

BUILDING STANDARDS COMMISSION

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



December 13, 2013

William P. Kelley, CBO
Deputy Director, Building and Safety
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

RE: Ordinance #3607

Dear Mr. Kelley:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on November 20, 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), 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 county 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).

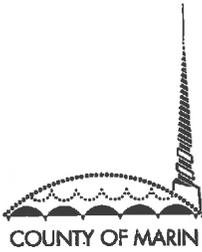
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

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

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



COMMUNITY DEVELOPMENT AGENCY
BUILDING AND SAFETY DIVISION

2013 NOV 20 P 3:20

CALIFORNIA BUILDING
STANDARDS COMMISSION

18 November, 2013

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

Attention: James McGowan, Executive Director

Dear James,

Enclosed herein, please accept and file this certified copy of recently adopted Marin County Ordinance No. 3607 adopting the 2013 California Building Standards Code, with local amendments.

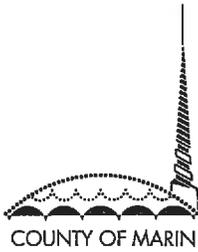
To ensure maximum cognition and transparency for our constituency, each requisite EXPRESS FINDING, pursuant to Health and Safety Code Sections 17958.7 and 18941.5, and based upon Marin County's local climate, geology or topology, is codified within their respective Marin County Code section for easy reference.

For our legal records, please provide written acceptance of this filing by return mail.

Thanks in advance.

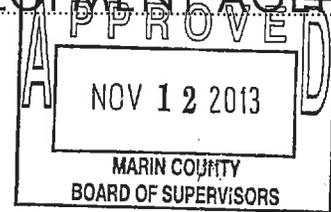
With Regards,

William P. Kelley, CBO
Deputy Director, Building and Safety



COMMUNITY DEVELOPMENT AGENCY

November 12, 2013



Brian C. Crawford
DIRECTOR

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

Marin County Civic Center
3501 Civic Center Drive
Suite 308
San Rafael, CA 94903
415 473 6269 T
415 473 7880 F
415 473 2255 TTY

SUBJECT: Proposed Ordinance to amend the County Building Code (Title 19) to adopt the 2013 California Building Standards Code with local amendments.

Dear Supervisors,

RECOMMENDATION:

1. Conduct public hearing
2. Consider adopting proposed ordinance with an effective date of January 1, 2014

SUMMARY:

The proposed Ordinance adopts and amends the 2013 California Building Standards Code, (*California Code of Regulations TITLE 24*), as currently provided by Ordinance 3549 (2010) in Marin County Code (MCC) Title 19 and sets the effective date of our local amendments to coincide with the effective date of the California Building Standards Code regulated by statute. Passage of this proposed Ordinance will prevent a discrepancy between the effective date of the State Code and the effective date of our local amendments, thereby preventing a window wherein our local amendments are legally unenforceable.

The proposed Ordinance also: clarifies building permit and permit application renewal requirements and limitations; streamlines enforcement of exterior wildfire exposure requirements; simplifies energy efficiency, green building and recycling and reuse compliance requirements for construction; and clarifies local pool and pond enclosure requirements.

Given the anticipated move by Marin city and town jurisdictions toward discontinuing their local green building ordinances in favor of adopting the 2013 California Green Building Standards Code (*CalGreen, Part 11 of TITLE 24, California Code of Regulations*), staff recommends deferring consideration of changing our existing green building requirements (Subchapter 2, MCC Ordinance 3549 (2010)) until proper analysis of the State's new energy budget for our climate zones is completed. Doing so will allow your Board to minimize changes to our compliance requirements until consideration of appropriate energy efficiency policy is possible.

Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

www.marincounty.org/cda

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REVIEWED BY: (These boxes must be checked)

<input type="checkbox"/> Department of Finance	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

SIGNATURES:

 William Kelley Deputy Director	 Omar Peña Planner
 Brian C. Crawford Director	

ATTACHMENTS: Proposed Ordinance amending MCC Title 19 (Attachment 1)
Text of proposed code changes (EXHIBIT A of Attachment 1)
Proposed green building compliance changes (Attachment 2)

COUNTY OF MARIN
BOARD OF SUPERVISORS
CIVIC CENTER, SUITE 329
SAN RAFAEL, CA 94903

FACSIMILE: 415-473-3645
TELEPHONE: 415-473-7331

DATE: November 13, 2013

NUMBER OF PAGES: 2
(Including Cover Page)

TO: Donna Lazarus
Marin Independent Journal

FAX # 382-7205
Fax Transmission #2013-53

FROM: Patrice Stancato (473-7332)
Board of Supervisors

Re: Summary of Ordinance amending the County Building Code (Title 19) to adopt
the 2013 CA Building Standards Code with local amendments

Dear Donna:

Please publish the enclosed Summary of Ordinance one time on or before **Wednesday,
November 27, 2013**.

We would appreciate your returning an Affidavit of Publication to the Board of
Supervisors' office for our records. This item should be billed to the Board of
Supervisors' office (2071499).

Thank you.

NOTE: This Notice has also been emailed to legals@marinij.com.

SUMMARY OF ORDINANCE NO. 3607

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ADOPTING AMENDMENTS TO PORTIONS OF TITLE 19 (MARIN COUNTY BUILDING CODE) OF THE MARIN COUNTY CODE REGULATING: ADOPTION AND AMENDMENT OF THE 2013 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS; PERMIT APPLICATION EXPIRATION AND EXTENSION; PERMIT EXPIRATION, EXTENSION AND NEW PERMITS FOR COMPLETION OF WORK; EXTERIOR WILDFIRE EXPOSURE REQUIREMENTS FOR ADDITIONS AND EXTERIOR REMODELS; FIRE PROTECTION SYSTEMS; FIRE CLASSIFICATION; ENERGY EFFICIENCY STANDARDS FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION; GREEN BUILDING REQUIREMENTS; RECYCLING AND REUSE REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION DEBRIS; DECORATIVE POOL AND POND ENCLOSURES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the Marin County Board of Supervisors conducted a duly-noticed public hearing on November 12, 2013 to consider the merits of the amendments and hear testimony regarding the amendments.

WHEREAS, the Marin County Board of Supervisors has adopted amendments to portions of Marin County Code Title 19 (Marin County Building Code).

A copy of the full text of the ordinance is available for public review and copying in the Office of the Clerk of the Board of Supervisors (Room 329 – Administration Building).

PASSED AND ADOPTED at a regular meeting of the Marin County Board of Supervisors on the 12th day of November 2013, by the following vote to wit:

AYES: SUPERVISORS Kathrin Sears, Susan L. Adams, Steve Kinsey,
Katie Rice, Judy Arnold

NOES: NONE

ABSENT: NONE

ORDINANCE NO. 3607

**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
ADOPTING AMENDMENTS TO PORTIONS OF TITLE 19 (MARIN COUNTY BUILDING
CODE) OF THE MARIN COUNTY CODE REGULATING: ADOPTION AND AMENDMENT OF
THE 2013 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF
REGULATIONS; PERMIT APPLICATION EXPIRATION AND EXTENSION; PERMIT
EXPIRATION, EXTENSION AND NEW PERMITS FOR COMPLETION OF WORK; EXTERIOR
WILDFIRE EXPOSURE REQUIREMENTS FOR ADDITIONS AND EXTERIOR REMODELS;
FIRE PROTECTION SYSTEMS; FIRE CLASSIFICATION; ENERGY EFFICIENCY
STANDARDS FOR RESIDENTIAL AND COMMERCIAL CONSTRUCTION; GREEN
BUILDING REQUIREMENTS; RECYCLING AND REUSE REQUIREMENTS FOR
CONSTRUCTION AND DEMOLITION DEBRIS; DECORATIVE POOL AND POND
ENCLOSURES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN
CONFLICT THEREWITH**

SECTION I: FINDINGS

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN hereby ordains as follows:

WHEREAS, the California Building Standards Code is published in its entirety every three years by order of the California legislature to implement the State's statutes, to have the same force of law, to take effect 180 days after their publication, unless otherwise stipulated, and to apply to all occupancies in the State of California; and

WHEREAS, the County of Marin is authorized by statute to adopt local amendments, additions or deletions to the California Building Standards Code when determined reasonably necessary by the Marin County Board of Supervisors because of local climatic, geological, topographical or environmental conditions, provided the procedures and effective date of local amendments coincide with the procedures and effective date of the California Building Standards Code; and

WHEREAS, Title 19 of Marin County Code is the official repository of local amendments, additions or deletions to the California Building Standards Code promulgated for the unincorporated County of Marin, and do not apply to triennial publications the California Building Standards Code without appropriate periodic local adoption and required filing; and

WHEREAS, Title 19 of Marin County Code requires periodic maintenance for the purpose of updating existing provisions and correcting duplicate, conflicting or obsolete provisions; and

WHEREAS, the Marin County Community Development Agency is the designated enforcement authority for this Title, and with the Ordinance proposed herein is expressly initiating local amendments, additions or deletions to the California Building Standards Code and recommended maintenance of Title 19 of Marin County Code.

SECTION II: AMENDMENTS TO TITLE 19

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ORDAINS AS FOLLOWS: the Marin County Board of Supervisors hereby adopts the amendments to Marin County Code Title 19 (Marin County Building Code) as depicted in Exhibit "A" of this Ordinance.

SECTION III: EFFECTIVE DATE

This ordinance is enacted pursuant to and in compliance with Health and Safety Code §17958, §17958.5, §17958.7 and §18941.5 and as expressly permitted in Government Code §50022.2 and shall be, and is hereby declared to be, in full force and effect as of January 1, 2014.

In accordance with Government Code §25124(b)(1), within fifteen (15) days after adoption the Marin County Board of Supervisors Clerk shall publish a summary of this Ordinance, with the names of the Supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin, and shall also post in the office of the Marin County Board of Supervisors a certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the Ordinance.

Prior to the effective date, a copy of this Ordinance shall be filed with the California Building Standards Commission complete with local findings for each local amendment to the California Building Standards Code.

SECTION IV: FORMER ORDINANCES

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the provisions depicted in Exhibit "A" of this Ordinance hereby adopted are hereby repealed.

SECTION V: VALIDITY

If any section, subsection, sentence, clause or phrase of the provisions depicted in Exhibit "A" of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The board of supervisors of Marin County hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof shall be declared invalid.

SECTION VI: CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Board of Supervisors of Marin County finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, § 15061(b)(3).

SECTION VII: VOTE

Notice of this Ordinance was published pursuant to Government Code §50022.3, §6066 and §25124(b)(1) and a certified copy of the full text of this Ordinance was posted in the office of the Clerk of the Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which it was adopted.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, held this 12th day of November, 2013, by the following vote:

AYES: SUPERVISORS Kathrin Sears, Susan L. Adams, Steve Kinsey, Katie Rice,
Judy Arnold
NOES: NONE
ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK

TITLE 19 – MARIN COUNTY BUILDING CODE

Chapters:

Chapter 19.04 - BUILDING REGULATIONS

Chapter 19.05 - STREET IMPROVEMENTS REQUIRED ABUTTING BUILDING SITES

Chapter 19.06 - GRADING

Chapter 19.07 - RECYCLING AND REUSE REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION DEBRIS

Chapter 19.08 - INSTALLATION OF WOOD BURNING APPLIANCES—REMOVAL AND OPERATION OF NON-CERTIFIED WOOD BURNING APPLIANCES

Chapter 19.12 - DECORATIVE POOL AND POND ENCLOSURES

Chapter 19.16 - FLOOD CONTROL FACILITY FENCING

Chapter 19.18 - REGULATION OF THE CONSTRUCTION AND MAINTENANCE OF FLOATING HOMES

Chapter 19.19 – AGRICULTURAL EXEMPTIONS FROM PERMIT REQUIREMENTS

Subchapter 1 - General Provisions

19.04.010 Marin County Building Codes adopted.

19.04.011 - Codes adopted by reference.

19.04.012 - Construction of terms.

19.04.020 - Building and safety division—Established.

19.04.021 - Building and safety division—Personnel.

19.04.022 - Chief building official's powers and duties.

19.04.026 - Liability.

19.04.027 – Substandard and Unsafe buildings.

19.04.028 - Boards.

19.04.029 - Penalties.

19.04.032 - Fee schedule—Permit fees.

19.04.033 - Notice of violation.

19.04.034 - Building permits and approvals withheld.

- 19.04.035 - Removal of notice of violation.
- 19.04.041 - Reserved.
- 19.04.042 - Storm damage to property.
- 19.04.050 - Permit application expiration and extension.
- 19.04.055 - Permit expiration, extension and new permits for completion of work.
- 19.04.060 - Work exempt from obtaining a building permit.
- 19.04.063 - Substantial remodel.
- 19.04.064 - Exterior wildfire exposure requirements for additions and exterior remodels
- 19.04.065 - Fire protection systems.
- 19.04.070 - Emergency escape and rescue openings.
- 19.04.080 - Fire classification.
- 19.04.090 - Gas shut-off devices.
- 19.04.091 - Anchoring of liquid petroleum gas tanks.
- 19.04.100 - Reserved.

19.04.010 - Marin County Building Codes Adopted.

This Title shall be known as the Marin County Building Code. The promotion of healthy, safe and sustainable communities; the preservation of Marin's unique environmental heritage; and the welfare and meaningful participation of the people of the County of Marin and protection of the property situated therein require adopting the following codes:

- (1) The 2013 edition of the California Building Code, known as California Code of Regulations, Part 2 of Title-24, incorporating the 2012 edition of the "International Building Code" published by the International Code Council, including; Appendix C for agricultural buildings; with exceptions, additions and deletions as provided in this Title.
- (2) The 2013 edition of the California Residential Code, known as California Code of Regulations, Part 2.5 of Title-24, incorporating the 2012 edition of the "International Residential Code" published by the International Code Council, including; Appendix H for patio covers; and Appendix J for existing buildings and structures; with exceptions, additions and deletions as provided in this Title.
- (3) The 2013 edition of the California Electrical Code, known as California Code of Regulations, Part 3 of Title-24, incorporating the 2011 edition of the "National Electrical Code" published by the National Fire Protection Association, with exceptions, additions and deletions as provided in this Title.
- (4) The 2013 edition of the California Mechanical Code, known as California Code of Regulations, Part 4 of Title-24, incorporating the 2012 edition of the "Uniform Mechanical Code" published by the International Association

of Plumbing and Mechanical Officials, including Appendices A-G with exceptions, additions, and deletions as provided in this Title.

(5)

The 2013 edition of the California Plumbing Code, known as California Code of Regulations, Part 5 of Title-24, incorporating the 2012 edition of the "Uniform Plumbing Code" as published by the International Association of Plumbing and Mechanical Officials, including Appendices A, B, G and I, with exceptions, additions, and deletions as provided in this Title.

(6)

The 2013 edition of the California Energy Code known as California Code of Regulations, Part 6 of Title-24.

(7)

The 2013 edition of the California Historical Building Code known as California Code of Regulations, Part 8 of Title-24.

(8)

The 2013 edition of the California Existing Building Code, known as California Code of Regulations, Part 10 of Title-24, incorporating Appendix Chapters A1 and A3 of the 2012 edition of the "International Existing Building Code" published by the International Code Council.

(9)

The 2013 edition of the California Green Building Standards Code known as California Code of Regulations, Part 11 of Title-24, with exceptions, additions, and deletions as provided in this Title.

(10)

The 2013 edition of the California Referenced Standards Code known as California Code of Regulations, Part 12 of Title-24.

19.04.011 - Codes adopted by reference.

For the purpose of establishing proper regulations for building construction for the maintenance of buildings and structures, for the installation of plumbing, gas appliances, mechanical and electrical systems, and for the storage and handling of flammable liquids, the aforementioned codes, or portions thereof herein set forth, are adopted and are made a part of this chapter by reference without further publication or posting thereof. One copy of each of these codes as listed herein shall be kept on file for use and examination by the public in the office of the chief building inspector.

19.04.012 - Construction of terms.

Contained within the provisions of this title, Chapter 11.20, Chapter 11.21 and the codes adopted in Section 19.04.010, where the word "city" occurs, it means the word "county", where the words "city council" occur, they mean the words "board of

supervisors", and where the words "building official", "administrative authority", "chief building inspector" or "authority enforcing this code" occur, they mean the words, "Chief Building Official" of Marin County.

19.04.020 - Building and safety division—Established.

There is established a building and safety division of the community development agency in and for the County of Marin. The division shall be responsible for the enforcement of this chapter and shall perform the functions of inspection of building plans and the construction and reconstruction of buildings, the inspection of installation of plumbing, electrical and gas appliances and facilities, the issuance of permits and collection of fees therefore, and such other duties and powers as may be delegated to it by the board of supervisors and by law, within the unincorporated territory of the county. The community development agency director shall appoint a chief building official and budget county funds to the building and safety division, as it may deem necessary for the operation of the division.

19.04.021 - Building and safety division—Personnel.

(a)

The chief building official shall be the building official referred to in the codes adopted in Section 19.04.010.

(b)

Appointing deputies. The chief building official may appoint such deputies, as may be needed to discharge the duties of his/her office properly.

19.04.022 - Chief building official's powers and duties.

(a)

The chief building official is authorized and directed to enforce all of the provisions of these codes and for such purpose shall have the powers of a peace officer.

(b)

In addition to other specific duties, it shall be the duty of the chief building official and deputies to be familiar with and to cooperate with the Marin County fire department in the enforcement of laws and regulations of the state of California and any local ordinances relating to:

(1)

The installation of automatic and other fire alarm and extinguishing equipment where required before occupancy;

(2)

The requirements for storage and use of flammable material;

(3)

The requirements of adequate means of egress in case of fire in factories, stores, hotels, apartment houses, asylums, schools, hospitals, places of public assemblage and all other places in which a number of persons will be housed, live, work or congregate;

(4)

Cooperation with the Chief of the Marin County Fire Department, when called upon to do so, in the investigation of the cause, origin and circumstances of fire; provided, however, that the primary responsibility, insofar as the provisions of any of the foregoing affect the construction of new and alteration of existing structures, shall lie with the Chief Building Official, and insofar as the same relate to the use and operation of premises or the structures and personal property located thereon after the final inspection, shall lie with the Chief of the Marin County Fire Department or other appropriate fire protection authority.

(c)

Handling Funds. It shall be the duty of the Chief Building Official to keep a permanent record of all funds paid into his/her office, which funds shall be turned over to the County Treasurer at least once each week for deposit in the Building and Safety Division fund of the County of Marin for which the County Treasurer shall render a receipt.

(d)

Custodian of Plans. The Chief Building Official shall be custodian of all building plans and other records pertaining to his/her office and the work thereof, and he/she shall allow none to leave official county control. Upon relinquishment of his/her office shall turn such records over to his/her successor in proper order and condition.

(e)

Administration Duties. It shall be the duty of the Chief Building Official to administer all the provisions of this chapter, to condemn any building, work, fixture, or condition which, by violation of any provision of this chapter, is detrimental to public health and safety, to conduct all his official actions by accepted and standard methods and procedures, which shall also govern his/her treatment of any details of construction not covered by this chapter. However, any alteration, repair or installation of a nonconforming nature which, in his/her opinion, can only decrease hazard to health and safety, may be authorized by him/her in writing when strict compliance with this chapter would cause an unwarranted hardship.

(f)

Enforcement/Citation Authority. The following designated employee positions may enforce the provisions of this title and Chapters 11.20 and 11.21 of this code by the issuance of citations. Persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this Title and Chapter 11.20 of these codes. The designated employee positions are: (1) Chief Building Official; (2) Assistant Chief Building Inspector; and (3) Building Inspector I and II.

19.04.026 - Liability.

(a)

This chapter shall not be construed as imposing upon the County of Marin or any official or employees thereof any liability or responsibility for damages to any property or injuries to any person resulting from defects in building construction, defective plumbing, or drainage systems or installation thereof, or electrical or gas installations or by installations of containers for the storage or use of flammable products, or any other cause whatsoever, nor shall the County of Marin or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection performed or permit issued by the inspector, or by any reason of any act or omission in the discharge of his duties. Nor shall the County of Marin or any official or employee thereof be held as assuming any liability or responsibility for property damage from any cause whatsoever which may have been caused by gas leakage, fire or explosion of any sort arising from or during the operation of any gas appliance or house gas piping, electrical application or electrical wiring or from the storage or use of flammable products.

(b)

Any suit brought against any county employee because of any such act or omission by him in the enforcement of any provisions of this chapter shall be defended by the county counsel until final termination of the proceedings.

19.04.027 – Substandard and Unsafe buildings.

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare by reason of inadequate maintenance of the building, plumbing, mechanical or electrical systems, or by dilapidation, obsolescence, fire hazard, disaster damage or abandonment, as specified in the codes adopted by Section 19.04.010, or Section 17920.3 of the California Health & Safety Code, are for the purpose of this section, substandard and/or unsafe buildings. All such substandard and/or unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures specified in these codes to Chapter 1.05, or other provisions of law.

19.04.028 - Boards.

(a)

Building Board of Appeals. In order to resolve California building standards matters involving issues arising under Title 24 California Code of Regulations, Part 2, to conduct hearings on written appeal under Section 1.8.7 of Part 2, Title

24 California Code of Regulations, and to approve or disapprove interpretation and determinations made by the building safety division, determine suitability for the purpose intended of alternate materials and types of construction, to provide for reasonable interpretations of the provisions of this chapter, and to make recommendations to the Board of Supervisors concerning amendments to the Marin County Code, there is created a Building Board of Appeals consisting of: two licensed contractors, one licensed professional engineer, one licensed architect and one member of the general public. The chief building official shall serve as a nonvoting ex officio member and shall act as secretary of the board.

(b)

Access Appeals Board. In order to resolve California accessibility matters involving issues arising under Title 24 California Code of Regulations, Part 2 and/or Health & Safety Code § 19955, et seq., to conduct hearings on written appeal under Health & Safety Code § 19957.5, and to approve or disapprove interpretation made pursuant to Health & Safety Code section 19952, et seq., and enforcement actions taken by the building safety division, there is hereby created an access appeals board consisting of: two licensed contractors, one member of the public and two persons with physical disabilities. The chief building official shall serve as a nonvoting ex officio member and shall act as secretary of the board.

(c)

The two licensed contractors and member of the public may simultaneously serve on both boards. The board of supervisors may appoint alternate representative members to sit on either board.

(d)

Members of the building board of appeals and access appeals board shall be appointed by the board of supervisors for four-year terms unless earlier removed by vote of the board of supervisors. The boards shall adopt reasonable rules and regulations for conducting their business and investigations. All decisions and findings shall be given in writing to the appellant.

19.04.029 - Penalties.

Penalties for violations. Any person, firm, or corporation violating any of the provisions of this Title, or any provisions of the codes adopted under Section 19.04.010, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this Title, or the codes adopted under Section 19.04.010 is committed, continued, or permitted and upon conviction of any such violation, such person shall be punishable by a fine equal to two (2) to four (4) times the permit fees specified in Section 19.04.032 of this Code for the permit or permits required to clear the violation. For purpose of uniformity, this section shall be deemed to supersede any of the penalties provided in the respective codes referred to in Section 19.04.010, and shall be based on the criteria set forth in Marin County Code, Section 1.05.050 D, that is hereby incorporated by reference as is fully set forth herein, unless waived by the Agency Director based on a finding that such a

waiver is in the public interest and that the applicant is expeditiously correcting the violation.

19.04.032 - Fee schedule—Permit fees.

(a)

Findings and intent.

(1)

Pursuant to Article XIII B of the California Constitution, it is the intent of the Board of Supervisors of the County of Marin to require the ascertainment and recovery of costs reasonably borne from fees, charges and regulatory license fees levied therefrom in providing the regulation, products or services hereinafter enumerated in this chapter.

(2)

The fee and service level cost analysis system set forth in this chapter provides a mechanism for ensuring that fees adopted by the County of Marin for services rendered do not exceed the reasonable estimated cost of providing the level of services for which the fees are charged, and maintain equity in the delivery of those services.

(3)

The adoption of this chapter is exempt from the California Environmental Act (Public Resources Code Sections 21080 et seq.), because it approves and sets forth a procedure for determining fees for the purpose of meeting the operating expenses of the county.

(4)

For the fiscal year 2009-2010, the fees listed in the "master fee and service schedule", Exhibit A, [on file with the county] reflect the reasonable cost of providing the services and service levels reflected in the schedule.

(5)

Following the 2009-2010 fiscal year, the board finds that the reasonable costs of providing the services and service levels for the fees set forth in Exhibit A, which is on file and incorporated herein by reference, are the fees, services and service levels for 2009—2010 plus the annual increases in the fully burdened hourly rate that affect the cost of providing the service.

(b)

Fee and service level cost analysis system.

(1)

For the fiscal year 2009-2010, the fees listed in Exhibit A reflect the average service charge of surveyed comparable counties and local cities for each building permit type.

(2)

Each fee herein enumerated reflects a comparable cost allocated service level establishing equity between reasonable average allocated staff time and reasonable fully burdened cost with the degree of individual or private benefit gained from the service provided.

(3)

Fees and corresponding service levels are aligned to achieve one hundred percent utilization of budgeted resources and recovery of costs without exceeding the estimated average reasonable charge and service to any permit holder or class of permit holders.

(c)

Definitions.

(1)

Fully burdened hourly rate is the same as the blended division hourly rate and shall reflect the costs reasonably borne by the community development agency building and safety division in providing the listed regulations, products or services; and is derived as a quotient of total billable division hours divided into the product of the approved annual expense budget times the designated percentage of cost recovery.

(2)

Service level is the total allocation of building and safety division resources assigned to each service commensurate with the charge for that service.

(d)

Maintenance and schedule of fees and service charges.

(1)

The community development agency director shall require the deputy director of building and safety to review no less than annually the fees and service charges listed below, and prepare a proposed "master fee and service schedule" for consideration and adoption by the board of supervisors, as originally proposed or as modified in the form of a resolution, so as to maintain recovery of the designated percentage of costs reasonably borne necessary to provide the listed regulations, products, services and service levels.

(2)

The designated percentage of cost recovery for the community development agency building and safety division shall be one hundred percent.

(3)

Construction valuation for determining required taxes shall be based on construction cost. Valuation for determining assignment of fees shall be one hundred fifty dollars per square foot.

(4)

Permit transfer fee shall be charged at the blended division hourly rate. When the original applicant assigns or otherwise transfers responsibility to another, an application form shall be completed by the new applicant and a permit transfer fee paid. All conditions imposed on the original applicant shall apply.

(5)

The deputy director of community development, building and safety may reduce the plan review fees specified in the master fee and service schedule by up to fifty percent when an applicant requests to have their plans reviewed by an authorized third party plan check agency. Pre-approval of third party review is required. The applicant shall pay the third-party plan check agency charges separately.

(6)

Technology enhancement fees. Fees for technology (information access) enhancement shall be five percent of the building permit fee.

(7)

Site check. Fees for performing the site checks shall be established in the current Marin County Code for permits administered by the department of public works, to cover the cost of inspecting the site in order to establish conditions for site work and inspecting for compliance with the site requirements.

(8)

Plan check and site check for environmental health services. Fees for performing plan checks and site checks shall be established in the current Marin County Code establishing fees for permits administered by the division of environmental health to cover the cost of checking plans and inspecting the site in order to establish conditions for site work and inspecting for compliance with the required condition.

(9)

Filing fee for appeal of building official decisions and determinations to the board of appeals shall be one hundred twenty dollars.

(10)

Fees for returned checks shall be thirty-five dollars per occurrence; ten dollars will be sent to central collections in the county; twenty-five dollars will be retained by the division to recover the costs of the related administrative efforts for processing.

(11)

The agency director, or his/her assign shall have the ability to waive or transfer from the in-lieu housing trust fund up to one hundred percent of the building fees for projects which include below market rate housing units subject to the requirement that the project meet the eligibility standards for state or federal housing funding. The amount of fees waived or transferred to be determined based on the proportion of the project which is below market rate housing and the permanency of the

housing subsidy. The agency director, or his/her assign is also authorized to waive up to thirty-five percent of the building fees for projects undertaken by community-based nonprofit agencies or organizations which provide services resulting in public benefits.

19.04.033 - Notice of violation.

(a)

Any building violation(s) of the provision(s) of this title constitutes cause for filing for the record, with the recorder of the county in which the real property is located, a notice of violation and a lien for the estimated permit cost(s), investigation fee(s) and penalties. Permit costs shall consist of all application and construction permit fees necessary to legalize the existing violation(s). Where a violation exists which is strictly prohibited by the Marin County Code and no permit process is available to legalize the violation, a minimum lien of five hundred dollars will be recorded, to cover costs of enforcement and abatement.

(b)

The chief building inspector will verify the violation and will cause a tentative notice of violation and a copy of the proposed lien to be mailed to the real property owner ordering corrective action to be taken within ten days of receipt of the tentative notice of violation. Should the violation be corrected within the ten days, or application made for any permits necessary to bring the violation into conformance with county code, no further action is required, provided that permits are secured within six months of application date and work is completed within one year of the permit issuance date.

(c)

Subsequent to verification that the violation has not been corrected, the chief building inspector shall, at least thirty days prior to the recording of a final notice of violation and lien, cause to be mailed by certified mail, return receipt requested, to the then-current owner of record of the property, a notice of intention to record a final notice of violation and lien, as specified herein, specifying a time, date and place at which the owner may present evidence to the chief building inspector as to why a final notice of violation and such lien should not be recorded. If, after the owner has presented evidence, it is determined that there is no violation, or that the violation has been eliminated and the property has been brought into compliance with county code requirements, no further action by the chief building inspector will be required. If it is determined that the violation exists, and if it remains at the end of the thirty-day notice period, the chief building inspector shall record a final notice of violation and a lien for the estimated permit costs and investigation fees with the county recorder. This notice shall specify the violation, the names of the record owners and shall describe the real property. Final notice of violation, when recorded, shall be deemed to be constructive notice to all successors in interest in such property that such violation(s) exist and that the property is encumbered

by certain permit costs and penalties, as cited herein. The estimated permit costs and investigation fees shall be re-evaluated at the time of submittal of required applications, or completion of abatement.

19.04.034 - Building permits and approvals withheld.

If the chief building inspector finds the construction, reconstruction or installation of plumbing, electrical and gas appliances and facilities for which the notice of violation and lien have been recorded pursuant to this chapter are not contrary to the public health, safety and general welfare, permits and approvals necessary for construction, reconstruction or installation of plumbing, electrical and gas appliances may be issued for such property. If the chief building inspector finds that the construction, reconstruction or installation of plumbing, electrical and gas appliances are contrary to the public health, safety and welfare due to the above cited violations on the property, permits may be withheld until the violation(s) impacting on public health, safety and welfare are eliminated, or the chief building inspector may issue a conditional approval and may impose such conditions as are necessary to bring the violation(s) into conformance and eliminate the hazard(s) to public health, safety and welfare. The authority to deny or conditionally approve such permit(s) or approval(s), based on the above referenced findings, shall apply whether the applicant therefore was the owner of the real property at the time of such violation or whether the applicant therefore is the current owner of the real property with or without actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

19.04.035 - Removal of notice of violation.

(a)

The property owner may file an application with the chief building inspector for a release of the recorded notice of violation and the lien if the violation has been eliminated and the property brought into compliance with the Marin County Code of regulations. The application shall be accompanied by a fee set by the board of supervisors.

(b)

The application shall be reviewed by the chief building inspector for compliance with the Marin County Code. Upon verification, the chief building inspector shall file a release of the notice of violation and lien with the county recorder, removing the notice of violation and lien from the property. If the violation has not been eliminated, the application shall be denied by the chief building inspector.

19.04.041 - reserved

19.04.042 - Storm damage to property.

Any application to construct, reconstruct or repair a building which was damaged or destroyed by landslides or mud flows, must be accompanied by a report prepared by a civil engineer with soils engineering expertise or a soils certified engineering geologist, indicating the physical factors which caused the damage to the property and the corrective measures which will be incorporated in the building plans to mitigate against a recurrence of similar damage. The building inspector may waive this requirement if the building inspector can procure satisfactory engineering and geology advice from other appropriate sources.

19.04.050 - Permit application expiration and extension.

For the purpose of uniformity, this section shall be deemed to supersede any of the permit application expirations provided in the codes adopted by Section 19.04.010 of this Code:

Every permit application accepted by the building official under the provisions of this chapter shall expire by limitation and become null and void, if the permit is not issued within one year from the date of such permit application Planning review approval. The chief building inspector may require issuance of the building permit within a specified period of time less than one year to require the timely abatement of one or more violations of the County Code.

In accordance with County or department policy, the building official is authorized to grant one or more extensions of time for additional periods of not less than 30 days and not exceeding 365 days each. Extension requests shall be submitted in writing and justifiable cause beyond the reasonable control of the applicant shall be demonstrated. Extension requests granted by the building official are subject to payment of extension fees and may be subject to revised plan submittal to demonstrate compliance with the regulations in effect at the time the application extension request is received, as well as additional plan review fees.

19.04.055 - Permit expiration, extension and new permits for completion of work.

For the purpose of uniformity, this section shall be deemed to supersede any of the permit expirations provided in the codes adopted by Section 19.04.010 of this Code

Every permit issued by the building official under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit has not substantially commenced within one year from the date of such permit. All permits shall expire due to exceeding the allowable construction time limit and become null and void, if the building or work authorized by such permit is not completed within two years from the date of permit issuance. The chief building inspector may require the substantial commencement of work authorized by a building permit within a specified period

of time less than one year, and the completion of said work within a specified period of time less than two years to require the timely abatement of one or more violations of the County Code.

In accordance with County or department policy, the building official is authorized to grant one or more extensions of time for additional periods of not less than 7 days and not exceeding 365 days each. Extension requests shall be submitted in writing and justifiable cause beyond the reasonable control of the applicant shall be demonstrated. Extension requests granted by the building official are subject to payment of extension fees and may be subject to revised plan submittal to demonstrate compliance with the regulations in effect at the time the application extension request is received, as well as additional plan review fees.

Before work can be recommenced on a permit that has expired, a new permit may be required to be applied for by the permittee. Permit fees for the new permit shall be based on the work remaining to be completed. New work remaining to be completed may be subject to the regulations in effect at the time application for the new permit is accepted by the Community Development Agency and may require revised plan submittal, as well as additional plan review fees.

19.04.060 - Work exempt from obtaining a building permit.

Notwithstanding permit exemptions provided by the codes adopted by Section 19.04.010, the following work shall be exempt from obtaining a building permit:

(1)

In rural areas on parcels of one acre or more, accessory structures used for tool sheds, workshops and horse stalls not exceeding three hundred square feet each and fences over six feet in height may have the obligation to obtain building permits waived if exempted from zoning regulations.

19.04.063 - Substantial remodel.

"Substantial remodel", as used herein, is the renovation of any structure, which, combined with any additions to the structure, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, 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 purpose of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

19.04.064 – Exterior wildfire exposure requirements for additions and exterior remodels

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following fire protection modifications to the California Building Code and California Residential Code as set forth in this section are reasonably necessary because of Marin’s local climatic and topographical conditions insofar as our climatic seasonal reduction in vegetative moisture content, combined with Marin’s populated steep terrain, require the following enhanced fire protection measures.

Sections 701A.1 and 701A.3 of Chapter 7A of the 2013 California Building Code (Title 24, Part 2, Volume 1), California Code of Regulations are hereby amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, additions and exterior remodels located within a Wildland Urban Interface Fire Area as defined in section 702A.

701A.3 Application. New buildings, additions and exterior remodels to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of an accessory character and not exceeding 120 square feet in floor area, when located at least 50 feet from an applicable building.
2. Buildings of an accessory character classified as a Group U occupancy of any size located at least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

Sections R327.1.1 and R327.1.3 of the 2013 California Residential Code (Title 24, Part 2.5), California Code of Regulations are hereby amended to read as follows:

R327.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, additions and exterior remodels located within a Wildland Urban Interface Fire Area as defined in section 702A.

R327.1.3 Application. New buildings, additions and exterior remodels to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of an accessory character and not exceeding 120 square feet in floor area, when located at least 50 feet from an applicable building.
2. Buildings of an accessory character classified as a Group U occupancy of any size located at least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

19.04.065 - Fire protection systems.

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following fire protection modifications to the California Building Code as set forth in this section are reasonably necessary because of Marin's local climatic and topographical conditions insofar as our climatic seasonal reduction in vegetative moisture content, combined with Marin's populated steep terrain, require the following enhanced fire protection measures.

For the purpose of uniformity, the following amendment shall be deemed to amend and supersede corresponding provisions provided in the codes adopted by Section 19.04.010 of this Code. **Automatic fire sprinkler systems - where required. All occupancies and facilities.** An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

EXCEPTIONS:

- a. Freestanding Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
- b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, and located within an agricultural zoned district as defined in the Marin County Planning Code.

2. In newly created second units.

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this Code, within any 36 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 square feet which have more than ten percent (10%) floor area added within any 36 month period. Exceptions may be granted by the chief when alternate means of protection are installed as approved by the fire code official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than fifty percent (50%) of the square footage of the building.

Section 903.3 Of Chapter 9 of the 2013 California Building Code (Title 24, Part 2), California Code of Regulations 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:

- a. In all residential buildings required to be sprinkled any attached garages shall also be sprinkled, and except for single family dwellings, in all residential occupancies the attics shall be sprinkled.
- b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.
- c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R.
- d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

Section 903.4 of Chapter 9 of the 2013 California Building Code (Title 24, Part 2), California Code of Regulations is hereby amended to read as follows:

Section 903.4 Sprinkler system supervision and alarms. The alarm from any automatic fire sprinkler system shall transmit fire and tamper signals to a central station which has been approved by the fire department and a nationally

recognized testing laboratory and with standards developed by the fire chief of the appropriate fire district.

EXCEPTION:
Group R-3, and U.

Section 907.2.11 of Chapter 9 of the 2013 California Building Code (Title 24, Part 2), California Code of Regulations 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.

19.04.070 - Emergency escape and rescue openings.

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following emergency escape modification to the California Residential Code as set forth in this section are reasonably necessary because of Marin's local topographical conditions insofar as our populated steep terrain, require the following enhanced emergency rescue measure.

Section R310.1 of Chapter 3 of the 2013 California Residential Code (Title 24, Part 2.5), California Code of Regulations is hereby amended by adding this paragraph as follows:

Emergency escape and rescue openings serving unsprinklered sleeping areas on the second floor or with escape openings over twelve feet above grade shall be provided with an approved permanent escape ladder or device.

19.04.080 - Fire classification.

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following fire classification modifications to the California Building Code as set forth in this section are reasonably necessary because of Marin's local climatic and topographical conditions insofar as our climatic seasonal reduction in vegetative moisture content, combined with Marin's populated steep terrain, require the following enhanced fire classification measures.

Table 1505.1 of Chapter 15 of the 2013 California Building Code (Title 24, Part 2), California Code of Regulations is amended to read as follows:

TABLE 1505.1*
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION

I A	I B	II A	II B	III A	III B	IV	V A	V B
A	A	A	A	A	A	A	A	A

* Unless otherwise required in accordance with Chapter 7A.

Sections 1505.1.2 and 1505.1.3 of Chapter 15 of the 2013 California Building Code (Title 24, Part 2) and Sections R902.1.2 and R902.1.3 of the 2013 California Residential Code (Title 24, Part 2.5), California Code of Regulations are amended to read as follows:

Sections 1505.1.2 and R902.1.2 Roof coverings within state responsibility areas. The entire roof covering of every existing structure where more than fifty percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class A.

Sections 1505.1.3 and R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than fifty percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure shall be a fire-retardant roof covering that is at least Class A.

19.04.090 - Gas shut-off devices.

A.

Definitions. For the purpose of this section certain terms shall be defined as follows:

1. *"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.
2. *"Residential building"* means any single-family dwelling, duplex, apartment building, condominium building, townhouse building, lodging house, congregate residence, hotel or motel.
- 3.

"Excess flow gas-shut-off device" means those valves or devices that are not actuated by adoption but are activated by significant gas leaks or overpressure 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. The device is certified by the state architect or the operational and functional design of the device meets or exceeds the device certified by the office of the state architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the state architect may be made by one of the following: The Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or any other recognized listing and testing agency.

4.

"Seismic gas-shut-off device" means a system consisting of a seismic sensing means and actuating means 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 means in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body. The device is certified by the state architect, and the operational and functional design of the device meets or exceeds the device certified by the office of the state architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the state architect may be made by one of the following: The Independent Laboratory of the International Approval Services (IAS), Underwriters Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), office of the state architect, or any other recognized listing and testing agency.

5.

"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.

6.

"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.

B.

Devices: When required. Approved seismic gas shut-off devices (motion sensitive) or approved excess flow gas-shut-off devices (non-motion sensitive) shall be installed:

1.

In any new building construction (commercial, industrial or residential) containing gas piping for which a building permit is first issued on or after the effective date of the ordinance;

2.

In any existing residential, commercial or industrial building, when any addition or alteration is made to the interior of a building that contains gas piping, and a building permit is required for said work; or

3.

When any plumbing permit is issued for gas piping.

C.

Exceptions.

1.

Gas shut-off devices installed on a building prior to 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.

2.

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 and Safety Code Section 19201(b)).

3.

Installation of gas shut-off devices is not required for building permits issued for minor and nonstructural repairs such as re-roofing, window replacement, siding replacement, decks and any other minor permit as determined by the chief building official.

D.

Devices: Location required.

1.

Seismic gas shut-off devices shall be installed downstream of the gas utility meter or liquid petroleum tank 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 or liquid petroleum tank on each fuel gas line where the gas line serves a building and at each gas appliance within a building.

E.

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 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 building and safety division determines that the seismic gas shut-off 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, IAMPO, UL or the office of the state architect;
4. Have a thirty-year warranty which warrants that the valve or device is free from defects and will continue to properly operate for thirty years from the date of installation; and
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.

F.

List of approved valves and devices. The building and safety division of the community development agency shall maintain a list of all seismic gas shut-off devices (motion sensitive) and excess flow gas shut-off devices (non-motion sensitive) which meet or exceed the requirements of devices certified by the office of the state architect for installation in the State of California and which 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).

19.04.091 - Anchoring of liquid petroleum gas tanks.

A.

When required. Liquid petroleum gas (LPG) tanks shall be anchored by a system approved by the administrative authority or designed by a licensed engineer, to prevent overturning in seismic events. Installation of such anchoring system shall be required as follows:

1. For any new building construction (commercial, industrial or residential) containing LPG piping for which a building permit is required;
2. For any alteration or addition to any existing residential, commercial or industrial building which contains LPG piping, and for which a building permit is required; or
- 3.

Upon replacement or addition of a new liquid petroleum gas tank, or for initial installation or for repair of the gas piping system (LPG).

B.

Exception. Liquid petroleum gas (LPG) tanks are not required to be anchored upon the issuance of building permits for minor and nonstructural repairs such as re-roofing, window replacement, siding replacement, decks and any other minor permit as determined by the chief building official.

19.04.100 - Reserved

Marin County, California, Code of Ordinances >> Title 19 - BUILDINGS >> Chapter 19.04 - BUILDING REGULATIONS >> ->> Subchapter 2 - Green Building Requirements >>

Subchapter 2 - Green Building Requirements

19.04.110 - Purpose.

19.04.115 - California Green Building Standards Code.

19.04.120 - Applicability.

19.04.130 - Definitions.

19.04.140 - Standards for compliance.

19.04.150 - Incentives for compliance.

19.04.160 - Administrative procedures.

19.04.170 - Exemptions.

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following green building modifications to California Green Building Standards Code Chapters 3, 4 & 5, as set forth in this subchapter, are reasonably necessary because of Marin's local topographical and environmental conditions insofar as the County of Marin is bordered by sea water on three sides, presenting a direct adverse local impact to potential sea level rise as the result of construction related contributions to climate change.

19.04.110 - Purpose.

The purpose of this chapter is to meet or exceed all applicable mandatory measures of the 2013 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations and to enhance the long-term public health and welfare by contributing to the overall reduction of greenhouse gas production and emissions and improving the environmental and economic health of the county through the efficient design, construction, operation, maintenance and deconstruction of buildings and site development by incorporating green building practices and materials. The green building provisions referenced in this chapter are designed to achieve the following objectives:

1. Increase energy efficiency in buildings;
2. Encourage water and resource conservation;
3. Reduce waste generated by construction projects;
4. Reduce long-term building operating and maintenance costs;
5. Improve indoor air quality and occupant health; and
6. Contribute to meeting the state and local commitments to reduce greenhouse gas production and emissions.

7. Satisfy all applicable mandatory measures of the 2013 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations

19.04.115 – California Green Building Standards Code.

Section 301.1 Of Chapter 3 of the 2013 California Green Building Standards Code (Title 24, Part 11), California Code of Regulations is hereby amended by adding the following sentence:

301.1 Scope. Buildings shall be designed to comply with applicable requirements of Marin County Green Building Requirements beginning at chapter 19.04.110, Marin County Code, and shall also include the green building measures specified as mandatory in the application checklists contained in this code.

19.04.120 - Applicability.

The provisions of this chapter shall apply to all construction or development projects defined below as a "covered project".

19.04.130 - Definitions.

For the purposes of interpreting this chapter and the associated standards for compliance, the following terms are defined as follows. When the definitions below differ from those contained elsewhere in this title, the provisions of this chapter shall apply.

1. *"BIG"* means "Build It Green", a nonprofit organization which established and maintains the Green Point Rated System for evaluating and certifying residential green buildings and green building professionals.

2. *"Compliance threshold"* means the minimum number of points or rating level required to be achieved by a particular covered project, as set forth by the standards for compliance outlined in [Section 19.04.140](#)

3. *"Covered project"* means a development project for which one or more building permits are required for new construction or remodels as set forth by the standards for compliance outlined in [Section 19.04.140](#)

4. *"GBCI"* means the "Green Building Certification Institute", a nonprofit organization which certifies green buildings and green building professionals under the LEED[®] rating system.

5. *"Green building checklist"* means a checklist or rating sheet used for calculating a green building rating.
6. *"Green building rating system"* means a standardized rating system providing specific criteria to determine the level of compliance of building projects as set forth by the standards for compliance outlined in [Section 19.04.140](#)

7. *"GreenPoint rated"* means a residential building certified as complying with the green building rating systems developed by the Build It Green organization.

8. *"GreenPoint rater"* means an individual certified by Build It Green as capable of evaluating and rating residential construction projects for compliance with the GreenPoint rated green building rating systems.

9. "LEED®" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.
10. "LEED® AP" means an individual who has been certified a LEED® Accredited Professional by the U.S. Green Building Council or the Green Building Certification Institute as capable of evaluating and rating construction projects for compliance with the LEED® green building rating systems.
11. "Passive House" means a building that meets the Passive House standards as developed by the Passive House Institute, Germany, providing cost effective energy efficiency, indoor air quality, and comfort through modeling using the PHPP energy-modeling program.
12. "PHPP" means the "Passive House Planning Package", an energy-modeling program developed by the Passive House Institute, Germany, used in developing buildings to the Passive House Standard.
13. "Qualified green building rater" means an individual who has been trained and certified as a LEED® AP, GreenPoint rater or has similar qualifications and certifications if acceptable to the chief building official.
14. "USGBC" means the "U.S. Green Building Council", a nonprofit organization which established and maintains the LEED® rating systems for evaluating and certifying residential green buildings and green building professionals.

19.04.140 - Standards for compliance.

The Marin County Green Building Requirements define which projects shall be deemed to be "covered projects" within the meaning of this chapter, and establishing "compliance thresholds" applicable to covered projects.

A.

All covered projects shall comply with the standards for compliance which shall include, but not be limited to the following:

(1)

The types and sizes of projects subject to regulation (covered projects);

- (2) The green building rating system(s) applicable to various types of covered projects;
- (3) Minimum compliance thresholds for various types of covered projects;
- (4) The methods for verification of compliance with these regulations; and
- (5) Applicable requirements of the 2013 California Green Building Standards Code (Title 24, Part 11), California Code of Regulations, or subsequently adopted state green building standards.

B.

Cumulative new construction or remodels over any one-year period shall be considered as a single covered project, and subject to the highest compliance threshold based on the cumulative project size or valuation.

C.

The chief building official shall determine the appropriate project valuation based on the cost of similar improvements, and may request substantiating documentation from the applicant. Where compliance thresholds contain project size ranges expressed as both building square footage and project valuation, the intent is to base project requirements upon the project valuation range. However the chief building official shall have the authority to determine whether the building square footage or valuation range most accurately reflects the scope of the proposed project for purposes of determining the required minimum compliance threshold.

D.

The chief building official may determine that an alternative green building rating system or building standard may be used to determine project compliance, where it can be demonstrated that the alternative rating system or building standard is as stringent as or greater in terms of reduced energy and resource use and improved interior air quality than that normally required by the standards for compliance e.g. the use of LEED for Homes or Passive House for residential projects.

E.

Mixed use (residential and commercial) projects must comply either with the applicable covered project requirements for the respective residential and commercial portions of the project, or may propose to utilize a mixed use rating system, subject to approval by the chief building official.

F.

The cost of reviewing any proposals requesting the use of alternate green building rating systems or requests for exemptions including, but not limited to, the cost of the county of hiring a consultant to review the proposal, shall be borne by the applicant.

G.

All buildings submitted for permit must meet all applicable requirements of the 2013 California Energy Code (Title 24, Part 6) California Code of Regulations and referenced standards, or subsequently adopted state energy standards, as well as all applicable requirements of the 2013 Green Building Energy Standards, California Code of Regulations, Title 24, Part 11, or subsequently adopted state green building standards

H.

The applicable green building rating system shall be that which is most recently adopted by Build It Green or the U.S. Green Building Council or the Passive House Institute. The green building rating system in effect at the time of building permit submittal shall be that which is applicable to the development project throughout the project construction.

19.04.150 - Incentives for compliance.

In addition to the required standards for compliance, the board of supervisors may establish by resolution, financial or application processing incentives and/or award or recognition programs to encourage higher levels of green building compliance for a project.

19.04.160 - Administrative procedures.

The procedures for compliance with the provisions of this chapter shall include, but not be limited to the following:

A.

Project design: Applicants for a covered project are strongly encouraged to involve a qualified green building rater in the initial design phases of the project in advance of submittal of an application to determine applicable green building compliance thresholds and the most cost effective and appropriate means of achieving compliance.

B.

Planning applications: If a discretionary planning application is required for a covered project, applicants should be prepared to identify expected green building measures to be included in the project to achieve the compliance thresholds. Applicants should identify any anticipated difficulties in achieving compliance and any exemptions from the requirements of this chapter that may be requested.

C.

Building plan check review: Upon submittal of an application for a building permit, building plans for any covered project shall include a green building program description and completed checklist. The checklist shall be incorporated onto a separate full-sized plan sheet included with the building plans. Evidence that the project, as indicated by the project plans and green building program description, will achieve the standards for compliance outlined in Section 19.04.140, shall be provided prior to issuance of a building permit.

D.

Changes during construction: During the construction process, alternate green building measures may be substituted, provided that documentation of the proposed change and the project's continued ability to achieve the standards for compliance to the chief building official shall be provided.

E.

Final building inspection: Prior to final building inspection and occupancy for any covered project, evidence that project construction has achieved the required compliance set forth in the standards for compliance outlined in Section 19.04.140 shall be provided. The chief building official shall review the documentation submitted by the applicant, and determine whether the project has achieved the compliance threshold as set forth in the standards for compliance outlined in Section 19.04.140. Where subsequent certification of the building is required by the standards for compliance, the chief building official shall also determine whether the applicant has demonstrated that such certification is in process and will be achieved not later than one year after approval of final building inspection. If the chief building official determines that the applicant has met these requirements, the final building inspection may proceed.

F.

Post final inspection requirement: Where certification of the building is required by the standards for compliance, and such certification is only available subsequent to occupancy of the completed building, the applicant shall provide documentation of such certification within one year of the date of the final building inspection for the project. Failure to provide evidence of this certification within this timeframe, or within an alternate timeframe as determined by the chief building official, will result in a determination that the covered project is not in compliance with the requirements of this chapter.

G.

Conflict with other laws: The provisions of this chapter are intended to be in addition to and not in conflict with other laws, regulations and ordinances relating to building construction and site development. If any provision of this chapter conflicts with any duly adopted and valid statutes or regulations of the Federal Government of the State of California, the federal or state statutes or regulations shall take precedence.

19.04.170 - Exemptions.

A.

The provisions of this chapter shall not apply to:

(1)

Buildings which are temporary (such as construction trailers).

(2)

Building area which is not or is not intended to be conditioned space.

(3)

Any requirements of this chapter which would impair the historic integrity of any building listed on a local, state or federal register of historic structures, as determined by the chief building official and as regulated by the California Historic Building Code (Title 24, Part 8). In making such a determination, the chief building official may require the submittal of an evaluation by an architectural historian or similar expert.

B.

Hardship or infeasibility exemption: If an applicant for a covered project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the applicant to show hardship or infeasibility.

(1)

Application: The applicant shall identify in writing the specific requirements of the standards for compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this chapter. The applicant may not petition for relief from any requirement of the 2013 California Energy Code (Title 24, Part 6) and referenced standards, or the 2013 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code. Circumstances that constitute hardship or infeasibility shall include, but are not limited to the following:

i.

There is a conflict between the provisions of the applicable green building rating system and the California Building Standards Code, other state code provisions, other requirements of this title or conditions imposed on the project through a previously approved planning application;

ii.

There is a lack of commercially available green building materials and technologies to comply with the green building rating system;

iii.

That the cost of achieving compliance is disproportionate to the overall cost of the project;

iv.

That physical conditions of the project site make it impractical to incorporate necessary green building measures or achieve the standards for compliance;

v.

That compliance with certain requirements would impair the historic integrity of buildings listed on a local, state or federal list or register of historic structures as regulated by the California Historic Building Code (Title 24, Part 8).

(2)

Granting of exemption: If the chief building official determines that it is a hardship or infeasible for the applicant to fully meet the requirements of this chapter and that granting the requested exemption will not cause the building to fail to comply with the 2013 California Energy Code (Title 24, Part 6) and referenced standards, or the 2013 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code, the chief building official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the chief building official shall consider whether alternate, practical means of achieving the objectives of this chapter can be satisfied, such as reducing comparable energy use at an offsite location within the county. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the chief building official.

(3)

Denial of exception: If the chief building official determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request shall be denied and the applicant shall be notified of the decision in writing. The project and compliance documentation shall be modified to comply with the standards for compliance.

Appeal: Any aggrieved applicant or person may appeal the determination of the chief building official regarding the granting or denial of an exemption or compliance with any other provision of this chapter. An appeal of a determination of the chief building official shall be filed in writing and processed in accordance with the provisions of Section 19.04.028 of this Code.

Chapter 19.05 - STREET IMPROVEMENTS REQUIRED ABUTTING BUILDING SITES

Sections:

[19.05.010 - Purpose.](#)

[19.05.020 - Requirements.](#)

[19.05.021 - Existing improvements.](#)

[19.05.022 - Required improvements.](#)

[19.05.023 - Frontage defined.](#)

[19.05.026 - Construction guarantee.](#)

[19.05.027 - Private access requirements.](#)

[19.05.028 - Public transportation facilities fees.](#)

19.05.010 - Purpose.

Any person who constructs or causes to be constructed any building, dwelling or other structure for which a building permit is required shall be obligated to construct or have constructed or repaired street frontage improvements and driveways as specified within Title 24 of this Marin County Code, along all the street frontages abutting the building site upon which the building, dwelling or structure is to be constructed, unless adequate street frontage improvements already exist and are in good condition.

19.05.020 - Requirements.

The requirements for street frontage improvements shall be as set forth within Title 24. Street frontage improvements may include curbs, gutters, sidewalks, street pavement, driveways, parking areas, retaining walls, storm drainage facilities, and related improvements, and dedication of such additional rights-of-way as are necessary for these improvements which conform with the class of street and extent of street improvements required pursuant to Title 24.

19.05.021 - Existing improvements.

The adequacy of existing street frontage improvements shall be determined, in each instance, by the director of public works, or his authorized representative, and an endorsement to that effect shall be made upon each building permit, prior to its issuance.

19.05.022 - Required improvements.

The required new street frontage improvements shall be comparable to those improvements required by Title 24 of this code for new subdivisions, except to the extent that the director of public works may waive such requirements for improvements the construction of which would be impossible or impractical.

19.05.023 - Frontage defined.

Street frontage to be improved shall consist of the abutting one-half standard street section, provided that, in all cases, a minimum improved width of eighteen feet shall be required.

19.05.026 - Construction guarantee.

Where street frontage improvements are not constructed, or repaired, as required, the building official shall deny final approval and acceptance, and shall refuse to allow final public utility connections to the building, dwelling, or structure, unless a bond or cash deposit guaranteeing the construction of the required street frontage improvements is deposited with the county. The amount of bond or cash deposit shall be determined by the director of public works and shall not exceed the estimated cost of the construction.

19.05.027 - Private access requirements.

Where private roadways, leading to the building site, are less than eighteen feet in width, the director of public works may require such improvements as he deems necessary for proper access and for health, safety and convenience.

19.05.028 - Public transportation facilities fees.

See Chapter 15.07 of the Marin County Code.

Marin County, California, Code of Ordinances >> Title 19 - BUILDINGS >> Chapter 19.06 - GRADING >>

Chapter 19.06 - GRADING

Sections:

[19.06.010 - Purpose.](#)

[19.06.020 - Requirements.](#)

19.06.010 - Purpose.

It is the purpose of this chapter to insure that proper grading and erosion control procedures are exercised in the course of building construction and related site improvements, so as to protect the public health and welfare and to avoid the siltation of watercourses.

19.06.020 - Requirements.

Grading associated with all construction shall be performed in accordance with the applicable provisions of Chapter 24.04, Article VIII, Grading, of the county code.

Marin County, California, Code of Ordinances >> Title 19 - BUILDINGS >> Chapter 19.07 - RECYCLING AND REUSE REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION DEBRIS >>

Chapter 19.07 - RECYCLING AND REUSE REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION DEBRIS

19.07.010 - Amendments.

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following recycling and reuse modifications to the California Green Building Standards Code, are reasonably necessary because of Marin's local topographical and environmental conditions insofar as the County of Marin is bordered by sea water on three sides, presenting a direct adverse local impact to potential sea level rise as the result of construction related contributions to climate change.

19.07.010 - Amendments

The first paragraph of Section 301.1.1 of the 2013 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations is hereby amended to read as follows:

Section 301.1.1 Additions and alterations

The mandatory provisions of Division 4.4 - Material Conservation and Resource Efficiency of Chapter 4 shall be applied to all additions or alterations of existing residential buildings. The requirements shall apply only to and/or within the specified area of the addition or alteration.

Chapter 19.08 - INSTALLATION OF WOOD BURNING APPLIANCES—REMOVAL AND OPERATION OF NON-CERTIFIED WOOD BURNING APPLIANCES

Sections:

19.08.010 - Purpose.

19.08.020 - Findings.

19.08.030 - Definitions.

19.08.040 - Exemptions.

19.08.050 - Education program.

19.08.060 - Voluntary curtailment.

19.08.070 - Replacements for non-compliant appliances.

19.08.080 - Removal of non-certified wood heaters upon remodel.

19.08.090 - New construction, additions or remodels.

19.08.100 - Operation of non-compliant wood stoves and inserts.

19.08.110 - Permit requirements for replacement of wood-burning appliances.

19.08.120 - Prohibited fuels.

19.08.130 - Violation.

19.08.010 - Purpose.

The purpose of this chapter is to improve air quality within the county by:

- (1) Educating the public regarding the impacts of burning wood and the various types of wood-burning appliances;
- (2) By regulating the type of wood-burning appliances that may be installed and maintained within the county; and
- (3) By banning the use of non-certified burning appliances after July 1, 2008.

19.08.020 - Findings.

- (a) The board of supervisors of the county of Marin finds that the State Air Resources Board (ARB) adopted a particulate matter (PM10) Ambient Air Quality Standard (AAQS) in December 1982, and levels for the PM10 AAQS were selected pursuant to California Code of Regulations, Title 17, and Section 70200 to protect the health of people who are sensitive to exposure to particulate matter.
- (b) Research indicates that wood smoke is a contributor to PM10 levels and poses significant health risks to the public.
- (c) The board of supervisors desires to lessen this risk to human health and the environment caused by pollution from wood-burning appliances.
- (d) Therefore a need exists to adopt regulations that apply to wood-burning combustion emissions.

19.08.030 - Definitions.

- (1) "Bay area air quality management district" means the air quality agency for the San Francisco Bay Area pursuant to California Health and Safety Code.
- (2) "EPA" means the United States Environmental Protection Agency.
- (3) "EPA certified wood heaters" means any wood heater that meets the standard in Title 40 Part 60.530 Subpart AAA Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.
- (4) "Fireplace" means any permanently installed masonry or factory-built wood-burning appliance designed to be used with an air-to-fuel ratio greater than or equal to 35:1.
- (5) "Garbage" means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphalted products, manure, vegetable or animal solids and semi solid wastes.
- (6) "Gas fireplace" means any masonry or factory-built fireplace in which a device that has been designed to burn natural gas or liquefied petroleum gas in a

manner that simulates the appearance of burning wood has been permanently installed so the burner pan and associated equipment are affixed to the masonry or metal base of the fireplace.

(7)

"Insert" means any wood heater designed to be installed in an existing masonry or factory-built fireplace.

(8)

"Paints" means all exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, under-coatings, roof coatings, wood preservatives, shellacs and other paints or paint-like products.

(9)

"Paint solvents" means all original solvents sold or used to thin paints or clean up painting equipment.

(10)

"Pellet-fueled heater" means any appliance that operates exclusively on solid fuel pellets.

(11)

"Replace or replacement" means the removal and substitution of an existing wood-burning appliance with a different one, and does not include the repair of any part of an existing wood-burning appliance for the purpose of its maintenance.

(12)

"Solid fuel" means wood or any other non-gaseous or non-liquid fuel.

(13)

"Treated wood" means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or decay.

(14)

"Waste petroleum product" means any petroleum product other than fuels that has been refined from crude oil, and has been used or has been contaminated with physical or chemical impurities.

(15)

"Wood-burning appliance" means a fireplace, wood heater, or pellet-fired heater or similar device burning solid fuel used for aesthetic or space-heating purposes.

(16)

"Wood heater" means an enclosed, wood-burning appliance that is not a fireplace capable of and intended for space heating that meets all the following criteria:

A.

An air-to-fuel ratio in the combustion chamber averaging less than 35:1 as determined by the test procedures prescribed and approved by the chief building official.

- B. A usable firebox volume less than twenty cubic feet (0.57 cubic meters);
- C. A minimum burn rate less than eleven lb/hr (kg/hr); and
- D. A maximum weight of less than one thousand seven hundred sixty lbs (800kg). For the purpose of this ordinance, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution ducting do not count as part of the appliance weight.

(17)

"Wood stove" means a freestanding wood heater.

19.08.040 - Exemptions.

Wood-burning appliances specifically designed for cooking, outdoor fireplaces, existing fireplaces, gas and pellet fueled appliances, permanently installed or dedicated gas log fireplaces, shall be exempt from all provisions of this chapter. The chief building official may approve an alternate wood burning appliance, provided the chief building official finds that the proposed alternate appliance meets or exceeds the standards established for a EPA phase II certified wood heater.

19.08.050 - Education program.

The county through the chief building official shall establish and maintain an on-going program to educate the public on the provisions of this ordinance and the health impact of wood smoke. The education program shall identify the various types of smoke reduction methods, including use of cleaner burning pellet stoves, manufactured firelogs and gas fireplaces. The county will educate the public on fireplace and woodstove maintenance and encourage cleaner-burning alternatives such as gas-fueled devices, pellet stoves and proper wood burning techniques to build hotter, more efficient fires.

19.08.060 - Voluntary curtailment.

The county shall endeavor to provide public notification requesting that residents curtail the burning of wood during poor air quality episodes as determined by the Bay Area Air Quality Management District. Methods to notify the public could include a written notice published in local newspapers, email notification by the Bay Area Air Quality Management District and oral notices presented by radio, telephone or television.

19.08.070 - Replacements for non-compliant appliances.

(a)

This section applies to both residential and commercial properties.

(b)

It shall be unlawful to install a replacement wood-burning appliance that is not one of the following:

(1)

A pellet-fueled appliance;

(2)

An EPA Phase II-certified, or equivalent, wood appliance manufactured after 1990;

(3)

A dedicated gas log fireplace or gas stove.

(c)

The conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this chapter.

19.08.080 - Removal of non-certified wood heaters upon remodel.

A non-EPA Phase II—Certified wood heater, freestanding or insert, shall be removed, rendered inoperable or replaced with a compliant appliance, when a remodel or addition requiring a building permit exceeds five hundred square feet.

19.08.090 - New construction, additions or remodels.

Non-EPA Phase II—Certified wood burning heaters or wood burning fireplaces will not be allowed to be added in new construction, additions or remodels of any size. Pellet-fueled and gas appliances will be allowed.

19.08.100 - Operation of non-compliant wood stoves and inserts.

Effective July 1, 2008, it shall be unlawful to use all non EPA Phase II—certified wood heaters, freestanding or insert, on any property within the un-incorporated area of Marin County. After that date all noncompliant wood stoves and inserts must be removed or rendered inoperable. The chief building official may grant an exception to this section in the case of hardship. Examples of hardships include the following: a residential sole source of heat; a temporary sole source of heat; an inadequate alternative source of heat.

19.08.110 - Permit requirements for replacement of wood-burning appliances.

Any person who plans to replace a wood-burning appliance must submit documentation to the building and safety division, with a building permit application,

demonstrating that the appliance is in compliance with this ordinance as listed in Section 19.08.070 of this chapter.

19.08.120 - Prohibited fuels.

Use of any of the following fuels in a wood-burning appliance is prohibited:

- (a) Garbage;
- (b) Treated wood;
- (c) Plastic products;
- (d) Rubber products;
- (e) Waste petroleum products;
- (f) Paints;
- (g) Paints solvents;
- (h) Coal;
- (i) Glossy or colored paper;
- (j) Particleboard;
- (k) Salt-water driftwood.

This section shall not apply to products designed specifically for use as fuel in a wood-burning appliance.

19.08.130 - Violation.

Violation of any provision of this chapter may be enforced pursuant to Chapter 1.05 of this code.

Chapter 19.12 - DECORATIVE POOL AND POND ENCLOSURES

Sections:

19.12.010 - Finding of facts.

19.12.020 - Fences and walls required—Specifications.

19.12.030 - Supervision or covers in lieu of fences.

19.12.040 - Gates and doors.

19.12.050 - Exempt bodies of water.

19.12.060 - Reserved.

19.12.010 - Finding of facts.

The board of supervisors finds that there is a large number of privately owned decorative pools, ponds and other artificially created bodies of water that are not intended for swimming or recreational bathing within the county and that the maintenance of such bodies of water without adequate supervision or protective measures constitutes a severe hazard to the safety of the inhabitants and particularly to the small children of the unincorporated territory of the county.

Swimming pools or pools intended for swimming or recreational bathing, including but not limited to in-ground and above-ground structures, hot tubs, spas, portable spas and non-portable wading pools are not subject to the requirements of this chapter. Swimming pools or pools intended for swimming or recreational bathing shall be subject to the requirements of Section 3109.4.4 –Private Swimming Pools, of Chapter 31 of the 2013 California Building Code (Title 24, Part 2) of the California Code of Regulations, as adopted by Section 19.04.010 of this code.

19.12.020 - Fences and walls required—Specifications.

Every person who owns or is in possession of any premises on which there is situated a decorative pool, fish pond, or any outside body of water created by artificial means, any portion of which is eighteen inches deep or more, shall maintain, on the lot or premises upon which such body of water is located and completely surrounding such body of water, lot, or premises, a fence, wall, or other structure, not less than five feet in height with no openings, except doors or gates, with an area greater than fifty square inches, except that a rectangular opening having no horizontal dimension exceeding four inches may have a greater area. Such fence, wall, or other structure shall be constructed as follows:

A.

WOOD FENCES: Wood fences shall have posts not less than three inches by three inches, spaced not over ten feet on centers, and embedded at least eighteen inches into the ground. Posts, other than redwood, shall be treated with a preservative. Fencing shall be at least

one-half inch in thickness and fastened securely to at least two rails not less than two inches by three inches in cross section.

B.

WIRE FENCES: Wire fences shall be constructed of wire mesh of not less than eleven gauge galvanized steel wire mounted on wood posts and rails conforming to subparagraph A above, or supported on one and one-fourth inch diameter galvanized pipe spaced not over ten feet on centers. All pipes shall be embedded at least twelve inches into concrete fill in holes not less than six inches in diameter and eighteen inches in depth.

C.

MASONRY FENCES: Masonry fences shall be supported on a foundation of concrete extending at least twelve inches below grade, at least twelve inches in width, and at least six inches in thickness. Wall steel, when required, shall be embedded sixteen diameters into the footing.

D.

APPROVED ALTERNATE: If the chief building official finds that any other type of construction has resulted in, or will result in, a fence in all respects the equivalent in strength and durability to a fence constructed as provided in paragraphs A, B, and C of this section, such type of construction may be used.

The standards contained in this section shall be regarded as minimum standards and all fences, walls, or other structures constructed pursuant to this chapter shall in addition comply with any more restrictive standards that may be imposed by other ordinances and regulations of the county.

19.12.030 - Supervision or covers in lieu of fences.

In lieu of maintaining a fence, such persons may provide a competent person who shall keep such body of water under observation at all times while water stands therein at a depth of two feet or greater. In the event such body of water is not under the observation of a competent person, a pool cover or other protective device approved by the Chief Building Official may be used.

19.12.040 - Gates and doors.

Gates or doors opening through the fence wall or structure protecting such body of water as required by this chapter shall be equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed at all times when not in actual use. Such latching devices shall be located on the inside of such gates and doors.

Such doors or gates shall be of such size as to completely fill any opening in the fence or wall. The owner or person in possession of the premises on which such body of water exists shall keep such doors and gates closed and securely latched at all times when such body of water is not under supervision by a competent person.

19.12.050 - Exempt bodies of water.

Any body of water which would otherwise be regulated by this chapter may be exempted from the provisions of this chapter if one of the following conditions is found to apply as to the location of that body of water:

- (1) In an area sufficiently remote from residential areas so as not to constitute a hazard for small children; or
- (2) Where terrain conditions or dense vegetation effectively prevent the passage of small children; or
- (3) On public or quasi public property intended for decorative or recreational use, including fishing and boating; or
- (4) Any artificially created body of water on a parcel of land of a minimum size of two acres where that body of water is no closer than seventy-five feet to any property line, and has a bank slope equal to or flatter than a ratio of six horizontal to one vertical; or
- (5) Decorative bodies of water less than eighteen inches in depth. Application for such an exemption shall be filed with the chief building inspector and shall be granted only after a public hearing, and only if it is the finding of the chief building inspector that such body of water complies with one or more of the conditions set forth herein.

The decision of the chief building inspector may be appealed to the board of supervisors in writing within five days of the chief building inspector's written decision delivered to the applicant for exemption. The chief building inspector shall transmit the appeal to the board of supervisors within thirty days of its filing. The decision of the board shall be final.

19.12.060 - Reserved.

Chapter 19.16 - FLOOD CONTROL FACILITY FENCING

Sections:

[19.16.010 - Fences required.](#)

[19.16.020 - Fence specifications.](#)

[19.16.025 - Alternative fencing requirements.](#)

[19.16.030 - Penalty for violations.](#)

19.16.010 - Fences required.

All real property occupied by residences, any boundary of which is located within fifty feet of the banks of any unenclosed man-made flood control drainage facility having a width greater than one hundred feet and a side bank slope of four-to-one or steeper, shall be completely fenced and enclosed along the side or sides of the property which abut upon the flood control facilities.

No person in possession of the property, either as owner, purchaser, lessee, tenant or a licensee, shall fail to provide and maintain such fence as herein required.

19.16.020 - Fence specifications.

Fences required to be constructed hereunder shall be not less than six feet in height and shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates. All doors or gates opening through such enclosure shall be equipped with self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

19.16.025 - Alternative fencing requirements.

The specifications set forth in Section 19.16.020 shall not apply if the board of supervisors finds at a hearing set for that purpose that the flood control facility has significant recreational possibilities to aesthetic qualities which would be hampered by fencing, as set forth in Section 19.16.020, and if the reduction or elimination of fencing requirements does not create a dangerous condition involving a substantial and unreasonable risk of death or serious bodily harm to persons using the property or adjacent property with due care in a manner in which it is reasonably foreseeable that it would be used. If such findings are made, the board of supervisors shall establish alternative fencing requirements for such facility. Property owners affected by such hearing shall be given at least ten days' written notice of the time and place of such hearing.

19.16.030 - Penalty for violations.

Any person, other than a minor, who violates any of the provisions of this chapter is guilty of a misdemeanor which violation is punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Chapter 19.18 - REGULATION OF THE CONSTRUCTION AND MAINTENANCE OF FLOATING HOMES

Sections:

- 19.18.010 - Purpose.
- 19.18.020 - Definitions.
- 19.18.030 - Applications.
- 19.18.035 - Permit requirements.
- 19.18.040 - Code requirements—General.
- 19.18.042 - Alternate construction.
- 19.18.045 - Space requirements.
- 19.18.050 - Height.
- 19.18.051 - Length and width.
- 19.18.052 - Reserved
- 19.18.060 - Material.
- 19.18.070 - Construction.
- 19.18.080 - Reserved.
- 19.18.090 - Plumbing—General.
- 19.18.100 - Building drain.
- 19.18.110 - Plastic pipe.
- 19.18.120 - Inboard sewerage and graywater device.
- 19.18.130 - Reserved.
- 19.18.140 - Reserved.
- 19.18.150 - Water distribution.
- 19.18.160 - Fuel—Gas piping.
- 19.18.170 - Wiring system.
- 19.18.180 - Power supply.
- 19.18.190 - Supply cord.
- 19.18.200 - Second supply cord.
- 19.18.210 - Permanent wiring.
- 19.18.220 - Disconnecting means.
- 19.18.230 - Branch circuit protective equipment.
- 19.18.240 - Branch circuits.
- 19.18.250 - Portable appliances.
- 19.18.260 - General appliances.
- 19.18.270 - Receptacle outlets.
- 19.18.280 - Fixtures and appliances.
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EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following floating home modifications to 2013 California Residential Code Sections R305.1, R304.1 & R304.4, as shown in sections 19.18.040 and 19.18.045 regulating minimum ceiling height and floor area requirements, are reasonably necessary because of Marin's local topographical conditions insofar as the application of these provisions are for dwelling units capable of being supported entirely by water.

19.18.010 - Purpose.

The purpose of this subchapter is to support healthy, safe and sustainable floating home communities that protect the health, safety and welfare of floating home occupants by establishing minimum structural, safety, health and sanitation standards for floating homes.

19.18.020 - Definitions.

(a)

An "ark" is any vessel, boat, craft, or structure originally designed to float that is permanently grounded or supported by a foundation or piling.

(b)

A "floating home" is any boat, craft, living accommodation or structure supported by a means of flotation, designed to be used without permanent foundation, which is used or intended for human habitation.

(c)

"Mezzanine" is an intermediate floor placed in any story or room. If the total floor area of any mezzanine exceeds thirty-three and one-third percent of the total floor area in that room, it shall be considered as constituting an additional story.

(d)

"Story" is that portion of the superstructure located between the upper surface of any deck and the upper surface of the deck or ceiling next above.

(e)

"Superstructure" is that portion of a floating home or ark above the lowest deck or the level of flotation.

19.18.030 - Applications.

The provisions of this chapter shall apply to any floating home moored within Marin County. Nothing contained herein shall be deemed to exempt floating home occupants from complying with Chapter 11.20.

19.18.035 - Permit requirements.

No person shall construct a floating home, without having first secured a permit therefore from the Community Development Agency. Application for permits shall be on a form supplied by the county and shall be accompanied by such fee as is fixed by the board of supervisors. No permit for the construction of a floating home shall be issued unless and until the owner thereof provides the county with satisfactory evidence that the floating home will be moored at a legally approved marina within Marin County.

If the floating home is to be transported to another jurisdiction, no permit shall be granted unless the owner or ship builder shall provide the county with satisfactory evidence that the floating home will, upon its completion, be transported from Marin County. In this connection, the county may require, as a condition of issuance of the permit, that the owner or ship builder furnish a suitable bond guaranteeing that the floating home will, in fact, be exported as indicated on the permit.

Any person dissatisfied with any action by the Community Development Agency hereunder may appeal the same in writing, to the board of supervisors within ten days following the effective date of such action.

19.18.040 - Code requirements—General.

Except as provided herein, each floating home or ark shall comply with the provisions of Chapter 19.04. A dwelling unit which meets the minimum requirements for efficiency dwelling unit set forth under the current edition of the California Residential Code (Title 24, Part 2.5), California Code of Regulations may be constructed, provided all stability design is performed in accordance with this chapter. As an alternative to the ceiling heights specified in California Residential Code, minimum ceiling heights may be six feet six inches provided that no portion of the ceiling is less than six feet six inches and that floor areas comply with Section 19.18.045(b) of the Marin County Code.

19.18.042 - Alternate construction.

Alternate materials and methods of construction may be allowed as provided in the codes adopted by Chapter 19.04. The building official may approve any such alternate use of salvaged material and lumber manufactured by the floating home owner provided the building official finds that the proposed design is satisfactory and complies

with the applicable provisions of the current edition of the California Building Standards Code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety. All data required by the building official in order to determine these equivalents shall be provided by the applicant.

19.18.045 - Space requirements.

Each floating home or ark shall be required to comply with the following space requirements:

(a)

Habitable rooms or spaces shall have an average minimum ceiling height of six feet three inches. No portion of any room with a ceiling height of less than five feet shall be included in computing the minimum areas specified in subsection (b).

(b)

A minimum of one hundred square feet of habitable floor space shall be provided. An additional seventy square feet of habitable floor space shall be provided for each occupant in excess of one. "Habitable space" is defined in the current edition of the California Residential Code (Title 24, Part 2.5), California Code of Regulations.

19.18.050 - Height.

The height of a floating home or ark shall not exceed sixteen feet as measured from the water line; however, if its hull is composed of wood, foam or other material approved by the Community Development Agency, the height shall not exceed eighteen feet. Applications for deviation or adjustment from the provisions of this section shall be in accordance with the requirements and procedures set forth in Chapter 22.46 of this code and shall not violate the intent of this Chapter or Chapter 11.24 of this code.

19.18.051 - Length and width.

The basic floor area of a floating home shall not exceed forty-six feet in length and twenty feet in width, and that the length and width shall be subject to any greater limits on length and width that may be applicable pursuant to Section 11.21.050 of this code. The floor area of any story above the lowest story of the superstructure shall not exceed eighty percent of the story immediately below said story. All deck areas must be unencumbered by walls or roof structures. As used in this section, "basic floor area" means that area defined by the perimeter walls of a horizontal cross section through the lowest story of the superstructure with "superstructure" defined in Section 19.18.020 of the Marin County Code. Applications for deviation or adjustment from the provisions of this section shall be in accordance with the requirements and procedures set forth in

Chapter 22.46 of this code and shall not violate the intent of this Chapter or Chapter 11.24 of this code.

19.18.052 - Reserved.

19.18.060 - Material.

All material such as decking, siding, and subflooring, which is subjected to moisture or water splash shall be of a type not adversely affected by moisture, or shall be treated.

19.18.070 - Construction.

(a)

Flooring, wall and flotation shall be designed and constructed by use of diaphragm walls in such a manner that the superstructure acts as an independent unit and is not adversely affected by point reactions under the flotation.

(b)

Floating homes and arks shall comply with the residential energy regulations set forth in the current edition of the California Energy Code (Title 24, Part 6), California Code of Regulations.

19.18.080 - Reserved.

19.18.090 - Plumbing—General.

It is the intent of these provisions that, except as may be otherwise expressly authorized by local public health agencies, water quality control agencies, and the San Francisco Bay Conservation and Development Commission, that there be no discharge of sewage or graywater from floating homes or arks into the waters within the jurisdiction of the county.

The plumbing of all floating homes, arks, and dockside facilities shall comply with Chapter 19.04, except as hereinafter provided.

19.18.100 - Building drain.

The "building drain" is that part of the lowest piping of a drainage system which receives the discharge from all soil, waste and other drainage pipes inside the walls of

the unit and conveys it to a sewage device which conforms to Section 19.18.120 of this chapter.

19.18.110 - Plastic pipe.

Plastic pipe for use in piping of the potable water supply, drainage systems and venting, shall be in accordance with the current edition of the California Plumbing Code (Title 24, Part 5), California Code of Regulations, adopted by Marin County Code Chapter 19.04.

19.18.120 - Inboard sewerage and graywater device.

(a)

A sewage and graywater receiving tank and ejector device shall be installed in every floating home. Said device shall consist of a tank with a liquid capacity of not less than thirty gallons, nor more than forty gallons. Said device must connect to the local sewerage lateral system. The pump horsepower (H.P.) rating, type and outlet size shall be approved by the Community Development Agency and the local sanitary district.

(b)

Arks shall be connected to the local sewage disposal system. The connection to the disposal system and method used to move the sewerage from the ark to the local system shall be approved by the sanitary district and the county.

19.18.130 - Reserved.

19.18.140 - Reserved.

19.18.150 - Water distribution.

Water shall not be piped to supply floating homes or arks through flexible hose unless the hose is a high-pressure type terminating in approved connectors and is preceded by an approved backflow prevention device. No hose shall run exposed on docks, piers, floating homes or arks. The length of the hose shall not exceed fifty feet.

19.18.160 - Fuel—Gas piping.

Dockside gas connections to floating homes or arks shall be made with approved high pressure hose and terminate in approved positive disconnect couplings. Gas hoses shall not where subject to physical damage, run exposed on docks, piers, floating homes or arks. The hose length shall not exceed fifty feet.

19.18.170 - Wiring system.

A wiring system nominally rated 115/230 volts, 3 wire AC, 3 pole 4 wire grounding type shall be in all floating homes that use shore power. Arks shall be 115/230 volt, 3 wire AC with grounded neutral.

19.18.180 - Power supply.

- (a) The service provided to an ark located within twenty feet of the shoreline shall be installed in accordance with the current edition of the California Electrical Code (Title 24, Part 3), California Code of Regulations for a land based structure. If the ark is more than twenty feet from the shoreline, service shall be provided and installed as specified for a floating home.
- (b) Service equipment and meter for a floating home shall be located adjacent to it (on pier or floating dock) and shall not be mounted on the floating home.
- (c) The power supply to the floating home shall be comprised of feeder circuits consisting of not more than two floating home supply cords, each rated at the amperage provided.

19.18.190 - Supply cord.

Each floating home or ark supply cord shall be approved and have four conductors, one of which shall be identified by a continuous green color with a yellow stripe. The attachment plug, connectors and mating receptacles shall be three pole, four wire grounding types covered by American Standards C 73 attachment plug and receptacles. The power supply cord shall be permanently attached to the distribution panel. A suitable clamp or equivalent shall be provided at the distribution panel to afford strain relief for the cord in order to prevent strain at the terminals. The length of the power supply cord shall not exceed fifty feet.

19.18.200 - Second supply cord.

Where the calculated load of the floating home or ark is in excess of the available amperage from a single supply cord, or where a separately metered appliance is installed in the floating home or ark, a second floating home, or ark, supply cord may be installed, but only if a second serving point is available and provided.

19.18.210 - Permanent wiring.

Where the calculated load exceeds one hundred amperes or permanent feeder is used, the supply shall be effected by means of four permanently installed conductors in an approved wiring method, one conductor being identified by a continuous green color or a continuous green color with a yellow stripe.

19.18.220 - Disconnecting means.

A disconnecting means shall be provided on the exterior of each floating home or ark using approved service entrance equipment, consisting of circuit breakers, or a switch and fuses and their accessories, installed in a location that is readily accessible from the pier, dock, or float, and is near the point the supply cord or conductors enter the floating home or ark. This equipment shall have an ampere rating suitable for the load and no greater than the capacity of the supply cord. The main circuit breaker or fuses shall be plainly marked "MAIN."

This equipment shall contain solderless type of grounding connector or bar for the purpose of grounding with sufficient terminals for all grounding conductors. The neutral bar termination of the grounded circuit conductors shall be insulated.

The distribution equipment shall be located a minimum of twenty-four inches from the bottom of such equipment to the floor level or deck.

Where more than one power supply cord is installed, disconnecting means shall be provided for each cord and shall be permitted to be combined in a single equipment, but without electrical interconnections other than for grounding purposes.

Plug fuses and fuse holders shall be tamper resistant, type "S" enclosed in dead front panels.

19.18.230 - Branch circuit protective equipment.

Branch circuit distribution equipment shall be installed in each floating home and shall include overcurrent protection for each branch circuit, whether circuit-breakers or fuses.

If circuit-breakers are provided for branch circuit protection, two hundred thirty volt circuits shall be protected by two pole common (or companion trip), or handle-tied paired, circuit-breakers.

The branch-circuit overcurrent devices shall be rated:

- (a) Not more than the circuit conductors; and
- (b) Not more than one hundred fifty percent of the rating of a single appliance rated ten amperes or more; but
- (c) Not more than the fuse size marked on the air conditioner or other motor operated appliance.

19.18.240 - Branch circuits.

The number of branch circuits required shall be determined in accordance with the following:

Based on three watts per square foot, times outside dimensions of the enclosed area of the floating home, excluding decks and porches, divided by one hundred fifteen volts, to determine number of fifteen or twenty ampere lighting area circuits, e.g.,

$3 \times \text{Length} \times \text{Width}$ 115 × 15(or 20)	+	Number of 15 (or 20 ampere circuits.)
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19.18.250 - Portable appliances.

A minimum of two twenty-ampere branch circuits shall be required for receptacle outlets in the kitchen area, which may also supply other receptacle outlets in the dining, and deck area. These circuits shall supply only portable appliances. A washing machine shall be on a separate twenty ampere circuit.

19.18.260 - General appliances.

(Including furnace, water heater, range, and central or room air conditioner, etc.) One or more circuits of adequate rating shall be required in accordance with the following:

- (a) For fixed appliances on a circuit, without lighting outlets, the sum of rated amperes shall not exceed the branch circuit rating for other than motor loads or eighty percent of the branch circuit rating for air conditioning.
- (b) The rating of a single portable appliance on a circuit with no other outlets shall not exceed eighty percent of the circuit rating.
- (c) The rating of range branch circuit shall be based on the range demand as specified for ranges in Section 19.18.310(b)5.

19.18.270 - Receptacle outlets.

All receptacle outlets shall be the grounding type and must be installed in accordance with Chapter 19.04 of this code. Receptacles shall be parallel blade, fifteen ampere, one hundred twenty-five volt, either single or duplex, and shall contain an individual grounding type outlet for each cord-connected fixed appliance installed.

Except in the bath and hall areas, receptacle outlets shall be installed at wall spaces two feet wide or more, so that no point along the floor line is more than six feet, measured horizontally, from an outlet in that space, except as explained in the following. Receptacle outlets are not required for wall spaces occupied by kitchen or wardrobe cabinets. In addition, a receptacle outlet shall be installed:

- (a) Over counter type tops in the kitchen (at least one on each side of the sink if counter tops are on each side);
- (b) Adjacent to the refrigerator and free-standing gas range space;
- (c) At counter top spaces for built-in vanities;
- (d) At counter top spaces under wall-mounted cabinets. Receptacle outlets shall not be installed within or adjacent to a shower or bathtub space.

19.18.280 - Fixtures and appliances.

- (a) Water heaters, refrigerators, air conditioning equipment, ranges, electric heaters, washer, dryers and other similar appliances shall be an approved type, connected in an approved manner, and securely fastened in position. (See Section 19.18.300 for provisions on grounding.)
- (b) Specifically approved pendant type fixtures or pendant cords may be installed in floating homes.
- (c) If a lighting fixture is provided over a bathtub or in a shower stall, it shall be an approved enclosed and gasketed type.
- (d) Switches shall not be located inside the tub or shower space.

19.18.290 - Wiring methods and materials.

Except as provided in this section wiring methods and materials required by Chapter 19.04 shall be used in floating homes.

- (a) Nonmetallic outlet boxes are acceptable only in conjunction with nonmetallic sheathed cable.

- (b) Nonmetallic cable located below seven feet six inches above the floor, if exposed, shall be protected from physical damage by covering boards, guard straps, or conduit.
- (c) Metal clad and nonmetallic cables may be passed through the centers of the wide side of two by four studs. However, they shall be protected where they pass through two by two studs or at other studs or frames where the cable or armour would be less than one and one-half inches from the inside or outside surface. Steel plates on each side of the cable, or a tube with not less than No. 16 manufacturer's standard gauge wall thickness, are required to protect the cable. These plates or tubes shall be securely fastened in place.
- (d) If metallic faceplates are used, they shall be effectively grounded.
- (e) If a range, clothes dryer, or similar appliance is connected by armored cable or flexible conduit, a length of free cable or conduit should be provided to permit movement of the appliance. The cable or flexible conduit should be adequately secured to the wall. Clearance space behind a range may provide the required protection if a range is connected by type SE cable. When used, type SE cable shall have an identified and insulated neutral plus an equipment grounding conductor. Nonmetallic cable (type NM) shall not be used to connect a range.
- (f) Rigid metal conduit shall be provided with a locknut inside and outside the box. A conduit bushing shall be used on the inside. Inside ends of the conduit shall be reamed.
- (g) Switches shall be rated as follows:
 - (1) Lighting circuit switches shall have a ten ampere, one hundred twenty-five volt rating, or higher if required for the connected load.
 - (2) Motor or other load switches shall have ampere or horsepower ratings or both, adequate for loads controlled. (An "AC general use" snap switch may control a motor two horsepower or less if full load current is not over eighty percent of the switch ampere rating.)
- (h) At least four inches of free conductor shall be left at each outlet box unless conductors are intended to loop without joints.
- (i) WIRING EXPOSED TO WEATHER.

- (1) If outdoor wiring is exposed to moisture or physical damage, it shall be protected by rigid metal conduit or liquid-tight flexible metal conduit. Electrical metallic tubing may be used when closely routed against frames and equipment enclosures.
- (2) Conductors shall be Type NMC, RW, TW, or equivalent.

19.18.300 - Grounding.

Grounding of electrical and non-electrical metal parts in a floating home shall be effected through connection to a grounding bus in the floating home distribution panel. The grounding bus shall be grounded through the green conductor in the supply cord, or the feeder wiring to the service ground in the service entrance equipment.

(a) **INSULATED NEUTRAL**

- (1) The grounded circuit conductor (neutral) shall be insulated from the grounding conductors, equipment enclosures, and other grounded parts. The grounded (neutral) circuit terminals in distribution panels, ranges, clothes dryers, counter mounted cooking units, and wall mounted ovens are to be insulated from the equipment enclosure. Bonding screws, straps, or buses in distribution panels and/or appliances are to be removed and discarded.
- (2) Ranges and clothes dryers shall be connected with four conductor cord and three pole four wire grounded type plugs, or by armored cable or conductors enclosed in flexible steel conduit.

(b) **EQUIPMENT GROUNDING MEANS**

- (1) The green grounding wire in the supply cord or permanent feeder wiring shall be connected to the grounding bus in the distribution panel or disconnecting means.
- (2) The chassis, if metal, shall be grounded. The grounding conductor may be solid or stranded, insulated or bare, and shall be an armored grounding conductor or routed in conduit if No. 8 AWG. The conductor, if No. 6 AWG or larger, may be run without metal covering. The grounding conductor shall be connected between distributing panel grounding terminal and a terminal on the chassis. Grounding terminals shall be of the solderless type and approved

as pressure terminal connectors recognized for the wire size employed.

(3)

In the electrical system, all exposed metal parts, enclosures, frames, lamp fixtures, canopies, etc., shall be effectively bonded to the grounding terminal or enclosure of the distribution panel.

(4)

Cord connected appliances, such as washing machines, clothes dryers, refrigerators, and the electrical system of gas ranges, etc., shall be grounded by means of an approved cord with grounding conductor and grounding type plug.

(c)

GROUNDING OF NON-CURRENT CARRYING METAL PARTS

All major exposed metal parts that may become energized, including the water, gas, and waste plumbing, the roof and outer metallic covering, the chassis and metallic circulating air ducts, shall be effectively bonded to the grounding terminal or enclosure of the distribution panel or to the metal chassis. Bonding of the chassis to the distribution panel grounding terminal shall be effected in accordance with Section 19.18.300(b)2.

19.18.310 - Calculations.

The supply cord and distribution panel load for each power supply assembly in a floating home shall be computed in accordance with the current edition of the California Electrical Code.

19.18.320 - Overall stability.

The floating home shall be stable with both dead load and live load included.

(a)

METACENTRIC HEIGHT

The metacentric height (MG) shall be equal to + 1.0 foot or more according to the following equation:

(MG)	=	<u>W_{sl}</u>	-L
		W	

where:

Ws = unit weight of sea water

W = total weight of floating home including dead load and live load.
(L.L. = twenty pounds per square foot of first floor area, and ten pounds per square foot of second floor, habitable attic or loft)

I_y = Moment of inertia of the area encompassed by the waterline around the hull or flotation (fully loaded boat) as taken about the longitudinal axis of the floating home.

L = The distance between the center of gravity and the center of buoyancy of the fully loaded floating home.

(b)

FREEBOARD

The freeboard, as measured from the waterline to the top of the hull of the completed floating home, including the dead and live load shall be at least fifteen inches (with list angle = 0 degrees.)

(c)

STABILITY WITH OFF-CENTER LOADING; OR WIND LOADING

The floating home, when subjected to either off-center loading or wind loading shall not exceed the limitations on hull immersion and angle of list set forth as follows:

(1)

The maximum angle of list shall not exceed four degrees.

(2)

The freeboard shall be measured from the waterline to the top of the hull on the side or end of the vessel where said freeboard has its least dimension.

The allowable immersion shall not be more than two-thirds of this freeboard.

The off-center loading shall be considered as applicable to the completed floating home, including dead load, and shall consist of a line load of one hundred pounds or five pounds per foot of width, whichever is greater, per lineal foot (1st floor) and fifty pounds or two and one-half pounds per foot of width whichever is greater, per lineal foot (second floor, habitable attic, or loft). The uniform line load is to be applied halfway between the center of gravity and the outside edge of deck, to one side of the floating home at a time. The dividing line is the longitudinal axis of the vessel, and the overturning moment resulting from the off-center loading shall be taken about the computed center of gravity. Stability, with the off-center loading applied, shall be tested on both sides of the longitudinal axis.

Wind loading shall be applied to the completed floating home, including dead load and live load, but not off-center loading. The moment due to the wind loading shall be computed as:

Mw	=	P × A × H
Where:		
Mw	=	Wind heeling moment, in foot pounds.
P	=	Wind pressure factor, in pounds per square foot in accordance with the following: 10.0 (for partially protected waters).
A	=	Area, in square feet, of the projected lateral surface of the vessel above the load waterline. This surface includes the hull, superstructure and areas bounded by railings and/or structural canopies.
H	=	Height, in feet, to the center of area (a) above the first floor deck.

19.18.330 - Calculations by engineer.

Calculations by a qualified engineer showing that the stability of the floating home conforms to the above minimum requirements will be acceptable. Said calculations shall be subject to the following provisions:

- (a) With reference to Section 19.18.320(a) MG=1.0 feet.
- (b) With reference to Section 19.18.320(c)2 calculations shall show that as a result of the list angle caused by the off-center loading, the original freeboard (with list angle = 0.0 degrees) shall not be diminished by more than sixty-seven percent.
- (c) With reference to Section 19.18.320(c) calculations shall show that:

$\frac{Mr}{MO}$	=	1 or more applied with a list =4.0 degrees
Where:		
Mo	=	overturning moment resulting from the off-center loading, said moment to be taken about a longitudinal line passing through the computed center of gravity of the floating home.

Mr	=	Resisting moment due to buoyancy, said moment to be taken about a longitudinal line passing through the computed center of gravity.
and:		
<u>Mr</u> Mw	=	1 or more applied with a list =40 degrees
Where:		
Mw	=	wind heeling moment
Mr	=	resisting moment due to buoyancy (same as Mr above).

19.18.340 - Compartmentation and flotation.

(a)

BULKHEADS. Watertight pontoons, floats, or any other device used to keep the floating home afloat shall be fitted with transverse and/or longitudinal watertight bulkheads which provide compartmentation sufficient to keep the fully loaded vessel afloat with positive stability, with any one main compartment flooded.

For pontoon type flotation, the maximum allowable distance between bulkheads is eight feet zero inches. No single compartment shall comprise more than twenty percent of the total available flotation volume.

(b)

HULL TYPE FLOTATION. The hull shall be fitted with at least one longitudinal bulkhead and two transverse bulkheads. No compartment shall comprise more than twenty percent of total available flotation volume. Hull type flotation with less than two transverse bulkheads may be utilized upon demonstration that the structure will remain afloat with one compartment flooded. If construction materials are utilized which make the possibility of rupture of the hull extremely remote, the county may waive this requirement.

(c)

FLOTATION DEVICES. The external surfaces of all flotation devices shall be watertight and thoroughly protected from corrosion from saltwater, solvents, and weather. Flotation devices shall be constructed so that access to each compartment is readily available from the first floor level of the completed floating home. Flotation devices shall be structurally sound and securely fastened to the main houseboat structure, as approved by the official.

(d)

BILGE PUMP. Where permanent type flotation, such as Styrofoam or plastic foam is not provided, a portable bilge pump shall be maintained in proper working order. Bilge pump size and installation shall be approved by the county.

(e)

HOLDING TANK. Flotation and decking shall provide access to and protection for the holding tank and sewage pump.

19.18.350 - Fire prevention.

(a)

Each floating home or ark shall maintain, on board, at least one ten pound (or equivalent) all-purpose dry chemical fire extinguisher for each separate level or floor of habitable living space.

(b)

Smoke alarms and carbon monoxide alarms shall be required in accordance with the current edition of the California Residential Code (Title 24, Part 2.5), California Code of Regulations

(c)

Residential fire sprinkler system requirements shall be in accordance with other provisions of this code.

19.18.360 - Life saving equipment.

Suitable accessible storage shall be provided on deck for the storage of life preservers, ring life buoys or other coast guard approved life saving devices.

19.18.370 - Occupancy permits.

All owners of floating homes moored in Marin County on the effective date of the ordinance codified in this chapter shall apply for an occupancy permit within thirty days of such date, pursuant to Chapter 11.20 of this code. An owner of a floating home mooring in county waters after the effective date of the ordinance codified in this chapter will apply within three days. Following the inspection of a floating home for an occupancy permit, the owner will be advised of any deficiencies that must be corrected and of applicable building permits that may be required.

19.18.380 - Restrictions.

It shall be illegal to inhabit, occupy, moor, lease, rent, or sell any floating home or ark which does not comply with the Marin County Code.

All arks in existence within the county on the effective date of the ordinance codified in this chapter shall be considered existing nonconforming; provided they meet all requirements of Title 19 and Chapters 11.20 and 11.21 of the Marin County Code.

19.18.400 - Reserved.

19.18.410 - Reserved.

19.18.420 - Reserved.

19.18.510 - Reserved.

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Chapter 19.19 - AGRICULTURAL EXEMPTIONS FROM PERMIT REQUIREMENTS

Sections:

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19.19.010 - Purpose.

The purpose of this chapter is to reduce costs and time associated with reviewing, processing and inspecting building permits for qualified nonoccupiable agricultural utility structures, while ensuring reasonable conformance with essential health and safety requirements to minimize risk and contribute to safe and sustainable communities and environmental preservation.

19.19.020 - Definitions.

(1)

"Qualified nonoccupied agricultural utility structures" include Group U buildings, as defined under 2013 CBC Appendix C, that are not intended for human

occupancy, as well as other nonoccupied incidental structures, including fences, towers and tanks, necessary to the performance of an approved agricultural use.

(2)

"Approved agricultural use" shall be limited to properties that are zoned for agricultural use, including the A3 to A60, ARP, and APZ zoning districts as established in Title 22 of the Marin County Code and on which property such commercial agricultural use presently exists or substantial evidence of future commercial agricultural use is demonstrated by the property owner and/or agricultural producer. Commercial agriculture may be demonstrated by permits and/or certifications for an agricultural production operation issued by the Marin County Agricultural Commissioner or other evidence indicating how the existing or planned agricultural use(s) contribute to Marin's agricultural industry. Determinations regarding commercial agricultural use shall be at the sole discretion of the agency director or his/her designee.

19.19.030 - Applicability.

The provisions of this chapter are optional as requested by the property owner, and shall apply to the erection, construction, addition, alteration or repair of qualified nonoccupiable agricultural utility structures proposed or situated on property for which an approved agricultural use is entitled.

Except the provisions of this chapter shall not apply to any of the following:

(1)

Any building which is within a setback to property line of the lesser of the minimum setback required by the governing zoning district or fifty feet, regardless of the size of the parcel, or which maintains a setback of less than fifty feet to a nonagricultural exempt building, except that the distance to other buildings may be reduced to not less than forty feet when allowed by the building code.

(2)

Any building exceeding two stories in size.

(3)

Any building subject to use by the public.

(4)

Any building subject to more than occasional or incidental use by employees of the property owner.

19.19.035 - Exemption requirements.

(1)

All work shall comply with the requirements contained within the codes adopted in Section 19.04.010 of this Code and other relevant laws and ordinances as applicable.

(2)

All work shall be performed by licensed individuals, the property owner, or employees of the property owner in conformance with applicable state law.

(3)

No work shall be performed until an agricultural exemption request application has been reviewed and approved and all fees paid.

(4)

Except where specifically exempted by the provisions of this chapter, agricultural exemption requests are subject to application, fees and permit requirements established elsewhere in the County Code.

(5)

Plan review and site inspection services normally provided by the community development agency shall be reduced under this chapter as established in the agricultural exemption request application.

(6)

A final inspection shall be performed by community development agency inspectors after construction and prior to use to verify that the building complies with the basic requirements in Subsection 19.19.020(1) above.

19.19.040 - Fees.

Fees for agricultural exemption request shall be calculated using the approved fee schedule in effect at the time the fee is charged.

**MARIN COUNTY GREEN BUILDING REQUIREMENTS
TABLE A: GREEN BUILDING STANDARDS FOR COMPLIANCE FOR RESIDENTIAL CONSTRUCTION AND REMODELS**

Covered Project	Green Building Rating System	Minimum Compliance Threshold	Verification
Single-Family or Two-Family Residential: New construction			
500-2,499 sq. ft.	GPR New Home	65 points	Green Point Rated ¹
2,500-3,999 sq. ft.	GPR New Home	85 points	Green Point Rated ¹
4,000-5,499 sq. ft.	GPR New Home	110 points	Green Point Rated ¹
5,500-6,999 sq. ft.	GPR New Home	130 points	Green Point Rated ¹
7,000+ sq. ft.	GPR New Home	180 points	Green Point Rated ¹
Single-Family or Two-Family Residential: Remodels (including additions to existing buildings)			
Less than \$50,000 valuation ³	n/a	Insulate exposed hot water pipes; Install radiant barrier when reroofing and removing sheathing	County building inspector
\$50,000-\$99,999 valuation or less than 500 sq. ft. ³	GPR Existing Home	Checklist submittal	County plan check ²
\$100,000-\$149,999 valuation or 500-749 sq. ft. ³	GPR Existing Home – Elements	20 points	County plan check ²
\$150,000-\$299,999 valuation or 750-999 sq. ft. ³	GPR Existing Home – Elements	30 points	County plan check ²
\$300,000+ valuation or 1,000+ sq. ft. ³	GPR Existing Home – Whole House	45 points	County plan check ²
Multi-Family Residential: New Construction			
Less than 1,000 sq. ft. average unit size	GPR Multi-Family	50 points	GreenPoint Rated ¹
1,000+ sq. ft. average unit size	GPR Multi-Family	65 points	GreenPoint Rated ¹

¹ Project verification by GreenPoint Rater and certification by Build It Green.

² Project verification by project applicant. Use of a GreenPoint Rater highly recommended.

³ Project valuation will be the primary determinate in establishing the Minimum Compliance Threshold for the project, with use of project size range when valuation is uncertain or in the opinion of the building official does not accurately reflect the project scope.

GPR: GreenPoint Rated

**MARIN COUNTY GREEN BUILDING REQUIREMENTS
TABLE B: GREEN BUILDING STANDARDS FOR COMPLIANCE FOR COMMERCIAL CONSTRUCTION AND REMODELS**

Covered Project	Green Building Rating System	Minimum Compliance Threshold	Verification
New construction (including additions to existing buildings)			
2,000-4,999 sq. ft.	LEED® New Construction or Core & Shell	Checklist submittal + compliance with Prerequisites	LEED® AP
5,000-49,999 sq. ft.	LEED® New Construction or Core & Shell	LEED® Silver	LEED® AP
50,000+ sq. ft.	LEED® New Construction or Core & Shell	LEED® Gold	GBCI Certified
Remodels			
Less than \$500,000 valuation or 500-4,999 sq. ft. ³	LEED® Commercial Interiors or Operations & Maintenance	Voluntary compliance with the following Prerequisites: WE P1 (Water Efficiency–Baseline Requirements only) ⁴ EA P3 (Fundamental Refrigerant Management) for remodels of ≥50% of the building interior area Voluntary compliance with the following Credits: EA C1.3 (Optimize Energy Performance – HVAC) for remodels of ≥50% of the building interior area	None
\$500,000 - \$5 million valuation or 5,000-24,999 sq. ft. ³	LEED® Commercial Interiors or Operations & Maintenance	Same as above, but Required.	County building inspector
Greater than \$5 million valuation or 25,000+ sq. ft. ³	LEED® Commercial Interiors or Operations & Maintenance	LEED® Silver	LEED® AP

³ Project valuation will be the primary determinate in establishing the Minimum Compliance Threshold for the project, with use of project size range when valuation is uncertain or in the opinion of the building official does not accurately reflect the project scope.

⁴ Applicable only to fixtures within area of renovation or restrooms associated with area of renovation.

LEED: Leadership in Energy and Environmental Design Green Building Rating System LEED AP: LEED Accredited Professional GBCI: Green Building Certification Institute

SOLAR WATER HEATER PRE-PLUMBING REQUIREMENTS.

New commercial buildings over 5,000 square feet in floor area which include hot water heating systems and all new residential dwelling units shall include plumbing specifically designed to allow the later installation of a system which utilizes solar energy as a means of heating domestic potable water. Construction specifications to accomplish this requirement shall be adopted by the Chief Building Official. No building permit shall be issued unless the requirements of this section are incorporated into the approved building plans. The provisions of this section can be modified or waived when it can be satisfactorily demonstrated to the Chief Building Official that the requirements are impractical due to shading, building orientation, construction constraints or configuration of the parcel.

PHOTOVOLTAIC PRE-WIRING REQUIREMENTS

New commercial buildings over 5,000 square feet in floor area and all new residential dwelling units shall include electrical conduit specifically designed to allow the later installation of a photovoltaic (PV) system which utilizes solar energy as a means to provide electricity. Construction specifications to accomplish this requirement shall be adopted by the Chief Building Official. No building permit shall be issued unless the requirements of this section are incorporated into the approved building plans. The provisions of this section can be modified or waived when it can be satisfactorily demonstrated to the Chief Building Official that the requirements are impractical due to shading, building orientation, construction constraints or configuration of the parcel.

RADIANT BARRIER REQUIREMENTS

When reroofing causes the roof sheathing to be removed, a radiant barrier (reflective insulation) shall be installed in conjunction with the reroofing project.

HOT WATER PIPING INSULATION REQUIREMENTS

When hot water pipes are exposed by removal of wall surfaces insulation shall be installed having a minimum thickness of 1 inch for pipe diameter of 2 inches or less, and having a minimum thickness of 1.5 inches for pipe diameter exceeding 2 inches.

EXCEPTIONS

The following shall not be included as Covered Projects:

1. Buildings which are temporary or manufactured homes,
2. Building area which is not or is not intended to be conditioned space, and
3. Any requirement which would impair the historic integrity of any building listed on a local, state or federal register of historic structures.

The following shall not be included in project valuation:

1. Improvements primarily intended for seismic upgrades or required disabled access,
2. Building replacement due to catastrophic loss due to fire, flood, or earthquake damage, and
3. Installation of renewable energy systems.

BUILDING STANDARDS COMMISSION

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



January 24, 2014

Scott D. Alber, Battalion Chief/Fire Marshal
Marin County Fire Department
33 Castle Rock Avenue
PO Box 518
Woodacre, CA 94973

RE: Ordinance #3608

Dear Mr. Alber:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 18, 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), 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 county 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).

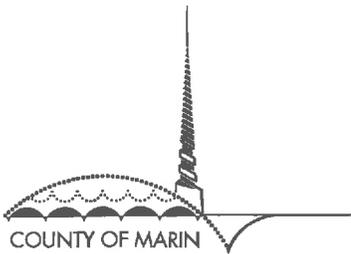
If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

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

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



MARIN COUNTY FIRE DEPARTMENT

Committed to the preservation of life, property and environment.

RECEIVED
DEC 13 2013
CALIFORNIA BUILDING STANDARDS COMMISSION



December 12, 2013

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

Jason Weber
FIRE CHIEF

33 Castle Rock Avenue
PO Box 518
Woodacre, CA 94973
415 473 6717 T
415 473 7820 F
CRS Dial 711
www.marincounty.org/depts/fr

Woodacre
Throckmorton Ridge
Marin City
Point Reyes
Hicks Valley
Tomaes
Ross Valley: Medic 18
Tamalpais Fire Crew

To Whom It May Concern:

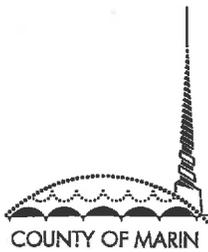
Pursuant to Section 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Marin County Board of Supervisors in its ordinance adopting and amending the 2012 Edition of the International Fire Code and the 2013 California Fire Code, as well as portions of the 2012 International Wildland-Urban Interface Code changes or modifies certain provisions of the 2013 California Building Standards Code (Title 24, Part 9) as it pertains to the regulation of buildings used for human habitation.

As required by the above-cited sections of the Health and Safety Code, we have attached copies of the Marin County Board of Supervisors Ordinance 3608 and Resolution 2013-102 adopting "Findings of Fact and Need" for your files.

If you have any questions, please contact me at your earliest convenience.

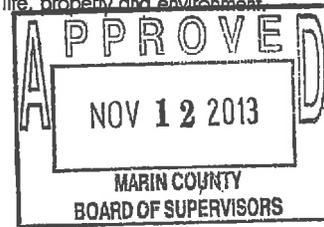
Sincerely,

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



MARIN COUNTY FIRE DEPARTMENT

Committed to the preservation of life, property and environment.



November 12, 2013

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



Jason Weber
FIRE CHIEF

33 Castle Rock Avenue
PO Box 518
Woodacre, CA 94973
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415 473 7820 F
CRS Dial 711
www.marincounty.org/depts/fr

Woodacre
Throckmorton Ridge
Marin City
Point Reyes
Hicks Valley
Tomaes
Ross Valley: Medic 18
Tamalpais Fire Crew

SUBJECT: Hearing: Ordinance adopting 2012 International Fire Code, Portions of the 2012 International Wildland-Urban Interface Code and the 2013 California Fire Code with amendments.

Dear Supervisors:

RECOMMENDATION: Conduct public hearing and consider adopting resolution of Finding of Facts and ordinance

SUMMARY: On October 29, 2013, the Marin County Board of Supervisors held the first hearing for the proposed ordinance amending various chapters of the Marin County Code. In accordance with Government Code noticing requirements.

The proposed Resolution and corresponding exhibit adopts the findings of fact and the Ordinance adopts portions of the 2012 International Fire Code, portions of the 2012 International Wildland-Urban Interface, and 2013 California Fire Code, with amendments regarding fire prevention and fire safety regulations in structures and on property located within the jurisdiction of the Marin County Fire Department. The ordinance also updates the fire department's Paramedic and Fire Prevention Bureau fee schedule to more closely reflect the actual costs of providing these services.

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

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

16.10. Adopts the Fire Prevention Fee Schedule to reflect the actual cost of staff from the Marin County Fire Department to conduct reviews. Also, this section adopts fees for basic life support and advanced life support ambulance and paramedic services furnished by the Fire Department in CSA

14

28 reflecting the actual cost of providing these services. Additionally, this section allows for the collection of specific fees for Fire Prevention review upon the submittal of plans to the Community Development Agency by an applicant where a discretionary review is necessary.

16.16.010. Adopts the 2013 California Fire Code, which consists of certain portions of the 2012 edition of the International Fire Code as amended by the Building Standards commission and Appendix A of the 2012 edition of the International Wildland Urban Interface Code.

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

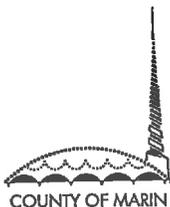
16.16.030. Adds specific definitions and meanings ascribed to them including; Fire Code, jurisdiction, county counsel, Fire Code Official, and Chief of the Fire Prevention Bureau.

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

16.16.040. Amends several specific sections of the 2013 California Fire Code and the 2012 edition of the International Fire Code: Permits; liability for incidents; enforcement authority; emergency access for Fire Department personnel to buildings and properties; fire alarm and protection systems; fire hydrant upgrades; fire sprinkler systems; public storage facilities; fire apparatus access roads; smoke detector and fire extinguisher documentation; parking of tank trucks transporting hazardous and flammable materials; and, corrective action requirements and public nuisance relative to clearance of brush and vegetative growth.

16.16.050. Designates Chief Officers of the Fire Department, as well as law enforcement personnel specific authority to arrest and issue citations pursuant to violations of the International Fire Code and California Fire Code.

16.16.060-070. Describes the penalties and procedures for issuing citations; imposition of penalties; provisions which constitute public nuisance



and entitlements and collections of abatement and administrative costs by means of nuisance abatement lien.

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

Finally, the Marin County Fire Department amends building standards for our fire sprinkler provisions and fire alarm monitoring requirements, making the Fire Department's ordinance consistent with that of the Building Department.

This Ordinance must be adopted and placed in effect prior to December 1, 2013. Failure to do so will result in losing the Fire Department's ability to enforce automatic fire sprinklers in new construction and of abatement procedures used to enforce vegetation management in the wild land-urban interface areas of our jurisdiction.

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

FISCAL/STAFFING IMPACT: None

REVIEWED BY:	<input type="checkbox"/>	Auditor-Controller	<input type="checkbox"/>	N/A
	<input checked="" type="checkbox"/>	County Counsel	<input type="checkbox"/>	N/A
	<input type="checkbox"/>	Human Resources	<input type="checkbox"/>	N/A

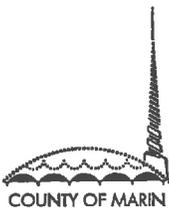
Respectfully Submitted,



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

CC : Chief Weber

Attachment



RESOLUTION NO. 2013-102

**RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS TO ADOPT FINDINGS
OF FACT RELATING TO MODIFICATIONS TO THE INTERNATIONAL WILDLAND-URBAN
INTERFACE CODE 2012 EDITION, THE INTERNATIONAL FIRE CODE 2012 EDITION, AND
THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, BECAUSE OF LOCAL CLIMATIC,
GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS**

WHEREAS, the "governing body" shall be deemed to be the Marin County Board of Supervisors and the Fire Department shall be deemed to be the local agency; and

WHEREAS, the Board of Supervisors must make an express finding that amendments to building standards for fire and panic safety that are contained in California Code of Regulations, Title-24 Part-9 are necessary because of local climatic, geological or topographical conditions pursuant to Health and Safety Code 13869.7; and

WHEREAS, the amendments are neither effective nor operative until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission by the city and county where they will apply, along with the adopting ordinance and any findings county pursuant to Health and Safety Code Sections 13869.7, 17958.5, 17958.7 and 18941.5(b).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Marin County Board of Supervisors that:

1. The Board of Supervisors adopts the Findings of Fact and need for changes and modifications to the State Building Standards Code because of Local Conditions (Exhibit "A").
2. Upon ratification of said findings by the Marin County Board of Supervisors, they shall file said findings with the State Building Standards Commission.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 12th day of November 2013, by the following vote:

AYES: SUPERVISORS Kathrin Sears, Susan L. Adams, Steve Kinsey, Katie Rice,
Judy Arnold

NOES: NONE

ABSENT: NONE

ATTEST:


CLERK


PRESIDENT, BOARD OF SUPERVISORS

EXHIBIT A

FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS TO THE STATE BUILDING STANDARDS CODE BECAUSE OF LOCAL CONDITIONS

CHANGES OR MODIFICATIONS: Pursuant to Section 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Marin County Board of Supervisors in its ordinance adopting and amending the 2012 Edition of the International Fire Code, the 2012 Edition of the International Wildland-Urban Interface Code, and the 2013 California Fire Code, changes or modifies certain provisions of the 2013 California Building Standards Code (Title 24, Part 9) as it pertains to the regulation of buildings used for human habitation. A copy of the text of such changes or modifications is attached.

Findings: Pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, the Marin County Board of Supervisors has determined and finds that the attached changes or modifications to the 2010 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions.

Local Conditions: Local conditions have an adverse effect on the prevention of (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss, making necessary changes or modifications to the 2012 International Fire Code, the 2012 International Wildland-Urban Interface Code, the 2013 California Fire Code and the 2013 California Building Standards Code in order to provide a reasonable degree of property security and fire and life safety in this jurisdiction.

Below are listed adverse local climatic (see No. 1), geographic and topographic (see No. 2) conditions.

1. Climatic

- a. **Precipitation.** Precipitation ranges from 15 to 50 inches per year with an average of approximately 25 inches per year. Approximately ninety percent (90%) falls during the months of November through April, and 10% from May through October.
- b. **Relative Humidity.** Humidity generally ranges from 50% during daytime to 86% at night. It drops to 20% during the summer months and occasionally drops lower.
- c. **Temperatures.** Temperatures have been recorded as high as 104 degrees F. Average summer highs are in the 78-degree to 85-degree range.
- d. **Winds.** Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5 – 15 mph range, gusting to 7.4 – 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

- e. **Summary.** These local climatic conditions affect the acceleration, intensity, and size of fire in our service area. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to the wildland-urban interface. The winds experienced in this area can have a tremendous impact upon structure fires in buildings in close proximity to one another, and to wildlands commonly found in Marin County, and in particular to our service area.

2. Geographic and Topographic

- a. The fire environment of a community is primarily a combination of two factors: the area's physical geographic characteristics and the historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area's fire protection needs.

The basic geographical boundaries of our service area include National and State Park lands to the west and south, several suburban communities surrounding the Highway 101 corridor to the east, and rural Sonoma County to the north.

Because of the size of our service area (approximately 445 square miles), the characteristics of the fire environment change from one location to the next. As such, our service area has not one, but a number of fire environments, each of which has its individual fire protection needs.

Our service area has varied topography and vegetative cover. A conglomeration of hills and ridges, with vegetative cover ranging from open grass lands studded with oak to dense forests of Douglas fir, pine and redwood make up the terrain. Development has occurred as the communities along the eastern border of our service area have extended west. In addition, over the last ten years, development has spread into the hills and the smaller valleys and canyons of the San Geronimo Valley, Nicasio and Point Reyes Station.

- b. **Seismic Location.** The relatively young geological processes that have created the San Francisco Bay Area are still active today. Our service area incorporates a portion of the San Andreas earthquake fault and is adjacent to the Hayward-Calaveras and numerous potentially active faults. Almost our entire land surface is in the high-to-moderate seismic hazard zones.
- c. **Size and Population.** Our service area covers 445 square miles with a population estimated at 25,000. The Marin County Fire Department is the largest fire department in Marin County. Within our service area are six (6) fire stations and a total of 83 Fire Department personnel. The Fire Department handles diverse responsibilities including fire, hazardous material discharge first-responder, paramedic/rescue, and urban search and water rescue response to wildland, urban, freeway areas within the county.

- d. **Roads and Streets.** Lengthy cul-de-sacs generally service new developments. Cul-de-sacs and dead-end roads serve most of the smaller canyons and valleys, and hillsides, as well. Some planned unit developments are served by private roads, which create access problems (i.e., narrow paved widths and on-street parking). Roadways with less than 20 feet of unobstructed paved surface, with a dead-end longer than 150 feet, with a cull-de-sac longer than 800 feet, or with a cul-de-sac diameter less than 68 feet are considered hazardous in terms of fire access and protection. A large number of roadways within our service area fall into one or more of the above four categories.
- e. **Topography.** Our service area is a conglomeration of rolling hills, valleys and ridges. The flatter lands are found in the central and northern portions of the service area. Most of the existing urban and suburbanized areas are on relatively flat lands (0 – 5% slope).

Future residential development is trending to the hill areas of the San Geronimo Valley, Lucas Valley/Nicasio and Point Reyes Station. In addition, as the value of parcels increase, more marginal lots along Throckmorton Ridge/Panoramic Highway are being developed. The majority of the hillsides and ridges in these areas have slopes ranging from 15 – 30% and 30+%.

Elevations are varied in the service area with Mt. Tamalpais listed at 2,671 feet above sea level. Marin City and Point Reyes Station are approximately 20 feet above sea level, the San Geronimo Valley is 485 feet, and the Throckmorton Fire Station is at 1,160 feet above sea level, respectively.

Correspondingly, there is much diversity in slope percentages. San Geronimo Valley slopes run from level (in the valley, itself) to near 70%. Mt. Barnabee has slopes that run from 20 to 70%. Throckmorton ridge has slopes from 40 – 80%. Slope is an important factor in fire spread. As a basic rule of thumb, the rate of spread will double as the slope percentage doubles, all other factors remaining the same.

- f. **Vegetation.** Marin County's semi-arid Mediterranean-type climate produces vegetation with specific growth a result of local topography, proximity to the coast and prevailing wind. In the central and eastern portions of our service area, the south facing exposure is primarily rye grass with occasional clumps of bay and oak trees in the more sheltered pockets. The north facing slopes are heavily wooded from lower elevations to ridge with oak and bay trees and minor shrubs of the general chaparral class. Many areas in the western portion of our district are heavily forested with pine, Douglas fir and redwood.

Expansion of the residential community into areas of heavier vegetation has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration potential point of view.

There are approximately 9,200 parcels in our jurisdiction's wildland urban interface area. Proliferation of sudden oak death syndrome has increased the dead fuel loads in the oak woodlands and bay forests, which has significantly increased fire brand production and crown fire potential within the wildland-urban interface area.

- g. **Summary.** The above local geographic and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Marin County Fire Department. In addition, fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

Other variables may tend to intensify the post-earthquake situation:

- 1) The extent of damage sustained by the water system infrastructure;
- 2) The extent of isolation due to bridge and/or freeway overpass collapse;
- 3) The extent of roadway damage and/or amount of debris blocking the roadways;
- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) The large portion of dwellings with wood shingle roof coverings and siding could result in conflagrations due to brand broadcast.

Conclusion: Local climatic, geographic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore it is found to be reasonably necessary that the International and California Fire Code, the International Wildland-urban Interface Code, as well as the State Building Standards Code be changed or modified to mitigate the effects of the above conditions.

Furthermore, California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the Marin County Fire Department finds that the following table provides code sections that have been modified pursuant to **Ordinance 3608** which are building standards as defined in Health and Safety Code Section 18909, and the associated referenced conditions for modification due to local climatic, geological and topographical reasons.

<u>CA Fire Code Section Number</u>	<u>Local climatic, geological and topographical conditions (above)</u>
202[C]	2a, b, d-f
202[S]	2a, b, d-f
302.1	2a-f
319.1	2a-f
319.2	2a-f
319.4	2a-f
901.7	1a-d, 2a, c-f
903.2	1a-d, 2a, c-f
903.3	1a-d, 2a, c-f
907.2.11	1a-d, 2a, c-f

ORDINANCE NO. 3608

AN ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS:

- (1) RETITLING CHAPTER 16.10 OF THE MARIN COUNTY CODE, AMENDING THE FEE STRUCTURE OF THE FIRE DEPARTMENT FIRE PREVENTION FEE SCHEDULE AND PARAMEDIC/AMBULANCE FEE SCHEDULE IN CSA 28 AND AUTHORIZING COLLECTION OF SPECIFIC FIRE PREVENTION REVIEW FEES BY THE MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY;**
- (2) REPEALING CHAPTER 16.16 OF THE MARIN COUNTY CODE; AND (3) ESTABLISHING NEW CHAPTER 16.16 RELATING TO: (A) MARIN COUNTY ADOPTION OF AND AMENDMENTS TO SPECIFIC PROVISIONS OF THE 2012 INTERNATIONAL FIRE CODE, THE 2013 CALIFORNIA FIRE CODE AND 2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE; (B) PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; (C) PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND (D) ESTABLISHING A FIRE PREVENTION BUREAU AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN HEREBY ORDAINS AS FOLLOWS:

SECTION I. CHAPTER 16.10

A. FINDINGS:

- 1.** In 2010, the Board of Supervisors enacted Ordinance No. 3550 setting forth Paramedic Fees and the Fire Department Fire Prevention Fee Schedule (Chapter 16.10 of the Marin County Code). At that time, Chapter 16.10 was titled County Service Area 28 Paramedic Fees when it should have been titled County Service Area Paramedic Fee Schedule and Fire Prevention Fee Schedule; and
- 2.** The Fire Prevention Fee Schedule needs to be updated to reflect the actual cost of staff from the Marin County Fire Department to conduct reviews and shall include the fee increases set forth in Exhibit A, which reflects an hourly rate of \$177 per hour for the Fire Chief, the designated Fire Code Official, which covers his salary, benefits and authorized overhead. Additionally, the Fire Department should be authorized to collect fees to recover its actual costs for miscellaneous services not reflected in Exhibit A.
- 3.** Fees for basic life support and advanced life support ambulance and paramedic services furnished by the Fire Department in CSA 28 need to be increased to reflect the actual cost of providing these services and accordingly, Exhibit A to Chapter 16.10 of the Marin County Code should be amended to reflect such increases.

4. The collection of specific fees for the Fire Prevention review should be obtained upon the submittal of plans to the Community Development Agency by an applicant where a discretionary review is necessary. Additionally, such collection of fees should properly involve a \$32 surcharge for the actual administrative costs incurred by the Community Development Agency. The following fees from the Fire Department Fire Prevention Fee Schedule should be collected by the Community Development Agency: (a) Planning Department Discretionary Permit Review; (b) Vegetation Management Plan Review in conjunction with a Planning Department Discretionary Permit; (c) Tentative Map (Land Division and Subdivision) Review; (d) General Review and Consulting Services, which includes Technical Advisory consultation and review of environmental studies.

B. CHANGES TO CHAPTER 16.10 OF THE MARIN COUNTY CODE

Chapter 16.10 of the Marin County Code is hereby amended to read as follows:

CHAPTER 16.10 County Service Area Paramedic Fee Schedule and Fire Prevention Fee Schedule

The following Sections to Chapter 16.10 are amended or added as set forth below:

Sections:

- 16.10.040(a)** Increase in Fees (amended)
- 16.10.040(b)** Fees for Services (amended)
- 16.10.040(c)** Discretionary Review Fees; Collection by CDA (new)
- Exhibit A** Amended Paramedic/Ambulance Fee Schedule; Fire Prevention Fee Schedule

Section 16.10.040(a) is amended to **add** the following at the end of the first sentence:

Section 16.10.040(a): Such fee increases shall include the fees relating to the Paramedic/Ambulance Fee Schedule and the Fire Prevention Fee Schedule set forth in **Exhibit A** (attached hereto and incorporated herein by reference) and the specific fees outlined in Section 16.10.040(c).

Section 16.10.040(b) is amended in its **entirety** to read:

Section 16.10.040(b): The fees for services for fiscal year 2010/2011 are set by this Ordinance (amended **Exhibit A** to Section 16.10) and the Board of Supervisors declares that such fees are the reasonable cost of providing the services and the Paramedic/Ambulance Fee Schedule and Fire Prevention Fee Schedule are amended as set forth in **Exhibit A** to reflect actual costs. Additionally, the Fire

Department is hereby authorized to charge fees for any miscellaneous services incurred by the Fire Department that are not specified in **Exhibit A** at an hourly rate of \$177. Any such fees shall not exceed the costs of the services rendered.

Section 16.10.040(c) is **enacted**.

Section 16.10.040(c): The following Fire Prevention Fees shall be collected by the Community Development Agency upon submittal of plans to the Community Development Agency. In addition to the fees outlined below, there shall be a surcharge of \$32 for the actual administrative costs incurred by the Community Development Agency and thus, an added administrative fee is authorized in addition to the Fire Prevention Fee set forth below:

- (1) Planning Department Discretionary Permit Review: This fee is \$310.
- (2) Vegetation Management Plan Review in conjunction with a Planning Department Discretionary Permit: This fee is \$354.
- (3) Tentative Map (Land Division and Subdivision) Review: This fee is \$708.
- (4) General Review and Consulting Services: This fee is \$177 per hour and includes services such as Technical Advisory consulting and reviews of environmental studies.

EXHIBIT A

COUNTY SERVICE AREA 28 PARAMEDIC/AMBULANCE FEE SCHEDULE AND FIRE PREVENTION FEE SCHEDULE

CSA 28 PARAMEDIC/AMBULANCE FEE SCHEDULE

The Board of Supervisors for County Service Area 28 establishes the following fee schedule. The Marin County Fire Department shall charge the following fees for basic life support and advanced life support ambulance and paramedic services furnished by the department pursuant to the creation of County Service Area 28. These fees reflect the actual cost of providing these services.

Based Rate Fee Schedule:

Advanced life support 1 base rate:	\$1,256.00
Advanced life support 2 base rate:	\$1,292.00
Basic life support base rate:	\$ 959.00
Advanced life support non-transport	\$ 445.00
Basic life support non-transport	\$ 173.00
Mileage:	\$ 20.00 per mile
Oxygen:	\$ 91.00

FIRE PREVENTION FEE SCHEDULE

The Board of Supervisors establishes the following fees for the Fire Department Fire Prevention Bureau. These fees reflect the actual costs of providing the services. The fee schedule reflects the minimum time that county staff will expend on plan check and inspections. Where a minimum is set, that minimum reflects the fact that the plan check and/or inspection will take at least the amount of time that is indicated. Should further time be required, then the rate of \$177 per hour shall be applicable. Additionally, the Fire Department is hereby authorized to charge fees for any services incurred by the Fire Department when reviewing permit applications or performing services that are not reflected in this Exhibit A at an hourly rate of \$177 per hour.

Residential Fire Sprinkler System	\$	354.00
Commercial Fire Sprinkler System (Overhead Piping 31 heads or more)	\$	531.00
Commercial T.I. 1-10 heads	\$	295.00
Commercial T.I. 11-30 heads	\$	354.00
Underground	\$	354.00
VMP Single-Family Dwelling	\$	354.00
VMP Subdivision:		
2-5 Residences	\$	531.00
6-15 Residences	\$	1,416.00
16 or more Residences	\$	1,770.00
Ministerial Permits	\$	295.00
WUI Fire Protection Plan	\$	354.00
Fire Alarm/Detection Systems	\$	354.00
Pre-Engineered Systems	\$	354.00
SFM Facility 25 or less	\$	50.00
SFM Facility 26 or more	\$	100.00
California Fire Code Permit	\$	295.00
Photovoltaic Systems	\$	354.00

SECTION II. CHANGES TO SECTION 16.08.065

Section 16.08.065 of the Marin County Code is hereby amended in its title only. The language of existing Section 16.08.065 shall remain the same. The change in the title is as follows:

Section 16.08.065 Issuance of Citations by Designated Officers and Employees for Violations of the International Fire Code and California Fire Code

SECTION III REPEAL OF CHAPTER 16.16

Chapter 16.16 of the Marin County Code is repealed.

SECTION IV ESTABLISHMENT OF NEW CHAPTER 16.16

A. FINDINGS

1. Both the California Fire Code and the International Fire Code have been updated. The updates to these Codes necessitate that the County of Marin adopt updated portions of these codes and make amendments to them.

B. New Chapter 16.16 is hereby established with the title:

MARIN COUNTY AMENDMENTS TO THE INTERNATIONAL FIRE CODE AND THE CALIFORNIA FIRE CODE

The following Sections to new Chapter 16.16 are established:

- 16.16.010** Adoption of the California Fire Code and International Fire Code
- 16.16.020** Establishment and Duties of the Fire Prevention Bureau
- 16.16.030** Definitions
- 16.16.031** Establishment of Geographic Limits of Districts in which Storage of Class I, Class II, and Class III Liquids in Outside Aboveground Tanks is Prohibited
- 16.16.032** Establishment of Geographic Limits of Districts in which Storage of Class I, Class II, and Class III Liquids in Aboveground Tanks is Prohibited

- 16.16.033** Establishment of Geographic Limits in which Storage of Liquefied Petroleum Gases is Restricted
- 16.16.034** Establishment of Geographic Limits of Districts in which Storage of Explosives and Blasting Agents is Prohibited
- 16.16.035** Establishment of Geographic Limits of Districts in which the Storage of Compressed Natural Gas is Prohibited
- 16.16.036** Establishment of Geographic Limits of Districts in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids is Prohibited
- 16.16.037** Establishment of Geographic Limits of Districts in which the Storage of Hazardous Materials is Prohibited or Limited
- 16.16.040** Amendments Made to the 2013 California Fire Code, 2012 International Fire Code and 2012 International Wildland-Urban Interface Code
- 16.16.050** Authority to Arrest and Issue Citations
- 16.16.060** Penalties
- 16.16.070** Appeals
- 16.16.080** Former Ordinances
- 16.16.090** Validity
- 16.16.100** Ordinance Publication and Effective Date
- 16.16.110** California Environmental Quality Act

16.16.010 ADOPTION OF CALIFORNIA FIRE CODE AND INTERNATIONAL FIRE CODE.

The Marin County Board of Supervisors hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the following:

1. The 2013 California Fire Code, which consists of certain portions of the 2010 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a.
 - b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
 - c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - d.
 - e. Appendix F HAZARD RANKING,
 - f.
 - g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS and

f. Appendix K TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES.

2. The International Fire Code published by the International Fire Code Council, Inc., 2012 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 16.16.040 of this Ordinance.

3. Appendix A of the 2012 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 16.16.040 of this Ordinance.

Not less than one (1) copy of the Codes and Standards hereby adopted is filed in the office of the Fire Marshal of the Marin County 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 Marin County Fire Department.

16.16.020 ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION BUREAU

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, and the 2012 edition of the International Fire Code, and Appendix A of the 2012 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by the Fire Prevention Bureau of the Marin County Fire Department and shall be operated under the supervision of the Chief of the Fire Prevention Bureau of the Marin County Fire Department.

16.16.030 DEFINITIONS

Wherever they appear in the California and International Fire Codes, 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 16.16.040 of this Ordinance.

(b) Wherever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Marin County Fire Department.

(c) Wherever the term "counsel" is used in the Fire Code, it shall be held to mean the attorney for the Marin County Fire Department.

(d) Wherever the words "Fire Code Official" are used in the Fire Code, they shall be held to mean the Fire Chief or Fire Marshal of the Fire Prevention Bureau of the Marin County Fire Department.

16.16.031 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 of the International Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all residential and commercial areas as established by the County of Marin, and agricultural land of less than two (2) acres.

16.16.032 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 International 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 residential and commercial areas as established by the County of Marin, and agricultural land of less than two (2) acres.

16.16.033 ESTABLISHMENTS 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 International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential and commercial areas as established by the County of Marin, whichever is applicable.

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

The geographic limits in which storage of explosives and blasting agents is prohibited, are as follows: In all residential and commercial areas as established by the County of Marin, whichever is applicable.

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

The geographic limits in which the storage of compressed natural gas is prohibited, are hereby established as follows: In all residential and commercial areas, as established by the County of Marin, whichever is applicable.

16.16.036 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 in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all residential and commercial areas, as established by the County of Marin, whichever is applicable.

16.16.037 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: In all residential and commercial areas, as established by the County of Marin, whichever is applicable.

16.16.040 AMENDMENTS MADE TO THE 2013 CALIFORNIA FIRE CODE, 2012 INTERNATIONAL FIRE CODE AND 2012 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

The 2010 California Fire Code and the 2009 International Fire Code is amended and changed in the following respects:

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

Section 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 102.7.1 is hereby added to Chapter 1 and shall read as follows:

Section 102.7.1 Nationally Recognized Listed Products. Any installation of products and equipment due to permits required by this Code shall be Labeled and Listed, as defined in Section 202.

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

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

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

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

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

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

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

4. **Aircraft refueling vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 11.
6. **Cellulose nitrate storage.** An operational permit is required to store or handle more than 25 pounds of cellulose nitrate plastic (pyroxylin) for the manufacturing or assembly of articles or parts of articles containing cellulose nitrate plastics (pyroxylin).
8. **Fireworks.** An operational permit is required to store and use fireworks for public display.
9. **Fire Protection Plan.** An operational permit is required to implement a fire protection plan.

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

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

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

Section 109.4 of Chapter 1 is hereby amended by specifying that any violations of this Chapter shall be a misdemeanor with a fine amount up to \$500 and/or imprisonment up to 180 days.

Section 109 of Chapter 1 is amended by adding section 109.3.2 to read as follows:

Section 109.4.2 Abatement of clearance of brush or vegetative growth from structures. The Fire Code Official is authorized to instruct the Chief to give notice to the owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3 and section 4907.1 of Chapter 49 exist to correct such conditions. If the owner fails to correct such conditions, the Fire Code Official is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such conditions exist.

Section 111.4 of Chapter 1 is hereby amended by specifying the fine amounts as not less than \$500 and not more than \$1,500.

Section 202 [C] of Chapter 2 is hereby amended by adding the definition of 'Coverings' as follows:

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

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

Second Unit shall mean an attached or detached additional dwelling unit which provides complete independent living facilities, and which includes

permanent provisions for living, sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.

Spark Arrestor shall mean a chimney device constructed in a skillful-like manner. The net free area of a spark arrestor shall not be less than four times the net free area of the outlet of the chimney. The spark arrestor screen shall have heat and corrosion resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge stainless steel. Opening shall not permit the passage of spheres having a diameter larger than 1/2 inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists, and coverings (see Section 202[C]), roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

Section 202 [T] of Chapter 2 is hereby amended by adding the definition of 'Temporary', as follows:

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

Section 302.1 is amended by adding the definition of 'Public Storage Facility' as follows:

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

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

Section 319 **PUBLIC STORAGE FACILITIES**

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

Section 319.2. **Location on Property and Fire Resistance of Exterior.** All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 602 of the Building Code for Group S, Division 1 occupancies.

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

Section 319.4. Storage of Flammable and Combustible Liquids and Hazardous Materials. The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

Exception: Only those quantities of flammable and combustible liquids necessary for maintenance of the facility may be stored by the facility management per Chapter 34 of this code.

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

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

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

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

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

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

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

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

Section 501.4 of Chapter 5 is hereby amended by adding a sentence to read as follows:

Failure to comply with this section upon written or verbal notice from the Chief shall result in a Fire Department order to cease operations and desist further operations until such time as adequate access and/or water for fire protection is provided.

Section 502.1 of Chapter 5 is hereby amended by adding a definition of 'Fire Road' as follows:

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

Section 503.1.4 of Chapter 5 is hereby amended by adding a paragraph thereto to read as follows:

Section 503.1.4 Fire Roads. Fire Roads shall be provided for firefighting equipment, apparatus and personnel to undeveloped service areas of the Marin County Fire Department so as to gain access to improved, unimproved, and undeveloped service areas of the Marin County Fire Department, in a manner approved by the Fire Code Official. Any vehicle or other obstructions may be towed away at the owner's expense.

Section 503.1.5 of Chapter 5 is amended by adding a sentence thereto as follows:
Section 503.1.5 Truck company access. For buildings 3 or more stories or greater than 30 feet (10670mm) in height, approved access roads for ladder truck operations shall be provided within the necessary operational distances as specified by the Fire Code Official.

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

Section 503.2.6.1 Load testing. Bridges, piers and wharfs used for fire apparatus access shall be load tested to the original designed capacity when required by the Chief.

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

Any vehicle or other obstruction may be towed away at the owner's expense.

Section 503.4 is renumbered to 503.4.1 and 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 Chief, 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

Chief may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

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

503.6.1 Width and Height. 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 15-feet.

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

Section 503.6.2 Electronic gates. All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards adopted by the Fire Code Official. All electronic or motorized gates shall incorporate in their design the 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 506.1 of Chapter 5 is hereby amended to read as follows:

Section 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 Materials Business Plan, an 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.

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 is hereby amended to read as follows and by deleting the Exception:

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

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

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

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

Section 605.11 is hereby added to Chapter 6 and shall read as follows:

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

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. Alternate disconnect is: (describe location - on the right, below etc.) of this main disconnect. Both must be used.

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 to read as follows:

Section 903.2 Where Required. All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
 - b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, and located within an Agricultural zoned district as defined in the Marin County Planning Code.
2. In newly created second units.
 3. In all buildings which have more than fifty per cent (50%) floor area added or any "substantial remodel" as defined in this code, within any 36 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. which have more than ten per cent (10%) floor area added within any 36 month period. Exceptions may be granted by the Chief when alternate means of protection are installed as approved by the Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

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

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

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

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

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

Section 906.11 is hereby added to Chapter 9 and shall read as follows:

Section 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 Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

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

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

Section 907.8.5.1 of Chapter 9 is hereby amended by adding Section 907.8.5.1 and shall read as follows:

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

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

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

Section 4907.1 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 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 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/or lands within specific Wildland Urban Interface areas of the jurisdiction of the Marin County Fire Department shall comply with the following: Cut and remove all combustible vegetation within 30 feet of structures, up to 150 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney

or stovepipe. Clean any leaves and needles from roof and gutters. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2003 International Wildland-Urban Interface Code, as amended by the County of Marin.

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.

Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended to read as follows:

Section A104.7.2 **Permits.** The Fire Code Official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the Fire Code Official.

Section A104.11 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:

Section A104.11 – **TRACER BULLETS, TRACER CHARGES, ROCKETS AND MODEL AIRCRAFT.** Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.

Section A104.12 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:

Section A104.12 **EXPLOSIVES AND BLASTING.** Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within hazardous fire areas except by permit from the Fire Code Official.

Section A104.13 is hereby added to Appendix A of the International Wildland-Urban Interface Code and shall read as follows:

Section 104.13 **APAIRIES**. Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the Fire Code Official.

16.16.050 AUTHORITY TO ARREST AND ISSUE CITATIONS

(a) The Fire Chief, Chief Officers, and law enforcement officers shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended.

(b) It is the intent of the Board of Supervisors of the County of Marin that the immunities provided in Penal Code Section 836.5 be applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

16.16.060 PENALTIES

(a) The violations of the Fire Code as adopted herein are misdemeanors/infractions and are subject to the penalties set forth herein.

(b) If a criminal citation is issued, penalties shall be per Section 108, 109, or 111 of Section 16.16.040. If an administrative citation is issued, the penalties are as follows:

(c) The first citation, within a 12-month period, for violations of the Fire Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the Marin County Fire Department and is set at \$150 plus the actual costs of all inspections required to gain compliance at the rate set from time to time by the Marin County Fire Department. Said civil penalties shall be a debt owed to the Marin County Fire Department by the person responsible for the violation within thirty (30) days after the date of mailing of the citation unless an appeal is filed as provided in Section 16.16.070. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the Marin County Fire Department for such civil penalty and costs of the litigation, including reasonable attorney's fees.

(d) Any subsequent citations within a twelve (12) month period for any violations of the Fire Code and any amendments adopted herein shall be misdemeanors/infractions, and shall be subject to the penalties set forth herein.

(e) 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 day that a violation occurs or continues after a final notice has been delivered shall constitute a separate offense. The application of both penalties shall not be held to prevent the enforced correction of prohibited conditions.

(f) Nothing contained in Subsections (a) through (f) of this Section shall be construed or interpreted to prevent the Marin County Fire Department from recovering all costs associated with a Marin County Fire Department response as described in Section 104.12 of the 2009 International Fire Code as amended.

(g) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the Marin County Fire Department to collect the costs of abatement and related administrative costs by a nuisance abatement lien as more particularly set forth in Government Code Section 38773.1, and by special assessment to be collected by the County Tax Collector as more particularly set forth in Government Code Section 38773.5. At least thirty (30) days prior to recordation of the lien, or submission of the report to the Tax Collector for collection of this special assessment, the record owner shall receive notice from the Chief of the Marin County Fire Department intent to charge the property owner for all administrative costs associated with enforcement of this Ordinance and abatement of the nuisance. The notice shall include a summary of costs associated with enforcement of this Ordinance and abatement of the nuisance. The property owner may appeal the Chief's decision to the Board of Supervisors of the County of Marin within fifteen (15) days of the date of the notice and request a public hearing prior to recordation of the lien or submission of the report to the County Tax Collector for collection of the special assessment. In addition to the foregoing, the Marin County Fire Department is authorized to prosecute a civil action to collect such abatement costs from the property owner or other person in possession or control of the affected property, and shall be entitled to recover such abatement costs, together with the cost of litigation, including reasonable attorney's fees. The provisions of this section shall also apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in section 109.3.2.

16.16.070 APPEALS

(a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 16.16.060 or a bill for Marin County Fire Department response costs and expenses pursuant to Section 104.12 of the Fire Code, may file within thirty (30) days after the date of mailing the citation or bill, an administrative appeal against imposition of the civil penalty or response costs and expense. The appeal shall be in writing and filed with the Fire Chief, and shall include a copy of the bill and statement of the grounds for appeal. The Fire Chief shall conduct an administrative hearing on the appeal, after giving the appellant at least ten (10) days'

advance written notice of the time and place of the hearing. Within ten (10) days after the hearing, the Chief shall give written notice of the decision to the appellant, which decision shall be final. If the appeal is denied in part or full, all amounts due shall be paid within thirty (30) days after the mailing of the notice of the decision of the hearing officer.

(b) Whenever the Chief shall disapprove an application or refuse 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 Chief to the Board of Supervisors of the County of Marin within 10 days from the date of the decision. The provision of this section shall not apply to corrective actions for the clearance of brush or vegetative growth from structures as outlined in various sections of this Code, or to matters for which an appeal is provided pursuant to Section 16.16.060 above.

16.16.080 FORMER ORDINANCES

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

16.16.090 VALIDITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors of the County of Marin hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrase thereof shall be declared invalid.

16.16.100 ORDINANCE PUBLICATION AND EFFECTIVE DATE

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which it is adopted.

This Ordinance shall be in full force and effective thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Board of Supervisors voting for or against same, in the Independent Journal, a newspaper of general circulation in the County of Marin, State of California.

16.16.110 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Board of Supervisors of the County of Marin finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, § 15061(b)(3).

Within fifteen (15) days after adoption, the Clerk of the Marin County Board of Supervisors shall also post in the office of the Marin County Board of Supervisors, a certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the Ordinance.

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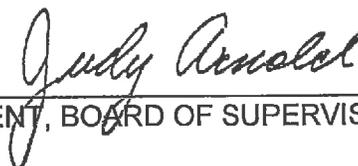
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PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 12th day of November, 2013 by the following vote:

AYES: SUPERVISORS Kathrin Sears, Susan L. Adams, Steve Kinsey,
Katie Rice, Judy Arnold

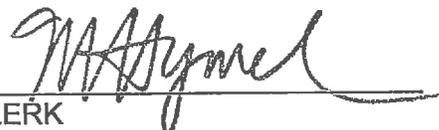
NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK