hazardous Tree: A tree that is dead, or otherwise poses a “Fire Hazard” as defined in Title 19 CCR Section 3.14. A tree is not deemed hazardous solely because of its species.

Important Structure: A building that is considered not expendable in an exposure fire.

Chapter 5 is adopted in its entirety as adopted in ordinance 2022-001 and further amended below.

SECTION 506.1 LOCKS. MODIFIED

506.1 Where required.

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be manufactured by the Knox Company, and shall contain keys to gain necessary access the location as required by the fire code official.

506.1.1 An approved lock shall be installed on doors, gates or similar barriers where required by the fire code official.

506.1.2 (Remains unchanged).

506.1.3 Existing Key boxes not manufactured by the Knox company shall be replaced under the following circumstances:

1. In all Multi-residential buildings subject to the mandatory inspection requirements in Health and Safety Code section 13146.2

2. In all other occupancy types, work done on any structure requiring a permit in accordance with Section 105 of any part of Title 24.

Exception R-3 Occupancies

506.1.4 Existing Key boxes manufactured by the Knox company with the incorrect lock cylinder shall have their cylinders replaced under the following circumstances:

1. In all Multi-residential buildings subject to the mandatory inspection requirements in Health and Safety Code section 13146.2
2. In all other occupancy types, work done on any structure requiring a permit in accordance with Section 105 of any part of Title 24.

Exception R-3 Occupancies

Chapter 12 is adopted in its entirety as adopted in ordinance 2022-001 and further amended below.

1207.1 General.

Stationary and mobile electrical energy storage systems (ESS) shall comply with this section and NFPA 855

Exception: ESS in Group R-3 and R-4 occupancies shall comply with Section 1207.11 and Chapter 15 of NFPA 855.

Chapter 49 is adopted in its entirety as adopted in ordinance 2022-001 and further amended below.

SECTION 4902 DEFINITIONS. ADDED

Hazardous Tree

SECTION 4906 VEGETATION MANAGEMENT. AMENDED

4906.4.2 Trees.

Trees shall be managed as follows within the 30-foot (9144 mm) zone of a structure:

1. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet (3048 mm) from any combustible structure.
2. The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet (3048 mm).

3. Existing trees shall be trimmed to provide a minimum separation of 10 feet (3048 mm) away from chimney and stovepipe outlets per Title 14, Section 1299.03.

4. Hazardous Trees shall be removed if they are within 100 feet of any important structure.

4906.4.2.1 Non-fire-resistant vegetation.

New trees not classified as fire-resistant vegetation, such as conifers, palms, pepper trees and eucalyptus species, shall be permitted provided the tree is planted and maintained so that the tree's drip line at maturity is a minimum 30 feet (9144 mm) from any combustible structure. Nothing in this section is designed to prevent the planting of any species.

Chapter 80 is adopted in its entirety as adopted in ordinance 2022-001 and further amended below.

Added:

NFPA 855-23 Standard for the Installation of Stationary Energy Storage Systems
1207.1

Division 2- Adoption and Modifications to the International Wildland Urban Interface Code

The following sections of the 2021 International Wildland Urban Interface Code are adopted as per Ordinance 2022-001 and as further modified as described below:

Chapter 6 is further amended as below.

603.2.2 Trees.

Trees are allowed within the defensible space, provided that the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm). Trees shall be maintained alive. Hazardous trees as defined in this ordinance shall be removed as per Chapter 49 of the Fire Code.

PART IV- VIOLATIONS.

It is unlawful to violate or fail to comply with any provisions of this Code or violate or fail to comply with any order made under this Code or to build in violation of any detailed statement of specification or plans submitted and approved under this Code, or any certificate or permit issued under this Code.

PART V- FIRE AND LIFE SAFETY INSPECTIONS.

Inspections by the Fire Department shall periodically be made of properties, buildings and structures that are used for residential or non-residential purposes as follows:

- a) The time and frequency of inspections shall be determined by the Fire Chief. No buildings shall be inspected for a fee more than annually except for re-inspections to assure that code corrections have been made or hazards have been corrected.
- b) A fee for inspections shall be established in the adopted Master Fee Schedule to offset costs of the regulatory inspection program and shall be collected upon inspection from each property subject to this ordinance. Revenues shall be used for the inspection and enforcement program.
- c) All properties shall be subject to inspection fees.
- d) Nothing in this section is intended to prevent inspections of property under nuisance abatement or other laws.

PART VI – LOCAL FINDINGS AND AMENDMENTS

The Fire Department has determined that modifications to the 2021 International Fire Code with the 2022 California Amendments are needed and reasonably necessary due to local climatic, geological, and topographical conditions, as set forth in Attachment 1 (Findings in Support of Amendments to the 2022 California Fire Code), which are incorporated herein as substantive provisions of this Ordinance.

PART VII- ENVIRONMENTAL DETERMINATION.

The Department Board of Directors finds that the modifications to California building standards, adopted by reference by the proposed ordinance, are enacted to provide a safer, more protected environment in response to local conditions, including local climatic, geological, and topographical conditions. The adoption of this ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*, “CEQA”) as the Ordinance is not a “project” as defined under CEQA. Moreover, the Ordinance is exempt from review pursuant to the CEQA Guidelines (California Code of Regulations Title 14, Chapter 3) consistent with, among other things, CEQA Guidelines Section 15061(b)(3), Section 15308, and Section 15321.

PART VIII- NOTICE PROVIDED; EFFECTIVE DATE.

This Ordinance shall be published in summary in the San Francisco Examiner, posted in the Departments administrative offices, and posted on the Department’s Website, and shall be effective on January 1, 2024.

I hereby certify this to be a correct copy of Ordinance 2023-001 of the San Mateo Consolidated Fire Department, introduced on July 12, 2023, and adopted on October 11, 2023, at a regular meeting of the Department Board of Directors by the following vote:

AYES: **Froomin, Mates, Newsom**

NOES:

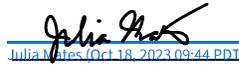
ABSENT:

ABSTAIN:

ATTEST:



Board Secretary


Julia Mates (Oct 18, 2023 09:44 PDT)

Board President

APPROVED AS TO FORM:



William D. Ross, General Counsel