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3 **ORDINANCE NO. 1245**

4 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AMENDING**
5 **CHAPTERS 15.04 AND 15.06 OF THE MILL VALLEY MUNICIPAL CODE, ADOPTING THE**
6 **2010 CALIFORNIA FIRE CODE, THE 2009 INTERNATIONAL FIRE CODE AND APPENDIX A**
7 **OF THE 2006 INTERNATIONAL URBAN WILDLAND INTERFACE CODE, PRESCRIBING**
8 **REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM**
9 **FIRE OR EXPLOSION, PROVIDING FOR THE ISSUANCE OF PERMITS FOR HAZARDOUS**
10 **USES OR OPERATIONS, ESTABLISHING A FIRE LOSS MANAGEMENT DIVISION AND**
11 **PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES, AND**
12 **ADOPTING AN UPDATED WILDLAND-URBAN INTERFACE AREA MAP**

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

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

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18 15.04.010: Justification

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

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

35
36 The City Council also recognizes the fact that the community has been plagued many
37 times in the late 1800's and early 1900's by brush and forest fires which not only threaten
38 destruction, but on a number of occasions devastated large portions of the town. The desire of
39 the community to preserve natural vegetation has resulted in the encroachment of brush and
40 grass on fire roads, trails, breaks and streets within the City, thus rendering such separations
41 ineffective against the spread of fires. Natural growth, which is highly flammable during the drier
42 months of the year, encroaches upon many properties, thus posing a potential fire threat to many
43 structures and creating a substantial hindrance to the control of such fires.

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

52
53 Pursuant to Section 1.1.8 and 1.1.8.1 of the 2010 California Fire Code findings for each
54 amendment, addition or deletion based on climate, topography or geology are:
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56

Chapter	Climate	Topography	Geological
1 – Administration			
• 102.5	X	X	
• 102.7.1	X	X	
• 104.1.1	X	X	
• 104.1.1	X	X	
• 104.12	X	X	
• 104.13	X	X	
• 105.6.47	X	X	
• 105.7.15	X	X	
• 109.3.2	X	X	
2 – Definitions			
• 202 (F)		X	
• 202(S)		X	
• 202(T)		X	
3- General Requirements			
• 302.1	X	X	
• 318	X	X	
4- Emergency Planning and Procedures			
• 402.1	X	X	X
• 408.1.1	X	X	X
• 408.8.4	X	X	X
5 – Fire Service Features			
• 501.4	X	X	X
• 502.1	X	X	X
• 503.1.4	X	X	X
• 503.1.5	X	X	X
• 503.2.6.1	X	X	X
• 503.4	X	X	X
• 503.4.2	X	X	X
• 503.6.1	X	X	X
• 503.6.2	X	X	X
• 506.1	X	X	X
• 507.5.1	X	X	X
• 507.5.7	X	X	X
6 – Building Services and Systems			
• 605.11	X	X	X
• 605.11.1	X	X	X
• 605.11.2	X	X	X
• 605.11.3	X	X	X
9 – Fire Protection Systems			
• 901.7	X	X	
• 903.2	X	X	
• 903.3	X	X	
• 906.11	X	X	
• 907.2.11	X	X	
• 907.9.5.1	X	X	
49 – Requirements for WUI Areas			
• 4906.2	X	X	X
• 4907.1	X	X	X
• 4907.2	X	X	X

Appendix A – WUI			
• A104.7.2	X	X	X
• A104.11	X	X	X
• A104.12	X	X	X
• A104.13	X	X	X

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

There is hereby adopted by the City Council hereby adopt, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the following:

1. The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, including:
 - a. Appendix Chapter 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY,
 - b. Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS,
 - c. Appendix C FIRE HYDRANT LOCATIONS AND DISTRIBUTION,
 - d. Appendix E HAZARD CATEGORIES,
 - e. Appendix F HAZARD RANKING,
 - f. Appendix G CRYOGENIC FLUIDS WEIGHT AND VOLUME EQUIVALENTS, and
 - g. Appendix H HAZARDOUS MATERIALS MANAGEMENT PLANS AND HAZARDOUS MATERIALS INVENTORY STATEMENTS;
2. The International Fire Code published by the International Fire Code Council, Inc., 2009 Edition hereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 1 of this Ordinance.
3. Appendix A of the 2006 edition of the International Wildland-Urban Interface Code save and except such portions as are hereinafter deleted, modified or amended by Section 1 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 Mill Valley 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 City of Mill Valley.

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

The 2010 California Fire Code, which consists of certain portions of the 2009 edition of the International Fire Code as amended by the California Building Standards Commission, and the 2009 edition of the International Fire Code, and Appendix A of the 2009 edition of the International Wildland-Urban Interface Code as adopted and amended herein, shall be enforced by the Fire Marshal of the Mill Valley Fire Department and shall be operated under the supervision of the Fire Chief of the Mill Valley Fire Department.

15.04.040: Definitions

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

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

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

The geographic limits referred to in Section 3404.2.9.6.1 of the International Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited and are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Mill Valley or the County of Marin, whichever is applicable, and agricultural land of less than two (2) acres.

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

The geographic limits referred to in Section 3406.2.4.4 of the International Fire Code in which storage of Class I and Class II and Class III liquids in aboveground tanks is prohibited are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Mill Valley or the County of Marin, whichever is applicable, and agricultural land of less than two (2) acres.

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

The geographic limits referred to in Section 3804.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the City of Mill Valley or the County of Marin, whichever is applicable.

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

The geographic limits referred to in Section 1407.1 and Section 3301.1 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are amended as follows: In all residential areas and in heavily populated or congested commercial areas as established by the City of Mill Valley or the County of Marin, whichever is applicable.

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

The geographic limits referred to in Section 3001.1 of the International Fire Code, in which the storage of compressed natural gas is prohibited, are hereby established as follows: in all residential areas and in heavily populated or congested commercial areas, as established by the City of Mill Valley or the County of Marin, whichever is applicable.

163 15.04.100: Establishment of the geographic limits in which the storage of
164 stationary tanks of flammable cryogenic fluids is to be prohibited.
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166 The geographic limits referred to in Section 3204.1 of the International Fire Code, in
167 which the storage of flammable cryogenic fluids in stationary containers are prohibited, are
168 hereby established as follows: in all residential areas and in heavily populated or congested
169 commercial areas, as established by the City of Mill Valley or the County of Marin, whichever is
170 applicable.

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172 15.04.110: Establishment of the geographic limits in which the storage of
173 hazardous materials is to be prohibited or limited.
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175 The geographic limits referred to in Section 2701.1 of the International Fire Code, in
176 which the storage of hazardous materials is prohibited or limited, are hereby established as
177 follows: in all residential areas and in heavily populated or congested commercial areas, as
178 established by the City of Mill Valley or the County of Marin, whichever is applicable.
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180 15.04.120: Amendments made to the 2010 California Fire Code, the 2009
181 International Fire Code and Appendix A of the 2006 International Urban
182 Wildland Interface Code.
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184 The 2010 California Fire Code, the 2009 International Fire Code and Appendix A of the
185 2006 International Urban Wildland Interface Code is amended and changed in the following
186 respects:

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188 Section 102.5 is hereby added to Chapter 1 and shall read as follows:

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190 • Section 102.5. Provisions of this code pertaining to the interior of the structure when
191 specifically required by this code including, but not limited to, Section 903.2 shall apply.
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193 Section 102.7.1 is hereby added to Chapter 1 and shall read as follows:

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195 • Section 102.7.1 **Nationally Recognized Listed Products.** Any installation of products
196 and equipment due to permits required by this code shall be Labeled and Listed, as
197 defined in Section 202.
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199 Section 104.1.1 is hereby added to Chapter 1 and shall read as follows:

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201 • Section 104.1.1 Supplemental Rules, Regulations and Standards. The Fire Code
202 Official is authorized to render interpretations of this code and to make and enforce
203 rules and supplemental regulations and to develop Fire Protection Standards to carry
204 out the application and intent of its provisions.
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206 Section 104.12 is hereby added to Chapter 1 and shall read as follows:

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208 • Section 104.12. **Damages and expense recovery.** The expense of securing any
209 emergency that is within the responsibility for enforcement of the Fire Chief as given in
210 Section 104 is a charge against the person who caused the emergency. Damages and
211 expenses incurred by any public agency having jurisdiction or any public agency
212 assisting the agency having jurisdiction shall constitute a debt of such person and shall
213 be collectible by the Fire Chief for proper distribution in the same manner as in the case
214 of an obligation under contract expressed or implied. Expenses as stated above shall
215 include, but not be limited to, equipment and personnel committed and any payments
216 required by the public agency to outside business firms requested by the public agency
217 to secure the emergency, monitor remediation, and clean up.
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219 Section 104.13 is hereby added to Chapter 1 and shall read as follows:
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- 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.

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

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4. **Aircraft refueling vehicles.** An operational permit is required to operate aircraft refueling vehicles. See Chapter 11.

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5. **Automobile wrecking yards.** An operational permit is required to operate an automobile wrecking yard.

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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).

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7. **Fire hydrants and valves.** An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes, which are installed on water systems accessible to a fire apparatus access road that is open to or generally used by the public.

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

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

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10. **High-piled storage.** An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46m²).

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11. **Miscellaneous combustible storage.** An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71m³) gross volume of combustible empty packing cases, boxes, barrels, wooden pallets, or similar containers, rubber tires, rubber, cork, or similar combustible material.

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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 sources or more than 1 millicurie (37,000,000 Becquerel) of radioactive material in a sealed source or sources, or any amount of radioactive material for which specific license from the Nuclear Regulatory Commission is required.

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13. **Spraying or dipping.** An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

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14. **Pyrotechnics and special effects.** An operational permit is required to use special effects, open flame, use of flammable or combustible liquids and gases, welding, and parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.

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15. **Live audiences.** An operational permit is required to install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

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275 Section 105.7.15 is hereby added to Chapter 1 and shall read as follows:
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- 277 • Section 105.7.15 **Vegetation management plan**. A construction permit is required to
278 implement a vegetation management plan.
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280 Section 109.3.2 of Chapter 1 is hereby amended and shall read as follows:
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- 282 • Section 109.3.2 **Abatement of clearance of brush or vegetative growth from**
283 **structures**. The executive body is authorized to instruct the Chief to give notice to the
284 owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3
285 and section 4907.1 of Chapter 49 exists to correct such conditions. If the owner fails to
286 correct such conditions, the executive body is authorized to cause the same to be
287 done and make the expense of such correction a lien upon the property where such
288 condition exists.
289

290 Section 202-(F) of Chapter 2 is hereby amended by adding the definition of Fire Road thereto.
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- 292 • Fire Road. See section 502.1.
293

294 Section 202-(S) of Chapter 2 is hereby amended by adding the definition of 'second unit,' 'spark
295 arrester.' And 'substantial remodel' as follows:
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- 297 • Second Unit shall mean an attached or detached additional dwelling unit which provides
298 complete independent living facilities, and which includes permanent provisions for
299 living, sleeping, eating, cooking and sanitation and is located on the same lot as the
300 primary unit.
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- 302 • Spark Arrester shall mean a chimney device constructed in a skillful-like manner. The
303 net free area of a spark arrester shall not be less than four times the net free area of the
304 outlet of the chimney. The spark arrester screen shall have heat and corrosion
305 resistance equivalent to 12-gauge wire, 19-gauge galvanized wire or 24-gauge
306 stainless steel. Opening shall not permit the passage of spheres having a diameter
307 larger than 1/2 inch and shall not block the passage of spheres having a diameter of
308 less than 3/8 inch.
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- 310 • Substantial Remodel shall mean the renovation of any structure, which combined with
311 any additions to the structure, affects a floor area, which exceeds fifty percent of the
312 existing floor area of the structure within any 36 month period. When any changes are
313 made in the building, such as walls, columns, beams or girders, floor or ceiling joists
314 and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or
315 similar components, the floor area of all rooms affected by such changes shall be
316 included in computing floor areas for the purposes of applying this definition. This
317 definition does not apply to the replacement and upgrading of residential roof coverings.
318

319 Section 202 (T) of Chapter 2 is hereby amended by adding the definition of 'Temporary',
320 "Tracer" and "Tracer Charge" as follows:
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- 322 • **Temporary** shall mean any use for a period of less than 90 days.
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- 324 • **Tracer** shall mean any bullet or projectile incorporating a feature, which marks or traces
325 the flight of said bullet or projectile by flame, smoke, or other means, which results in
326 fire or heat.
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- 328 • **Tracer Charge** is any bullet or projectile incorporating a feature designed to create a
329 visible or audible effect by means, which result in fire or heat and shall include any
330 incendiary bullets and projectiles.

331
332 Section 302.1 is amended by adding the following definition of “Public Storage Facility”
333 as follows:

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

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339 Section 318 is hereby added to Chapter 3 and shall read as follows:
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341 Section 318 **PUBLIC STORAGE FACILITIES**

- 342 • Section 318.1 **General.** Public Storage Facilities shall comply with the provisions of
343 this section.
- 344 • Section 318.2. **Location on Property and Fire Resistance of Exterior.** All public
345 storage facilities shall meet the minimum requirements for setback from property lines
346 or fire resistive construction as set forth in Table 602 of the Building Code for Group S,
347 Division 1 occupancies.
- 348 • Section 318.3. **Fire apparatus access.** All public storage facilities shall have fire
349 apparatus access roads provided in accordance with Section 503.1.1.
- 350 • Section 318.4. **Storage of Flammable and Combustible Liquids and Hazardous**
351 **Materials.** The storage of hazardous materials or flammable or combustible liquids in
352 public storage facilities is prohibited. Such facilities shall post legible and durable
353 sign(s) to indicate same in a manner and location(s) as specified by the Fire Code
354 Official. This section shall apply to new and existing public storage facilities.

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

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360 Section 402.1 of Chapter 4 is hereby amended by adding the definition of ‘Pre-plans’ as follows:
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- 362 • **Pre-plans** shall mean detailed plans of target hazard buildings. These pre-plans include
363 information on the building's location, occupancy, hazards, fire department connections
364 and hydrants, building layout, and other pertinent data that would assist the fire
365 department in case of an emergency.

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

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

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

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

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379 Section 501.4 of Chapter 5 is hereby amended by adding an additional sentence as follows:
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- 382 • Failure to comply with this section upon written or verbal notice from the Chief shall
383 result in a Fire Department order to cease operations and desist further operations until
384 such time as adequate access and/or water for fire protection is provided.

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386 Section 502.1 of Chapter 5 is hereby amended by adding a definition of Fire Road and shall
387 read as follows:

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

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

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- 394 • Section 503.1.4 Fire Roads. Fire Roads shall be provided for firefighting equipment,
395 apparatus and personnel to undeveloped areas of the City so as to gain access to
396 improved, unimproved, and undeveloped areas of the City, in a manner approved by
397 the Chief. Any vehicle causing such an obstruction may be towed away at the owner's
398 expense.

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

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

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407

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

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- 410 • Section 503.2.6.1 **Load testing.** Bridges, Piers and Wharfs used for fire apparatus
411 access shall be load tested to the original designed capacity when required by the
412 Chief.

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415 Section 503.4 of Chapter 5 is amended by adding an additional sentence as follows:

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

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419 Section 503.4 is remunerated to 503.4.1 and Section 503.4.2 is hereby added to read as
420 follows:

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- 422 • Section 503.4.2 Prohibition on Vehicular Parking on Private Accessways. If, in the
423 judgment of the Chief, it is necessary to prohibit vehicular parking along private
424 accessways serving existing facilities, buildings, or portions of buildings in order to keep
425 them clear and unobstructed for fire apparatus access, the Chief may issue an Order
426 to the owner, lessee or other person in charge of the premises to paint the curbs red or
427 install signs or other appropriate notices to the effect that parking is prohibited by Order
428 of the Fire Department. It shall thereafter be unlawful for such owner, lessee or other
429 person in charge of the premises to fail to install, maintain in good condition, the form of
430 notice so prescribed. When such areas are marked or signed as provided herein, no
431 person shall park a vehicle adjacent to any such curb or in the private accessway
432 contrary to such markings or signs. Any vehicle so parked in the private accessway
433 may be towed away at the expense of the owner of the vehicle.

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Section 503.6.1 is hereby added and shall read as follows:

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

Section 503.6.2 is hereby added and shall read as follows:

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

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

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

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

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

- Section 507.5.1 When required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 300 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 and shall read as follows:

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- Section 605.11 Alternative Power Supplies. The use of an electrical power supply, (including but not limited to; photovoltaic, wind, geothermal or fuel fired generators) other than the community's commercial source, shall comply with section 605.11.1 through 605.11.3.
- 605.11.1. The electrical service disconnect for the alternative power supply shall be located within eight feet from the main 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.
- 605.11.2. Warning Sign. The following wording shall placed on a permanent sign attached at the main electrical disconnect from P.G. & E. The sign shall be red background with white letters or a white background with red letters. Minimum size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.

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

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

Section 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.

- 532 b. Agricultural buildings as defined in Appendix C of the Building Code
533 and not exceeding 2,000 square feet, having clear unobstructed side yard of
534 combustible materials, exceeding 60 feet in all directions and not exceeding 25
535 feet in height, and located within an Agricultural zone as defined in the Marin
536 County Planning Code.
- 537
- 538 2. In newly created second units.
- 539
- 540 3. In all buildings which have more than fifty per cent (50%) floor area
541 added or any "substantial remodel" as defined in this code, within any 3 year
542 period. Exceptions may be granted by the Chief when alternate means of
543 protection are installed as approved by the Chief.
- 544
- 545 4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which
546 have more than ten per cent (10%) floor area added within any 36 month
547 period. Exceptions may be granted by the Chief when alternate means of
548 protection are installed as approved by the Chief.
- 549
- 550 5. A change in the use of a structure that results in a higher fire or life
551 safety exposure when the square footage of the area changing use is more
552 than 50% of the square footage of the building.
- 553

554 Section 903.3 Of Chapter 9 is hereby amended by adding the following thereto:

555

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

- 561 a. In all residential buildings required to be sprinkled any attached garages
562 shall also be sprinkled, and except for single family dwellings, in all residential
563 occupancies the attics shall be sprinkled.
- 564
- 565 b. In all existing buildings, where fire sprinklers are required by provisions of
566 this code, they shall be extended into all unprotected areas of the building.
- 567
- 568 c. All single family dwellings in excess of 5,000 square feet shall have
569 automatic fire sprinkler systems designed in accordance with NFPA Standard
570 13 or 13R.
- 571
- 572 d. All public storage facilities shall have installed an approved automatic fire
573 sprinkler system. An approved wire mesh or other approved physical barrier
574 shall be installed 18 inches below the sprinkler head deflector to prevent
575 storage from being placed to within 18 inches from the bottom of the deflector
576 measured at a horizontal plane.
- 577

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

579

- 580 • Section 906.11. Fire Extinguisher Documentation. The owner and/or operator of every
581 Group R Division 1 and Group R Division 2 occupancies shall annually provide the
582 Chief written documentation that fire extinguishers are installed and have been serviced
583 as required by Title 19 California Code of Regulations when such extinguishers are
584 installed in residential units in lieu of common areas.
- 585

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

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

Section 907.9.5.1 is hereby added to Chapter 9 and shall read as follows:

Section 907.9.5.1 **Smoke Alarm Documentation.** The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately

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

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 a 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 lands within specific Wildland Urban Interface areas of the City of Mill Valley shall comply with the following: Cut and remove all pyrophytic combustible vegetation within 30 feet of structures, up to 150 feet when topographic or pyrophytic vegetative types necessitate removal as determined by the Fire Code Official. Remove piles of accumulated dead vegetation on the property. Cut and remove tree limbs that overhang wood decks and roofs. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe. Clean any leaves and needles from roof and gutters. Cut and remove growth less than 3-inches in diameter, from the ground up to a maximum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2006 International Wildland-Urban Interface Code, as amended by the City of Mill Valley.

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

EXCEPTION 2: When approved by the fire code official, grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures

643 less than 18 inches (457 mm) in height above the ground need not be removed
644 where necessary to stabilize soil, and prevent erosion.
645

646 Section A104.7.2 of Appendix A of the International Wildland-Urban Interface Code is amended
647 and shall read as follows:
648

649 Section A104.7.2 **Permits**. The fire code official is authorized to stipulate conditions for
650 permits. Permits shall not be issued when public safety would be at risk, as determined
651 by the fire code official.
652

653
654 Section A104.11 is hereby added to Appendix A of the International Wildland-Urban Interface
655 Code and shall read as follows:
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657 Section A104.11 – **TRACER BULLETS, TRACER CHARGES, ROCKETS AND**
658 **MODEL AIRCRAFT**. Tracer bullets and tracer charges shall not be possessed, fired or
659 caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders
660 and balloons powered with an engine, propellant or other feature liable to start or cause
661 a fire shall not be fired or projected into or across hazardous fire areas.
662

663
664 Section A104.12 is hereby added to Appendix A of the International Wildland-Urban Interface
665 Code and shall read as follows:
666

667 Section A104.12 **EXPLOSIVES AND BLASTING**. Explosives shall not be possessed,
668 kept, stored, sold, offered for sale, given away, used, discharged, transported or
669 disposed of within hazardous fire areas except by permit from the fire code official.
670

671
672 Section A104.13 is hereby added to Appendix A of the International Wildland-Urban Interface
673 Code and shall read as follows:
674

675 Section 104.13 **APAIRIES**. Lighted or smoldering material shall not be used in
676 connection with smoking bees in or upon hazardous fire areas except by permit from
677 the fire code official.
678

679 15.04.130: Authority to arrest and issue citations
680

681 (a) The Fire Chief, Chief Officers and Fire Officers shall have authority to arrest or to
682 cite any person who violates any provision of this Chapter involving the California
683 Fire Code or the California Building Standards Code regulations relating to fire and
684 panic safety as adopted by the State Fire Marshal, in the manner provided for the
685 arrest or release on citation and notice to appear with respect to misdemeanors or
686 infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the
687 California Penal Code, including Section 853.6, or as the same hereafter may be
688 amended.
689

690 (b) It is the intent of the Fire Department that the immunities provided in Penal Code
691 Section 836.5 be applicable to aforementioned officers and employees exercising
692 their arrest or citation authority within the course and scope of their employment
693 pursuant to this Chapter.
694

695 15.04.140: Penalties
696

697 Violations of the 2010 California Fire Code Fire Code as adopted herein, the 2009
698 International Fire Code as adopted herein, the 2006 International Urban Wildland Interface

699 Code as adopted by City of Mill Valley Ordinance 1228 and Appendix A of the 2006
700 International Urban Wildland Interface Code as adopted herein shall be subject to the penalties
701 set forth in the Section 8.7 of the City of Mill Valley Municipal Code.
702

703

704 15.04.150: Appeals

705

706 (a) Any person receiving a citation for a civil penalty pursuant to Subsection (b) of
707 Section 12 or a bill for fire response costs and expenses pursuant to Section 101.5
708 of the Uniform Fire Code, may file within thirty (30) days after the date of mailing the
709 citation or bill, an administrative appeal against imposition of the civil penalty or
710 response costs and expense. The appeal shall be in writing and filed with the Fire
711 Chief, and shall include a copy of the bill and statement of the grounds for appeal.
712 The Fire Chief shall conduct an administrative hearing on the appeal, after giving
713 the appellant at least ten (10) days' advance written notice of the time and place of
714 the hearing. Within ten (10) days after the hearing the Chief shall give written
715 notice of the decision to the appellant, which decision shall be final. If the appeal is
716 denied in part or full, all amounts due shall be paid within thirty (30) days after the
717 mailing of the notice of the decision of the hearing officer.
718

719

720 (b) Whenever the Chief shall disapprove an application or refuse to grant a permit
721 applied for, or when it is claimed that the provisions of the Code do not apply or that
722 the true intent and meaning of the Code have been misconstrued or wrongly
723 interpreted, the applicant may appeal from the decision of the Chief to the City
724 Council of the City of Mill Valley within 10 days from the date of the decision. The
725 provision of this section shall not apply to corrective actions for the clearance of
726 brush or vegetative growth from structures as outlined in Item 16.2 of Appendix II-A
727 of the 2000 Uniform Fire Code as amended in Section 10 of this Code, or to matters
728 for which an appeal is provided pursuant to Section 13(a) above.

729

730 15.04.160: Former Ordinances

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

734

735 SECTION 2: WUI Area Map

736

737 The Wildland-Urban Interface Area, as set by Section 302.1 of Chapter 15.06 of the Mill
738 Valley Municipal Code, is hereby updated as shown in the attached WUI Map as Attachment 1

739

740 SECTION 3: Validity

741

742 If any section, subsection, sentence, clause or phrase of this ordinance is for any
743 reason held to be invalid, such decision shall not affect the validity of the remaining portion of
744 this Ordinance. The City Council of the City of Mill Valley hereby declares that it would have
745 adopted the ordinance and each section, subsection, sentence, clause or phrase thereof,
746 irrespective of the fact that any one or more sections, subsections, sentences, clauses or
747 phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,
748 clauses or phrases shall be declared invalid.

749

750 The City Council of the City of Mill Valley finds that adoption of this ordinance is exempt
751 from the California Environmental Quality Act (CEQA) under California Code of Regulations,
752 Title 14, § 15061(b)(3).

753

754 SECTION 4: Ordinance publication and effective date

- 755 A. The City Clerk is directed to prepare a summary of this ordinance. The summary shall
756 be published and a certified copy of the full text of the ordinance shall be posted in the
757 office of the City Clerk at least five days prior to the City Council meeting at which the
758 Ordinance shall be adopted.
759
- 760 B. Within fifteen (15) days after its adoption a summary of this Ordinance shall be
761 published in a newspaper of general circulation in the City of Mill Valley and a certified
762 copy of the full text of this Ordinance shall be posted in City Hall.
763
- 764 C. This Ordinance shall go into effect thirty days after adoption.
765
- 766 D. The City Clerk shall cause Section 1 of this ordinance to be codified in the Mill Valley
767 Municipal Code.
768

769 THE FOREGOING ORDINANCE was first read at a regular meeting of the Mill Valley City
770 Council on November 1, 2010 and was passed and adopted at a regular meeting of the Mill
771 Valley City Council on DATE HERE by the following vote:
772

773 AYES:
774 NOES:
775 ABSENT:
776

777
778 _____
779 Stephanie Moulton-Peters, Mayor

780 Attest:
781 _____
782 Kimberly Wilson, Deputy City Clerk