




**Agenda Item No: 4.f**  
**Meeting Date: October 17, 2022**

**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: Fire Department**

**Prepared by: Darin White, Fire Chief** **City Manager Approval:** 

**TOPIC: TRIANNUAL FIRE CODE ORDINANCE AMENDMENTS**

**SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING CHAPTER 4.08 OF THE SAN RAFAEL MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA FIRE CODE 2022 EDITION WITH AMENDMENTS, THE INTERNATIONAL FIRE CODE 2021 EDITION, AND APPENDIX A OF THE 2021 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODES; AND SETTING A PUBLIC HEARING FOR NOVEMBER 7, 2022.**

**RECOMMENDATION:** Waive further reading of the ordinance and refer to it by title only, introduce the Ordinance, and set a public hearing for November 7, 2022.

**BACKGROUND:**  
This is the routine triannual update of the California Fire Code. Although Chapter 49 (Requirements for Urban Interface Fire Areas) has been expanded, it does not conflict with current vegetation fire safety provisions pertaining to the City of San Rafael Wildfire Action Plan or the Marin Wildfire Prevention Authority.

The proposed Ordinance adopts the latest version of the California Code of Regulations Title 24 fire code; specifically, the 2022 California Fire Code with local amendments, the 2021 International Fire Code, and Appendix A of the 2021 International Wildland-Urban Interface Code. State law mandates that the California Fire Code become effective statewide on January 1, 2023, with or without local amendments. The public hearing is scheduled for the second reading of the Ordinance at the next regularly scheduled meeting of the City Council, since the Ordinance is adopting the 2022 California Fire Code and the 2021 International Fire Code by reference, per Government Code Sections 50022.1 through 50022.11.

**ANALYSIS:**  
California Code of Regulations Title 24, the California Fire Code, is published on a three-year cycle. The California Building Standards Commission publishes the triannual code and State law mandates that this code become effective throughout California 180 days after the publication date. This is done in order to foster uniformity in fire prevention and construction standards statewide. Local jurisdictions are permitted

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**FOR CITY CLERK ONLY**

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

to amend the published codes based on local climatic, geological, or topographical conditions. The proposed ordinance contains local amendments that have been carried over from previous years.

This update to the City Municipal Code contains amendments that reflect revised code sections of the California Fire Code. There are no new local amendments being proposed at this time.

**FISCAL IMPACT:**

No fiscal impact to the City is anticipated since this only involves an update to the Fire Code with local amendments.

**ENVIRONMENTAL REVIEW:**

The amendments proposed in this ordinance are exempt from review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15061(b)(3), also known as the “general rule” exemption, because it can be seen with certainty to have no possibility for causing a significant effect on the environment.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Introduce the Ordinance and set the public hearing for adoption.
2. Introduce the Ordinance with amendments as directed by the Council at the meeting and set the public hearing for adoption.
3. Postpone introduction of the Ordinance to allow amendments to be incorporated into the Ordinance. Should the City Council decide to postpone adoption of the Ordinance, the State codes will become effective on January 1, 2023, without the benefit of the local amendments.

**RECOMMENDED ACTION:**

Waive further reading of the ordinance and refer to it by title only, introduce the Ordinance, and set a public hearing for November 7, 2022.

**ATTACHMENT:**

1. Ordinance

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL CITY COUNCIL AMENDING CHAPTER 4.08 OF THE SAN RAFAEL MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA FIRE CODE 2022 EDITION WITH AMENDMENTS, THE INTERNATIONAL FIRE CODE 2021 EDITION, AND APPENDIX A OF THE 2021 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO SUCH CODES.**

**WHEREAS**, the City of San Rafael may adopt a fire prevention code by reference pursuant to Article 2 commencing with Section 50022.1 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code; and

**WHEREAS**, pursuant to Health and Safety Code Section 13869, the City of San Rafael 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 when such modified standards are reasonably necessary because of local climatic, geological or topographical conditions; and

**WHEREAS**, pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, changes or modifications to the 2019 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions; and

**WHEREAS**, this Ordinance No. \_\_\_\_\_ was introduced and read by title only at a meeting of the San Rafael City Council on the 17<sup>th</sup> day of October 2022.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

**DIVISION 1.** Title 4, Chapter 4.08 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

**CHAPTER 4.08. FIRE CODE**

<b>Sections:</b>	4.08.010	Purpose.
	4.08.020	Adoption of the California Fire Code, 2022 Edition and the International Fire Code, 2021 Edition, with Amendments and Appendix A of the 2021 International Wildland-Urban Interface Code.
	4.08.030	Definitions.
	4.08.040	Administration and enforcement of the fire code.
	4.08.050	The Fire Chief has powers of police and authority to arrest and issue citations.
	4.08.060	Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.
	4.08.070	Restrictions on the storage and dispensing of liquefied petroleum gases (LP-gas).
	4.08.080	Explosives and blasting agents prohibited.
	4.08.090	Restrictions on storage of compressed natural gas.
	4.08.100	Restrictions on storage of stationary tanks of flammable cryogenic fluids.
	4.08.110	New materials, processes or occupancies which may require permits.
	4.08.120	Amendments to the fire code.
	4.08.130	Enforcement and penalties.
	4.08.140	Appeals.

#### **4.08.010 Purpose.**

The 2022 California Fire Code which consists of certain portions of the 2021 International Fire Code as amended by the California Building Standards Commission described in Section 4.08.020 are adopted for the following purposes:

1. To prescribe regulations and building standards in order to protect life and property from fire, explosion, earthquake and other disasters;
2. To provide for permits as prescribed herein;
3. To establish and maintain a Fire Prevention Bureau;
4. To provide penalties for violations of this code.

#### **4.08.020 Adoption of the California Fire Code, 2022 Edition and the International Fire Code, 2021 Edition, with Amendments and Appendix A of the 2021 International Wildland-Urban Interface Code.**

The City Council hereby adopts for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes which contain building standards and fire safety standards known as the 2022 California Fire Code (International Fire Code, 2021 Edition as amended by the State of California) as published by the California Building Standards Commission, together with appendices Chapter 4, B, BB, C, CC, D, H, and O thereto; and the 2021 International Fire Code; and Appendix A of the 2021 International Wildland-Urban Interface Code; save and except such portions as are herein added, deleted, modified or amended. Where conflicts occur between provisions of the 2022 California Fire Code and the 2021 International Fire Code and Appendix A of the 2021 International Wildland-Urban Interface Code, the provisions of the 2022 California Fire Code as amended shall apply.

#### **4.08.030 Definitions.**

Except as words are defined in section 4.08.120, the words used in this chapter and in the adopted codes listed in 4.08.020 shall have the meaning as defined below.

The following words are defined:

1. Whenever the words "Building Code" are used, they shall mean the California Building Code, as adopted by the City of San Rafael, with amendments.
2. Whenever the words "Residential Code" are used, they shall mean the California Residential Code, as adopted by the City of San Rafael, with amendments.
3. Whenever the words "Fire Code" are used, they shall mean this chapter and the codes and standards adopted in section 4.08.020, with amendments.
4. Whenever the word "Jurisdiction" is used, it shall mean the City of San Rafael.

**4.08.040 Administration and Enforcement of the Fire Code.**

- A. The Fire Chief has the authority to interpret, administer and enforce this code. The Fire Chief may delegate any or all of their authority under this code to such duly authorized subordinates in the Fire Department as he may designate and the actions of such duly authorized subordinates shall be construed as valid actions of the Fire Chief.
- B. The Fire Chief shall have the authority and powers of a Code Enforcement Official, as specified in San Rafael Municipal Code Chapters 1.08 and 1.40, in performing the duties under this code.
- C. The Fire Chief shall have the authority to order the immediate abatement of any hazard, located within or on public or private property and any public thoroughfare or railroad, when deemed by the Fire Chief to be an imminent hazard to the life, health, safety and the well-being of the public, firefighters and other City employees.
- D. Whenever the Fire Chief finds an activity or use regulated by this code being performed or used in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Fire Chief is authorized to issue an order to cause the activity or use to cease or desist immediately.

**4.08.050 The Fire Chief has powers of police and authority to arrest and issue citations.**

- A. The Fire Chief and their duly authorized subordinates shall have the powers of a police officer in performing their duties under this code. When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist them in enforcing the provisions of this code.
- B. The Fire Chief and their duly authorized subordinates shall have authority to arrest or to cite any person who violates any provision of the Fire Code, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.
- C. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 be applicable to the aforementioned Fire Chief and their duly authorized subordinates exercising their arrest or citation authority within the course and scope of their employment pursuant to this code.

**4.08.060 Restrictions on the storage of flammable and combustible liquids in aboveground tanks outside of buildings.**

- A. Pursuant to Sections 5704.2.9.6.1 and 5706.2.4.4 of the Fire Code, except

as provided in Subsection B of this Section, the storage of flammable and combustible liquids outside buildings in aboveground tanks is prohibited in all areas of the City.

B. Providing storage of flammable and combustible liquids is within an approved aboveground fuel storage tank as required by the Fire Code, such storage and quantities are permitted in the following districts as defined in Title 14 of the Municipal Code:

1. Districts designated as I, LI/O, M, MC, or CCI/O shall be permitted to have a maximum of ten thousand (10,000) gallons at any one (1) site.
2. Districts designated as PD, providing that they are industrial use in nature, shall be permitted to have a maximum of ten thousand (10,000) gallons at any one (1) site.
3. Districts designated as GC, C/O, FBWC, or PD (providing that they are commercial use) shall be permitted to store a maximum of five thousand (5,000) gallons at any one (1) site.
4. Discretion may be exercised by the Fire Chief to modify the maximum capacities allowed by this section, in accordance with regulations and standards adopted by the Fire Chief to protect against any increased hazards to life or property.

C. Bulk plants for the storage of flammable or combustible liquids are prohibited within the jurisdiction.

D. Prior to the Fire Department authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

#### **4.08.070 Restrictions on the storage and dispensing of liquefied petroleum gas (LP-gas).**

A. Pursuant to Section 6104.2 of the California Fire Code, except as provided in Subsection B of this Section, the storage of LP-gas is prohibited in all areas of the City.

B. Storage, limited to one thousand (1,000) gallons of LP-gas at any one (1) site, is permitted in the following districts as defined in Title 14 of the Municipal Code, except that up to one thousand five hundred (1,500) gallons of LP-gas may be permitted at any one (1) site, provided that the LP-gas storage tank system is protected in a manner approved by the Fire Chief:

1. Districts designated as I, LI/O or CCI/O;
2. Districts designated as PD, providing that they are industrial use in nature;
3. Districts designated as GC, C/O, FBWC, HO, 2/3 MUE, 2/3 MUW, M, MC or PD (providing that they are commercial use) only if the tank system is wholly protected in a manner approved by the Fire Chief.

C. The storage of any LP-gas tank system in any residential district is prohibited unless there are no natural gas lines available to be connected to the residence.

- D. The dispensing of LP-gas is prohibited in all districts except such dispensing is permitted in those districts outlined in Subsection B of this Section.
- E. Exceptions to the Restrictions.
  - 1. Limited quantities only when used in conjunction with home LP-gas barbecues, recreational vehicles or similar uses;
  - 2. Limited quantities only when used in conjunction with LP-gas driven vehicles;
  - 3. Limited quantities only when used in conjunction with construction projects for which a Building Permit has been issued;
  - 4. Existing bulk LP-gas facilities shall be able to continue their use and shall be able to relocate their facilities with the express permission of the Fire Chief and the City Council.
- F. Prior to the Fire Department authorizing installation of a tank system, the applicant shall apply for and obtain Environmental and Design Review Permit approval from the Community Development Department as provided in Chapter 14.25.

**4.08.080 Explosives and blasting agents prohibited.**

Except where an operational permit is issued in accordance with Section 105.5.16 or Section 105.5.42 of the Fire Code, the manufacture, storage, handling, sale, or use of any explosives, explosive materials, blasting agents, fireworks or pyrotechnic special effects is prohibited within the jurisdiction.

**4.08.090 Restrictions on storage of compressed natural gas.**

Compressed natural gas facilities and storage are prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

- 1. Districts designated as I, LI/O or CCI/O;
- 2. Districts designated as PD providing that they are industrial use in nature.

**4.08.100 Restrictions on storage of stationary tanks of flammable cryogenic fluids.**

Pursuant to Chapter 55 of the Fire Code, the storage of flammable cryogenic fluids in stationary containers is prohibited in all areas of the City except the following districts as defined in Title 14 of the Municipal Code:

- 1. Districts designated as I, LI/O or CCI/O;
- 2. Districts designated as PD providing that they are industrial use in nature.

**4.08.110 New materials, processes or occupancies which may require permits.**



The Fire Chief shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, process or occupancies which shall require permits in addition to those now enumerated in the Fire Code. The Fire Chief shall post such list in a conspicuous place in their office and distribute copies thereof to interested persons.

#### **4.08.120 Amendments to the Fire Code.**

The 2022 California Fire Code and the 2021 International Fire Code are amended or modified, as follows:

Section 1.11.2.1 is hereby amended to read as follows:

**1.11.2.1.1 Enforcement.** Pursuant to Health & Safety Code Section 13146, the Fire Chief shall have the responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal, for Group R-3 occupancies and all buildings and property subject to regulation by the City.

Section 102.5 is hereby amended to read as follows:

**102.5 Application of California Residential Code.** Where structures are designed and constructed in accordance with the *California Residential Code*, the provisions of this code shall apply as follows:

1. Design and construction provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure shall apply when specifically required by this code, including but not limited to Section 903.2 and Chapter 12. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 of this code also shall apply.
2. Administrative, operational and maintenance provisions: All such applicable provisions of this code shall apply.

Section 103.1 is hereby amended to read as follows:

**103.1 Fire Prevention Bureau.** The Fire Prevention Bureau is established within the Fire Department under the direction of the Fire Chief. The function of the Fire Prevention Bureau shall include the interpretation, implementation,

administration and enforcement of the Fire Code and adopted standards. The Fire Prevention Bureau is authorized to enforce the provisions of other codes and ordinances of the City pertaining to the storage, handling and use of hazardous materials, fire and life safety, and the fire protection system requirements of the Building Code and the Residential Code.

Section 104.12 is hereby added to read as follows:

**104.12 Liability of persons causing a Fire Department response.** The Fire Department may recover the costs and expenses of a Fire Department response (incident) within the responsibility for enforcement of the Fire Chief, including all costs and expenses of the Fire Department and other mutual aid Fire Departments responding to the incident, where the incident has been caused by the willful misconduct or negligence of the party that caused the incident. These response costs shall be a debt of the business, corporation, individual or other responsible party owed to the Fire Department and to the other responding mutual aid Fire Departments. The City may collect response costs on behalf of itself, and also may collect response costs on behalf of the other mutual aid Fire Departments with their consent. The mutual aid Fire Departments also may collect their response costs directly from the responsible party. The City shall compute and bill the responsible party for such response costs and expenses, with payment due within thirty (30) days following the mailing of the bill, unless an appeal is filed as provided in Section 4.08.140 A. Upon failure to pay the response costs and expenses when due, the responsible person shall be liable, in a civil action brought by the City, for such response costs and expenses, and costs of the litigation, including reasonable attorneys' fees.

**104.12.1 Liability for correction and abatement.** Where the Fire Chief determines that a violation of any provision of this Chapter constitutes an immediate threat to public health or safety, the Fire Chief is authorized to take such corrective action as may be necessary to cause the summary abatement of the violation. The City may recover the costs and expenses associated with the correction and abatement of a violation or hazardous condition, including all costs and expenses incurred by the City and contractors hired by the City to cause the correction and abatement. These correction and abatement costs shall be a debt of the owner, business, corporation, individual or other responsible party owed to the City. The City shall compute and bill the responsible party for such correction and abatement costs and expenses, with payment due within thirty (30) days following the mailing of the bill, unless an appeal is filed as provided in Section 4.08.140 A. Upon failure to pay the correction and abatement costs and expenses when due, the responsible person shall be liable, in a civil action brought by the City, for such correction and abatement costs and expenses, and costs of the litigation, including reasonable attorneys' fees.

Section 104.13 is hereby added to read as follows:

**Section 104.13. Fire prevention resource sharing.** Other enforcement agencies shall have authority to render necessary assistance to the City in plan review, inspection, code interpretation, enforcement and other fire prevention services when authorized and as delegated by the Fire Chief, by written agreement

Section 105.2.5 is hereby added to read as follows

**105.2.5 Operational permit applications.** Application for operational permits (i.e: Assembly, Pyrotechnic, Tents, etc.) shall be submitted at least ten (10) business days prior to the scheduled event date. Applications submitted less than ten (10) business days prior to the event date may be charged one and one-half (1½) times the regular permit rate.

Section 105.7.26 is hereby added to read as follows:

**105.7.26 Vegetation Management Fire Protection Plan.** A construction permit is required to implement a vegetation management fire protection plan for a new structure located in the Wildland-Urban Interface as designated in San Rafael Municipal Code Section 4.12.010. The vegetation management fire protection plan shall comply with Chapter 49 of this code and the Vegetation Management Standards in San Rafael Municipal Code Section 4.12.030.

Section 107.2 is hereby amended to read as follows:

**107.2 Master fee schedule.** The fees for permits and other services shall be as established in the Master Fee Schedule Resolution of the City Council as adopted from time to time. The fee shall be set to cover the cost to review the application, issue a permit, and inspect the intended construction, activities, operations, use, or functions. The fees must be paid to the City prior to engaging in the construction, activities, operations, use or functions.

**Exception:** The applicant for a given permit shall be exempt from payment when the event is sponsored by the City, or work to be conducted is located on properties owned by the City, or as otherwise determined by the Fire Chief.

Where it is determined during inspections that the construction, activity, or use repeatedly fails to comply with the requirements of the Fire Code, and additional inspections or re-inspections are required to verify compliance, the Fire Chief may require those additional inspections be billed at the fully burdened hourly rate as published by the City's Finance Director.

Section 107.4 is hereby amended to read as follows:

**107.4 Work commencing before permit issuance.** Any person who commences any work, activity, operation or use regulated by this code before obtaining the necessary permits may be subject to an additional investigation fee as determined by the Fire Chief; the investigation fee shall be two (2) times the normal permit fee, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Section 107.7 is hereby added to read as follows

**107.7 After hours inspection fees.** An after-hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an afterhours inspection is performed before or following normal work hours that inspection may be charged by the hour. Where an inspector is called back to duty to perform an afterhours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The afterhours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as published by the City's Finance director.

Section 112.4 is hereby amended to read as follows:

**112.4 Violation penalties.** Persons who shall violate a provision of this Chapter and the Fire 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 direction of the Fire Chief, or of a permit or certificate used under provisions of this code, shall be subject to the enforcement and penalties set forth in Section 4.08.130. Each day that a violation continues shall be deemed a separate offense.

Section 113.4 is hereby amended to read as follows:

**113.4 Failure to comply.** Any person who shall continue to work after having been served with a stop work order, or any person who shall continue an activity or a use after having been served with a cease and desist order, shall be guilty of misdemeanors/infractions and are subject to the penalties set forth in Section 4.08.130.

Section 202 is hereby amended by adding the definition of "Coverings" as follows:

**COVERINGS.** As applied to the definition of Substantial Remodel only, coverings shall mean materials including, but not limited, to gypsum board, lath and plaster, paneling (including wood paneling), floor boards, brick and mortar, or other materials attached to rough framing of the building elements. Coverings do not include finishes, such as carpet, tile, paint or wall paper.

Section 202 definition of “False Alarm” is hereby amended to read as follows:

**FALSE ALARM.** False alarm shall mean an alarm signal, willful, knowing or otherwise, initiating a response by the Fire Department where an emergency situation did not or does not exist.

Section 202 is hereby amended by adding the definition of “Fire Prevention Standards” as follows:

**FIRE PREVENTION STANDARDS.** Fire prevention standards shall mean those supplemental rules and regulations that have been approved by the Fire chief to provide additional guidance and interpretation of this code.

Section 202 is hereby amended by adding the definition of “Fire Road” as follows:

**FIRE ROAD.** Fire road shall mean any improved or unimproved road, public or private, that provides access for firefighting equipment and personnel to undeveloped areas.

Section 202 is hereby amended by changing the first sentence of the definition of “Fireworks” to read as follows:

**FIREWORKS.** Fireworks shall mean any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation, and any “safe and sane” fireworks as defined by section 12529 of the State of California Health and Safety Code, and including 1.4G fireworks and 1.3G fireworks as set forth hereafter.

[Remainder is unchanged]

Section 202 is hereby amended by adding the definition of “Pre-plans” as follows:

**PRE-PLANS.** Pre-plans shall mean detailed plans of buildings and premises where there may be special challenges for emergency operations. These pre-plans include information on the building's location, occupancy, hazards, fire department

connections and hydrants, access, building layout, and other pertinent data that would assist the fire department in case of an emergency.

Section 202 is hereby amended by adding the definition of “Public Storage Facility” as follows:

**PUBLIC STORAGE FACILITY.** A public storage facility shall mean any business that sells, leases or rents space to the public, whether it is a building, storage container or similar configuration.

Section 202 is hereby amended by adding the definition of “Substantial Remodel” as follows:

**SUBSTANTIAL REMODEL.** Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Section 202 is hereby amended by adding the definition of “Temporary” as follows:

**TEMPORARY.** Temporary shall mean any occupancy, activity, or use for a period of less than one hundred eighty (180) days.

Section 304.1.2 is hereby amended to read as follows:

**304.1.2 Vegetation.** At the direction of the Fire Chief to reduce the fire hazard, weeds, grass, vines, brush, trees, or other growth that is capable of being ignited and endangering public or private property, a fire apparatus access road, a public thoroughfare, or a railroad, shall be cut and mulched or removed by the owner or occupant of the premises or by the responsible public agency in accordance with 304.1.2.1 and 304.1.2.2.

**304.1.2.1 Vegetation clearance.** Vegetation located within ten (10) feet of the outlet of a chimney or stove pipe shall be cut and mulched or removed. Vegetation located within one hundred (100) feet of a building shall be cut and mulched or removed. Vegetation located within ten (10) feet of a fire apparatus

access road, a public thoroughfare, or a railroad shall be cut and mulched or removed. The minimum clearances specified above may be increased by the Fire Chief where there may be special challenges for emergency operations.

**304.1.2.2 Wildland-Urban Interface areas.** Vegetation clearance requirements in Wildland-Urban Interface areas shall be in accordance with Chapter 49 of this code and San Rafael Municipal Code Chapter 4.12.

Section 307.4.2 is hereby amended to read as follows:

**307.4.2 Recreational Fires.** Recreational fires within the jurisdiction limits of the City are subject to Sections 307.4.2.1 through 307.4.2.4.

**307.4.2.1 City property.** Recreational fires are prohibited on City owned property.

**Exception:** Where an operational permit is issued in accordance with Section 105.5.34.

**307.4.2.2 Wildland-Urban interface properties.** Recreational fires are prohibited in Wildland-Urban Interface areas as designated in San Rafael Municipal Code Section 4.12.010.

**Exception:** Where an operational permit is issued in accordance with Section 105.5.34.

**307.4.2.3 Other properties.** For all properties other than those identified in Section 307.4.2.1 and 307.4.2.2 above, recreational fires shall be conducted in compliance with all of the following:

307.4.2.3.1. Recreational fires shall be conducted in accordance with applicable Fire Prevention Standards;

307.4.2.3.2. Recreational fires shall not be conducted within 25 feet of a structure or combustible materials;

307.4.2.3.3. Conditions which could cause a fire to be spread within 25 feet of a structure shall be eliminated prior to ignition;

307.4.2.3.4. Recreational fires shall be conducted under the constant supervision and control of the Owner or tenant of the property;

307.4.2.3.5. A charged portable fire extinguisher with a minimum capacity of 4-A, or a charged garden hose, shall be available for use at the location of the recreational fire.

307.4.2.3.6. Upon completion of use, the Owner or tenant of the property shall ensure the recreational fire is completely extinguished prior to leaving the recreational fire unattended.

**307.4.2.4 Fire Department Response.** Where the Fire Department responds to the location of a recreational fire, the Fire Department Officer in charge of the response is authorized to extinguish the fire for non-compliance with Section 307.4.2, any operational permit that has been issued, or the applicable Fire Prevention Standards, or where the recreational fire is a fire hazard.

Section 307.4.3 is hereby modified by deleting the exception.

Section 308.1.2 is hereby amended to add the following concluding sentence:

Smoking is prohibited within all Parks as defined in San Rafael Municipal Code Section 8.10.015 and Open Space areas as defined in San Rafael Municipal Code Section 19.10.020, located within jurisdiction limits.

Section 324 is hereby added as follows:

**Section 324 Fireworks**

**324.1 Fireworks prohibited.** Except where an operational permit is issued in accordance with Section 105.5.16 or Section 105.5.42 of the Fire Code, the manufacture, storage, sale, possession, handling, or use of any fireworks as defined in Section 202, is prohibited within jurisdiction limits.

**324.2 Seizure.** The Fire Chief shall seize, remove or cause to be removed, at the expense of the owner or person in possession, all stocks of fireworks offered or exposed for sale, stored, used or held in violation of this code.

Section 407.8 is hereby added as follows:

**407.8 Pre-plans.** Pre-plans shall be developed for buildings and premises where there may be special challenges for emergency operations, as determined by the Fire Chief.

Section 503.1.2 is hereby amended by adding the following concluding sentence:

The Fire Chief is authorized to require additional fire apparatus access roads for all newly constructed vehicle parking areas and for all new or altered structures, facilities, uses, or hazards.

Section 503.1.4 is hereby added as follows:

**503.1.4 Fire roads.** Fire roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the City so as to gain access to improved, unimproved, and undeveloped areas in a manner approved by the Fire Chief. Any vehicle or other obstruction to Fire Department access may be towed away or removed at the owner's expense.



Section 503.2.3 is hereby amended to read as follows:

**503.2.3 Surface.** Except for fire roads, fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced with asphalt or concrete so as to provide all-weather driving capabilities.

Section 503.2.6.1 is hereby added as follows:

**503.2.6.1 Load testing.** Bridges, piers and wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Fire Chief.

Section 503.4 is hereby amended by adding the following concluding sentence:

Any vehicle or other obstruction may be towed away or removed at the owner's expense.

Section 503.4.2 is hereby added as follows:

**503.4.2 Prohibition on vehicular parking on private access ways.** If, in the judgment of the Fire Chief, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Fire Chief may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. From the effective date of the order, it shall be unlawful for such owner, lessee or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

Section 505.1 is hereby amended to read as follows:

**505.1 Address numbers.** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. These

numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Said numbers shall be either internally or externally illuminated in all new construction or substantial remodels. Number sizes shall be as follows: Minimum of one-half-inch (1/2") stroke by four inches (4") high for residential applications, minimum one-half-inch (1/2") stroke by six inches (6") high for commercial applications. Larger sizes may be required by the Fire Chief based on distance from the street or road fronting the property. All buildings abutting on any public or private street, avenue, drive, road, place or lane within the City shall be given and marked with an official address number. Where access is by means of a private way, a monument, or other sign may be required by the Fire Chief to identify the building. The Chief Building Official shall decide the proper number to be assigned to any building. Where required by the Fire Chief, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be maintained.

**505.1.1 Multi-tenant buildings.** Numbers or letters shall designate all separate occupancies within new or existing multi-tenant buildings. Size shall be minimum one-quarter-inch (1/4") stroke by two inches (2") high and on a contrasting background for tenant spaces accessed from an interior corridor, and as indicated in Section 505.1 for spaces with exterior access doors. In multi-story or larger buildings, directional address numbers or letters shall be provided at a central location. Said addresses or numbers shall be posted at a height no greater than 5 feet, 6 inches (5' - 6") above the finished floor and shall be either internally or externally illuminated in all new construction or substantial remodels.

**505.1.2 Rear addressing.** Where required by the Fire 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 a property or where rear parking lots or alleys provide an acceptable vehicular access. Number stroke and size shall comply with Section 505.1.

Section 506.1 is hereby amended by adding the following concluding sentences:

**506.1. Key Boxes.** Except for single family dwellings, all buildings which have installed therein an automatic fire alarm system, automatic fire sprinkler system or a security gate, shall have an approved key box system installed. All facilities that are required to have Hazardous Materials Business Plans shall have an approved key box system installed. All electronic operated vehicular gates, including gates serving single family dwellings, shall have an approved key switch override system mounted on a stanchion or wall as approved by the Fire Chief.

Section 507.5.1.2 is hereby added as follows:

**507.5.1.2 Fire hydrant upgrades.** When additions or alterations to

structures are made, the nearest existing fire hydrant shall be upgraded to the minimum standard of a Clow model 950, wet barrel type hydrant with one (1) four and one-half inch (4½") outlet and one (1) two and one-half inch (2½") outlet for single family dwellings, or for all other applications or structures to a Clow model 960, wet barrel type hydrant with one (1) four and one-half inch (4½") outlet and two (2) two and one-half inch (2½") outlets.

**Exceptions 1:** If the cost of upgrading the fire hydrant exceeds two percent (2%) of the cost of the project, based on the Building Permit valuation.

**Exception 2:** This section does not apply where an automatic fire sprinkler system is installed throughout the building.

Section 903.2 is hereby amended to read as follows:

**903.2 Where Required; All Occupancies and Facilities.** An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed, building or facility.

**Exception:** Freestanding structures not more than one thousand (1,000) square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.

3. All other existing buildings, where required by the Fire Chief in accordance with the following:

i. All buildings where improvements occur during any three (3) year period which meet the definition of a substantial remodel.

ii. All buildings in excess of three thousand (3,000) square feet which have more than ten (10) percent floor area added within any three (3) year period.

iii. A change in the use of a building that results in a higher fire or life safety hazard when the square footage of the area changing use is more than fifty (50) percent of the square footage of the existing building.

iv. Where fire sprinklers are required by the provisions above, they shall be extended throughout the building.

4. All public storage facilities.

5. All tunnels used for the transportation of people or any type of vehicle.

The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by the Building Code or Residential Code.

Sections 903.2.1 through 903.2.17 and 903.2.19 through 903.2.21 remain the same.

Section 903.2.18 is hereby modified by deleting the exception.

Section 907.2.11.2.3 is hereby amended to add the following concluding sentence:

Replacement of existing smoke alarms which are hardwired and/or interconnected shall be made with an alarm of the same functionality.

Section 907.8.5 is hereby added as follows:

**907.8.5 False and nuisance fire alarm – public nuisance.** A protected premises fire alarm shall constitute a public nuisance if it actuates three (3) or more false or nuisance alarms within any calendar year. This section shall be effective thirty (30) days after fire alarm system installation is operational.

**907.8.5.1 False alarm response fee.** Where a protected premises fire alarm constitutes a public nuisance as specified in Section 907.8.5, the owner or lessee shall be responsible for the City's false and nuisance alarm response fees as specified in the Master Fee Schedule Resolution adopted by the City Council.

Section 1015.2 is hereby amended by adding the following sentence to the end of the paragraph before the Exceptions:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Sections 1015.8.2 and 1015.8.3 are hereby added as follows:

**1015.8.2 Existing Hotels.** The provisions of sections 1015.8 shall apply retroactively to all existing hotels.

**1015.8.3 Clear area adjacent to hotel window opening.** There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Section 1030.3.2 is added as follows:

**1030.3.2 Group I-2 Hospital Obstructions.** In Group I-2 Hospitals, the required clear width for aisles, corridors and ramps that are part of the required means of egress shall comply with Section 1018.2. The facility shall have a plan to maintain the required clear width during emergency situations.

**Exception:** In areas required for bed movement, equipment shall be permitted in the required width where all the following provisions are met:

1. The equipment is low hazard and wheeled.
2. The equipment does not reduce the effective clear width for the means of egress to less than 5 feet (1525 mm).

3. The equipment is limited to:
  - 3.1 Equipment and carts in use;
  - 3.2 Medical emergency equipment;
  - 3.3 Infection control carts; and
  - 3.4 Patient lift and transportation equipment.
4. Medical emergency equipment and patient lift and transportation equipment, when not in use, is required to be located on one side of the corridor.
5. The equipment is limited in number to a maximum of one per patient sleeping room or patient care room within each smoke compartment.

Section 1103.8.1 is hereby amended by adding the following subsections, following the Exceptions:

A. On or after January 1, 1986, every single-family dwelling and factory-built housing, as defined in Health and Safety Code Section 19971, which is sold shall have operable smoke alarms installed. The smoke alarms shall be approved and listed by the State Fire Marshal and installed in accordance with section 907.2.11.2. Battery operated smoke alarms shall be deemed to satisfy the requirements of this section.

B. On or after January 1, 1993, every apartment building shall have installed a hardwired smoke alarm with battery back-up located within every dwelling unit. This smoke alarm shall be located outside of sleeping rooms and the primary power shall be from the building wiring, with no intervening switches other than the circuit breaker. The smoke alarm shall be approved and listed by the State Fire Marshal.

Section 1104.5.2 is hereby added as follows:

**1104.5.2 Change of ownership.** Buildings, portions of buildings, or occupancies shall meet the requirements of Section 1104.5 upon a change of ownership.

Section 5704.3.3.11 is hereby added as follows:

**5704.3.3.11 Storage of flammable and combustible liquids and other hazardous materials.** The storage of flammable or combustible liquids or other hazardous materials in public storage facilities is prohibited. Such facilities shall post legible and durable signs to indicate same in a manner and locations as specified by the Fire Chief. This section shall apply to new and existing public storage facilities.

**Exception:** Only those quantities of flammable and combustible liquids necessary for normal maintenance of the facility.

Appendix D103.5, Subsection 1 is hereby amended to read as follows:

**D103.5, Subsection 1 Gate Opening Width.** Except for a single one- or two-family dwelling, the minimum unobstructed gate width shall be twenty (20) feet. For a single one- or two-family dwelling, the minimum unobstructed gate width shall be sixteen (16) feet, except where a narrower width is approved by the Fire Chief for exceptional circumstances.

**4.08.130 Enforcement and penalties.**

A. In addition to the enforcement powers and remedies provided in the Fire Code, the Fire Chief shall have the power to enforce the provisions of this code as provided in Chapters 1.40, 1.42, 1.44, and 1.46 .

B. Violations of the Fire Code as adopted in this code are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

C. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified each day that a violation occurs or continues, after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.

D. Nothing contained in Subsections A through C of this Section shall be construed or interpreted to prevent the City from recovering all costs associated with a Fire Department response as described in Section 104.12 of the Fire Code.

E. Any violation of any provision of this code shall constitute a public nuisance, and shall entitle the City to collect the costs of abatement and related administrative costs, by a code enforcement assessment lien and special assessment pursuant to Section 1.46.160 of the San Rafael Municipal Code, or by a nuisance abatement lien and special assessment pursuant to Government Code Sections 38773.1 and 38773.5. Prior to recordation of such a lien or processing such a request for special assessment, the City shall give written notice to the record owner of the affected property. In addition, the City shall be entitled to collect such abatement costs and related administrative costs, together with litigation costs and attorneys' fees, in a civil action pursuant in Section 1.42.020 of the San Rafael Municipal Code.

**4.08.140 Appeals.**

A. Any person receiving a bill for Fire Department response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the bill, an administrative appeal against imposition

of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days' advance written notice of the time and place of the hearing. Within ten (10) days after the hearing, the Hearing Officer shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the Hearing Officer.

B. Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within ten (10) days from the date of the decision. The provisions of this section shall not apply to corrective actions for the clearance of vegetation as specified in Sections 304.1 through 304.1.2.2 of the Fire Code, or to matters for which an appeal is provided pursuant to subsection 4.08.140(A) above.

## **DIVISION 2.**

California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions.

Therefore, the San Rafael City Council hereby finds that these changes or modifications to the Fire Code as adopted in Title 4 of the San Rafael Municipal Code are reasonably necessary because of the following local climatic, geological and topographical conditions:

### **I. Climatic conditions**

- a. **Precipitation.** Most of the annual rainfall in San Rafael occurs during the winter; it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by high off-shore winds, or hot, dry, inland winds.
- b. **Relative Humidity.** Humidity generally ranges from 50% during daytime to 86% at night. It drops to 20% during the summer months and occasionally drops lower typically at the most extreme periods of the wildland fire season.
- c. **Temperatures.** Temperatures have been recorded as high as 108 degrees F. Average summer highs are in the 75 degree to 90 degree range.

- d. Winds. Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5 – 15 mph range, gusting to 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

II. Geological conditions

- a. San Rafael lies near several earthquake faults, including the very active San Andreas Fault; there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b. Many areas of the City, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographical conditions

- a. Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply.
- b. The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access or delaying response.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification, as follows:

Section Number	Climatic, geological and topographical condition
1.11.2.1	la, Ila, IIIa, IIIb
102.5	la, lb,lc, ld, Ila, IIIa, IIIb
103.1	la,lb, lc, ld, Ila, IIb, IIIa, IIIb
104.12	la, lb, Ila, IIb, IIIa, IIIb
104.13	la, IIb, IIc, IId, Ila, IIb, IIIa, IIIb
105.2.5	ld, Ila
105.7.26	la, lb, lc, ld,Ila, IIb, IIIa, IIIb
107.7	la, Ila, IIIa
112.4	la, lb, Ila, IIb, IIIa, IIIb
113.4	la, Ila, IIIa



202	la, lb, Ila, IIb, IIIa, IIIb
304.1.2	la,lc, ld, Ila, IIIa, IIIb
307.4.2	la, lb, lc, ld, Ila, IIIa, IIIb
307.4.3	la, Ila, lc, ld, IIb, IIIa, IIIb
308.1.2	la,lb, lc, ld, IIIa, IIIb
324	la,lb, lc, ld, Ila, IIIa, IIIb
407.8	lc, ld, Ila, IIb, IIIa, IIIb
503.1.2	la, lb, Ila, IIb, IIIa, IIIb
503.1.4	la, lb, Ila, IIIa
503.2.3	la, lb, Ila, IIb, IIIa, IIIb
503.2.6.1	la, Ila, IIb, IIIa
503.4	la, 1b, lc, ld, Ila,IIIa
503.4.2	la, lb, Ila, IIb, IIIa, IIIb
505.1	la,lb, lc, ld, Ila, IIIa, IIIb
506.1	la, Ila, lc, ld, IIb, IIIa
507.5.1.2	la, IIIa, IIIb
903.2	la, Ila, IIIa,IIIb
907.8.5	la, lb, Ila, IIb, IIIa, IIIb
1015.2	la, lb, lc, ld, Ila
1015.8.2	Ila, IIb, IIIa, IIIb
1015.8.3	Ila, IIb, IIIa, IIIb
1030.3.2	la, lb, lc, ld, Ila, IIb, IIIa, IIIb
1103.8.1	la, Ila, IIIa
1104.5.2	la, Ila, IIIa
5704.3.3.11	la, Ila, IIIb
Appendix D103.5	la, lb, lc, ld, Ila, IIIa, IIIb

**DIVISION 3.**

All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance codified in this chapter or the Codes hereby adopted are hereby repealed.

**DIVISION 4.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

**DIVISION 5.**

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effect on January 1, 2023. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

**DIVISION 6.**

The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 17<sup>th</sup> day of October 2022, and was passed and adopted at a regular meeting of the San Rafael City Council on the 7<sup>th</sup> day of November 2022 by the following vote, to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
Kate Colin, Mayor

Attest:

\_\_\_\_\_  
LINDSAY LARA, City Clerk