October 18, 2022

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: First Reading of Ordinance Adopting Current Fire Codes

Dear Supervisors:

RECOMMENDATION: Read by title only a proposed Ordinance amending chapters 16.08 and 16.10, repealing Chapter 16.16 and re-enacting Chapter 16.16 of the Marin County Code (which includes amended Findings of Fact and Need), request the Clerk of the Board to have a summary of the proposed ordinance published on or before November 10, 2022 (at least 5 days prior to the merit hearing), request the Clerk of the Board to have a Notice of Hearing published two times prior to the hearing, and set merit hearing for 11:00 am on November 15, 2022.

SUMMARY: The proposed Ordinance adopts portions of the 2021 International Wildland-Urban Interface Code, the 2021 International Fire Code, and the 2022 California Fire Code with amendments, regarding fire prevention and fire safety regulations in structures and on property located within the jurisdiction of the Marin County Fire Department.

This adoption process is required of the Marin County Fire Department once every three years to stay current with the minimum requirements of the State of California Building and Fire standards as determined by the California Building Standards Commission. As such, over the last several months, all Fire Prevention staff in the county met several times and cooperatively reviewed the proposed amendments so as to make as consistent as possible our respective amendments to each jurisdiction’s adoptive local ordinances.

FISCAL IMPACT: There is no fiscal impact resulting from the first reading of the proposed ordinance. Staff will return to your Board on December 6th for the merit hearing that will include more detail on the proposed ordinance.

The primary significant changes to Marin County’s amendments to the Fire Code this code cycle are as follows:

- The Fire Prevention permit fee and Paramedic fee for service provisions were removed. A separate ordinance for these fees will be presented to the Board at a later date.
• Section 918 was added to address the installation of exterior wildfire protection systems.

• Section 1208 was added to update the requirements for the installation of residential emergency/back-up generators.

The following is a summary of the specific provisions of each section of the ordinance:


16.16.020. Establishes a Fire Prevention Bureau and establishes duties and enforcement authority under the supervision of the Fire Chief.


16.16.031-037. Establishes limits of Districts in which storage of flammable or combustible liquids in outside above ground tanks is prohibited; establishment of limits in which storage of liquefied petroleum gases is to be restricted; establishment of limits of Districts in which storage of explosives and blasting agents is to be prohibited; establishment of limits of Districts in which the storage of compressed natural gas is to be prohibited; establishment of limits of Districts in which the storage of stationary tanks of flammable cryogenic fluids is to be prohibited; and establishment of the limits of Districts in which the storage of hazardous materials is to be prohibited or limited.

16.16.040. Amends several specific sections of the 2022 California Fire Code and the 2021 edition of the International Fire Code: Permits; liability for incidents; enforcement authority; emergency access for Fire Department personnel to buildings and properties; fire alarm and protection systems; fire hydrant upgrades; fire sprinkler systems; public storage facilities; fire apparatus access roads; smoke detector and fire extinguisher documentation; parking of tank trucks transporting hazardous and flammable materials; and, corrective action requirements and public nuisance relative to clearance of brush and vegetative growth. Describes the penalties and procedures for issuing citations; imposition of penalties; provisions which constitute public nuisance and entitlements and collections of abatement and administrative costs by means of nuisance abatement lien.


16.16.050. Designates Chief Officers and other Fire Department, as well as law enforcement personnel specific authority to arrest and issue citations pursuant to violations of the International Fire Code and California Fire Code.
16.16.060-080. Details penalties for abatement actions and citations, repeals former ordinances, and establishes the validity of the adopted ordinance, respectively.

Included in this Ordinance adoption is a Resolution (attached) to adopt findings of fact (also attached). The governing body is required to adopt findings of fact pursuant to provisions of the California Health and Safety Code when building standards contained within the California Fire Code are more restrictive than minimum state standards. These adopted findings of fact are required to be filed with the California Building Standards Commission.

Finally, the Marin County Fire Department amends building standards for our fire sprinkler provisions and fire alarm monitoring requirements. Building & Safety references the Fire Department’s Title 16 provisions for fire sprinkler and fire alarm requirements to reduce confusion and ensure consistency with that of the Building & Safety’s Title 16 provisions.

This Ordinance must be adopted and placed in effect prior to January 1, 2020. Failure to do so will result in losing the Fire Department’s ability to enforce automatic fire sprinklers in new construction and of abatement procedures used to enforce vegetation management in the wild land-urban interface areas of our jurisdiction.

I would be pleased to meet with you to discuss any provisions of the proposed Ordinance.

FISCAL/STAFFING IMPACT: None

REVIEWED BY: [ ] Auditor-Controller [ ] N/A
[X] County Counsel [ ] N/A
[ ] Human Resources [ ] N/A

Respectfully Submitted,

Scott D. Alber, P.E., CFO, FM, MIFireE
Battalion Chief/Fire Marshal

cc: Chief Jason Weber

Attachment