

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



January 27, 2014

Jeffrey A. Davidson, Fire Chief  
Fire Department  
City of Mill Valley  
1 Hamilton Drive  
Mill Valley, CA 94941

RE: Ordinance #1262

Dear Mr. Davidson:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 9, 2014.

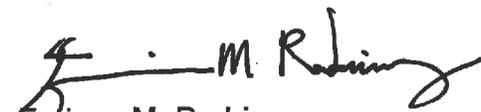
Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



## MILL VALLEY FIRE DEPARTMENT

1 Hamilton Drive, Mill Valley, CA 94941  
(415) 389-4130 Fax: (415) 389-4186

Jeff Davidson  
Fire Chief

2014 JAN -9 A. 11:22  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

January 6, 2014

State of California  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Ladies and Gentlemen:

On October 21, 2013 the City Council of the City of Mill Valley held a first reading of the attached ordinance and a subsequent public hearing on November 18, 2013. This ordinance, #1262 is now in effect in the City of Mill Valley. This ordinance adopts the 2013 Edition of the California Fire Code, with certain local amendments and additions.

Pursuant to Section 1.1.8 of the 2013 Edition of the California Fire Code, I am enclosing our facts of findings and ordinance to be kept on file with your office.

These facts of findings are included within the body of the ordinance in Section 1, 15.04.010.

Please let me know if additional information is needed.

Sincerely,

Jeffrey A. Davidson, CFO, EFO, FM  
Fire Chief  
Mill Valley Fire Department  
[jdavidson@cityofmillvalley.org](mailto:jdavidson@cityofmillvalley.org)

Enclosures: City Ordinance 1162 – Fire Code

**ORDINANCE NO. 1262**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AMENDING CHAPTERS 14.05 and 15.04 OF THE MILL VALLEY MUNICIPAL CODE, ADOPTING THE 2013 CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, EXISTING BUILDING, GREEN BUILDING STANDARDS, AND REFERENCED STANDARDS CODES, AND ADOPTING THE 2013 CALIFORNIA FIRE CODE AND PORTIONS OF THE 2012 INTERNATIONAL FIRE CODE PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS, ESTABLISHING A FIRE PREVENTION BUREAU AND DEFINING ITS POWERS AND DUTIES.**

THE CITY COUNCIL OF THE CITY OF MILL VALLEY does hereby ordain as follow:

**SECTION 1: Chapter 15.04 of the Mill Valley Municipal Code is hereby deleted and replaced to read as follows:**

15.04.010: Justification

The City Council recognizes that the City of Mill Valley has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush-covered slopes; narrow winding streets used by residents of the area and the Fire Department for ingress and egress, steep hills which hinder Fire Department response time; older and inadequate water systems in certain areas of the community; and the location of buildings and structures with relation to these dangerous areas.

The City Council also recognizes that a great number of structures located within the City of Mill Valley were built in the late 1800's and early 1900's, thus lacking the built-in protection of modern construction. Many of the residential structures had been built on steep slopes with boxed canyons and large percentages are located in areas of heavy natural growth. Many structures (new and old) are constructed of highly combustible material, which offer little resistance to fire and could contribute to the spread of fire.

The City Council also recognizes the fact that the community has been plagued many times in the late 1800's and early 1900's by brush and forest fires, which not only threaten destruction, but on a number of occasions devastated large portions of the town. The desire of the community to preserve natural vegetation has resulted in the encroachment of brush and grass on fire roads, trails, breaks and streets within the City, thus rendering such separations ineffective against the spread of fires. Natural growth, which is highly flammable during the summer and fall months, encroaches upon many properties, thus posing a potential fire threat to many structures and creating a substantial hindrance to the control of such fires.

The City Council also recognizes that the geological features create an increased risk from flooding, hillside runoff and debris flows due to a combination of factors including periodic heavy winter rainfalls and tidal fluctuations. Low lying areas can also subject to liquefaction following an earthquake.

The City Council recognizes that, in the event that the Fire Department is called to respond to a fire emergency in any of these areas, its response time to an emergency is increased by reason of the difficulties herein stated. In recognition thereof and acting pursuant to California Health and Safety Code Section 17958.5 and 17958.7, the City Council finds that the fire protection requirements of this ordinance as such requirements modify state required

regulations adopted pursuant to the California Health and Safety Code Section 17922 are hereby reasonably necessary because of local climatic, geological and topographical conditions.

Pursuant to Section 1.1.8 and 1.1.8.1 of the 2013 California Fire Code and based on findings of facts relative to Climate, Topography or Geology, the following table represents findings for each addition, deletion or amendment:

Chapter	Climate	Topography	Geological
<b>1 – Administration</b>			
• 102.5	X	X	
• 102.7.3	X	X	
• 104.1.1	X	X	
• 104.12	X	X	
• 104.13	X	X	
• 105.6.47	X	X	
• 105.7.17	X	X	
• 109.4.2	X	X	
<b>2 – Definitions</b>			
• 202 (C)		X	
• 202 (F)		X	
• 202 (P)		X	
• 202 (S)		X	
• 202 (T)		X	
<b>3- General Requirements</b>			
• 319.1	X	X	
• 319.2	X	X	
• 319.3	X	X	
• 319.4	X	X	
<b>4- Emergency Planning and Procedures</b>			
• 401.1.1	x	x	x
• 402.1	X	X	X
• 408.1.1	X	X	X
• 408.8.4	X	X	X
<b>5 – Fire Service Features</b>			
• 501.4	X	X	X
• 503.1.4	X	X	X
• 503.1.5	X	X	X
• 503.2.6.1	X	X	X
• 503.4	X	X	X
• 503.4.2	X	X	X
• 503.6.1	X	X	X

• 503.6.2	X	X	X
• 506.1	X	X	X
• 507.1.1	x	x	x
• 507.5.1	X	X	X
• 507.5.7	X	X	X
<b>6 – Building Services and Systems</b>			
• 605.11	X	X	X
• 605.11.2	x	x	x
• 605.11.2.1	X	x	x
• 605.11.5	X	X	X
<b>9 – Fire Protection Systems</b>			
• 901.7	X	X	
• 903.2	X	X	
• 903.3	X	X	
• 906.11	X	X	
• 907.2.11	X	X	
• 907.9.5.1	X	X	
<b>49 – Requirements for WUI Areas</b>			
• 4906.2	X	X	X
• 4907.1	X	X	X
• 4907.2	X	X	X

**15.04.020: Adoption of the California Fire Code and International Fire Code**

The City Council of Mill Valley hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the following:

1. The 2013 California Fire Code, which consists of certain portions of the 2012 edition of the International Fire Code as amended by the California Building Standards Commission, including:
  - a. Division II of Chapter 1, except Section 108.
  - b. Appendix 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,
  - c. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
  - d. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
  - e. Appendix F HAZARD RANKING,
  - f. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS;
  - g. Appendix K TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES.
2. The 2012 edition of the International Fire Code published by the International Fire Code Council, Inc. to the extent that such Code is not inconsistent with the 2013 California Fire Code.

Collectively, these Codes and Standards are hereby adopted and incorporated fully as if set out at length herein and shall be known as the Mill Valley Fire Code. Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Mill Valley Fire Department (1 Hamilton Dr. Mill Valley, CA 94941).

15.04.030: Establishment and duties of the division of the Fire Prevention Bureau

The Mill Valley Fire Code shall be enforced by the Fire Marshal of the Mill Valley Fire Department and shall be operated under the supervision of the Fire Chief of the Mill Valley Fire Department.

15.04.040: Definitions

Wherever they appear in the California and International Fire Code, unless otherwise provided, the following words shall have the meanings ascribed to them in this section:

- (a) Whenever the words "Fire Code" or "This Code" are used they shall mean those Codes and Standards adopted in Section 1 of this Ordinance.
- (b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the City of Mill Valley.
- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the City of Mill Valley.
- (d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the "Fire Chief or the Fire Marshal of the Mill Valley Fire Department or his or her designee."
- (e) Whenever the words "geographic limits" are used they shall mean the City of Mill Valley.

15.04.050: Establishment of the geographic limits in which the storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited.

The geographic limits referred to in Section 5704.2.9.6 of the 2013 California Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas and agricultural land of less than two (2) acres.

15.04.060: Establishment of the geographic limits in which the storage of Class I and Class II and Class III liquids in aboveground tanks is prohibited.

The geographic limits referred to in Section 5706.2.4.4 of the 2013 California Fire Code in which storage of Class I and Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas and agricultural land of less than two (2) acres.

15.04.070: Establishment of the geographic limits in which the store of liquefied petroleum gases is to be restricted.

The geographic limits referred to in Section 6104.2 of the 2013 California Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas.

15.04.080: Establishment of the geographic limits in which the storage of explosive and blasting agents is to be prohibited.

The geographic limits referred to in Chapter 56 and in Section 3701 of the International Fire Code in which storage of explosives and blasting agents is prohibited, are amended as follows: In all residential areas and in commercial areas .

15.04.090: Establishment of the geographic limits in which the storage of compressed natural gas is to be prohibited.

The geographic limits referred to in Section 5301.1 of the International Fire Code in which the storage of compressed natural gas is prohibited, are hereby established as follows: In all residential areas and in commercial areas.

15.04.100: Establishment of the geographic limits in which the storage of stationary tanks of flammable cryogenic fluids is to be prohibited.

The geographic limits referred to in Section 5806.2 of the 2013 California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all residential areas and in commercial areas.

15.04.110: Establishment of the geographic limits in which the storage of hazardous materials is to be prohibited or limited.

The geographic limits referred to in Section 5001.1 of the California Fire Code in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: In all residential areas and in commercial areas.

15.04.120: Amendments made to the 2013 California Fire Code and the adopted portions of the 2012 International Fire Code.

The 2013 California Fire Code and the adopted portions of the 2012 International Fire Code, as applicable, are amended and changed in the following respects:

Section 102.5 of Chapter 1 is hereby amended to read as follows:

- **102.5 Application of 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. **Construction and designed 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 when specifically required by this code including, but not limited to, Section 903.2 shall apply. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall also apply.
  2. **Administrative, operational, and maintenance provisions:** all such provisions of this code shall apply.

Section 102.7.3 is hereby added to Chapter 1 and shall read as follows:

- **Section 102.7.3 Nationally Recognized Listed Products.** Any installation of products and equipment due to permits required by this code shall be Labeled and Listed, as defined in Section 202.

Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:

- **Section 104.1.1 Supplemental Rules, Regulations and Standards.** The Fire Code Official is authorized to render interpretations of this Code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards to carry out the application and intent of its provisions.

Section 104.12 is hereby added to Chapter 1 and shall read as follows:

- **Section 104.12. Damages and expense recovery.** The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

Section 104.13 is hereby added to Chapter 1 and shall read as follows:

- **Section 104.13. Fire prevention resource sharing.** Other enforcement agencies shall have authority to render necessary assistance in plan review, inspection, code interpretation, enforcement and other fire prevention services when requested to do so.

Section 105.6.47 of Chapter 1 is hereby amended by adding the following additional operational permits:

**4. Aircraft refueling vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 20.

**5. Cellulose nitrate storage.** An operational permit is required to store or handle more than 25 pounds of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin).

**6. Fireworks.** An operational permit is required to store and use fireworks for public display.

**7. Fire Protection Plan.** An operational permit is required to implement a fire protection plan.

**8. Radioactive material.** An operational permit is required to store or handle at any installation more than 1 micro curie (37,000 Becquerel) of radioactive material not contained in a sealed sources or more that 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

Section 105.7.17 is hereby added to Chapter 1 and shall read as follows:

- **Section 105.7.17 Vegetation management plan.** A construction permit is required to implement a vegetation management plan.

Section 109.4.2 is hereby added to Chapter 1 as follows:

- **Section 109.4.2 Abatement of clearance of brush or vegetative growth from structures.** The City Council is authorized to instruct the Chief to give notice to the owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3 and section 4907.1 of Chapter 49 exists to correct such conditions. If the owner fails to correct such conditions, the City Council is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists, in accordance with Title 8 of the City of Mill Valley Municipal Code.

Section 202 (C) of Chapter 2 is hereby amended by adding the definition of 'coverings' as follows.

- **Coverings** shall mean materials including, but not limited to gypsum board, paneling, floor boards, lathe and plaster, wood paneling, brick and mortar, or other materials attached to rough framing of the building elements. 'Coverings' do not include carpet, linoleum, tile, wall paper, or other decorative finishes.

Section 202 (F) of Chapter 2 is hereby amended by adding the definition of 'fire road' as follows:

- **Fire Road** shall mean those improved or unimproved roads, public or private, that provide access for firefighting equipment and personnel to undeveloped areas.

Section 202 (P) of Chapter 2 is hereby amended by adding the following definition of "Public Storage Facility" as follows:

- **Public Storage Facility** shall mean any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

Section 202-(S) of Chapter 2 is hereby amended by adding the definition of 'second unit,' 'spark arrestor,' and 'substantial remodel' as follows:

- **Second Unit** shall mean an attached or detached additional dwelling unit which provides complete independent living facilities, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.
- **Spark Arrestor** shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

- **Substantial Remodel** shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area, which exceeds fifty percent of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings (see Section 202[C]), 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 the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 202 (T) of Chapter 2 is hereby amended by adding the following definition of "Temporary" as follows:

- **Temporary** shall mean any use for a period of less than 90 days.

Section 319 is hereby added to Chapter 3 and shall read as follows:

#### Section 319 PUBLIC STORAGE FACILITIES

- **Section 319.1 General.** Public Storage Facilities shall comply with the provisions of this section.
- **Section 319.2. Location on Property and Fire Resistance of Exterior.** All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.
- **Section 319.3. Fire apparatus access.** All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503
- **Section 319.4. Storage of Flammable and Combustible Liquids and Hazardous Materials.** The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 57 of this code.

Section 401.1.1 is hereby added to Chapter 4 and shall read as follows:

- **Section 401.1.1 Hazardous Occupancies.** In occupancies of a hazardous nature, where access for fire apparatus is unduly difficult, or where special life and fire safety hazards exist as determined by standards of the Mill Valley Fire Department, that facility or business management shall be required to develop and implement an Emergency Response Plan, provide for an on-site Emergency Response Team, Emergency Liaison Officer, staff training and fire drills in accordance with Sections 405 and 406 and standards developed by the Mill Valley Fire Department.

Section 402.1 of Chapter 4 is hereby amended by adding the definition of 'Pre-plans' as follows:

- **Pre-plans** shall mean detailed plans of target hazard buildings. These pre-plans include information on the building's location, occupancy, hazards, fire department connections and hydrants, building layout, and other pertinent data that would assist the fire department in case of an emergency.

Section 408.1.1 is hereby added to Chapter 4 and shall read as follows:

- **Section 408.1.1 Pre-plans:** When required by the fire code official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.

Section 408.8.4 is hereby added to Chapter 4 and shall read as follows:

- **Section 408.8.4. Emergency Preparedness for Hotels, Lodging and Congregate Houses.** Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

Section 501.4 of Chapter 5 is hereby amended to read as follows:

- **501.4 Timing of installation.** When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2. Failure to comply with this section upon written or verbal notice from the Chief shall result in a Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

Section 503.1.4 is hereby added to Chapter 5 and shall read as follows:

- **Section 503.1.4 Fire Roads (see Section 202[F]).** Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the City of Mill Valley so as to gain access to improved, unimproved, and undeveloped areas of the City of Mill Valley, in a manner approved by the Chief. Any vehicle causing such an obstruction may be towed away at the owner's expense.

Section 503.1.5 is hereby added to Chapter 5 and shall read as follows:

- **Section 503.1.5 Truck company access.** For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Fire Code Official.

Section 503.2.6.1. is hereby added to Chapter 5 and shall read as follows:

- **Section 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 Chief.

Section 503.4 of Chapter 5 is amended to read as follows:

- **503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Any vehicle causing such an obstruction may be towed away at the owner's expense.

Section 503.4 is hereby added to read as follows:

- **Section 503.4.2 Prohibition on Vehicular Parking on Private Access-ways.** If, in the judgment of the Chief, it is necessary to prohibit vehicular parking along private accessways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the 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. It shall thereafter 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 accessway may be towed away at the expense of the owner of the vehicle.

Section 503.6.1 is hereby added to Chapter 5 and shall read as follows:

- **503.6.1 Width.** All gates shall open fully to provide an unobstructed passage width of not less than two (2) feet (609mm) wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of thirteen feet, six inches (13' 6".)

Section 503.6.2 is hereby added to Chapter 5 and shall read as follows:

- **Section 503.6.2 Electronic gates.** All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards adopted by the Chief.

All electronic or motorized gates shall incorporate in their design that means for fast, effective manual operation of the gates in the event of power or mechanical failure (i.e., easily removable hinge pins for separating powered linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

Section 506.1 of Chapter 5 is hereby amended and shall read as follows:

- **Section 506.1 Key Entry Systems. General.** When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, or in commercial structures that have an automatic fire sprinkler system or fire alarm system installed, the Fire Chief is authorized to require a key entry system to be installed in an accessible location. The key entry system shall be of an approved type and if it is a box shall contain keys necessary to gain access as required by the Chief.
- All costs associated with the required emergency access provision of this section shall be borne by the owner of the security gate and appurtenances.

Section 507.5.1.2 of Chapter 5 is hereby amended and shall read as follows:

**Section 507.5.1.2 Hydrant for sprinkler systems.** Buildings equipped with a sprinkler system installed in accordance with Section 903 shall have a fire hydrant within 100 feet (30,480mm) of the fire department connections.

Exception: the distance shall be permitted to exceed 100 feet (30,480mm) where approved by the Fire Marshal.

Section 507.5.1 of Chapter 5 is hereby amended and shall read as follows:

- Section 507.5.1 When required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Section 507.5.7 is hereby added to Chapter 5 and shall read as follows:

- Section 507.5.7 Fire hydrant upgrades. When additions or modifications to structures are made as defined in Section 202(S) of Chapter 2, the nearest fire hydrant (if a new one is not required) located by the Chief, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the minimum standard of one 4 1/2" outlet and two 2 1/2" outlets for commercial structures.

Exception: If the cost of upgrading the fire hydrant exceeds 2% of the cost of the project based on the building permit valuation.

Section 605.11.2.1 is hereby added to Chapter 6 and shall read as follows:

- 605.11.2.1 Required Conduit. All wiring that may contain electrical potential when the alternate service disconnect has been activated, (such as the wiring between the solar arrays and the DC electrical disconnect on a photovoltaic system) shall be completely contained in metal conduit.

Section 605.11.5 is hereby added to Chapter 6 and shall read as follows:

- 605.11.5 Disconnect. The electrical service disconnect for the alternative power supply shall be located within eight feet from the P. G. & E. electrical service disconnect on the same or an adjacent exterior wall. The disconnect shall be accessible to emergency personnel from the exterior without the use of ladders or other special equipment.

Exception: Enphase or similar technology for solar equipment that de-energizes the system at the roof panels upon loss of A/C reference leaving no energized electrical potential inside the structure when the main breaker is tripped.

Section 605.11.5.1 is hereby added to Chapter 6 and shall read as follows:

- 605.11.5.1 Warning Sign. The following wording shall be placed on a permanent sign attached at the main electrical disconnect from P.G. & E. The sign shall be red background with white letters or a white background with red letters. Minimum size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.

**WARNING:**

This building supplied with an alternative power source. Alternate disconnect is: (describe location - on the right, below etc.) of this main disconnect. Both must be used.

Section 605.11.6 is hereby added and shall read as follows:

- **Section 605.11.6 Alternative Power Supplies.** The use of an electrical power supply, (including but not limited to; photovoltaic, wind, geothermal or fuel fired generators) other than the community's commercial source, shall comply with section 605.11.1 through 605.11.3 to the extent applicable.

Section 901.7 of Chapter 9 is hereby amended by adding the following sentence to the end of the paragraph:

- This section shall also apply to residential fire sprinkler systems.

Section 903.2 of Chapter 9 is hereby amended to read as follows:

- **Section 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 and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
  - b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet (18,288mm) in all directions and not exceeding 25 feet (7,620mm) in height, and located within an Agricultural zone as defined in the Marin County Planning Code.
2. In newly created second units.
  3. In all buildings which have more than fifty per cent (50%) floor area added or any "substantial remodel" as defined in this code (see Section 202[S]), within any 36 Month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.
  4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 36 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Chief.
  5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

Section 903.3 of Chapter 9 is hereby amended by adding the following:

- The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive substitution if otherwise allowed by sections 504 and 506 of the Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

a. In all residential buildings required to be sprinkled any attached garages shall also be sprinkled, and except for single family dwellings, in all residential occupancies the attics shall be sprinkled.

b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.

c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R.

d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

Section 906.11 of Chapter 9 is added to read as follows:

- **Section 906.11. Fire Extinguisher Documentation.** The owner and/or operator of every Group R Division 1 and Group R Division 2 occupancies shall annually provide the Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in-lieu of common areas.

Section 907.2.11 of Chapter 9 is hereby amended by changing the first sentence of the exception to read as follows:

- **EXCEPTION:** For group R occupancies other than single family dwellings.

Section 907.8.5.1 is hereby added to Chapter 9 and shall read as follows:

- **Section 907.8.5.1 Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 4906.2 subsection 2 of Chapter 49 is amended to read as follows:

- Land designated as a Wildland-Urban Interface Area by the local enforcing agency to be at a significant risk from wildfires and lands designated as Very-High Fire Hazard Severity Zones by cities and other local agencies.

Section 4907.2 is hereby added to Chapter 49 and shall read as follows:

- **Section 4907.2 Fire Hazard Reduction.** Any person who owns, leases, controls or maintains any building or structure and/or lands within specific Wildland Urban Interface areas of the City of Mill Valley shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves

and needles from roof and gutters. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2006 International Wildland-Urban Interface Code, as amended by the City of Mill Valley.

**EXCEPTION 1:** When approved by the fire code official, single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

**EXCEPTION 2:** When approved by the fire code official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize soil, and prevent erosion.

**15.04.130: Authority to arrest and issue citations**

- (a) The Fire Chief, Chief Officers and Fire Officers shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the California Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, 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.
- (b) It is the intent of the Mill Valley Fire Department that the immunities provided in Penal Code Section 836.5 be applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

**15.04.140: Penalties**

Violations of the Mill Valley Fire Code are declared to be a public nuisance, which may be abated pursuant to Chapter 8.4 of the City of Mill Valley Municipal Code, and which may be punished as a misdemeanor or infraction as provided in Chapter 8.3, and/or subject to administrative citation, administrative fine and/or civil penalties pursuant to Chapter 8.2 of the City of Mill Valley Municipal Code. For the purposes of enforcing the Mill Valley Fire Code, the designated code enforcement officer shall be the Mill Valley Fire Marshal as provided by Section 15.04.030 of the City of Mill Valley Municipal Code.

**15.04.150: Appeals**

- (a) Appeals of orders or determinations made by the designated code enforcement officer relative to the application and interpretation of the Mill Valley Fire Code shall be made through a request for an Administrative Appeal Hearing pursuant to Section 8.2.090(A)(2) of the Mill Valley Municipal Code.
- (b) Any person receiving a bill for fire response costs and expenses pursuant to Section 104.12 of the Fire Code may file an Administrative Appeal within thirty (30) days after the date of mailing the bill.
- (c) All other appeals must be made within 10 days of the date of the decision by the code enforcement officer.
- (d) Exception: There shall be no appeal of orders to take corrective actions for the clearance of brush or vegetative growth from structures as required by the Fire Code.

Section 15.04.160: Former Ordinances

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the Code hereby adopted are hereby repealed.

**SECTION 2: Section 14.05.015 of the Mill Valley Municipal Code is hereby added to read as follows:**

Section 14.05.015 Justification for amending model codes. The City Council recognizes that the City of Mill Valley has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush-covered slopes; narrow winding streets used by residents of the area for ingress and egress; older and inadequate water systems in certain areas of the community; and the location of buildings and structures with relation to these dangerous areas. A great number of structures located within the City of Mill Valley were built in the late 1800's and early 1900's of highly combustible material and lack the built-in protection of modern construction.

The City Council further recognizes that existing natural geological features and conditions increase the risk of flooding, hillside runoff and landslides due to periodic heavy winter rainfalls, soil conditions, topography and other related factors. Low lying areas can also subject to tidal fluctuations and liquefaction following an earthquake.

In recognition thereof and acting pursuant to California Health and Safety Code Section 17958.5 and 17958.7, the City Council finds that the building requirements of this ordinance as such requirements modify state required regulations adopted pursuant to the California Health and Safety Code Section 17922 are hereby reasonably necessary because of local climatic, geological and topographical conditions.

CBC Section	Climate	Topography	Geological
Foundations (Underfloor Drainage)			
• 1805.1.2	X	X	
Concrete Slab Design			
• 1907.1	X	X	X

**SECTION 3: Section 14.05.020 of the Mill Valley Municipal Code is hereby amended to read as follows:**

14.05.020 Construction Codes – Adoption by reference. Except as hereinafter provided, the following parts of Title 24, "California Building Standards Code," 2013 edition, of the California Code of Regulations and associated appendices and annexes, are hereby adopted by reference and incorporated as though fully set forth in this Section Part 1, California Administrative Code; Part 2, California Building Code (CBC); Part 2.5, California Residential Code (CBC); Part 3, California Electrical Code (CEC); Part 4, California Mechanical Code; Part 5, California Plumbing Code (CPC); Part 6, California Energy Code; (CMC); Part 8, California Historical Building Code; Part 10, California Existing Building Code; Part 11, California Green Building Code; and Part 12, California Referenced Standards Code. This code, together with amendments, additions, and deletions set forth in Section 14.05.021 of this Ordinance, shall constitute the Building and Construction Code of the City of Mill Valley and may be cited as such.

**SECTION 4: The following portions of Section 14.05.021 of the Mill Valley Municipal Code are hereby amended as follows:**

Section 14.05.021, "Building Code Amendments": all references to the year "2010" are hereby replaced with the year "2013".

Section 14.05.021 (A), "Administration, Organization and Enforcement ": all references to the year "2010" are hereby replaced with the year "2013".

Section 14.05.021(G), "Foundations", the reference to "CBC Section 1085.1.2" is hereby replaced with "CBC Section 1805.1.2".

Section 14.05.021(H), "Concrete slab design", the reference to "CBC Section 1910.1" is hereby replaced with "CBC Section 1907.1".

**SECTION 5: The following Sections of Chapter 14.05 of the Mill Valley Municipal Code are hereby repealed in their entirety:**

Section 14.05.022  
Section 14.05.023  
Section 14.05.024  
Section 14.05.025  
Section 14.05.026  
Section 14.05.027  
Section 14.05.028  
Section 14.05.029

**SECTION 6: Section 14.05.040 of the Mill Valley Municipal Code are hereby repealed and replaced by a new Section 14.05.040 to read:**

**14.05.040 Penalties.** Violations of the Building and Construction Code of the City of Mill Valley are declared to be a public nuisance, which may be abated pursuant to Chapter 8.4 of the City of Mill Valley Municipal Code, and which may be punished as a misdemeanor or infraction as provided in Chapter 8.3, and/or subject to administrative citation, administrative fine and/or civil penalties pursuant to Chapter 8.2 of the City of Mill Valley Municipal Code. For the purposes of enforcing the Mill Valley Building Code, the designated code enforcement officer shall be the Mill Valley Building Official as provided by Section 14.05.030 of the City of Mill Valley Municipal Code.

**SECTION 7:**

The City Council has determined that these amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, because there is no possibility that it will create a significant effect on the environment.

**SECTION 8:**

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 Mill Valley 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 phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

**Section 9:** This Ordinance shall be effective on January 1, 2014.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Mill Valley City Council on **October 21, 2013** and was passed and adopted at a regular meeting of the Mill Valley City Council on **November 18, 2013** by the following vote:

**AYES:** Councilmembers: Lion, Moulton-Peters, Wachtel, Marshall, Berman  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None



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Andrew Berman, Mayor

**ATTEST:**



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Kelsey Rogers, City Clerk/Administrative Analyst