

**BUILDING STANDARDS COMMISSION**

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



February 21, 2014

Roger A. Sprehn  
Director of Emergency Services  
Town of Corte Madera  
342 Tamalpais Drive  
Corte Madera, CA 94925

RE: Ordinance #936

Dear Mr. Sprehn:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 16, 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 town 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,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

300 TAMALPAIS DRIVE  
CORTE MADERA, CA  
94925-1418

www.ci.corte-madera.ca.us

TOWN MANAGER  
TOWN COUNCIL  
415-927-5050

TOWN CLERK  
415-927-5086

FINANCE / BUS. LICENSE  
415-927-5055

FIRE DEPARTMENT  
415-927-5077

PLANNING / ZONING  
415-927-5064

BUILDING INSPECTOR  
415-927-5062

TOWN ENGINEER  
PUBLIC WORKS  
415-927-5057

RECREATION DEPARTMENT  
415-927-5072

SANITARY DISTRICT NO. 2  
415-927-5057

TWIN CITIES POLICE AUTHORITY  
415-927-5150

**FIRE DEPARTMENT**  
342 TAMALPAIS DRIVE  
CORTE MADERA, CA 94925-1418  
(415) 927-5077 FAX; (415) 927-5178  
EMAIL: firedept@ci.corte-madera.ca.us

2014 JAN 15 PM 15:03  
COURT REPORTER  
1-800-850-8222

January 9, 2014

**Building Standards Commission**  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Dear Commission,

Enclosed is our local ordinance #936 amending the 2013 California Fire Code.

Findings relating to topography, geology, and climate are in Section 15.02.120.

This material is being provided to you in compliance with California Health and Safety Code Section 17958.7

Please refer any comments or questions to me.

Thank you,

**Roger A Sprehn**  
Director of Emergency Services

**ORDINANCE NO. 936**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE  
MADERA ADOPTING THE 2013 CALIFORNIA FIRE CODE WITH  
AMENDMENTS SUPPORTED BY LOCAL FINDINGS, PRESCRIBING  
REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND  
PROPERTY FROM FIRE OR EXPLOSION, PROVIDING FOR THE ISSUANCE  
OF PERMITS FOR HAZARDOUS USES OR OPERATIONS, AND  
ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING  
OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES,  
AND  
REPEALING ORDINANCE 922**

The Town Council of the Town of Corte Madera does ordain as follows:

**SECTION 1. Chapter No. 15.02 of the Town of Corte Madera Municipal Code is repealed and replaced in its entirety to read as follows:**

**CHAPTER 15.02  
FIRE CODE**

**Sections:**

- 15.02.010 ADOPTION OF CALIFORNIA FIRE CODE**
- 15.02.020 ESTABLISHMENT AND DUTIES OF THE BUREAU OF FIRE PREVENTION**
- 15.02.030 DEFINITIONS**
- 15.02.040 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II, AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED**
- 15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED**
- 15.02.060 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED**

- 15.02.070 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED**
- 15.02.080 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED**
- 15.02.090 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED**
- 15.02.100. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED**
- 15.02.110 AMENDMENTS MADE TO THE 2013 CALIFORNIA FIRE CODE**
- 15.02.120 FINDINGS**
- 15.02.130 APPEALS**
- 15.02.140 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS**
- 15.02.150 PENALTIES**
- 15.02.160 REPEAL OF CONFLICTING ORDINANCES**
- 15.02.170 VALIDITY**
- 15.02.180 RETROACTIVE REQUIREMENTS**
  
- 15.02.010 ADOPTION OF CALIFORNIA FIRE CODE**

There is hereby adopted by the Town Council of the Town of Corte Madera, 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, with those amendments set forth by Section 15.02.110, and including the following appendices only:

- a. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY
- b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS
- c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION
- d. Appendix E HAZARD CATEGORIES
- e. Appendix F HAZARD RANKING
- f. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS
- g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS
- h. Appendix K TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES;

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Corte Madera Fire Department and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Ordinance shall take effect, and the provisions thereof shall be controlling within the limits of the Town of Corte Madera.

**15.02.020 ESTABLISHMENT AND DUTIES OF THE BUREAU OF FIRE PREVENTION**

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, as adopted and amended herein, and all other provisions of this chapter shall be enforced by the Fire Department of the Town of Corte Madera and shall be operated under the supervision of the Fire Code Official.

**15.02.030 DEFINITIONS**

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

- (a) Whenever the words "Fire 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 Town of Corte Madera.

- (c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Town of Corte Madera.
- (d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Director of Emergency Services or Fire Marshal of the Town of Corte Madera."

**15.02.040 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II, AND CLASS III LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED**

The geographic limits referred to in Section 5704.2.9.6.1 of the 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 areas of the Town of Corte Madera. (Exception - Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

**15.02.050 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF CLASS I, CLASS II AND CLASS III LIQUIDS IN ABOVEGROUND TANKS IS PROHIBITED**

The geographic limits referred to in Section 5706.2.4.4 of the California Fire Code in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all areas of the Town of Corte Madera. (Exception - Approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the Fire Code Official).

**15.02.060 ESTABLISHMENT OF GEOGRAPHIC LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED**

The geographic limits referred to in Section 6104.2 of the 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 as established by the Town of Corte Madera. (Exception: portable LPG tanks, containing five gallons or less storage capacity, are acceptable for approved use.)

**15.02.070 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED**

The storage of explosives and blasting agents is prohibited in all areas within the boundaries of the Town of Corte Madera.

**15.02.080 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED**

The storage of compressed natural gas is prohibited in residential areas and all heavily populated or congested commercial areas as established by the Town of Corte Madera.

**15.02.090 ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS 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 California Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as follows: In all areas within the boundaries of the Town of Corte Madera.

**15.02.100. ESTABLISHMENT OF GEOGRAPHIC LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED**

The geographic limits in which the storage of hazardous materials is prohibited or limited, are hereby established as follows: residential areas and all heavily populated or congested commercial areas as established by the Town of Corte Madera.

**15.02.110 AMENDMENTS MADE TO THE 2013 CALIFORNIA FIRE CODE**

The 2013 California Fire Code is amended and changed in the following respects:

- Section 102.5 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:

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:

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 this code.

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

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:

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 109.4.2. is hereby added to Chapter 1 and shall read as follows:

109.4.2 – Corrective Actions –

A. The owners of real property within the Town shall be responsible for the maintenance of such property in conformance with the vegetation management standards of the Town of Corte Madera. Failure of the property owner to maintain such property in compliance with these vegetation management standards shall constitute a public nuisance and be subject to the nuisance abatement procedures established by Chapter 9.04 of the Town Municipal Code.

B. Nothing in this section shall prevent the Town from taking such other action or commencing such other proceedings than the nuisance abatement proceedings in Chapter 9.04. The procedures provided by Chapter 9.04 are an alternative to any other procedure adopted by the Town Council for the abatement of public nuisances, or which may be authorized by federal or state law or any provision of the Municipal Code, and not intended to be an exclusive remedy for any violation of this Chapter.

C. Nothing contained in this section shall be construed as requiring the Town to enforce the vegetation management standards of the Town of Corte Madera against any and all properties that may be in violation of those standards. The manner and method by which this section is enforced rests entirely at the Town's prosecutorial discretion. Nothing in this section shall be construed as imposing a duty on the Town, or on Town officers, agents or employees.

- Section 202 of Chapter 2 is hereby amended by adding the definition of Adequate Water Supply, Coverings, Second Unit, Spark Arrestor, Substantial Remodel, and Temporary thereto.

Adequate Water Supply shall mean the available flow of water which the Fire Code Official determines is, or reasonably may be, necessary to protect any building or structure on the land to be developed.

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.

Second Unit shall mean an attached or detached additional dwelling unit that provides complete independent living facilities, and 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 alteration, modification, improvement, conversion, repair, or renovation of any structure that, combined with any additions to the structure, affects a floor area that exceeds fifty percent of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, 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 purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

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

- Section 302.1 is amended by adding the following definition.

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 319 of Chapter 3 is hereby added to read as follows:

#### Section 319 Public Storage Facilities

Section 319.1 General. Public Storage Facilities shall comply with the provisions of this 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.

319.3 Fire Apparatus Access. All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.1.1.

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 34 of this code.

- Section 401.1.1 of Chapter 4 is hereby amended to read as follows:

401.1. 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 Corte Madera 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 Corte Madera 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:

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 as follows:

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 by adding a sentence to read as follows:

Failure to comply with this section upon written or verbal notice from the Fire Code Official 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 502.1 of Chapter 5 is hereby amended by adding a definition of Fire Road to read 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 503.1.4 of Chapter 5 is hereby added to read as follows:

503.1.4 Fire Roads. Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped areas of the Town of Corte Madera so as to gain access to improved, unimproved, and undeveloped areas of the Town of Corte Madera in a manner approved by the Fire Code Official.

- Section 503.1.5 of Chapter 5 is hereby added to read as follows:

503.1.5 Truck Company Access. For buildings 3 or more stories or greater than 30 feet 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:

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 Fire Code Official.

- Section 503.4 of Chapter 5 is hereby amended by adding a sentence thereto to read as follows:

Any vehicle causing such an obstruction may be towed away at the owner's expense.

- Section 503.4.2 is hereby added to read as follows:

503.4.2 Prohibition on Vehicular Parking on Private Access Ways. If, in the judgment of the Fire Code Official, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Fire Code Official 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 access way may be towed away at the expense of the owner of the vehicle.

- Section 503.6.1 is hereby added to read as follows:

503.6.1 Width. All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 13 feet 6 inches.

- Section 503.6.2 is hereby added to read as follows:

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 Fire Code Official, in accordance with Standards adopted by the Fire Code Official. 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 power 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 504.1.1 of Chapter 5 is hereby added to read as follows:

504.1.1 Hard Surface Path/Steps. Where the average ground slope on any side of a structure exceeds 15%, a three (3) foot wide hard surface path shall be provided for fire department access. Where the slope exceeds 30%, approved hard surface steps shall be provided.

- Section 506.1 of Chapter 5 is hereby added to read as follows:

506.1 Key Entry Systems. 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 a Hazardous Material Business Plan, automatic fire sprinkler or fire alarm system installed, the Fire Code Official is authorized to require a key entry system to be installed in an approved 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 Fire Code Official.

506.1.1 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 507.1.1 is hereby added to Chapter 5 and shall read as follows:

Section 507.1.1 **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 m) of the fire department connections.

Exception: the distance shall be permitted to exceed 100 feet (30 m) where approved by the fire code official.

- Section 507.5.1 (inclusive of the Exception thereto) is hereby amended by replacing it with the following:

507.5.1 Where Required. Where a portion of the facility or building hereafter constructed or moved into or within the Town's 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 of Chapter 5 is hereby added to read:

507.5.7 Fire Hydrant Upgrades. When additions or modifications to structures are made, the nearest fire hydrant (if a new one is not required) located by the Fire Code Official 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 is hereby amended by adding the following sections:

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.

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.

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 a  
PHOTOVOLTAIC power source.  
The disconnect is:  
*(describe location - on the right, below etc.)*  
of this main disconnect. Both must be used.**

- Section 706 of Chapter 7 is hereby added to read as follows:

706 – Roofing Materials.

706.1 All roofing materials shall be in accordance with section 705

706.2 New Roofs. All newly installed roofs and additions to existing roofs are to be of non-combustible or minimum "Class A" listed construction.

706.3 Existing Roofs. When alterations or repairs to existing roofs exceed 50% of the total roof area in any twenty-four (24) month period, the

entire roof shall be replaced with non-combustible or minimum "Class A" listed construction.

- Section 901.7 of Chapter 9 is hereby amended by adding the following sentence:

This section shall also apply to residential fire sprinkler systems.

- Section 903.2 Of Chapter 9 is hereby amended by replacing it with the following:

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.
2. In newly created second units.
3. In all buildings that have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 24-month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.
4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. that have more than ten percent (10%) floor area added within any 24-month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.
5. In all residential buildings required to be sprinklered above, protection shall be extended into all areas of the building in accordance with standards developed by the Fire Code Official.
6. 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 in accordance with standards developed by the Fire Code Official.
7. 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 thereto:

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:

1. 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.

2. 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.

3. 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.

4. 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 903.4 of Chapter 9 is amended by adding the following:

903.4 Where Required. The alarm from any automatic fire sprinkler system shall transmit fire and tamper signals to a central station that has been approved by the Fire Code Official and a nationally recognized testing laboratory and with standards developed by the Fire Code Official.

Exception: One and two family dwellings.

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

906.11 Fire Extinguisher Documentation. The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Fire Code Official 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 907.6.5 of Chapter 9 is hereby amended by adding the following:

907.6.5 Fire Alarm Monitoring. The alarm from any automatic fire alarm system or automatic fire extinguishing system shall transmit fire and tamper signals to a central station that has been approved by the Fire Code Official and a nationally recognized testing laboratory and with standards developed by the Fire Code Official.

Exception: One and two family dwellings, Group U and agricultural buildings.

- Section 907.8.5.1 of Chapter 9 is hereby added to read as follows:

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 915 of Chapter 9 is added to read as follows:

915 GAS SHUT-OFF DEVICES

## 915.1 General.

915.1.1 Definition. For the purposes of this section certain terms shall be defined as follows:

"Downstream of gas utility meter" refers to all customer-owned gas piping or in liquid petroleum gas installations shall refer to the gas piping on the structure side of the gas regulator.

"Excess flow gas shut-off device" means those valves or devices that are not actuated by motion but are activated by significant gas leaks or over-pressure surges, which can occur when pipes rupture inside the structure. The design of the device provides a proven method to automatically provide for expedient and safe gas shut-off in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner.

"Seismic gas shut-off device" means a system consisting of a seismic sensing device and actuating device designed to actuate automatically a companion gas shut off means installed in a gas piping system in order to shut off the gas downstream of the location of the gas shut-off device in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body.

"Upstream of gas utility meter" refers to all gas piping installed by the utility up to and including the meter and the utility's bypass tee at the connection to the customer-owned piping.

"Gas shut-off device" as used in this section, refers to either a seismic gas shut-off device or excess flow gas shut-off device.

"Substantial Remodel" shall mean the renovation of any structure that, combined with any additions to the structure, affects a floor area that exceeds fifty percent of the existing floor area of the structure. When any structural changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, 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 purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

## 915.2 General.

### 915.2.1 Devices: When Required.

Approved gas shut-off devices shall be installed:

1. In every newly constructed building and facility.
2. In newly created second units.
3. In all buildings that have more than fifty percent (50%) floor area added or any "substantial remodel," as defined in this ordinance, within any twenty-four (24) month period.
4. In all buildings, except R-3 occupancies, in excess of 3,000 sq. ft., that have more than ten percent (10%) floor area added within any twenty-four (24) month period.
5. Whenever any new gas piping is installed.

Exceptions:

- A. Gas shut-off devices installed on a building prior to the effective date of this ordinance are exempt from the requirements of this section, provided they remain installed on the building or structure and are maintained for the life of the building or structure.
- B. Gas shut-off devices installed on a gas distribution system owned or operated by a public utility shall not be subject to the requirements of this chapter (Health & Safety Code Section 19201(b)).

#### 915.2.2 Devices: Location Required.

1. Seismic gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building; and/or
2. Excess flow gas shut-off devices shall be installed downstream of the gas utility meter on each fuel gas line where the gas line serves a building and at each gas appliance within a building.

#### 915.3 General Requirements.

Gas shut-off devices installed either in compliance with this ordinance or voluntarily, with a permit issued on or after the effective date of this ordinance, shall comply with all of the following requirements:

1. Be installed in accordance with the manufacturer's instructions
2. In the case of seismic gas shut-off devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the device (motion sensitive) has been tested and listed for an alternate method of installation
3. Seismic gas shut-off devices shall be certified by the State Architect and be listed by an approved listing and testing agency such as IAS, IAPMO, UL, or the Office of the State Architect
4. Have a thirty (30) year warranty that warrants that the valve or device is free from defects and will continue to properly operate for thirty (30) years from the date of installation
5. Where gas shut-off devices are installed voluntarily, or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.

#### 915.4 List of Approved Valves and Devices.

The Town's Fire Department shall maintain a list of all gas shut-off devices that meet or exceed the requirements of devices certified by the Office of the State Architect for installation in the State of California and that comply with the standards and criteria set forth in Health and Safety Code Section 19180 et seq., including quality and design regulation for earthquake actuated automatic gas shut-off systems, (See 24 Cal. Code Regs. Ch. 12-16-1.)

- Section 1006.3 of Chapter 10 is hereby amended by adding the following:
  6. In all buildings or tenant spaces newly constructed, or where a permit is issued for over \$10,000 of work, where the occupant load is ten or more.
- Section 4906.2 paragraph 2 of Chapter 49 is amended to read as follows:

2. Land designated as a Wildland-Urban Interface Fire 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 4907.1 of Chapter 49 is amended to read as follows:

Section 4907.1 General. Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14 Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Wildland-Urban Interface Fire Area as designated by the local enforcing agency to be at a significant risk from wildfires, and Very High Fire Hazard Severity Zones of Local Responsibility Areas (LRA) shall maintain defensible space as outlined in Government Code sections 51175-51189, and any local ordinance or standard published by the Fire Code Official.

- 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 lands within specific Wildland Urban Interface Fire Areas of the jurisdiction of the Town of Corte Madera, shall comply with the following:

1. 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.
2. Remove piles of accumulated dead vegetation on the property.
3. Cut and remove tree limbs that overhang wood decks and roofs.
4. Remove that portion of any tree that extends within 10 feet of any chimney or stovepipe.
5. Clean any leaves and needles from roof and gutters.
6. 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.
7. {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 Town of Corte Madera.

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.

### **15.02.120 FINDINGS**

To the extent that any of the provisions of this Ordinance constitute changes or modifications in the requirements contained in Health and Safety Code Section 17922, the Corte Madera Town Council does hereby find that such changes and modifications are reasonably necessary because of local conditions prevailing within the Town of Corte Madera. A description of said local conditions is hereinafter set forth.

**CLIMATIC.** The weather patterns within the Town of Corte Madera are considered to be moderately affected by the Pacific Ocean and the San Francisco Bay, which extends the year-round growing season of vegetation. The normal year's rainfall is approximately 28 inches, while the summer condition, with its prevalent Pacific high cell, creates the morning and late afternoon fog normally associated with the San Francisco Bay.

While normal temperatures usually do not exceed 75-80 degrees during the summer months, little or no rain falls during the period between April and November. This combination often creates hazardous fuel conditions in the town. Drying winds in the summer and fall months reduce fuel moisture and relative humidity to the minimum levels, thereby creating ideal fire weather conditions. The normal afternoon winds that precede the fog can move a fire quickly in the hillside and open space areas of the town.

Because of climatic conditions, the County of Marin has experienced water rationing in recent years, including a mandatory 35 percent reduction in 1989. Water shortages can be expected in future years due to limited storage capacities in Marin, increased domestic consumption and weather patterns that reduce the already minimal annual rainfall. While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

**GEOLOGIC.** The Town of Corte Madera is geologically mixed with three classifications of rock: igneous, metamorphic and sedimentary. The outstanding material is volcanic in origin with ridges of serpentine reaching in excess of 700 feet in elevation.

Much of the town is characterized by precipitous hilly areas where escape opportunities from residential structures are limited to one side of the home only. The steepness and uneven nature of the land often hinders, and sometimes prevents, the erecting of rescue ladders at the side of a home on a hillside parcel.

Seismic activity within the town occurs yearly with little or no damage, although a real potential does exist with the town situated between two active faults: the San Andreas and Hayward faults.

Landslides have also been experienced in the town in recent years. While stabilization of hillsides can sometimes be achieved, heavy rainfalls have caused failures. These slides can close roadways, making accessibility to many locations in the town impossible until properly cleared.

**TOPOGRAPHIC.** The town is accessible from the outside by one primary thoroughfare on the east side and three on the west side. Speed limits of 25 miles per hour, by virtue of the narrow and twisting configuration of the roads, do not allow quick responses to emergencies. The Highway 101 corridor goes directly through the town and an overpass that may or may not withstand an earthquake presents another problem.

Vehicular access within the town is affected by steep, hilly terrain and many secondary ridgelines. Many streets are narrow and winding, restricting the speed at which fire apparatus may safely respond and also increasing the time lapse between fire detection and apparatus arrival, during which time a family will face the fire or other emergency on their own. The town has many dead-end streets, and on Christmas Tree Hill, there is one main access route in or out of the area. Dead-end streets can restrict the ease of relocating fire and rescue equipment from one location to another, even though actual separating distance between two areas may be minimal. In addition to restricting access routes for fire apparatus, the dead-end streets also limit egress opportunities for residents.

Many of the commercial buildings in Corte Madera were largely built long before present code requirements existed. Consequently, many of these structures do not meet even minimal standards for fire protection and life safety. Wood frame construction of older buildings, especially those in mountainous areas, creates an adverse exposure problem, not only in being easily ignited by an adjacent structure fire, but also in contributing to the

extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the town has shown flying embers will start secondary fires after blowing in the air.

Throughout the town, there are areas in which there are no water mains constructed at all. Meadow Valley has no water main supply, other than domestic, and there is minimal water supply along Casa Buena Drive, fronting the auto dealerships and the other major commercial establishments.

The buildings on Christmas Tree Hill, many of which were constructed 50 or more years ago, are serviced by minimal water main sizes. The lack of adequate water supply in this area, along with winding streets, creates a unique fire problem. The generalized water shortage in Marin County results in occasional inadequate water volume and pressure for firefighting purposes in certain areas of the town.

#### **15.02.130 APPEALS**

Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Code Official to the Town Council in writing, within 30 days from the date of the decision appealed. The Town Council shall render decisions and findings in writing to the Fire Code Official, with a duplicate copy to the appellant.

#### **15.02.140 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS**

The Fire Code Official and Town Manager shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code. The Fire Code Official of the Town of Corte Madera shall post such list in a conspicuous place at the Corte Madera Fire Department and distribute copies thereof to interested persons.

#### **15.02.150 PENALTIES**

(a) Any person who violates any of the provisions of the California Fire Code, as adopted and amended herein, or any other section, subsection, or provision of this chapter, or fails to comply therewith, or who violates or fails to

comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Fire Code Official, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$1,000.00 or by imprisonment for not more than 180 days or by both such fine and imprisonment. The prosecuting authority may, however, in its discretion charge or reduce any violation to an infraction punishable as stated by Government Code Section 36900(c). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

#### **15.02.160 REPEAL OF CONFLICTING ORDINANCES**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the California Fire Code, as adopted and amended herein, are hereby repealed.

#### **15.02.170 VALIDITY**

The Town Council of the Town of Corte Madera hereby declares that should any section, subsection, paragraph, sentence, phrase, or word of this Ordinance or of the California Fire Code, as adopted and amended herein, be declared for any reason to be invalid, it is the intent of the Corte Madera Town Council that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

#### **15.02.180 RETROACTIVE REQUIREMENTS**

The use of any existing building not conforming to all the provisions of Section 15.02.110, and to which the provisions of this chapter would otherwise apply, shall be terminated or the building shall be made to conform to all the provisions of Section 15.02.110, in the event that repairs or alterations are made which would be defined herein as a "substantial remodel" within any 24-

month period or when the character of the occupancy changes as defined in the California Building Code.

**15.02.190 MANDATORY DUTY**

By adoption of this Ordinance the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this chapter.

**SECTION 2. California Environmental Quality Act.** The Town Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Town Council of the Town of Corte Madera hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

**SECTION 4. Effective date.** This ordinance shall become effective January 1, 2014, or 30 days after the date of adoption, whichever is later.

**SECTION 5. Posting.** The Clerk of the Town shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

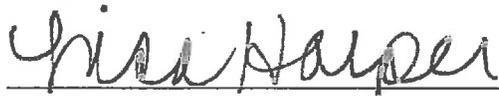
\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 936 of the Town of Corte Madera entitled as above; was introduced on November 4, 2013 and that it was adopted by the Town Council on November 19, 2013 by the following vote:

AYES: COUNCIL MEMBERS: Bailey, Condon, Ravasio and Furst

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Lappert



Lisa Harper, Interim Town Clerk

APPROVED:

  
Diane Furst, Mayor

**BUILDING STANDARDS COMMISSION**

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



December 10, 2013

Mark Flatter  
Building Official  
Town of Corte Madera  
300 Tamalpais Drive  
Corte Madera, CA 94925

RE: Ordinance #937

Dear Mr. Flatter:

This letter is to advise you of our determination regarding the referenced ordinance received from your agency on November 26, 2013.

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), 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 town 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,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

MARK FLATTER  
*Building Official*

300 Tamalpais Drive  
Corte Madera, CA 94925  
Tel: 415 927 5062  
Fax: 415 927 5039  
[mflatter@ci.corte-madera.ca.us](mailto:mflatter@ci.corte-madera.ca.us)

## LOCAL AMENDMENT REVIEW RECORD

Reviewed by: **Laurie O'Brien**    Date Recv'd: **Nov. 26, 2013**    Jurisdiction: **Town of Corte Madera**

T24 Parts Adopted without Amendment:

T24 Parts Adopted with Amendment: ~~Building, Plumbing, Residential, Mechanical,~~

Energy Standards:    Green Building:

SUBMITTAL REQUIREMENTS		Submitted		Accepted		COMMENTS/NOTES
		YES	NO	YES	NO	
1.	Cover letter signed by city or county official. (Not required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ord. #937
2.	Statement as to which Parts of T24 and edition(s) is/are being adopted and/or amended by governing body. (H & SC 17958.5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Findings by governing body state that modifications to T24 are reasonably necessary because of local climatic, geological, or topographical conditions. [H & SC 17958.5, 17958.7(a) & 18941.5(b)] CBSC may reject if no finding was submitted. [H&SC 17958.7(b)]	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All administrative no findings Req.
4.	Modification or change to T24, by ordinance, expressly marked and identified to which each finding refers [H & SC 17958.5, 17958.7(a), & 18941.5(b)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.	Not a fire protection district submittal to be forwarded to HCD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.	If Energy Efficient Standards, a copy of the Energy Commission Resolution is included.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Copy of letter forwarded to Energy Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Additional Comments.

Check if additional pages are attached for this one submittal.

ORDINANCE NO. 937

AN ORDINANCE OF THE TOWN OF CORTE MADERA, REPEALING AND RE-ENACTING CHAPTERS 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13 AND 15.15; ADOPTING BY REFERENCE PARTS 2, 2.5, 3, 4, 5, 6, 10 AND 11, OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS, INCORPORATING: THE 2013 CALIFORNIA BUILDING CODE; THE 2013 CALIFORNIA RESIDENTIAL CODE; THE 2013 CALIFORNIA ELECTRICAL CODE; THE 2013 CALIFORNIA MECHANICAL CODE; THE 2013 CALIFORNIA PLUMBING CODE; THE 2013 CALIFORNIA ENERGY CODE; THE 2013 CALIFORNIA EXISTING BUILDING CODE; AND THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE; ADOPTING BY REFERENCE THE INTERNATIONAL CODE COUNCIL ELECTRICAL CODE ADMINISTRATIVE PROVISIONS, 2006 EDITION, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

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The Town Council of the Town of Corte Madera does ordain as follows:

Section 1. Chapter 15.01 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.01

BUILDING CODE

Sections:

<u>15.01.010</u>	<u>Adoption by Reference.</u>
<u>15.01.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3.</u>
<u>15.01.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4.</u>
<u>15.01.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5.</u>
<u>15.01.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6.</u>
<u>15.01.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7.</u>
<u>15.01.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8.</u>
<u>15.01.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9.</u>
<u>15.01.081</u>	<u>Amendment- Chapter 1, Division I, Section 1.9.1.5.</u>
<u>15.01.082</u>	<u>Deletion – Chapter 1, Division II, Section 104.10.1.</u>
<u>15.01.090</u>	<u>Amendment – Chapter 1, Division II, Section 109.3.</u>
<u>15.01.100</u>	<u>Amendment – Chapter 1, Division II, Section 113.1.</u>
<u>15.01.110</u>	<u>Amendment – Chapter 1, Division II, Section 113.2.</u>
<u>15.01.120</u>	<u>Amendment – Chapter 1, Division II, Section 113.3.</u>
<u>15.01.125</u>	<u>Amendment – Chapter 1, Division II, Section 116.2.</u>
<u>15.01.130</u>	<u>Amendment – Chapter 1, Division II, Section 116.3.</u>

<u>15.01.140</u>	<u>Amendment – Chapter 1, Division II, Section 116.6.</u>
<u>15.01.150</u>	<u>Addition – Chapter 1, Division II, Section 116.7.</u>
<u>15.01.160</u>	<u>Violation – Penalty.</u>
<u>15.01.170</u>	<u>No Mandatory Duty.</u>

15.01.010 - Adoption by reference.

The 2013 California Building Code, known as Part 2, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this Chapter except as modified by the following subsections of this section and the following sections of this Chapter:

A. Building Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Building Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Building Code (except as may be modified by subsection C.)

C. Notwithstanding the exception stated by Section 101.2, Building Code Chapter 1, Division II shall apply to all Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this Chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and Nonstate-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.01.020 - Addition – Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

*1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of Chapter 15.01 of the Corte Madera Municipal Code. A vacant structure that is not secured against entry is deemed unsafe.*

15.01.030 - Addition – Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

*1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.01.040 - Addition – Chapter 1, Division I, Section 1.8.9.5.

Section 1.8.9.5, Notice and Order, is added as follows:

*1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.01.050 - Addition – Chapter 1, Division I, Section 1.8.9.6.

Section 1.8.9.6, Method of Service, is added as follows:

*1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.*

15.01.060 - Addition – Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

*1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.01.070 - Addition – Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

*1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.01 of the Corte Madera Municipal Code.*

15.01.080 - Addition – Chapter 1, Division I, Section 1.8.9.9.

Section 1.8.9.9, Staying of Order, is added as follows:

*1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.*

15.01.081 - Amendment- Chapter 1, Division I, Section 1.9.1.5.

The following is added at the end of Section 1.9.1.5:

The Town may retain the services of a Certified Access Specialist (CASp) to consult with the Town in reviewing, analyzing, evaluating, and providing the Town recommendations on the request being made by the applicant. The services provided to the Town shall be at the sole expense of the applicant and shall be fully reimbursed to the Town through a cost recovery agreement or by applying the building department fee schedule adopted by the Town Council.

15.01.082 – Deletion – Chapter 1, Division II, Section 104.10.1.

Section 104.10.1, Flood Hazard Areas, is deleted in its entirety.

15.01.090 - Amendment – Chapter 1, Division II, Section 109.3.

Section 109.3, Building Permit Valuations, is amended to read as follows:

*109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include total value of work, including materials and labor, for all elements of regulated construction.*

15.01.100 - Amendment – Chapter 1, Division II, Section 113.1.

Section 113.1, General, is deleted and replaced to read as follows:

*113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.*

15.01.110 - Amendment – Chapter 1, Division II, Section 113.2.

Section 113.2, Limitations on Authority, is deleted and replaced to read as follows:

*113.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the*

*Town of Corte Madera.*

15.01.120 - Amendment – Chapter 1, Division II, Section 113.3.

Section 113.3, Qualifications, is deleted and replaced to read as follows:

*113.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.01 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.*

15.01.125 - Amendment – Chapter 1, Division II, Section 116.2.

Section 116.2, Record, is deleted and replaced to read as follows:

*116.2 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.01.130 - Amendment – Chapter 1, Division II, Section 116.3.

Section 116.3, Notice, is deleted and replaced to read as follows:

*116.3 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.01.140 - Amendment – Chapter 1, Division II, Section 116.5.

Section 116.5, Restoration, is deleted and replaced to read as follows:

*116.5 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.01.145 - Addition – Chapter 1, Division II, Section 116.6.

Section 116.6, Nuisance Proceedings, is added as follows:

*116.6 Nuisance Proceedings. When the building official has inspected, or caused to be*

*inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.01 of the Corte Madera Municipal Code.*

15.01.150 - Addition – Chapter 1, Division II, Section 116.7.

Section 116.7, Staying of Order, is added as follows:

*116.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 116.4.*

15.01.160 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.01.170 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 2. Chapters 15.03 and 15.05 of the Corte Madera Municipal Code are hereby repealed and replaced to read as follows:

Chapter 15.03

ELECTRICAL CODE

Sections:

<u>15.03.010</u>	<u>Adoption by Reference.</u>
<u>15.03.020</u>	<u>Addition – Section 89.108.9.3.</u>
<u>15.03.030</u>	<u>Addition – Section 89.108.9.4.</u>
<u>15.03.040</u>	<u>Addition – Section 89.108.9.5.</u>
<u>15.03.050</u>	<u>Addition – Section 89.108.9.6.</u>
<u>15.03.060</u>	<u>Addition – Section 89.108.9.7.</u>

<u>15.03.070</u>	<u>Addition – Section 89.108.9.8.</u>
<u>15.03.080</u>	<u>Addition – Section 89.108.9.9.</u>
<u>15.03.090</u>	<u>Violation – Penalty.</u>
<u>15.03.100</u>	<u>No Mandatory Duty.</u>

15.03.010 - Adoption by reference.

The 2013 California Electrical Code, known as Part 3, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this Chapter except as modified by the following sections of this Chapter.

15.03.020 - Addition – Section 89.108.9.3.

Section 89.108.9.3, Conditions, is added as follows:

*89.108.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.*

15.03.030 - Addition – Section 89.108.9.4.

Section 89.108.9.4, Record, is added as follows:

*89.108.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.03.040 - Addition – Section 89.108.9.5.

Section 89.108.9.5, Notice and Order, is added as follows:

*89.108.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.03.050 - Addition – Section 89.108.9.6.

Section 89.108.9.6, Method of Service, is added as follows:

*89.108.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered*

*letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.*

15.03.060 - Addition – Section 89.108.9.7.

Section 89.108.9.7, Restoration, is added as follows:

*89.108.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.03.070 - Addition – Section 89.108.9.8.

Section 89.108.9.8, Nuisance Proceedings, is added as follows:

*89.108.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.03 of the Corte Madera Municipal Code.*

15.03.080 - Addition – Section 89.108.9.9.

Section 89.108.9.9, Staying of Order, is added as follows:

*89.108.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 89.108.9.6.*

15.03.090 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.03.100 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Chapter 15.05

MECHANICAL CODE

Sections:

<u>15.05.010</u>	<u>Adoption by Reference.</u>
<u>15.05.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3.</u>
<u>15.05.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4.</u>
<u>15.05.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5.</u>
<u>15.05.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6.</u>
<u>15.05.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7.</u>
<u>15.05.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8.</u>
<u>15.05.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9.</u>
<u>15.05.090</u>	<u>Addition – Chapter 1, Division II, Section 107.2.</u>
<u>15.05.100</u>	<u>Addition – Chapter 1, Division II, Section 107.3.</u>
<u>15.05.110</u>	<u>Addition – Chapter 1, Division II, Section 107.4.</u>
<u>15.05.120</u>	<u>Addition – Chapter 1, Division II, Section 107.5.</u>
<u>15.05.130</u>	<u>Addition – Chapter 1, Division II, Section 107.6.</u>
<u>15.05.140</u>	<u>Addition – Chapter 1, Division II, Section 107.7.</u>
<u>15.05.150</u>	<u>Amendment – Chapter 1, Division II, Section 108.1.</u>
<u>15.05.160</u>	<u>Amendment – Chapter 1, Division II, Section 108.2.</u>
<u>15.05.170</u>	<u>Addition – Chapter 1, Division II, Section 108.3.</u>
<u>15.05.180</u>	<u>Amendment – Chapter 1, Division II, Section 114.1.</u>
<u>15.05.190</u>	<u>Deletion – Chapter 1, Division II, Section 114.2.</u>
<u>15.05.200</u>	<u>Deletion – Chapter 1, Division II, Section 114.3.</u>
<u>15.05.210</u>	<u>Deletion – Chapter 1, Division II, Table 114-1.</u>
<u>15.05.220</u>	<u>Violation – Penalty.</u>
<u>15.05.230</u>	<u>No Mandatory Duty.</u>

15.05.010 - Adoption by reference.

The 2013 California Mechanical Code, known as Part 4, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this Chapter except as modified by the following subsections of this section and the following sections of this Chapter:

A. Mechanical Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Mechanical Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Mechanical Code (except as may be modified by subsection C.)

C. Chapter 1, Division II shall apply to all Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this Chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and Nonstate-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.05.020 - Addition – Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

*1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.*

15.05.030 - Addition – Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

*1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.05.040 - Addition – Chapter 1, Division I, Section 1.8.9.5.

Section 1.8.9.5, Notice and Order, is added as follows:

*1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.05.050 - Addition – Chapter 1, Division I, Section 1.8.9.6.

Section 1.8.9.6, Method of Service, is added as follows:

*1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a*

*conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.*

15.05.060 - Addition – Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

*1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.05.070 - Addition – Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

*1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.05 of the Corte Madera Municipal Code.*

15.05.080 - Addition – Chapter 1, Division I, Section 1.8.9.9.

Section 1.8.9.9, Staying of Order, is added as follows:

*1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.*

15.05.090 - Addition – Chapter 1, Division II, Section 107.2.

Section 107.2, Record, is added as follows:

*107.2 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.05.100 - Addition – Chapter 1, Division II, Section 107.3.

Section 107.3, Notice and Order, is added as follows:

*107.3 Notice and Order. If an unsafe condition is found, the building official may serve*

*on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.05.110 - Addition – Chapter 1, Division II, Section 107.4.

Section 107.4, Method of Service, is added as follows:

*107.4 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.*

15.05.120 - Addition – Chapter 1, Division II, Section 107.5.

Section 107.5, Restoration, is added as follows:

*107.5 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.05.130 - Addition – Chapter 1, Division II, Section 107.6.

Section 107.6, Nuisance Proceedings, is added as follows:

*107.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.05 of the Corte Madera Municipal Code.*

15.05.140 - Addition – Chapter 1, Division II, Section 107.7.

Section 107.7, Staying of Order, is added as follows:

*107.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under*

*the provisions of Section 107.4.*

15.05.150 - Amendment – Chapter 1, Division II, Section 108.1.

Section 108.1, General, is deleted and replaced to read as follows:

*108.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.*

15.05.160 - Amendment – Chapter 1, Division II, Section 108.2.

Section 108.2, Limitations on Authority, is amended to read as follows:

*108.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.*

15.05.170 - Addition – Chapter 1, Division II, Section 108.3.

Section 108.3, Appeals, is added as follows:

*108.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.05 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.*

15.05.180 - Amendment – Chapter 1, Division II, Section 114.1.

Section 114.1, General, is deleted and replaced to read as follows:

*114.1 General. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.*

15.05.190 - Deletion – Chapter 1, Division II, Section 114.2.

Section 114.2, Permit Fees, is deleted in its entirety.

15.05.200 - Deletion – Chapter 1, Division II, Section 114.3.

Section 114.3, Plan Review Fees, is deleted in its entirety.

15.05.210 - Deletion – Chapter 1, Division II, Table 114.1.

Table 114.1, Mechanical Permit Fees, is deleted in its entirety.

15.05.220 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.05.230 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 3.

Chapter 15.06 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.06

RESIDENTIAL CODE

Sections:

<u>15.06.010</u>	<u>Adoption by Reference.</u>
<u>15.06.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3.</u>
<u>15.06.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4.</u>
<u>15.06.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5.</u>
<u>15.06.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6.</u>
<u>15.06.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7.</u>
<u>15.06.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8.</u>
<u>15.06.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9.</u>
<u>15.06.090</u>	<u>Deletion – Chapter 1, Division II, Section R104.10.1.</u>
<u>15.06.100</u>	<u>Deletion – Chapter 1, Division II, Section R105.3.1.1.</u>
<u>15.06.110</u>	<u>Amendment – Chapter 1, Division II, Section R108.3.</u>
<u>15.06.120</u>	<u>Deletion – Chapter 1, Division II, Section R109.1.3.</u>
<u>15.06.130</u>	<u>Amendment – Chapter 1, Division II, Section R112.1.</u>
<u>15.06.140</u>	<u>Amendment – Chapter 1, Division II, Section R112.2.</u>
<u>15.06.150</u>	<u>Deletion – Chapter 1, Division II, Section R112.2.1.</u>
<u>15.06.160</u>	<u>Deletion – Chapter 1, Division II, Section R112.2.2.</u>
<u>15.06.170</u>	<u>Amendment – Chapter 1, Division II, Section R112.3.</u>
<u>15.06.180</u>	<u>Addition – Chapter 1, Division II, Section R115.</u>
<u>15.06.190</u>	<u>Addition – Chapter 1, Division II, Section R115.1.</u>
<u>15.06.200</u>	<u>Addition – Chapter 1, Division II, Section R115.2.</u>
<u>15.06.210</u>	<u>Addition – Chapter 1, Division II, Section R115.3.</u>

<u>15.06.215</u>	<u>Addition – Chapter 1, Division II, Section R115.4.</u>
<u>15.06.218</u>	<u>Addition – Chapter 1, Division II, Section R115.5</u>
<u>15.06.220</u>	<u>Addition – Chapter 1, Division II, Section R115.6.</u>
<u>15.06.230</u>	<u>Addition – Chapter 1, Division II, Section R115.7.</u>
<u>15.06.240</u>	<u>Violation – Penalty.</u>
<u>15.06.250</u>	<u>No Mandatory Duty.</u>

15.06.010 - Adoption by reference.

The 2013 California Residential Code, known as Part 2.5, Title 24 of the California Code of Regulations; excluding all but the following Appendix Chapters: Appendix Chapter H – PATIO COVERS; is hereby adopted by reference as though fully set forth in this Chapter except as modified by the following subsections of this section and the following sections of this Chapter:

A. Residential Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3 of Chapter 1, Division I (except as may be modified by subsection C.)

B. Residential Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Residential Code (except as may be modified by subsection C.)

C. Residential Code Chapter 1, Division II shall not apply to Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. (See Section 15.01.010(C) for reference to application of Building Code Chapter 1, Division II to Nonstate-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.) Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this Chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or II shall be applicable to all State-regulated and non-state-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.06.020 - Addition – Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

*1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.*

15.06.030 - Addition – Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

*1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.06.040 - Addition – Chapter 1, Division I, Section 1.8.9.5.

Section 1.8.9.5, Notice and Order, is added as follows:

*1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.06.050 - Addition – Chapter 1, Division I, Section 1.8.9.6.

Section 1.8.9.6, Method of Service, is added as follows:

*1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.*

15.06.060 - Addition – Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

*1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34.*

15.06.070 - Addition – Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

*1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or*

*demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.*

15.06.080 - Addition – Chapter 1, Division I, Section 1.8.9.9.

Section 1.8.9.9, Staying of Order, is added as follows:

*1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.*

15.06.90 - Deletion – Chapter 1, Division II, Section R104.10.1.

Section R104.10.1, Areas Prone to Flooding, is deleted in its entirety.

15.06.100 - Deletion – Chapter 1, Division II, Section 105.3.1.1.

Section R105.3.1.1, Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas, is deleted in its entirety.

15.06.110 - Amendment – Chapter 1, Division II, Section R108.3.

Section R108.3, Building Permit Valuations, is deleted and replaced to read as follows:

*R108.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include total value of work, including materials and labor, for all elements of regulated construction.*

15.06.120 - Deletion – Chapter 1, Division II, Section R109.1.3.

Section R109.1.3, Flood Plan Inspections, is deleted in its entirety.

15.06.130 - Amendment – Chapter 1, Division II, Section R112.1.

Section R112.1, General, is deleted and replaced to read as follows:

*R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.*

15.06.140 - Amendment – Chapter 1, Division II, Section R112.2.

Section R112.2, Limitations on Authority, is deleted and replaced to read as follows:

*112.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the*

*Town of Corte Madera.*

15.06.150 - Deletion – Chapter 1, Division II, Section R112.2.1.

Section R112.2.1, Determination of Substantial Improvement in Areas Prone to Flooding, is deleted in its entirety.

15.06.160 - Deletion – Chapter 1, Division II, Section R112.2.2.

Section R112.2.2, Criteria for Issuance of a Variance in Areas Prone to Flooding, is deleted in its entirety.

15.06.170 - Amendment – Chapter 1, Division II, Section R112.3.

Section R112.3, Qualifications, is deleted and replaced to read as follows:

*R112.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.01 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.*

15.06.180 - Addition – Chapter 1, Division II, Section R115.

Section R115, Unsafe Structures and Equipment, is added with subsections as shown.

15.06.190 - Addition – Chapter 1, Division II, Section R115.1.

Section R115.1, Conditions, is added as follows:

*R115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.*

15.06.200 - Addition – Chapter 1, Division II, Section R115.2.

Section R115.2, Record, is added as follows:

*R115.2 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.06.210 - Addition – Chapter 1, Division II, Section R115.3.

Section R115.3, Notice, is added as follows:

*R115.3 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.06.215 - Addition – Chapter 1, Division II, Section R115.4.

Section R115.4, Method of Service, is added as follows:

*R115.4 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.*

15.06.218 - Addition – Chapter 1, Division II, Section R115.5.

Section R115.5, Restoration, is added as follows:

*R115.5 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.06.220 - Addition – Chapter 1, Division II, Section R115.6.

Section R115.6, Nuisance Proceedings, is added as follows:

*R115.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.06 of the Corte Madera Municipal Code.*

15.06.230 - Addition – Chapter 1, Division II, Section R115.7.

Section R115.7, Staying of Order, is added as follows:

*R115.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section R115.4.*

15.06.240 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.06.250 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 4. Chapter 15.07 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.07

PLUMBING CODE

Sections:

<u>15.07.010</u>	<u>Adoption by Reference.</u>
<u>15.07.020</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.3.</u>
<u>15.07.030</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.4.</u>
<u>15.07.040</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.5.</u>
<u>15.07.050</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.6.</u>
<u>15.07.060</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.7.</u>
<u>15.07.070</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.8.</u>
<u>15.07.080</u>	<u>Addition – Chapter 1, Division I, Section 1.8.9.9.</u>
<u>15.07.090</u>	<u>Addition – Chapter 1, Division II, Section</u> <u>102.2.5.1.</u>
<u>15.07.100</u>	<u>Addition – Chapter 1, Division II, Section</u> <u>102.2.5.2.</u>
<u>15.07.110</u>	<u>Addition – Chapter 1, Division II, Section</u> <u>102.2.5.3.</u>
<u>15.07.120</u>	<u>Addition – Chapter 1, Division II, Section</u>

<u>15.07.130</u>	<u>102.2.5.4.</u> <u>Addition – Chapter 1, Division II, Section</u>
<u>15.07.140</u>	<u>102.2.5.5.</u> <u>Addition – Chapter 1, Division II, Section</u>
<u>15.07.150</u>	<u>102.2.5.6.</u> <u>Addition – Chapter 1, Division II, Section 102.4.</u>
<u>15.07.160</u>	<u>Addition – Chapter 1, Division II, Section</u>
<u>15.07.170</u>	<u>102.4.1.</u> <u>Addition – Chapter 1, Division II, Section</u>
<u>15.07.180</u>	<u>102.4.2.</u> <u>Addition – Chapter 1, Division II, Section</u>
<u>15.07.190</u>	<u>102.4.3.</u> <u>Amendment – Chapter 1, Division II, Section</u>
<u>15.07.200</u>	<u>103.4.1.</u> <u>Deletion – Chapter 1, Division II, Section</u>
<u>15.07.210</u>	<u>103.4.2.</u> <u>Deletion – Chapter 1, Division II, Table 1-1.</u>
<u>15.07.220</u>	<u>Violation – Penalty.</u>
<u>15.07.230</u>	<u>No Mandatory Duty.</u>

15.07.010 - Adoption by reference.

The 2013 California Plumbing Code, known as Part 5, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this Chapter except as modified by the following subsections of this section and the following sections of this Chapter:

A. Plumbing Code Chapter 1, Division I shall apply to State-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

B. Plumbing Code Chapter 1, Division II shall apply to State-regulated buildings, structures and applications in accordance with the Matrix Adoption Table in Chapter 1 of the California Plumbing Code (except as may be modified by subsection C.)

C. Chapter 1, Division II shall apply to all non-State-regulated buildings and structures and detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures. Where there is a conflict or inconsistency between the provisions of Division I and Division II, the provisions of Division II shall apply.

D. Any of the following sections in this Chapter which modify, amend, or replace any of the provisions of Chapter 1, Division I or Chapter 1, Division II shall be applicable to all State-regulated and non-State-regulated buildings and structures, including detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height and their accessory structures.

15.07.020 - Addition – Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

*1.8.9.3 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise*

*dangerous to human life or public welfare, or that involve illegal or improper occupancy or inadequate maintenance, are deemed an unsafe condition. Any structure that contains an unsafe condition may be deemed by the building official to be an unsafe structure. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and in accordance with the provisions of this Chapter. A vacant structure that is not secured against entry is deemed unsafe.*

15.07.030 - Addition – Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

*1.8.9.4 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.07.040 - Addition – Chapter 1, Division I, Section 1.8.9.5.

Section 1.8.9.5, Notice and Order, is added as follows:

*1.8.9.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.07.050 - Addition – Chapter 1, Division I, Section 1.8.9.6.

Section 1.8.9.6, Method of Service, is added as follows:

*1.8.9.6 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.*

15.07.060 - Addition – Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

*1.8.9.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.07.070 - Addition – Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

*1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.07 of the Corte Madera Municipal Code.*

15.07.080 - Addition – Chapter 1, Division I, Section 1.8.9.9.

Section 1.8.9.9, Staying of Order, is added as follows:

*1.8.9.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 1.8.9.6.*

15.07.090 - Addition – Chapter 1, Division II, Section 102.2.5.1.

Section 102.2.5.1, Record, is added as follows:

*102.2.5.1 Record. The building official may cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.*

15.07.100 - Addition – Chapter 1, Division II, Section 102.2.5.2.

Section 102.2.5.2, Notice and Order, is added as follows:

*102.2.5.2 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.07.110 - Addition – Chapter 1, Division II, Section 102.2.5.3.

Section 102.2.5.3, Method of Service, is added as follows:

*102.2.5.3 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible*

*for the structure shall constitute service of notice upon the owner.*

15.07.120 - Addition – Chapter 1, Division II, Section 102.2.5.4.

Section 102.2.5.4, Restoration, is added as follows:

*102.2.5.4 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.07.130 - Addition – Chapter 1, Division II, Section 102.2.5.5.

Section 102.2.5.5, Nuisance Proceedings, is added as follows:

*102.2.5.5 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.07 of the Corte Madera Municipal Code.*

15.07.140 - Addition – Chapter 1, Division II, Section 102.2.5.6.

Section 102.2.5.6, Staying of Order, is added as follows:

*102.2.5.6 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 102.2.5.3.*

15.07.150 - Amendment – Chapter 1, Division II, Section 102.3.

Section 102.3, Board of Appeals, is amended to read with subsections as shown.

15.07.160 - Amendment – Chapter 1, Division II, Section 102.3.1.

Section 102.3.1, Board of Appeals, is deleted and replaced to read as follows:

*102.3.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.*

15.07.170 - Addition – Chapter 1, Division II, Section 102.3.2.

Section 102.3.2, Definitions, is added as follows:

*102.3.2 Definitions. Whenever used in any section of this Chapter, the terms "Housing Appeals Board" and "Local Appeals Board" shall each refer to the Town Council of the Town of Corte Madera.*

15.07.180 - Addition – Chapter 1, Division II, Section 102.3.3.

Section 102.3.3, Appeals, is added as follows:

*102.3.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.07 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.*

15.07.190 - Amendment – Chapter 1, Division II, Section 103.4

Section 103.4, Fees, is deleted and replaced to read as follows:

*103.4 Fees. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.*

15.07.195 - Deletion – Chapter 1, Division II, Section 103.4.1.

Section 103.4.1, Plan Review Fees, is deleted in its entirety

15.07.200 - Deletion – Chapter 1, Division II, Section 103.4.2.

Section 103.4.2, Plan Review Fees, is deleted in its entirety.

15.07.210 - Deletion – Chapter 1, Division II, Table 1-1.

Table 1-1, Plumbing Permit Fees, is deleted in its entirety.

15.07.220 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.07.230 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of "shall", "will", "must", or similar terms within this section.

Section 5.

Chapter 15.08 of the Corte Madera Municipal Code is hereby repealed and replaced to read as follows:

Chapter 15.08

GREEN BUILDING STANDARDS CODE

Sections:

<u>15.08.010</u>	<u>Adoption by Reference.</u>
<u>15.08.020</u>	<u>Violation – Penalty.</u>
<u>15.08.030</u>	<u>No Mandatory Duty.</u>

15.08.010 - Adoption by reference.

The 2013 California Green Building Standards, known as Part 11, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.08.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.08.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Section 6.

Chapters 15.09, 15.11, 15.13 and 15.15 of the Corte Madera Municipal Code are hereby repealed and replaced to read as follows:

Chapter 15.09

ENERGY CODE

Sections:

<u>15.09.010</u>	<u>Adoption by Reference.</u>
<u>15.09.020</u>	<u>Violation – Penalty.</u>
<u>15.09.030</u>	<u>No Mandatory Duty.</u>

15.09.010 - Adoption by reference.

The 2013 California Energy Code, known as Part 6, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.09.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.09.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Chapter 15.11

EXISTING BUILDING CODE

Sections:

<u>15.11.010</u>	<u>Adoption by Reference.</u>
<u>15.11.020</u>	<u>Violation – Penalty.</u>
<u>15.11.030</u>	<u>No Mandatory Duty.</u>

15.11.010 - Adoption by reference.

The 2013 California Existing Building Code, known as Part 10, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

15.11.020 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.11.030 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Chapter 15.13

ELECTRICAL CODE ADMINISTRATIVE PROVISIONS

Sections:

<u>15.13.010</u>	<u>Adoption by Reference.</u>
<u>15.13.020</u>	<u>Amendment – Section 102.6.</u>
<u>15.13.030</u>	<u>Deletion – Section 201.3.</u>
<u>15.13.040</u>	<u>Deletion – Section 301.</u>
<u>15.13.050</u>	<u>Deletion – Section 303.</u>
<u>15.13.060</u>	<u>Amendment – Section 404.2.</u>
<u>15.13.070</u>	<u>Amendment – Section 901.5.</u>
<u>15.13.080</u>	<u>Addition – Section 901.7.</u>
<u>15.13.090</u>	<u>Addition – Section 901.8.</u>
<u>15.13.100</u>	<u>Addition – Section 901.9.</u>
<u>15.13.110</u>	<u>Amendment – Section 1101.1.</u>
<u>15.13.120</u>	<u>Amendment – Section 1101.2.</u>
<u>15.13.130</u>	<u>Addition – Section 1101.3.</u>
<u>15.13.140</u>	<u>Deletion – Section 1102.</u>
<u>15.13.150</u>	<u>Deletion – Section 1103.</u>
<u>15.13.160</u>	<u>Deletion – Chapter 12.</u>
<u>15.13.170</u>	<u>Deletion – Chapter 13.</u>
<u>15.13.180</u>	<u>Violation – Penalty.</u>
<u>15.13.190</u>	<u>No Mandatory Duty.</u>

15.13.010 - Adoption by reference.

The 2006 International Code Council Electrical Code Administrative Provisions is hereby adopted by reference as though fully set forth in this chapter except as modified by the following sections of this Chapter.

15.13.020 - Amendment – Section 102.6.

Section 102.6, Referenced Codes and Standards, is deleted and replaced to read as follows:

*102.6 Referenced codes and standards. Where differences occur between provisions of the California Electrical Code and referenced codes or standards, the provisions of the California Electrical Code shall apply. Where enforcement of a code provision would conflict with the conditions of the listing of approved equipment or appliances, the conditions of the listing and manufacturer's instructions shall apply.*

15.13.030 - Deletion – Section 201.3.

Section 201.3, Terms Defined in Other Codes, is deleted in its entirety.

15.13.040 - Deletion – Section 301.

Section 301, Department of Electrical Inspection, is deleted in its entirety.

15.13.050 - Deletion – Section 303.

Section 303, Certificate of Occupancy, is deleted in its entirety.

15.13.060 - Amendment – Section 404.2.

Section 404.2, Schedule of Permit Fees, is deleted and replaced to read as follows:

*404.2 Fees. Permit, plan review, and administrative fees shall be assessed in accordance with the fee schedule adopted by the Town of Corte Madera.*

15.13.070 - Amendment – Section 901.5.

Section 901.5, Notice, is deleted and replaced to read as follows:

*901.5 Notice and Order. If an unsafe condition is found, the building official may serve on the owner, agent or person in control of the structure, a written notice and order that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be vacated or demolished within a stipulated time.*

15.13.080 - Addition – Chapter 1, Section 901.7.

Section 901.7, Restoration, is added as follows:

*901.7 Restoration. The structure or equipment determined to be unsafe by the building official may be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Chapter 34 of the California Building Code.*

15.13.090 - Addition – Section 901.8.

Section 901.8, Nuisance Proceedings, is added as follows:

*901.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Chapter 15.13 of the Corte Madera Municipal Code.*

15.13.100 - Addition – Section 901.9.

Section 901.9, Staying of Order, is added as follows:

*901.9 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 901.6.*

15.13.110 - Amendment – Section 1101.1.

Section 1101.1, General, is deleted and replaced to read as follows:

*1101.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code, there shall be and is hereby created a board of appeals.*

15.13.120 - Amendment – Section 1101.2.

Section 1101.2, Limitations on Authority, is deleted and replaced to read as follows:

*1101.2 Definitions. Whenever used in any section of this Chapter, the terms “Housing Appeals Board” and “Local Appeals Board” shall each refer to the Town Council of the Town of Corte Madera.*

15.13.130 - Addition – Section 1101.3.

Section 1101.3, Appeals, is added as follows:

*1101.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapters 15.03 and 15.13 of the Corte Madera Municipal Code, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate. The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.*

15.13.140 - Deletion – Section 1102.

Section 1102, Membership, is deleted in its entirety.

15.13.150 - Deletion – Section 1103.

Section 1103, Procedures, is deleted in its entirety.

15.13.160 - Deletion – Chapter 12.

Chapter 12, Electrical Provisions, is deleted in its entirety.

15.13.170 - Deletion – Chapter 13.

Chapter 13, Referenced Standards, is deleted in its entirety.

15.13.180 - Violation - Penalty.

Any person who commits a violation of any of the provisions of this Chapter, including those that have been adopted by reference herein, is guilty of a misdemeanor and upon conviction is punishable by a fine of five hundred dollars, imprisonment for six months, or both.

15.13.190 – No Mandatory Duty.

By adoption of this chapter the Town Council does not intend to create, establish, or impose any mandatory duty on the part of the town or any person acting on its behalf, notwithstanding the use of “shall”, “will”, “must”, or similar terms within this section.

Chapter 15.15

SEVERABILITY

Sections:

15.15.010            Severability.

15.15.010 - Severability.

If any section, subsection, phrase or clause of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13 and 15.15 is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13 and 15.15.

The Town Council declares that it would have passed the ordinance codified in Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13 and 15.15 and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional.

Section 7.

The Town Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3 California Code of Regulations, Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes in effect pursuant to state law and sets requirements for compliance. The adoption of this

ordinance does not entitle new development or any changes to the physical environment.

Section 8. This ordinance shall become effective 30 days after the date of adoption.

Section 9. The Town Clerk shall cause this ordinance to be published within fifteen days after its adoption.

This ordinance was introduced on the 4th day of November, 2013, and adopted on the 19<sup>th</sup> day of November, 2013, by the following vote:

AYES: Councilmembers: Bailey, Condon, Ravasio and Furst

NOES: Councilmembers: None

ABSENT: Councilmembers: Lappert

  
\_\_\_\_\_  
Diane Furst, Mayor

ATTEST:

  
\_\_\_\_\_  
Lisa Harper, Interim Town Clerk