ORDINANCE NO. 755

ORDINANCE REPEALING CHAPTER 15.21 OF THE HILLSBOROUGH MUNICIPAL CODE IN ITS ENTIRETY AND ADOPTING BY REFERENCE THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, 2018 EDITION, TOGETHER WITH CERTAIN ADDITIONS, DELETIONS AND CHANGES THERETO

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HILLSBOROUGH, as follows:

Section 1. Findings in support of local amendments.

The City Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Hillsborough, it is appropriate to adopt the International Wildland-Urban Interface Code, 2018 Edition, along with certain changes and modifications thereto, pursuant to the finding below.

For the purposes of this ordinance, the City Council of the Town of Hillsborough (the “Town”) hereby makes the following findings, as required by Section 17958.7 of the California Health and Safety Code:

“The City Council finds and declares that there are distinct and unique characteristics of the Town with regard to local climatic, geological, and topographical conditions which make it desirable for reasons of public health, safety, and welfare to adopt the provisions of this ordinance, which provide certain more stringent standards than those which would otherwise apply under the International Wildland-Urban Interface Code, 2018 edition. The below listed findings apply to all of the changes and modifications made to the International Wildland Urban Interface Code, 2018 edition, by this ordinance. Specifically, the Town finds as follows:

I. CLIMATIC CONDITIONS.

In the Town, normally the months of May through September have little to no rain and abundant sun, drying out the great quantities of vegetation present everywhere in Town and providing an extensive fuel source for fires.

II. GEOLOGICAL CONDITIONS.

The Town’s western boundary is within a few miles of the San Andreas Fault, one of the major seismic faults running through California. An earthquake along the San Andreas Fault, or along any of the other numerous seismic faults elsewhere in the Bay Area, could break gas, electrical, and water lines, increasing the chance of fires and impairing the ability to fight them. Experts have cautioned that one or more major earthquakes in the Bay Area, affecting the whole region, are inevitable and will probably happen sometime within the next several decades.
III. TOPOGRAPHICAL CONDITIONS.

The Town’s hilly topography, numerous cul-de-sacs, winding narrow roads, numerous canyons, high proportion of landscaped areas to hardscape areas within the developed portions of the Town, and substantial areas of open space with dense, natural vegetation all mean that there are substantial areas throughout Town where urban and wildland areas abut and which have the potential for fires that could spread quickly over a wide area and threaten many homes and inhabitants.”

Section 2. Municipal Code Chapter 15.21 Repealed and Replaced


Chapter 15.21

WILDLAND-URBAN INTERFACE CODE, 2018 EDITION

Sections:
15.21.010 Purpose.
15.21.020 Adoption.
15.21.032 Scope and General Requirements.
15.21.034 Enforcement Agency.
15.21.040 Appeals.
15.21.050 Penalties.
15.21.052 Stop Work Order.
15.21.060 Definitions.
15.21.070 Declaration.
15.21.080 Driveways.
15.21.090 Special Building Construction Regulations.
15.21.100 Defensible Space.
15.21.110 Amendment Procedures.

15.21.010 Purpose.

The purpose of this chapter is to promote the public health, safety, and welfare by helping prevent the spread of fire from the Town’s wildland areas to the Town’s inhabited areas and vice versa and to provide a system for the issuance of permits and collection of fees in furtherance of these purposes, all of which is consistent with Action PS-1.3 of the Town’s general plan, which provides, inter alia, that “The Town will work with the Central County Fire Department to review and update, if necessary, the Town’s and Department’s regulations and approach regarding defensible space, fire resistive vegetation, wildland mitigation, and fire protection within Hillsborough to ensure adequate fire protection. Since the Town is mainly residential, the focus of this review will be on reducing the risk of fire to and resulting from individual residential properties.
15.21.020 Adoption.
A. The town adopts and incorporates, as fully as if set out at length herein, the International Wildland-Urban Interface Code, 2018 Edition, known as the Wildland-Urban Interface Code (“WUI”), as published by the International Code Council, not including Chapter 5 and including Appendices A, B, and F (but not including Appendices C, D, E, G, H which are not adopted), for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures and fire from adjacent structures and for preventing structure fires from spreading to wildland fuels and for the issuance of permits and collection of fees therefor. The provisions of the WUI (references to which shall be deemed to include the adopted Appendices), as amended herein, shall be controlling within the Town.

B. A copy of the WUI, together with a copy of Section 15.21 of the Hillsborough Municipal Code (HMC), as may be amended from time to time, or successor provision, shall at all times be kept on file in the office of the City Clerk of the Town.

C. In the event of any conflict or inconsistency between the provisions of the HMC and the WUI, that requirement which establishes the higher degree of safety, in the good faith judgment of the Fire Chief of the Central County Fire Department, shall control.

D. Any work approved by the architecture and design review board or having a valid building permit after the effective date of this ordinance shall be subject to these requirements.

E. Specific parcels of wildland-urban interface areas shall be as shown on the wildland area interface map attached here to as Exhibit A. The legal description of such areas is as described as follows: (1) All parcels identified as Very High Fire Hazard Severity Zones as recommended by the Director of California Department of Forestry and Fire Protection and as designated on a map titled Fire Hazard Severity Zones in LRA, Hillsborough, and (2) All parcels identified as High and Very High Fire Hazard Severity Zones consistent with California Department of Forestry and Fire Protection standards for determining Fire Hazard Severity Zones by the Town of Hillsborough’s Community Assessment conducted in 2018. For the purposes of this Chapter, those parcels shall be designated as “Wildland Urban Interface Areas”.

The WUI is hereby amended in its application to the Town as set forth in Sections 15.21.032 through 15.21.110.

15.21.032 Scope and General Requirements.
Section 101.1 is amended to insert “Town of Hillsborough.”

15.21.034 Enforcement Agency.
Section 103.1 is amended to insert “Central County Fire Department.”

15.21.040 Appeals.
Section 104.1 and 104.2 are deleted and replaced with the following:

104. General. If the code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the code official to the city manager of the Town within thirty days from the date of the decision being appealed.
15.21.050    Penalties.
Section 110.4.7 is deleted and replaced with the following:

110.4.7   Penalties. Any person who violates any provision of this chapter, or who fails to comply therewith, shall be guilty of a misdemeanor, punishable as set forth in Chapter 1.08 of the HMC. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and the violator shall be required to correct or remedy such violation promptly.

15.21.052    Stop Work Order.
Section 114.4 is deleted in its entirety and replaced with the following:

114.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to applicable fines as outlined in the adopted Town of Hillsborough or Central County Fire Department fee schedules.

15.21.060    Definitions.
Section 202 is amended by adding the following definition:

SUBSTANTIAL REMODEL:
The renovation of any structure, which combined with any additions to the structure, affects the exterior wall plane surfaces greater than twenty-five percent of the existing exterior wall area of the structure.

“Affects the exterior wall plane surfaces” means either that no studs remain or that if some studs remain, the wall except for the studs has been stripped bare such that one can see through the wall. Any portion of an exterior wall so described shall be included in the calculation. This definition does not apply to the replacement and upgrading of residential roof coverings, windows and doors.

15.21.070    Declaration.
Section 302.1 is deleted and replaced with the following:

302.1. Declaration. The city council of the Town shall declare the wildland-urban interface areas within the jurisdiction. The wildland-urban interface areas shall be based on the Very High Fire Hazard Severity Zones (VHFHZS) as recommended by the Director of the California Department of Forestry and Fire Protection. In addition to those VHFHZS areas, the Town includes all parcels identified as High and Very High Fire Hazard Severity Zones as identified consistent with California Department of Forestry and Fire Protection standards for determining Fire Hazard Severity Zones by the Town of Hillsborough Community Assessment conducted in 2018.

15.21.080    Driveways.
Section 403.2 is deleted in its entirety and replaced with the following:
403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45,720 mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 14 feet (4,268 mm) and a minimum unobstructed height of 13 feet 6 inches (4,115 mm). Driveways in excess of 150 feet (45,720 mm) in length shall be provided with turnarounds. Driveways in excess of 200 feet (60,960 mm) in length and less than 20 feet (6,096 mm) in width shall be provided with turnouts in addition to turnarounds.

Unless otherwise approved by the Fire Department, all new or reconfigured driveways shall have a minimum width of fourteen (14) feet (HMC §12.12.050(E)), with a maximum slope of 16%, except that the first fifteen (15) feet shall have a slope no greater than 5%.

A driveway shall not serve in excess of five structures.

Exception: When such driveways meet the requirements for an access road in accordance with the International Fire Code.

Driveway turnarounds shall have inside turning radii of not less than 30 feet (9,144 mm) and outside turning radii of not less than 45 feet (13,716 mm). Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Driveway turnouts shall be an all-weather road surface at least 10 feet (3048 mm) wide and 30 feet (9,144 mm) long. Driveway turnouts shall be located as required by the code official.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be designed to support the weight of apparatus at no less than 65,000 pounds.

15.21.090 Special Building Construction Regulations.
Chapter 5 of the WUI is deleted in its entirety and replaced with Chapter 7A, Title 24, Part 2 California Building Code, 2016 Edition.

All new materials installed on buildings on any remodel within designated Wildland Urban Interface Areas shall be compliant with Chapter 7A, Title 24, Part 2 California Building Code, 2016 Edition.

15.21.100 Defensible Space.
Section 603 is amended by amending 603.2 and by adding Sections 603.3 through 603.9.

603.2 Fuel Modification. All properties shall perform fuel modification of combustible vegetation for defensible space as follows:
(a) All parcels less than five (5) acres in size shall provide fuel modification to the entire parcel in accordance with 603.2.1 through 603.2.3.
(b) All parcels five (5) acres or larger in size shall provide fuel modification:
1. Around all structures for a distance of one-hundred (100) feet or to the lot line, whichever is less.
2. Around the perimeter of all parcel lines for a distance of one-hundred (100) feet in accordance with 603.2.1 through 603.2.3.

The fuel modification distance shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. The distance of 100 feet is allowed to be increased by the code official because of a site-specific analysis based on local conditions.

603.3 Maintenance of Defensible Space. All properties shall conduct property maintenance in accordance with Section 604 annually of each calendar year and whenever it is deemed necessary due to fire conditions as determined by the Chief.

603.4 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists upon any parcel or premises any conditions or violations of this code that make the premises unsafe, dangerous or hazardous, the fire department shall have the authority to enter the parcel or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If the parcel or premises is occupied, the fire code official shall first present credentials to the occupant and request entry. If such parcel or premises is unoccupied, the fire department official shall first make a reasonable effort to locate the owner, the owner’s authorized agent or other person having charge or control of the parcel or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

603.4.1 Warrant. Where the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person having charge, care of or control of the parcel or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to the code.

603.5 Authority to Inspect. The fire code official is authorized to enter and examine any parcel or premises in accordance with Section 603.4.1 for the purpose of enforcing this code.

603.5.1 The fire code official will enter properties or parcels without restricted access shall inspect only those areas of a property or parcel necessary to determine compliance with this code.

603.5.2 The fire code official is authorized to gain access to properties or parcels with restricted access utilizing fire department access key switches or locks as required by HMC §15.20.055.
603.5.3 The fire code official is authorized to utilize unmanned aerial vehicles whenever property conditions due to topography, vegetation density, pets, or landscape hinder inspection.

603.6 Inspection. The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this code and to approve reports of inspection by approved agencies or individuals. Reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a reasonable officer of such approved agency or by the responsible individual. The fire code official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the governing body.

603.7 Inspection Fee. Each property inspected in accordance with this chapter shall pay the cost of inspection at a rate consistent with the Town of Hillsborough Master Fee Schedule. Billing for inspections shall occur within 30 days of completion of the final inspection.

Exception: Properties that are in compliance with HMC §15.21.100 at the time of initial inspection shall be charged 50% less the cost of inspection.

603.8 Notice – Required.

(a) If any person owning, occupying, renting, managing or controlling real property in the town fails to remove therefrom and from the portions of streets adjoining such property all weeds and rubbish in accordance with the provisions of this chapter, it shall be the duty of the fire chief to notify such person to remove the same. Such notice shall be in writing and shall be deposited in the United States Post Office at Hillsborough, California, with first class postage prepaid and addressed to such owner, occupant, tenant, manager or controlling person at his or her last known place of address. Notwithstanding the foregoing and in any event, a copy of such notice shall be mailed to the owner of such real property at his or her last known place of address as shown on the assessment roll of the San Mateo County assessor. If such real property is occupied and the mailing address thereof is different from that of the owner on such assessment roll, then an additional copy shall be similarly mailed to the occupant of such property at the mailing address thereof.

(b) Any notice given pursuant to this section shall contain a description of such property, which description may be:
1. The number of the lot and block and the name of the map, tract or subdivision in which such real property lies; or
2. The street and number thereof; or
3. Any other description by which the property may be reasonably and readily identified.
603.9 Notice – Contents.
Notice required by this chapter shall be given by mailing of notice in substantially the following form:

NOTICE TO REMOVE COMBUSTIBLE VEGETATION AND LIMB UP TREES—PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN that Hillsborough Municipal Code Section 15.21.100 requires you as the [owner/occupant] of the real property identified as parcel # ____________ on the records of the San Mateo County Assessor's office, to remove the seasonal and recurrent brush, grass, debris, weeds, dead or dying trees and limb up trees so the lowest branch is trimmed at least six feet above the floor on your property if less than five (5) acres or for parcels in excess of five (5) acres along a swath of one-hundred (100) feet around all structures and along the perimeter of the property that pose a fire hazard to you and neighboring residents, and which are declared a public nuisance under the terms of Hillsborough Municipal Code Section 15.21.100.

If you do not remove such brush, grass, debris, weeds, dead or dying trees and other accumulations within thirty (30) days of the date of this notice, the property shall be declared a “Nuisance” in accordance with Section 8.16.035 of the Hillsborough Municipal Code, and a citation will be issued. If the nuisance condition(s) continue to exist for more than ten days after the citation has been issued, the property will be subject to review by an Administrative Abatement Hearing Panel in accordance with Section 8.16.050 of the Hillsborough Municipal Code, to determine whether the condition(s) do in fact constitute a public nuisance, the abatement of which is appropriate.

15.21.110 Amendment Procedure.
When, in the judgment of the building department or the Central County Fire Department, it is reasonably necessary to amend the provisions of the WUI due to local climatic, geological, or topographical conditions, the Fire Chief of the Central County Fire Department shall prepare and submit the proposed amendments to the City Council for consideration. Before adopting any changes or modifications in the requirements contained in the provisions published in the WUI, or in any other regulations adopted hereunder, the city council shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions. Each finding shall indicate which change or modification the finding applies to. Upon approval by the City Council and filing of the City Council’s findings with the State Department of Housing and Community Development, such amendments shall be added to and become a part of the provisions of this chapter.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be unconstitutional or otherwise invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the Town hereby declares that it would have adopted the remainder of this ordinance, including each section, subsection, sentence, clause, phrase, or portion irrespective of the invalidity of any other article, section, subsection, sentence, clause, phrase, or portion.
Section 4. This ordinance shall be printed and posted upon the three official bulletin boards of the Town and shall be effective thirty days after adoption.

Mayor of the Town of Hillsborough

Attest: City Clerk

ORDINANCE NO. 755 of the Town of Hillsborough introduced on May 13, 2019, and adopted on June 10, 2019, by the following vote of the City Council:

AYES: Councilmembers Christianson, Royse, Benton, Chuang, May

NOES: Councilmembers None

ABSENT: Councilmembers None

ABSTAIN: Councilmembers None