

## **LEGISLATIVE DIGEST**

[Fire Code - Repealing 2016 Code, Adopting 2019 Code]

**Ordinance repealing the existing San Francisco Fire Code in its entirety and enacting a new San Francisco Fire Code consisting of the 2019 California Fire Code and portions of the 2018 International Fire Code, together with amendments specific to San Francisco with an operative date of January 1, 2020; adopting findings of local conditions pursuant to California Health and Safety Code, Section 17958.7; directing the Clerk of the Board of Supervisors 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 safeguard 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 (the “2016 San Francisco Fire Code”) incorporates by reference the 2016 California Fire Code (Title 24, California Code of Regulations, Part 9), those portions of the 2015 International Fire Code not incorporated in the 2016 California Fire Code, and local amendments adopted by San Francisco.

### Amendments to Current Law

The 2019 San Francisco Fire Code enacted by this ordinance (the “2019 San Francisco Fire Code”) incorporates by reference the 2019 California Fire Code (Title 24, California Code of Regulations, Part 9) (the “2019 California Fire Code”), including appendices adopted by the State, except as expressly deleted, modified, or amended. In addition, the 2019 San Francisco Fire Code incorporates by reference those portions of the 2018 International Fire Code that were not adopted by the California Building Standards Commission in the 2019 California Fire Code. It also includes local provisions specific to San Francisco.

In general, the 2019 San Francisco Fire Code carries forward the 2016 San Francisco Fire Code with some modifications. Significant changes and new requirements are described below.

Section 106 of the 2019 San Francisco Fire Code revises only the section number referenced for various fees charged in connection with permits, plan review, overtime, and onsite

inspections, among other activities. These provisions were located in Section 113 of previous fire codes.

Section 110.4.2 provides that when a fire code official issues a notice of violation and sets a date for re-inspection to certify code compliance, the fire official shall charge a \$260 violation re-inspection fee for each re-inspection, required to be paid by the responsible person.

Section 110.4.3 specifies that violations of Orders to Abate and Orders to Vacate are punishable as either “infractions” or “misdemeanors.” In addition, Section 110.4.3 clarifies that an Order of Compliance shall be filed with the Assessor-Recorder to remove an Order to Abate or Vacate only after all associated fees, fines, and penalties have been satisfied.

Sections 110.4.3.1 through 110.4.3.3 set forth fees to be charged for activities during the Administrative Hearing process. Section 110.4.3.1 specifies that a \$130.00 fee shall be charged for processing the referral request to upgrade the original Notice of Violation to an Administrative Hearing due to the inability to abate the violation. Section 110.4.3.2 specifies that a \$390.00 fee shall be levied on the responsible party for each Administrative Hearing for each address listed on the agenda. Section 110.4.3.3 specifies that a \$130.00 fee shall be charged for each site reinspection to abate the violation during the Administrative Hearing process.

Sections 110.4.3.4, 110.4.4.1, 110.5.3, and 110.6.1 state that fees and fines levied shall be paid to the Fire Department, and that all revenue from those fees and fines shall be placed in a designated Bureau of Fire Prevention account to support community outreach, inspector personnel training, and other fire safety and prevention programs.

Section 110.6 updates the fees listed for an infraction under California Government Code Section 36900. Specifically, the Government Code fines shall not exceed \$130.00 for the first violation, \$700.00 for a second violation, and \$1,300.00 for each additional violation within one year, or \$2500.00 for each additional violation within two years.

Section 508 of the 2019 San Francisco Fire Code requires increased safety measures for the construction and operation of the Fire Command Center. Section 508.1.2 increases the fire command center construction fire rating from 1 hour to 2 hours in order to maintain the same fire rating that applies to shafts connecting the rest of the building with the command center. Section 508.1.6.1 adds a new requirement for high-rise buildings to post their existing fire alarm operational matrix to assist fire personnel in determining a building’s occupant evacuation protocol. Section 508.1.8 requires the command center to be constructed as watertight to prevent water intrusion from a sprinkler discharge or firefighting water from floors above the command center.

Section 903 adds specific qualifications for contractors and personnel installing, testing, and maintaining sprinkler systems, standpipes, and other automatic extinguishing systems. Section 903.3.10 requires that contractors, personnel, and companies installing automatic

extinguishing systems possess a C-16 (fire protection) contractor's license issued by the California Contractors State License Board (CA-CSLB). In addition, this Section requires that employees of C-16 licensed companies working on the installation maintain a valid Fire Sprinkler Fitter Certificate issued by the California Office of the State Fire Marshal (CAL-OSFM). Section 903.5.1 requires that contractors, personnel, and companies testing and maintaining automatic extinguishing systems must possess a C-16 (fire protection) contractor's license issued by the California Contractors State License Board (CA-CSLB). This Section further requires that employees of C-16 licensed companies testing and maintaining automatic extinguishing systems hold a valid Fire Sprinkler Fitter Certificate issued by the California Office of the State Fire Marshal (CAL-OSFM).

Section 907 adds specific qualifications for contractors and personnel installing, inspecting, testing, and maintaining life safety equipment including, but not limited to, fire alarms, elevator recall systems, and sprinkler monitoring systems. Section 907.1.6 requires that contractors, personnel, and companies installing fire alarms and detection systems possess a C-10 (electrical) contractor's license issued by the California Contractors State License Board (CA-CSLB). This Section further requires that employees of C-10 (electrical) licensed companies working on the installation of fire alarm and detection systems maintain a valid Electrician Certificate (fire alarms) issued by the California Department of Industrial Relations (CA-DIR). Section 907.8.7 requires that fire alarm inspection and testing reports for high-rise buildings state clearly how the fire alarm system's matrix was designed and approved to operate. Section 907.8.8 requires that contractors, personnel, and companies inspecting, testing and maintaining fire alarms and detection systems possess a C-10 (electrical) contractor's license issued by the California Contractors State License Board (CA-CSLB). This section further requires that employees of C-10 (electrical) licensed companies inspecting, testing and maintaining fire alarms and detection systems maintain a valid Electrician Certificate (fire alarms) issued by the California Department of Industrial Relations (CA-DIR). Section 907.8.5(c) adds service and contractor information to the existing service sticker placed on the exterior of the fire alarm control panel.

Section 1031.2.3 clarifies that all fire escapes shall be immediately accessible and not located behind a locked door that restricts access. There is an exception provided for buildings in which each unit has direct access to its own fire escape, not by way of the corridor.

Section 1104 adds requirements for materials used to construct existing fire escapes and the required examination for structural adequacy and safety of each. Section 1104.16.5 establishes that a design professional shall determine the structural adequacy of the fire escape if the original design calculations are unavailable for review. Section 1104.16.5.1 adds requirements that all fire escapes shall be examined every 5 years, or more frequently as requested by the fire code official, and the inspection report shall be maintained on-site and available for review.

Chapter 80 (Referenced Standards) of the 2019 San Francisco Fire Code modifies sections of 2016 NFPA 72 to assist with conflicting language for fire alarm sounding signals. Section

18.4.2.1 of NFPA 72 clarifies that the three-pulse temporal audible signal pattern for occupant evacuation shall not be used in those areas of buildings where occupants are required to relocate within the same building, while Section 24.4.8.3.1 clarifies that the relocation signal shall be repeated continuously and not discontinued after only three rounds.

### Background Information

The State of California adopts a new California Fire Code every three years. The California Building Standards Commission recently issued the 2019 California Fire Code, which is based on the 2018 International Fire Code, and which will go into effect on January 1, 2020.

Local jurisdictions are required to enforce the California Fire Code, but may enact more restrictive building standards than those set in the California Fire Code where those more restrictive standards are reasonably necessary due to local conditions caused by climate, geology, or topography. The Board of Supervisors must make express findings regarding the local conditions to support the adoption of 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 three-year code cycles, this ordinance repeals the 2016 San Francisco Fire Code and enacts the 2019 San Francisco 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 2019 California Fire Code and the 2019 San Francisco Fire Code to determine the complete code requirements.

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