

ORDINANCE NO. 1228

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY CREATING CHAPTER 15.06 OF THE MILL VALLEY MUNICIPAL CODE, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL URBAN WILDLAND INTERFACE CODE, REGULATING AND GOVERNING THE MITIGATION OF HAZARD TO LIFE AND PROPERTY FROM THE INTRUSION OF FIRE FROM WILDLAND EXPOSURES, FROM ADJACENT STRUCTURES AND PREVENTION OF STRUCTURE FIRES FROM SPREADING TO WILDLAND FUELS IN THE CITY OF MILL VALLEY; AND FURTHER PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES.

The City Council of the City of Mill Valley does hereby ordain as follows:

SECTION 1: Chapter 15.06 of the Mill Valley Municipal code is hereby added to read as follows:

15.06.010: Justification

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

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

The City Council also recognizes the fact that the community has been plagued many times in the late 1800's and early 1900's by brush and forest fires which not only threaten destruction, but on a number of occasions devastated large portions of the town. The desire of the community to preserve natural vegetation has resulted in the encroachment of brush and grass on fire roads, trails, breaks and streets within the City, thus rendering such separations ineffective against

the spread of fires. Natural growth, which is highly flammable during the drier months of the year, encroaches upon many properties, thus posing a potential fire threat to many structures and creating a substantial hindrance to the control of such fires.

The City Council recognizes that, in the event that the Fire Department is called to respond to a fire emergency in any of these areas, its response time to an emergency is increased by reason of the difficulties herein stated. In recognition thereof and acting pursuant to California Health and Safety Code Section 17958.5 and 17958.7, the City Council finds that the fire protection requirements of this ordinance as such requirements modify state required regulations adopted pursuant to the California Health and Safety Code Section 17922 are hereby reasonably necessary because of local climatic, geological and topographical conditions.

15.06.020: Adoption of the International Urban Wildland-Interface Code

A certain document, one (1) copy of which is on file in the office of the Fire Marshal of the City of Mill Valley Fire Department, being marked and designated as the *International Urban-Wildland Interface Code*, 2006 edition, including Appendix Chapter A, as published by the International Code Council, is hereby adopted as the Urban-Wildland Interface Code of the City of Mill Valley in the State of California for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as herein provided; and further providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Urban-Wildland Interface Code on file in the office of the Fire Marshal of the Mill Valley Fire Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance of which Code not less than one (1) copy is filed in the office of the Fire Chief and Chief Building Official of the City of Mill Valley, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Mill Valley.

15.06.030: Amendments to the 2006 International Wildland-Urban Interface Code.

The 2006 International Urban-Wildland Interface Code is hereby amended and changed in the following respects:

Section 101.5 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 101.5 Additions or alterations. Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code provided the additions or alterations do not constitute a substantial remodel and, provided the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive. See Sections 402.3, 601.1 and Appendix A.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

Section 101.6 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 101.6 Maintenance. All buildings, structures, access, water supply, landscape materials, vegetation, defensible space or other devices or safeguards required by this code shall be maintained in conformance with the code edition under which the same were installed. The Owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, access roads, water supplies, landscape materials and vegetation.

Section 102.2 of Chapter 1 is hereby deleted and the following language substituted in its place:

- Section 102.2 Interpretations of Rules, Regulations and Standards. The Chief is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards to carry out the application and intent of its provisions. Such interpretations, rules, and regulations, and Standards shall be in conformance to with the intent and purpose of this code. A copy of such rules and regulations shall be filed with the Fire Chief of the City of Mill Valley and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

Section 103.3 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 103.3 Alternative materials or methods. The code official, in concurrence with approval from the building official and fire chief, is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative material or method is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the *California Building Code*.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

For state fire marshal regulated occupancies, see Article 1 California Fire Code.

Section 104.1 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 104.1 General. To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment on pertinent matters. The code official, building official and fire chief shall be ex officio members, and the code official shall act as secretary of the board. The board of appeals shall be appointed by the legislative body and shall hold office at their discretion. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant. For state fire marshal regulated occupancies, see Article 1 California Fire Code.

Section 105.2 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 105.2 Permits required. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the code official. For buildings or structures erected for temporary uses, see Appendix A, Section A108.3, of this code.

When required by the code official, a permit shall be obtained for the following activities, operations, practices or functions within an urban-wildland interface area:

1. Automobile wrecking yard.
2. Candles and open flames in assembly areas.
3. Explosives or blasting agents.
4. Fireworks.
5. Flammable or combustible liquids.
6. Hazardous materials.
7. Liquefied petroleum gases.
8. Lumberyards.
9. Motor vehicle fuel-dispensing stations.
10. Open burning.
11. Pyrotechnical special effects material.
12. Tents, canopies and temporary membrane structures.
13. Tire storage.
14. Welding and cutting operations.
15. Implementation of a Fire Protection Plan
16. Implementation of a Vegetation Management Plan

Section 105.8 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 105.8 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

When a permittee holding an unexpired permit is unable to commence work within the time specified in this section, the permittee may make a written request for an extension of time, which said written request shall set forth the reasons and circumstances beyond the permittee's control that have prevented the permittee from commencing work under the

terms of the permit. If good cause is shown by the written application, the Code Official may grant the requested extension for a period not to exceed 180-days from the date of the expiration of the original permit.

Section 106.1 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 106.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in at least three (3) sets with each application for a permit. When such plans are not prepared by an architect or engineer, the code official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The code official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

Section 106.3 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 106.3 Site plan. In addition to the requirements for plans in the California Building Code, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

Section 106.6 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 106.6 Other data and substantiation. When required by the code official, the plans and specifications shall include classification of fuel loading, according to the NWCG *Aids to Determining Fuel Models for Estimating Fire Behavior*, current edition.

Section 106.7 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 106.7 Vicinity plan. In addition to the requirements for site plans, plans shall include details regarding the vicinity as required by the Code Official, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

Section 106.8 of Chapter 1 is hereby deleted and the following language substituted in its place:

- Retention of plans. All approved plans shall be maintained by the Code Official for the life of the structure.

Section 107.1.1 of Chapter 1 is hereby deleted and the following language substituted in its place:

- 107.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the City of Mill Valley shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of a plan review or an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City of Mill Valley.

A survey of the lot may be required by the code official to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

Section 108 of Chapter 1 is hereby deleted and the following language substituted in its place:

- SECTION 108 FINAL APPROVAL FOR OCCUPANCY

No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a "Final Approval" for occupancy thereof. The "Final Approval" for occupancy shall not be issued until the "Final Approval" for occupancy

indicating that the project is in compliance with this code has been issued by the code official.

Issuance of a “Final Approval” for occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the City of Mill Valley. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the City of Mill Valley shall not be valid.

Section 202 of Chapter 2 is hereby amended by adding the following definitions:

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the *California Building Code*, or the building officials duly authorized representative.

CDF DIRECTOR. The Director of the California Department of Forestry and Fire Protection also known as Cal-Fire.

CODE OFFICIAL. The official designated by the City of Mill Valley to interpret and enforce building standards of this code, shall be the Building Official. The official designated by the City of Mill Valley to interpret and enforce fire and life safety provisions of this code shall be the Fire Chief.

FINAL APPROVAL FOR OCCUPANCY. Written documentation from the Code Official that the project or work for which a permit was issued has been completed in conformance with requirements of this code.

FIRE PROTECTION PLAN. Document prepared for a specific project or development proposed for a Wildland-Urban Interface Fire Area setting forth measures taken to minimize and mitigate potential for loss from wildfire exposure.

The Fire Protection Plan shall be in accordance with this chapter and the California Fire Code, Article 86A. When required by the enforcing agency for the purposes of granting modifications, a fire protection plan shall be submitted. Only locally adopted ordinances that have been filed with the California Building Standards Commission in accordance with Section 101.14 or the Department of Housing and Community Development in accordance with Section 101.15 shall apply.

FIRE HAZARD SEVERITY ZONES. Geographical areas designated in California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local Agency Very High Fire Hazard Severity Zones designated pursuant to California

Government Code Sections 51175 through 51189. See California Fire Code Article 86.

The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as “Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California.”

HAZARDOUS MATERIALS. As defined in the *California Fire Code*.

HEAVY TIMBER CONSTRUCTION. As described in the *California Building Code*.

IGNITION-RESISTANT MATERIAL. Any product which, when tested in accordance with UBC Standard 8-1 for a period of 30 minutes, shall have a flame spread of not over 25 and show no evidence of progressive combustion. In addition, the flame front shall not progress more than 10½ feet (3200 mm) beyond the centerline of the burner at any time during the test. Materials shall pass the accelerated weathering test and be identified as Exterior type, in accordance with UBC Standard 23-4. All materials shall bear identification showing the fire performance rating thereof. Such identification shall be issued by a testing facility recognized by the State Fire Marshal having a service for inspection of materials at the factory.

Note: Fire-Retardant-Treated Wood as defined in CBC Section 207 meets the intent of the above definition. The enforcing agency may use other definitions of Ignition Resistant Material that reflect wildfire exposure to building materials and / or the materials performance in resisting ignition.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE. Area designated by a local agency upon the recommendation of the CDF Director pursuant to Government Code Sections 51177(c), 51178 and 51179 that is not a state responsibility area and where a local agency, city, county, city and county, or district is responsible for fire protection.

NWCG. National Wildfire Coordinating Group.

STATE RESPONSIBILITY AREA. Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

SUBSTANTIAL REMODEL. 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. When any c changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

VMP. Shall mean Vegetation Management Plan.

WILDFIRE. An uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code Sections 4103 and 4104.

WILDFIRE EXPOSURE. Either one or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency as being at significant risk from wildfires.

See Section 706A for the applicable referenced Sections of the Government Code and the Public Resources Code.

Section 202 of Chapter 2 is hereby amended by deleting the following definitions:

FUEL, HEAVY. Vegetation consisting of round wood 3 to 8 inches (76 to 203 mm) in diameter. See fuel models G, I, J, K and U described in Appendix D.

FUEL, LIGHT. Vegetation consisting of herbaceous plants and round wood less than 1/4 inch (6.4 mm) in diameter. See fuel models A, C, E, L, N, P, R and S described in Appendix D.

FUEL, MEDIUM. Vegetation consisting of round wood 1/4 to 3 inches (6.4mm to 76 mm) in diameter. See fuel models B, D, F, H, O, Q and T described in Appendix D.

IGNITION-RESISTANT CONSTRUCTION, CLASS 1. A schedule of additional requirements for construction in urban-wildland interface areas based on extreme fire hazard.

IGNITION-RESISTANT CONSTRUCTION, CLASS 2. A schedule of additional requirements for construction in urban-wildland interface areas based on high fire hazard.

IGNITION-RESISTANT CONSTRUCTION, CLASS 3. A schedule of additional requirements for construction in urban-wildland interface areas based on moderate fire hazard.

Section 302.1 of Chapter 3 is hereby deleted and the following language substituted in its place:

- 302.1 Declaration. The legislative body shall declare the urban-wildland interface areas within the City of Mill Valley. The urban-wildland interface areas shall be based on the findings of fact as prescribed by the California Health and Safety Code. The urban-wildland interface area boundary shall correspond to natural or man-made features including but not limited to an assessment of fuel types and physical characteristics affecting wildland fire behavior.

Section 402.1.1 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 402.1.1 Access. New subdivisions, as determined by the City of Mill Valley, shall be provided with fire apparatus access roads in accordance with the *California Fire Code* and access requirements in accordance with Section 403.

Section 402.2.1 is hereby deleted and the following language substituted in its place:

- 402.2.1 Access. Individual structures hereafter constructed, substantial remodels, or relocated into or within urban-wildland interface areas shall be provided with fire apparatus access in accordance with the *California Fire Code* and driveways in accordance with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

Section 402.2.2 is hereby deleted and the following language substituted in its place:

- 402.2.2 Water supply. Individual structures hereafter constructed, substantial remodels, or relocated into or within urban-wildland

interface areas shall be provided with a conforming water supply in accordance with Section 404.

Exception: Buildings containing only private garages, carports, and sheds with a floor area of not more than 120 square feet.

Section 403.1 is hereby deleted and the following language substituted in its place:

- 403.1 Restricted access. Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life saving or firefighting purposes, the code official is authorized to require a key access to be installed in an accessible location. The key access shall be of a type approved by the code official and shall contain keys or an approved key switch to gain necessary access as required by the code official.

Section 403.2 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 16 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 300 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. A driveway shall not serve in excess of five dwelling units.

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

Driveway turnarounds shall have inside turning radii of not less than 27 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds. Driveway turnouts shall be an all-weather road surface at least 10 feet wide and 30 feet long, not including the approach or departure ramps. Driveway turnouts shall be located as required by the code official. Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

Section 403.6 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 403.6 Address markers. All buildings shall have a permanently posted address clearly visible from the street with numerals illuminated and contrasting color to their background. Where structures are not visible from the street, addresses shall also be placed at each driveway entrance and be visible from both directions of travel along the road.

In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Address signs along one-way roads shall be visible from both the direction of travel and the opposite direction. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

Section 403.7 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 403.7 Grade. The gradient for fire apparatus access roads and driveways shall not exceed 18%.

Section 404.1 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 404.1 General. An approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the urban-wildland interface area of the City of Mill Valley in accordance with this section.

Exception: Buildings containing only private garages, carports, and sheds with a floor area of not more than 120 square feet.

Section 404.2 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 404.2 Water sources. The point at which a water source is available for use shall be located not more than 350 feet from the building and be

approved by the code official. The distance shall be measured along an unobstructed line of travel. Water sources shall comply with the following:

1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 404.5. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by a tanker, or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access, and access maintenance of man-made water sources shall be approved by the code official.
2. Natural water sources shall have a minimum annual water level or flow sufficient to meet the adequate water supply needs in accordance with Section 404.5. This water level or flow shall not be rendered unusable because of freezing. This water source shall have an approved draft site with an approved hydrant. Adequate water flow and rights for access to the water source shall be ensured in a form acceptable to the code official.

Section 404.5 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 404.5 Adequate water supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:
 1. One- and two-family dwellings. The required water supply for one- and two-family dwellings shall be from a municipal supply. Required flow rates and duration shall be determined by the code official.

Exception: If the cost of providing a municipal supply exceeds 10% of the total construction costs (based on the building permit valuation and required site improvements), an on-site private fire protection water supply (minimum storage requirement to be determined by the code official and local standards, but not less than 3,000 gallons plus 2,000 gallons dedicated to automatic fire sprinklers and domestic water) may be permitted. If a private, on-site water supply is installed, a fee in an amount up to and including 5% of total building construction cost may be charged for the purpose of upgrading existing municipal fire flow.

2. Buildings other than one- and two-family dwellings. The water supply required for buildings other than one-and two-family dwellings shall be as determined by the code official.

Exception: If the cost of providing a municipal supply exceeds 10% of the total construction costs (based on the building permit valuation and required site improvements), an on-site private fire protection water supply (minimum storage requirement to be determined by the code official and local standards, but not less than 3,000 gallons plus 2,000 gallons dedicated to automatic fire sprinklers and domestic water) may be permitted. If a private, on-site water supply is installed, a fee in an amount up to and including 5% of total building construction cost may be charged for the purpose of upgrading existing municipal fire flow.

Section 404.9 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 404.9 Testing and maintenance. Water sources, draft sites, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as determined and required by the code official. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards and shall not be made without approval of the Code Official.

Section 404.10.3 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 404.10.3 Standby power. Stationary water supply facilities within the urban-wildland interface area that are dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the *CA Electrical Code* to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.

2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

Section 405.2 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 405.2 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management. In addition to considerations included in this section, Fire Protection Plans shall conform to Standards developed by the Code Official.

Section 405.4 of Chapter 4 is hereby deleted and the following language substituted in its place:

- 405.4 Plan retention. The fire protection plan shall be retained by the code official for the life of the building.

Section 406 of Chapter 4 is hereby added to read as follows:

SECTION 406 VEGETATION MANAGEMENT PLAN

- 406.1 General. When required by the code official, a vegetation management plan shall be prepared.
- 406.2 Content. The VMP consists of two forms: (1) blue line drawings; and (2) a text narrative describing specific and applicable contributing factors in the selection and design of the plan.

VMP Contents

The VMP shall include at the minimum:

1. The entire “plan content” elements described in narrative form.
 2. Not less than three (3) complete plan sets should be submitted to the Code Official for review.
 3. The Hazard Assessment Matrix
 4. The list of plants to be used and materials consistent with the approved plant list.
 5. 3 sets of blue prints showing the house, zone, plant type and spacing.
- 406.3 Cost. The cost of vegetation management plan preparation and review shall be the responsibility of the applicant.

- 406.4 Plan retention. The vegetation management plan shall be retained by the code official for the life of the building.

Chapter 5 is hereby deleted in its entirety.

Section 602 of Chapter 6 is hereby deleted and the following language substituted in its place:

- SECTION 602 AUTOMATIC FIRE SPRINKLER SYSTEMS

An approved automatic fire sprinkler system shall be installed in all occupancies, in new buildings, and substantial remodels. The installation of the automatic fire sprinkler systems shall be in accordance with nationally recognized standards and Fire Protection Standards.

Section 603 of Chapter 6 is hereby deleted and the following language substituted in its place:

- SECTION 603 DEFENSIBLE SPACE

- 603.1 Objective. Provisions of this section are intended to modify the fuel load, type, and configuration in areas adjacent to structures to create a defensible space.
- 603.2 Fuel modification. In order to qualify as a conforming defensible space fuel modification shall be provided as specified in Fire Protection Standards approved by the Chief. Distances specified in Fire Protection Standards may be modified by the code official because of a site-specific analysis based on local conditions and the fire protection plan. Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing non fire-resistive vegetation on the property owned, leased or controlled by said person. If the required defensible space requires fuel modification that exceeds the boundaries of the property owned, leased or controlled by said person, said person shall obtain the right to modify or remove non fire-resistive vegetation on the adjacent property to the extent required. If such permission cannot be obtained from adjacent property owners, the building or structure shall be modified to meet construction requirements consistent with the defensible space that can be maintained within the boundaries of the property owned, leased or controlled.

Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees and crowns of trees and

structures, overhead electrical facilities or unmodified fuel is not less than 10 feet. Deadwood and litter shall be regularly removed from trees.

Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

- Table 603.2 of Chapter 6 is hereby deleted.
- Figure 603.2 of Chapter 6 is hereby deleted.

Section 606.1 of Chapter 6 is hereby deleted and the following language substituted in its place:

- 606.1 General. The storage of LP-gas and the installation and maintenance of pertinent equipment shall be in accordance with the Fire Protection Standard – Marin County Standard.

Section 606.2 of Chapter 6 is hereby deleted and the following language substituted in its place:

- 606.2 Location of containers. LP-gas containers shall be located within the defensible space in accordance with the Fire Protection Standard – Marin County Standard.

15.06.040: Amendments made to the 2007 California Building Code which consists of certain portions of the 2001 edition of the Uniform Building Code as adopted and amended by the California Building Standards Commission.

Section 701 of the California Building Code is hereby amended by adding the following sentence:

- Buildings constructed in designated urban wildland interface areas shall comply with this code and the 2006 Urban Wildland Interface Code as amended by this City of Mill Valley.

15.06.050: Amendments to Appendix IIA of the 2000 edition of the Uniform Fire Code.

Section 16.1 of Appendix II-A Uniform Fire Code is hereby deleted and the

following language substituted in its place:

- SECTION 16 – CLEARANCE OF BRUSH OR VEGETATIVE GROWTH FROM STRUCTURES

16.1 General. Persons owning, leasing, controlling operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, including on adjacent property over which said person(s) have obtained a right to modify vegetation in conformance with the requirements of this section, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures;

Exception: 1. 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. If the owner, lessee, or person controlling, operating or maintaining said property cannot obtain the right to modify vegetation on adjacent property, the Chief may order modification of the structures to provide an equivalent condition.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation and combustible growth located from 30 feet to 100 feet from such buildings or structures, when required to do so by the Chief because of extra-hazardous conditions causing a firebreak of only 30 feet to be insufficient to provide reasonable fire safety.

Exception: 1. Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

Exception: 2. If the owner, lessee, or person controlling, operating or maintaining said property cannot obtain the right to modify vegetation on adjacent property, the Chief may order modification of the structures to provide an equivalent condition.

3. Remove portions of trees, which extend within 10 feet of the outlet of a chimney.

4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof and gutters of a structure free of leaves, needles or other dead vegetative growth.

15.06.060: Authority to arrest and issue citations.

- (a) The Fire Chief, Chief Officers, Deputy Fire Marshal, and Fire Inspectors shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the ICC Urban Wildland Interface Code or the California Building Standards Code 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 Fire Board 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.
- (c) In lieu of the above procedures, the City of Mill Valley shall also have the authority to proceed under any local ordinance it may have adopted for purposes of the administrative enforcement of its Code.

15.060.070: Penalties

- (a) The violations of this Code as adopted herein are misdemeanors/infractions and are subject to the penalties set forth here in.
- (b) The first citation, within a 12-month period, for violations of the ICC Urban Wildland Interface Code and any amendments adopted herein shall be treated as a Civil Penalty payable directly to the City of Mill Valley 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 Fire Department. Said civil penalties shall be a debt owed to the District 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 7. Upon failure to pay the civil penalty when due, the responsible person shall be liable in a civil action brought by the City of Mill Valley for such civil penalty and costs of the litigation, including reasonable attorney's fees.
- (c) Any subsequent citations within a twelve (12) month period for any violations of this Code and any amendments adopted herein shall be

misdemeanors/infractions, and shall be subject to the penalties set forth herein.

- (d) 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.
- (e) Nothing contained in Subsections (a) through (f) of this Section shall be construed or interpreted to prevent the City of Mill Valley from recovering all costs associated with a Fire Department enforcement as described in the ICC Urban Wildland Interface Code, California Building Code, or the California Fire Code.
- (f) Any violation of any provision of this Chapter shall constitute a public nuisance and shall entitle the 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 Fire Department's 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 Mill Valley City Council 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 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 Appendix A of this Code and Section 16.2 of Appendix II-A of the 2000 Uniform Fire Code as amended.

(g) In lieu of the above procedures, the Department shall also have the authority to proceed under any local ordinance it may have adopted for purposes of the administrative enforcement of its Code.

15.06.080: Appeals

- (a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of Section 12 or a bill for fire response costs and expenses pursuant to Section 101.5 of the Uniform 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 City Council of the City of Mill Valley 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 Item 16.2 of Appendix II-A of the 2000 Uniform Fire Code as amended in Section 10 of this Code, or to matters for which an appeal is provided pursuant to Section 13(a) above.
- (c) In lieu of the above procedures, the District shall also have the authority to proceed under any local ordinance it may have adopted for purposes of the administrative enforcement of its Code.

15.06.090: Urban-Wildland Interface Areas

Specific boundaries of natural or man-made features of urban-wildland interface areas shall be as shown on the wildland area interface map as delineated in Attachment "A" of this Ordinance and is on file with the City Clerk.

15.06.110: Former Ordinances

Nothing in this ordinance or in the Urban-Wildland Interface Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2, Section 3, and Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 2: 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 City Council of the City of Mill Valley hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid

The City Council of the City of Mill Valley 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 3: Ordinance publication and effective date

- A. The City Clerk is directed to prepare a summary of this ordinance. The summary shall be published and a certified copy of the full text of the ordinance shall be posted in the office of the City Clerk at least five days prior to the City Council meeting at which the Ordinance shall be adopted.
- B. Within fifteen (15) days after its adoption a summary of this Ordinance shall be published in a newspaper of general circulation in the City of Mill Valley and a certified copy of the full text of this Ordinance shall be posted in City Hall.
- C. This Ordinance shall go into effect 30 days after its adoption.
- D. The City Clerk shall cause Section 1 of this ordinance to be codified in the Mill Valley Municipal Code.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Mill Valley City Council on October 15, 2007 and was passed and adopted at a regular meeting of the Mill Valley City Council on _____ by the following vote:

AYES:

NOES:

ABSENT:

Mayor

Attests:

Mary Herr, City Clerk