

LEGISLATIVE DIGEST
(Amended October 18, 2010)

[San Francisco Fire Code – Replacing and Repealing]

Ordinance repealing the San Francisco Fire Code in its entirety and replacing that code with a new 2010 San Francisco Fire Code consisting of the 2010 California Fire Code and portions of the 2009 International Fire Code together with San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco’s amendments to the California Building Standards Commission and State Fire Marshal; and making environmental findings.

Existing Law

The San Francisco Fire Code is designed to regulate and govern the safeguarding of life and property from fire and explosions hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and to provide for the issuance of permits, inspections and other Fire Department services, and the assessment and collection of fees for those permits, inspections and services. The current San Francisco Fire Code incorporates by reference the 2007 California Fire Code (Title 24, California Code of Regulations, Part 9) and those portions of the 2006 International Fire Code not promulgated by the California Building Standards Commission, with local amendments adopted by San Francisco.

Amendments to Current Law

The proposed 2010 San Francisco Fire Code incorporates by reference the 2010 California Fire Code (Title 24, California Code of Regulations, Part 9), including appendices adopted by the State. In addition, except as expressly deleted, modified or amended, the proposed 2010 San Francisco Fire Code incorporates by reference those portions of the 2009 International Fire Code that were not adopted by the California Building Standards Commission in the California Fire Code, as well as Section D105 of Appendix D as amended, and Appendix I in its entirety. The proposed 2010 San Francisco Fire Code also includes local amendments specific to San Francisco.

In general, the proposed 2010 San Francisco Fire Code carries forward the 2007 San Francisco Fire Code without substantive modification. The primary changes and new requirement are described below.

The proposed Fire Code incorporates 2009 International Fire Code Appendix D Section D105, which sets minimum street widths for Fire Department access roads around new buildings

over 30 feet in height (new development only). The increase of 6 feet of width for these roads will insure that aerial ladder trucks have room to operate. Minimum street widths will only pertain to newly developed streets. Section 105D would exempt buildings equipped throughout with approved automatic sprinkler systems from the new requirement. The proposed Fire Code also incorporates 2009 International Fire Code Appendix I in its entirety. The current Fire Code requires maintenance of fire suppression systems. Appendix I sets requirements to correct fire suppression systems that are not maintained properly. Incorporating this Appendix will assist the Fire Department in explaining the importance of maintenance and will help ensure system corrections.

In Section 105.6.32(5), the proposed Fire Code expands the permit requirement for hot work operations to apply roof coverings, to include “associated work” conducted using an open-flame device. In practice, roofers use open-flame torches for work in addition to applying roof coverings, for example, to install flashing. This change will require any roofer using a torch to have a permit, fire watch, and other fire safety practices.

Section 105.7.16 imposes a new permit requirement related to radio coverage systems. Radio coverage systems are a new requirement under the California Fire Code (see discussion below regarding Section 510.4). This San Francisco requires a person to obtain a permit before installing the system. This requirement is the same as the permit requirements for any other building system.

The proposed Fire Code updates and adds new procedures and enforcement and recovery mechanisms in Section 109, Violations. Section 109.4.3 authorizes the fire code official to conduct a hearing on a “notice of violation” (NOV) if the person responsible to correct a violation fails to do so within the time specified in the NOV. That section sets notice and service requirements, procedures and timelines for the hearing, requirements related to the decision and order after the hearing, and penalties for violating the decision and order. Section 109.4.4 updates the language regarding civil actions and penalties. The proposed Fire Code for the first time includes administrative citations as a mechanism to enforce the code (Section 109.5). Designated Fire Department employees are authorized to issue administrative citations (Section 109.5.1). The proposed Fire Code incorporates in its entirety Chapter 100 of the San Francisco Administrative Code and Chapter 100 governs the amount of fees and the procedure for imposition, enforcement, collection and administrative review of administrative citations, except as follows: (1) the fine for violation of San Francisco Fire Code Section 105.1.1 (permits required), California Fire Code Section 107.6 (overcrowding), San Francisco Fire Code Section 111.4 (failure to comply with stop work order), San Francisco Fire Code Section 907.8.4 (fire alarm certification requirement) and California Fire Code Section 1030.2 (maintaining exits free of obstructions and impediments) is set at \$1000 due to the seriousness of those violations (Section 109.5.2); and (2) all fines and late payment fees are payable to the Fire Department, which shall use those amounts to support fire safety and prevention programs (Section 109.5.3). Finally, the proposed Fire Code incorporates California Health and Safety Code Section 13009, and authorizes the City and County to initiate a civil action against any person who negligently, or in violation of the law, sets a fire,

allows a fire to be set, or allows a fire kindled or attended by him or her to escape onto any public or private property to recover fire suppression costs incurred in fighting the fire and for the cost of providing rescue or emergency medical services (Section 109.8). The proposed code specifies that any amounts recovered are credited to the Fire Department.

The proposed Fire Code updates the fee collection procedures. If the Fire Department has sent a second notice regarding fees and not receiving the fees due, the Fire Department will report the uncollected fees to the Bureau of Delinquent Revenue Collection (Section 114.1.2). This procedure is consistent with Administrative Code Chapter 10, Article V.

The 2010 California Fire Code requires emergency responder radio coverage systems to be installed, but does not specify the standard for installation and maintenance, leaving this matters to the local jurisdiction. The Fire Department has determined that NFPA 5000, Annex G is the appropriate standard for San Francisco, and set that standard in Section 510.4.

Section 605.11 of the proposed Fire Code establishes installation requirements for solar photovoltaic systems, requiring installations to comply with the California State Fire Marshal publication, "Solar Photovoltaic Installation Guidelines," dated April 22, 2008. A California State Fire Marshal Task Force, comprised of members of the fire service and solar industry, developed the Guidelines. The guidelines require more stringent access requirements than the current requirements, but provide safety for firefighters working on roofs in fire conditions. The proposed Code requires the Fire Department to make the Guidelines available on its website.

The proposed Fire Code sets a new requirement related to maintenance of fire and life safety systems. Section 907.9.5 requires maintenance personnel to place a sticker on the fire alarm control panel cover that includes the service company name, phone number or contact information, and the date of the last inspection or testing. In practice, most service companies provide a sticker with this information already. The sticker is a quick way for a fire inspector to determine when the system was last inspected and tested, and also provides the Fire Department with a contact when a system is not functioning properly and no building owner or manager is available. A service tag or sticker is required for sprinkler and standpipe systems and this new requirement brings fire alarms into the requirement for consistency.

Background Information

Generally, the State of California adopts a new California Fire Code every three years, with the new code going into effect 180 days after publication. The 2010 California Fire Code will go into effect on January 1, 2011.

Local jurisdictions are required to enforce the California Fire Code. In addition, local jurisdictions may enact more restrictive building standards than those set in the California Fire Code, where those more restrictive standards are reasonably necessary because of local conditions caused by climate, geology or topography. Local jurisdiction may also impose

additional requirements not set in the California Fire Code. The Board of Supervisors must make express findings regarding the local conditions to support the more restrictive building standards. Local amendments to building standards are not effective until the required findings are adopted and sent to the California Building Standards Commission.

As in past code cycles, San Francisco will repeal its existing Fire Code and enact a new Fire Code. The San Francisco amendments are not integrated into the text of the California Fire Code but rather are separately printed. Therefore, the user must consult both the California Fire Code and the San Francisco Fire Code to determine the complete code requirements.