# Title 15  BUILDINGS AND CONSTRUCTION

**Chapters:**

## Chapter 15.01 BUILDING CODE[[1]](#footnote-1)

15.01.010 Adoption by reference.

The 2022 California Building Code, known as Part 2, Title 24 of the California Code of Regulations, excluding all but the following appendices: Appendices F, H, I and J, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

(a) Building Code Chapter 1, Division I shall apply to state-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

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

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.020 Addition—Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.030 Addition—Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.040 Addition—Chapter 1, Division I, Section 1.8.9.5.

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.050 Addition—Chapter 1, Division I, Section 1.8.9.6

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.060 Addition—Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.070 Addition—Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.080 Addition—Chapter 1, Division I, Section 1.8.9.9.

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

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

(Ord. No. 1022, § 1, 11-15-2022)

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

The following is added at the end of Section 1.9.1.5:

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

(Ord. No. 1022, § 1, 11-15-2022)

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.084 Amendment—Chapter 1, Division II, Section 105.2.

Section 105.2, Work Exempt from Permit, is amended to read as follows:

Building: (1) is revised to read as follows:

1. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area is not greater than 120 square feet and the structure contains no plumbing, electrical or heating appliances.

Building: (2) is amended to read as follows:

2. Fences not over 7 feet (213.4 cm) high, except that concrete, masonry or stone fences in excess of 3 feet high shall require a building permit.

Building: (6) is amended to read as follows:

6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below, and which are not part of an accessible route, or are not a part of the means of egress from a normally occupied building.

Building: (7) is amended to read as follows:

7. Painting, papering, tiling, carpeting, millwork, counter tops and similar finish work, except that striping or restriping of parking lots shall require a permit.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.086 Amendment—Chapter 1, Division II, Section 105.3.2.

Section 105.3.2, Time Limitation of an Application, is amended to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.090 Amendment—Chapter 1, Division II, Section 109.3.

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

109.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include the total fair market value of work, including materials and labor, for all elements of the construction. If in the opinion of the building official the valuation is underestimated, the final building permit valuation may be set by the building official.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.100 Amendment—Chapter 1, Division II, Section 113.1.

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

113.1 General. The building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.110 Amendment—Chapter 1, Division II, Section 113.2.

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

113.2 Definitions. Whenever used in any section of this Chapter, the terms "Housing Appeals Board" and "Local Appeals Board" shall each refer to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.120 Amendment—Chapter 1, Division II, Section 113.3.

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.125 Amendment—Chapter 1, Division II, Section 116.2.

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.130 Amendment—Chapter 1, Division II, Section 116.3.

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.140 Amendment—Chapter 1, Division II, Section 116.5.

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

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

(Ord. No. 1022, § 1, 11-15-2022)

15.01.145 Addition—Chapter 1, Division II, Section 116.6.

Section 116.6, Nuisance Proceedings, is added as follows:

116.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.150 Addition—Chapter 1, Division II, Section 116.7.

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

116.7 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 116.3.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.154 Amendment—Chapter 15, Section 1505.1.3.

Section 1505.1.3, Roofing Requirements in Wildland-Urban interface Fire Areas, is amended to read as follows:

1505.1.3 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements for structures located in a Wildland-Urban interface (WUI) Fire Area shall be a minimum Class A roof covering and shall also comply with CBC section 705A.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.156 Amendment—Chapter 18, Soils and Foundations.

Section 1807 is amended by adding the following subsection:

1807.4 Wooden retaining walls. Wooden retaining walls may not be used to support any building surcharge or vehicular way. In addition, wooden retaining walls shall not be employed to retain soils above or below a building where failure of the wall may subject the building to damage.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.160 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 1, 11-15-2022)

15.01.170 No mandatory duty.

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

(Ord. No. 1022, § 1, 11-15-2022)

## Chapter 15.02 FIRE CODE[[2]](#footnote-2)

15.02.010 Adoption of 2022 California Fire Code, 2021 International Fire Code and Appendix A of the 2021 International Wildland Urban Interface Code.

There is hereby adopted by the town council of the town of Corte Madera, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the following:

(a) The 2022 California Fire Code, which consists of certain portions of the 2021 edition of the International Fire Code as amended by the California Building Standards Commission, and the International Fire Code published by the International Fire Code Council, Inc., 2021 Edition, except as each are amended in Section 15.02.110 of this Code; the following appendices and additional section, set forth in the 2022 California Fire Code and 2021 International Fire Code:

(1) Division II of Chapter 1 ADMINISTRATION

(2) Appendix 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

(3) Appendix B FIRE FLOW REQUIREMENTS FOR BUILDINGS

(4) Appendix BB FIRE FLOW REQUIREMENTS FOR BUILDINGS

(5) Appendix C FIRE HYDRANTS LOCATIONS AND DISTRIBUTION; except as amended in section 15.02.110 of this code

(6) Appendix CC FIRE HYDRANTS LOCATIONS AND DISTRIBUTION

(7) Appendix E HAZARD CATEGORIES

(8) Appendix F HAZARD RANKING

(9) Appendix G CRYOGENIC FLUIDS—WEIGHT AND VOLUME EQUIVALENTS

(10) Appendix H HAZARDOUS MATERIALS MANAGEMENT PLAN AND HAZARDOUS MATERIAL INVENTORY STATEMENTS

(11) Appendix O TEMPORARY HAUNTED HOUSES, GHOST WALKS AND SIMILAR AMUSEMENT USES.

(b) Appendix A of the 2021 edition of the International Wildland-Urban Interface Code, except as amended in Section 15.02.120 of this Code.

Where conflicts occur between the provisions of the 2022 California Fire Code and 2021 International Fire Code, the provisions of the more restrictive code shall apply.

Not less than one copy of the codes and standards hereby adopted is filed in the office of the Fire Marshal of the Central Marin Fire Authority and the same are hereby adopted and incorporated fully as if set out at length herein, and from the date on which this Chapter 15.02 shall take effect, and the provisions thereof shall be controlling within the limits of the town of Corte Madera.

(Ord. No. 1023, § 2, 11-15-2022)

15.02.020 Duties of the Central Marin Fire Authority Fire Prevention Bureau.

The 2022 California Fire Code, which consists of certain portions of the 2021 edition of the International Fire Code as amended by the California Building Standards Commission, the 2021 International Fire Code, as adopted and amended herein, and Appendix A of the 2021 edition of the International Wildland Interface Code as adopted and amended herein shall be enforced by the Fire Prevention Bureau of the Central Marin Fire Authority and shall be operated under the fire code official.

(Ord. No. 1023, § 2, 11-15-2022)

15.02.030 Definitions.

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

(a) Whenever the words "fire code" are used they shall mean those codes and standards adopted in Section 15.02 of this code.

(b) Wherever the term "counsel" is used in the fire code, it shall be held to mean the town attorney for the town of Corte Madera.

(Ord. No. 1023, § 2, 11-15-2022)

15.02.040 Establishment Of geographic limits of districts in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited.

The geographic limits referred to in Section 5704.2.9.6.1 of the California Fire Code in which storage of Class I, Class II and Class III liquids in outside aboveground tanks is prohibited are amended as follows: In all residential areas and in all areas of the town of Corte Madera. (exception—approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the fire code official).

(Ord. No. 1023, § 2, 11-15-2022)

15.02.050 Establishment of geographic limits of districts in which storage of Class I, Class II and Class III liquids in aboveground tanks is prohibited.

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

(Ord. No. 1023, § 2, 11-15-2022)

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

The geographic limits, referred to in Section 5806.2 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers are prohibited, are hereby established as follows: In all residential areas and in all areas of the town of Corte Madera. (Exception—approved protected aboveground tanks are permitted in approved locations, in accordance with standards developed by the fire code official).

(Ord. No. 1023, § 2, 11-15-2022)

15.02.070 Establishments of geographic limits in which storage of liquefied petroleum gasses is to be restricted.

The geographic limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are amended as follows: In all residential areas and in all heavily populated or congested commercial areas as established by the town of Corte Madera. (Exception—portable LPG tanks, containing five gallons or less storage capacity, are acceptable for approved use.)

(Ord. No. 1023, § 2, 11-15-2022)

15.02.080 Establishment of geographic limits of districts in which storage of explosives and blasting agents is to be prohibited.

The geographic limits, in which storage of explosives and blasting agents is prohibited, are established as follows: In all areas within the boundaries of the town of Corte Madera.

(Ord. No. 1023, § 2, 11-15-2022)

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

The geographic limits, in which the storage of compressed natural gas is prohibited, are hereby established as follows: In all residential areas and in heavily populated or congested commercial areas, as established by the town of Corte Madera.

(Ord. No. 1023, § 2, 11-15-2022)

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

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

(Ord. No. 1023, § 2, 11-15-2022)

15.02.110 Amendments made to the 2022 California Fire Code, 2021 International Fire Code, and 2021 International Wildland-Urban Interface Code.

The 2022 California Fire Code is amended to read as follows:

CHAPTER 1   
SCOPE AND ADMINISTRATION

Section 101.1 of Chapter 1 is amended to read as follows:

Section 101.1 Title. These regulations and locally adopted standards shall be known as the Fire Code of the Town of Corte Madera, hereinafter referred to as "this code."

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

Section 102.5 Application of Residential Code. Where structures are designed and constructed in accordance with the California Residential Code, the provisions of this code shall apply as follows:

1. Construction and designed provisions: Provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Provisions of this code pertaining to the interior of the structure when specifically required by this code including, but not limited to, Section 903.2 and Chapter 12 shall apply. Where interior or exterior systems or devices are installed, construction permits required by Section 105.6 of this code shall also apply.

2. Administrative, operational and maintenance provisions of this code shall apply.

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

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

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

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

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

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

Section 105.5 of Chapter 1 is hereby amended by adding the following additional operational permits:

105.5 Required Operational Permits. The Fire Code Official is authorized to issue operational permits for operations set forth in Sections 105.5.1 through 105.5.55

Section 105.5.55 of Chapter 1 is hereby added to read as follows:

105.5.55 Local Operational Permits. In addition to the permits required by section 105.5, the following permits shall be obtained from the Fire Prevention Bureau prior to engaging in the following activities, operations, practices or functions:

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

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

Section 105.6 of Chapter 1 is hereby amended by adding the following additional operational permits:

Section 105.6 Required Construction Permits. The Fire Code Official is authorized to issue construction permits for work as set forth in Sections 105.6.1 through 105.6.25

Section 105.6.25 of Chapter 1 is hereby added to read as follows:

105.6.25 Local Construction Permits. In addition to the permits required by section 105.6, the following permits shall be obtained from the Fire Prevention Bureau prior to installation of the following:

1. Exterior Wildfire Protection Systems. A construction permit is required for the installation of or design modification to an Exterior Wildfire Protection System as regulated by section 918.

2. Home Backup Generator. A construction permit is required for the installation of a home backup generator as regulated by section 1218.

3. Vegetation Management Plan. A construction permit is required to implement a vegetation management plan.

Section 112.4 of Chapter 1 is hereby amended to read as follows:

Section 112.4 Violation Penalties. Any person who commits a violation of any provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, repairs or does work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, is guilty of a misdemeanor, punishable by a fine of not more than $1000 dollars or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Any person violating any of the provisions of this code shall be subject to civil penalties, abatement, administrative penalties, or any other remedy available by law.

The imposition of one penalty of 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 continues after due notice has been served shall be deemed a separate offense.

Section 112.4.2 of Chapter 1 is added to read as follows:

Section 112.4.2 Abatement of Clearance of Brush or Vegetative Growth from Structures. The Town Council is authorized to instruct the Fire Code Official to give notice to the owner of the property upon which conditions regulated by section 304.1.2 of Chapter 3 and sections 4907.4 of Chapter 49 exist, or other applicable violation of Chapter 15.02, to correct such conditions. Subject to the nuisance abatement procedures of the Town of Corte Madera in Chapter 9.04, if the owner fails to correct such conditions, the Town Council is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

Section 112.4.3 is hereby added to Chapter 1 and shall read as follows:

112.4.3 Corrective Actions

A. The owners of real property within the Town shall be responsible for the maintenance of such property in conformance with the vegetation management standards of the Town of Corte Madera. Failure of the property owner to maintain such property in compliance with these vegetation management standards shall constitute a public nuisance and be subject to the nuisance abatement procedures established by Chapter 9.04 of the Town Municipal Code and the administrative citation procedures established in Chapter 9.05 of the Town Municipal Code.

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

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

Section 113.4 of Chapter 1 is hereby amended to read as follows:

Section 113.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine not less than $100 dollars or more than $1000 dollars.

Section 115 is hereby added to Chapter 1 and shall read as follows:

Section 115 DAMAGES AND EXPENSE RECOVERY

Section 115.1 Damages and Expense Recovery. The expense of securing any emergency that is within the responsibility for enforcement of the Fire Chief as given in Section 104 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

CHAPTER 2   
DEFINITIONS

Section 202-[A] of Chapter 2 is hereby amended by adding the following general definition:

ALL WEATHER SURFACE shall mean A/C paving, or concrete capable of supporting 70,000 gross vehicle weight. Grades up to and including 18% may be of A/C paving. Grades greater than 18% shall be of concrete curb-cut so as to allow for water run-off and traction.

Exception: Materials approved by the Fire Code Official.

Section 202-[C] of Chapter 2 is hereby amended by adding the following general definition:

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

Section 202-[D] of Chapter 2 is hereby amended by adding the following general definition:

DRIVEWAY is a vehicular ingress/egress access route that serves no more than two dwelling units, not including accessory structures. Driveways shall provide a minimum unobstructed width of 12 feet (16 feet in the WUI) and a minimum unobstructed height of 15 feet. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds.

Section 202-[E] of Chapter 2 is hereby amended by adding the following general definition:

EXTERIOR WILDFIRE PROTECTION SYSTEM An approved system of devices and equipment which is automatically or manually activated to discharge water and or an approved fire-extinguishing agent onto the structure and or the exterior of the structure to hydrate the Immediate Zone 0 (0-5 feet from the home, including the home) and the Intermediate Zone 1 (5-30 feet from the home).

Section 202-[H] of Chapter 2 is hereby amended by adding the following general definition:

HOME BACKUP GENERATOR. A permanent, fixed installation, internal combustion engine-driven device that provides temporary electrical power to a Group R-3 and R-4 Occupancies.

Section 202-[O] of Chapter 2 is hereby amended by adding the following general definition:

OCCUPANCY CLASSIFICATION is modified to include:

[BG] Factory Industrial F-1 Moderate-hazard occupancy is amended to add to the list of moderate-hazard factory industrial groups the following:

Agricultural crop production including cultivation, drying, processing and /or storage.

Section 202-[P] of Chapter 2 is hereby amended by adding the following general definition(s):

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

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

Section 202-[S] of Chapter 2 is hereby amended by adding the following general definition(s):

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

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

Section 202-[T] of Chapter 2 is hereby amended by adding the following general definition(s):

TARGET HAZARD is defined as a location or plausible scenario in which a fire department or fire district could quickly become overwhelmed and for which additional resources, now scarce, would be needed.

TEMPORARY shall mean any use for a period of less than 90 days, where not otherwise referenced.

Section 202-[U] of Chapter 2 is hereby amended by adding the following general definition:

UNWARRANTED ALARM shall mean the giving, signaling or transition of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

CHAPTER 3   
GENERAL REQUIREMENTS

Section 302.1 in Chapter 3 is hereby amended to add the following:

PUBLIC STORAGE FACILITY

California Fire Code, Section 304.1.2 is amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in all areas shall be in accordance with Chapter 3 and Chapter 49. Vegetation clearance requirements in Wildland-Urban Interface areas shall be in accordance with Chapter 49.

Section 324 is hereby added to Chapter 3 and shall read as follows:

Section 324 Public Storage Facilities

Section 324.1 General. Public Storage Facilities shall comply with the provisions of this section.

Section 324.2 Location on Property and Fire Resistance of Exterior. All public storage facilities shall meet the minimum requirements for setback from property lines or fire resistive construction as set forth in Table 601 of the Building Code for Group S, Division 1 occupancies.

Section 324.3 Fire Apparatus Access. All public storage facilities shall have fire apparatus access roads provided in accordance with Section 503.

Section 324.4 Storage of Flammable and Combustible Liquids and Hazardous Materials. The storage of hazardous materials or flammable or combustible liquids in public storage facilities is prohibited. Such facilities shall post legible and durable sign(s) to indicate the same in a manner and location(s) as specified by the Fire Code Official. This section shall apply to new and existing public storage facilities.

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

CHAPTER 4   
EMERGENCY PLANNING AND PREPAREDNESS

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

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

Section 401.3.2.1 is hereby added to Chapter 4 and shall read as follows:

Section 401.3.2.1 Unwarranted Alarm Notification. Notification of emergency responders based on an unwarranted alarm may be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

Section 401.3.2.2 is added to read as follows:

Section 401.3.2.2 Multiple Unwarranted or Nuisance Alarm Activations. Any occupancy that has more than 3 unwarranted or nuisance alarms causing emergency response within a 12-month period may be required to modify, repair, upgrade or replace their system and or monitoring station as determined by the Fire Code Official.

Section 402.1 of Chapter 4 is hereby amended to add the following:

PRE-PLANS

TARGET HAZARD

UNWARRANTED ALARMS

Section 403.1.1 is hereby added to Chapter 4 and shall read as follows:

Section 403.1.1 Pre-Plans: When required by the Fire Code Official, pre-plans shall be developed for target hazard buildings according to the written standards developed by the authority having jurisdiction.

Section 403.9.1.4 is hereby added to Chapter 4 and shall read as follows:

Section 403.9.1.4 Emergency Preparedness for Hotels, Lodging and Congregate Houses. Hotels, lodging and congregate houses shall provide guests with immediate access to a telephone to report emergencies. The exit diagram shall indicate the location of the nearest telephone and instructions to dial 911.

CHAPTER 5   
FIRE SERVICE FEATURES

Section 502.1 in Chapter 5 is hereby amended to add the following:

DRIVEWAY

Section 503.1 of Chapter 5 is hereby amended to read as follows:

Section 503.1 Where Required. Fire Apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.5.

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

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

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

Section 503.1.5 Aerial Fire Apparatus Access. Buildings or facilities exceeding 30 feet or three stories in height, an approved aerial apparatus access roads shall be provided. For the purposes of this section, the highest roof surface shall be determined by the measurement to the eave of the pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Section 503.1.5.1 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

Section 503.1.5.2 Proximity to Building. One or more of the required access routes meeting this condition shall be located not less than 15 feet and not more than 30 feet from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Section 503.1.5.3 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions shall be permitted to be placed with the approval of the Fire Code Official.

Section 503.2.1 of Chapter 5 is hereby amended to read as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 15 feet.

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

Section 503.2.6.1 Evaluation and Maintenance. All existing private bridges and elevated surfaces that are a part of the fire department access roadway shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for safety and weight rating, in accordance with American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," Second Edition, or other approved standard. Vehicle load limits shall be posted at both entrances to bridges. All bridges and elevated structures providing fire department access shall be routinely maintained in accordance with Section 503.2.6 or when directed by the fire code official or authorized designee.

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

Section 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in sections 503.2.1 and 503.2.2 shall be maintained at all times. Any vehicle or other obstruction may be towed away at the owner's expense.

Section 503.4.2 is hereby added to read as follows:

503.4.2 Prohibition of Vehicular Parking on Private Access Ways. If, in the judgment of the Fire Code Official, it is necessary to prohibit vehicular parking along private access ways serving existing facilities, buildings, or portions of buildings in order to keep them clear and unobstructed for fire apparatus access, the Fire Code Official may issue an Order to the owner, lessee or other person in charge of the premises to paint the curbs red or install signs or other appropriate notices to the effect that parking is prohibited by Order of the Fire Department. It shall thereafter be unlawful for such owner, lessee, or other person in charge of the premises to fail to install, maintain in good condition, the form of notice so prescribed. When such areas are marked or signed as provided herein, no person shall park a vehicle adjacent to any such curb or in the private access way contrary to such markings or signs. Any vehicle so parked in the private access way may be towed away at the expense of the owner of the vehicle.

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

503.6.1 Width. All gates shall open fully to provide an unobstructed passage width of not less than 16 feet or a minimum of two feet wider than the approved net clear opening of the required all weather roadway or driveway and a minimum net vertical clearance of 15 feet.

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

Section 503.6.2 Electronic Gates. All electronic operated gates shall have installed an approved key switch override system mounted on a stanchion or wall as approved by the Chief in accordance with Standards/Policies adopted by the Fire Code Official. All electronic or motorized gates shall incorporate in their design the means for fast, effective manual operation of the gates in the event of power or mechanical failure (i.e., easily removable hinge pins for separating power linkage from gates; undercut, weakened or frangible members requiring 40 pounds or less pressure against the gates to cause their failure and the gates to open. All electrical wiring and components of motorized gates shall be UL listed and installed in accordance with the National Electric Code.

Section 503.6.3 is hereby added to Chapter 5 and shall read as follows:

Section 503.6.3 Gate Setback Required. Gates shall be set back from roadways a minimum of 30 feet or more so as not to cause cross traffic to stop or create a hazardous traffic condition on the roadway approach to the driveway.

Exception: The Fire Code Official is authorized to modify the setback if fire apparatus access onto the property is not required to achieve 150 feet of access to the most remote portion of the building per 503.1.1.

Section 507.5.1 of Chapter 5 is hereby amended by deleting the exception and shall read as follows:

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

Section 507.5.1.1 of Chapter 5 is amended to read as follows:

Section 507.5.1.1 Hydrant for Fire Department Connections. Buildings equipped with a water-based fire protection system installed in accordance with Section 903 through 905 shall have a fire hydrant within 100 feet of the fire department connections, or as approved 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 Fire Code Official, shall be upgraded to the minimum standard of one 4 1/2" outlet and one 2 1/2" outlet for single family dwellings and the minimum standard of two 4 1/2" outlets and one 2 1/2" outlet for commercial structures.

Exceptions:

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

2. One- and Two-family dwellings equipped throughout with an approved automatic sprinkler system that includes protection of all closets and bathrooms.

Section 510.1 of Chapter 5 is hereby amended by deleting Exception 1.

CHAPTER 7   
FIRE AND SMOKE PROTECTION FEATURES

Section 710 of Chapter 7 is hereby added to read as follows:

Section 710 ROOFING MATERIALS

Section 710.1 Materials. All roofing materials shall be in accordance with section 710.

Section 710.2 New Roofs. All newly installed roofs and additions to existing roofs are to be of non-combustible or minimum "Class A" listed construction.

Section 710.3 Existing Roofs. When alterations or repairs to existing roofs exceed 50% of the total roof area in any thirty-six (36) month period, the entire roof shall be replaced with non-combustible, or minimum "Class A" listed construction.

CHAPTER 9   
FIRE PROTECTION AND LIFE SAFETY SYSTEMS

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

Section 901.7 Systems out of Service. Where a required fire protection system is out of service, the fire department and the Fire Code Official shall be notified immediately and, where required by the fire code official, the building shall be either evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. This section shall also apply to residential fire sprinkler systems.

Section 902.1 in Chapter 9 is hereby amended to add the following:

EXTERIOR WILDFIRE PROTECTION SYSTEMS

Section 903.2 of Chapter 9 is repealed in its entirety (with the exception of subsections 903.2.5, 903.2.6, 903.2.8, 903.2.11, 903.2.12, 903.2.14, 903.2.15, 903.2.16, 903.2.17, 903.2.18, 903.2.19, 903.2.20, 903.2.21 which shall remain in effect).

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

Section 903.2 Where Required. Approved automatic sprinkler systems in new and existing buildings shall be provided in the locations described in sections 903.2.1 through 903.2.21

Section 903.2.1 through 903.2.4 of Chapter 9 are hereby added to read as follows:

Section 903.2.1 Required Installations. An automatic sprinkler system shall be installed and maintained in all newly constructed buildings or structures.

Exceptions:

1. Detached pool houses, workshops, Group U private garages, barns and similar structures, built in conjunction with existing non-sprinklered single-family residences and provided the new structure is less than 1,000 square feet and is not intended for use as a dwelling unit.

2. Detached non-combustible, limited combustible, or fire-retardant treated wood canopies.

3. Group B or M occupancies less than 1000 square feet.

4. Detached restroom facilities associated with golf courses, ball fields, parks and similar uses as approved by the Fire Code Official.

5. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2000 square feet, having clear unobstructed side yards free of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height, located within an agricultural zoned district as defined in the Town of Corte Madera Planning Code.

Section 903.2.2 Additions and Alterations. An automatic sprinkler system shall be installed in all buildings in excess of 3,000 sq. ft., which have ten per cent (10%) or more floor area added within any thirty-six (36) month period.

Exception: R-3 occupancies. See 903.2.3.

Section 903.2.2.1 Substantial Remodel. An automatic sprinkler system shall be installed in all buildings, which have fifty per cent (50%) or more floor area added, or any "substantial remodel" as defined in this code, within any thirty-six (36) month period.

Section 903.2.3 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies and shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the California Residential Code. An automatic sprinkler system shall be installed in all mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with Title 25 of the California Code of Regulations.

Section 903.2.4 Change of Occupancy or Use. For any change of occupancy or use, when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official, including, but not limited to, conversion of buildings to single family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences or other similar uses, an automatic sprinkler system shall be installed throughout.

Section 903.3.9 of Chapter 9 is hereby amended by replacing item 2 with the following:

Section 903.3.9 Floor control valves. Floor control valves and water flow detection assemblies shall be installed at each floor where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access.

2. Buildings that are two or more stories in height.

3. Buildings that are two or more stories below the highest level of fire department vehicle access.

Exception: Group R-3 and R-3.1 occupancies floor control valves and water flow detection assemblies shall not be required.

Section 903.6.1 of Chapter 9 is hereby added and shall read as follows:

Section 903.6.1 Application. In all existing buildings, when the addition of automatic fire sprinklers are required by the provisions of this code, automatic fire sprinklers shall be extended into all unprotected areas of the building.

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

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

Section 907.2.13.1.2 of Chapter 9 is hereby amended by adding new subsection 3 to read as follows:

3. Duct smoke detectors shall be capable of being reset by a readily accessible, remote push button or key activated switch as approved by the Fire Code Official.

Section 907.6.6 is hereby amended to read as follows:

Section 907.6.6 Monitoring. New and upgraded fire alarm systems required by this chapter or by the California Building Code shall be monitored by an approved Central Station in accordance with NFPA 72 and this section.

Exception: Monitoring by central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.

2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.

3. Automatic sprinkler systems in one- and two-family dwellings.

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

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

Section 918 of Chapter 9 is hereby added to read as follows:

918 GAS SHUT-OFF DEVICES

918.1 General.

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

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

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

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

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

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

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

Section 918.2 General.

Section 918.2.1 Devices: When Required. Approved gas shut-off devices shall be installed:

1. In every newly constructed building and facility.

2. In newly created second units.

3. In all buildings that have more than fifty percent (50%) floor area added or any "substantial remodel," as defined in this ordinance, within any thirty-six (36) month period.

4. In all buildings, except R-3 occupancies, in excess of 3,000 sq. ft., that have more than ten percent (10%) floor area added within any thirty-six (36) month period.

5. Whenever any new gas piping is installed.

Exceptions:

A. Gas shut-off devices installed on a building prior to the effective date of this ordinance are exempt from the requirements of this section, provided they remain installed on the building or structure and are maintained for the life of the building or structure.

B. Gas shut-off devices installed on a gas distribution system owned or operated by a public utility shall not be subject to the requirements of this chapter (Health & Safety Code Section 19201(b).

Section 918.2.2 Devices: Location Required.

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

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

Section 918.3 General Requirements.

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

1. Be installed in accordance with the manufacturer's instructions

2. In the case of seismic gas shut-off devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the device (motion sensitive) has been tested and listed for an alternate method of installation

3. Seismic gas shut-off devices shall be certified by the State Architect and be listed by an approved listing and testing agency such as IAS, IAPMO, UL, or the Office of the State Architect

4. Have a thirty (30) year warranty that warrants that the valve or device is free from defects and will continue to properly operate for thirty (30) years from the date of installation

5. Where gas shut-off devices are installed voluntarily, or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.

Section 918.4 List of Approved Valves and Devices.

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

Section 919 of Chapter 9 is hereby added and shall read as follows:

SECTION 919

EXTERIOR WILDFIRE PROTECTION SYSTEMS

Section 919.1 of Chapter 9 is hereby added and shall read as follows:

Section 919.1 General. Exterior Wildfire Protection Systems shall comply with this section.

Section 919.2 of Chapter 9 is hereby added and shall read as follows:

Section 919.2 Construction documents. Documentation of the system shall be submitted per 901.2.

Section 919.3 of Chapter 9 is hereby added and shall read as follows:

Section 919.3 Permits. Permits shall be required as set forth in section 901.3

CHAPTER 11   
CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

Sections 1103.2 Item #1 is deleted.

Sections 1103.3 through 1103.6.2 are deleted.

Section 1103.9 is deleted.

Sections 1104 and 1105 are deleted.

CHAPTER 12   
ENERGY SYSTEMS

Section 1201.4 of Chapter 12 is hereby added and shall read as follows:

Section 1201.4 Construction Documents. A scaled and dimensioned site plan showing the location of all energy systems, property lines, buildings, service and electrical panels, transfer switches, disconnects, underground wiring and piping, fuel type and piping, map placard and signage. Site Plan shall clearly designate property frontage for viewer orientation.

Section 1201.5 of Chapter 12 is hereby added and shall read as follows:

Section 1201.5 Signs and Labels. Caution signs or labels are required to identify the quantity and type of additional power source(s) located on site. Signs shall be required at the main service panel, and on disconnect equipment. Additional locations may be required by the fire code official.

Section 1201.6 of Chapter 12 is hereby added and shall read as follows:

Section 1201.6 Disconnect. An approved and readily accessible independent and clearly labeled single exterior disconnect shall be located prior to any load/service panel and installed as close as possible to the main service panel or as approved by the fire code official. Integrated equipment toggle, rocker, or electronic switches shall not be utilized as independent disconnects.

Section 1201.7 of Chapter 12 is hereby added and shall read as follows:

Section 1201.7 Operational Testing. New installations shall be tested for complete power and energy system shutdown. A normal power failure shall be simulated by closing the main service breaker supplying normal power to the building. Upon transfer from main power to alternate power source(s), the single disconnect(s) shall be used to disconnect alternate power from all alternate energy sources. A successful result of the shutdown test shall include termination of all alternate energy power sources serving the building (i.e. main service, photovoltaic system, energy storage systems, and generators, when installed).

Section 1202.1 in Chapter 12 is hereby amended to add the following:

HOME BACKUP GENERATOR

Section 1208 of Chapter 12 is hereby added and shall read as follows:

SECTION 1208

HOME BACKUP GENERATOR

Section 1208.1 of Chapter 12 is hereby added and shall read as follows:

Section 1208.1 General. The use, operation, and maintenance of home backup generators in Group R-3 and R-4 occupancies shall comply with this section.

Section 1208.2 of Chapter 12 is hereby added and shall read as follows:

Section 1208.2 Use. Home backup generators shall be installed in accordance with the California Building Code, the California Electrical Code, NFPA 110.

Section 1208.3 of Chapter 12 is hereby added and shall read as follows:

Section 1208.3 Permits. Permits shall be obtained for Home Backup Generators as set forth in Section 105.

Section 1208.4 of Chapter 12 is hereby added and shall read as follows:

Section 1208.4 Installation. Home backup generators shall be installed in accordance with the California Building Code, the California Electrical Code, NFPA 110.

Section 1208.5 of Chapter 12 is hereby added and shall read as follows:

Section 1208.5 Listing. Home backup generators shall be listed and labeled in accordance with UL 2200.

Section 1208.6 of Chapter 12 is hereby added and shall read as follows:

Section 1208.6. Maintenance. Home backup generators shall be operated and maintained in accordance with the manufacturer's instructions.

CHAPTER 26   
FUMIGATION AND INSECTICIDAL FOGGING

Chapter 26 is deleted in its entirety.

CHAPTER 33   
FIRE SAFETY DURING CONSTRUCTION

Section 3314.3 of Chapter 33 is amended by adding the following to the end of the exception:

Exception: Standpipes shall be either temporary or permanent in nature, and with or without a water supply, provided that such standpipes comply with the requirements of Section 905 as to capacity, outlets, and materials, as approved by the Fire Code Official.

Section 3315.3 in Chapter 33 is added to read as follows:

Section 3315.3 Where required. In buildings of combustible construction required to have automatic sprinkler systems by Section 903, automatic sprinkler systems shall be installed prior to construction exceeding two stories in height above the lowest level of fire department vehicle access. Such automatic sprinkler systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

Section 3315.4 of Chapter 33 is added to read as follows:

Section 3315.4 Buildings being demolished. Where a building is being demolished and an automatic sprinkler system is existing within such a building, such automatic sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such automatic sprinkler systems shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

Section 3315.5 of Chapter 33 is added to read as follows:

Section 3315.5 Detailed requirements. Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.

CHAPTER 49   
REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

Section 4902.1 of Chapter 49 is amended to read as follows:

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for construction and development in areas designated as Wildland-Urban Interface (WUI), and/or Moderate, High, or Very High Fire Hazard Severity Zone. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

WILDLAND-URBAN INTERFACE FIRE AREA. A geographical area identified by the Town of Corte Madera as a "High 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 to be at a significant risk from wildfires, as designated on the map titled Wildland-Urban Interface Fire Area, dated March 18, 2008.

Section 4903.2.1 of Chapter 49 is amended to read as follows:

Section 4903.2.1.1 Preliminary fire protection plan. When a preliminary fire protection plan is submitted, it shall include, at a minimum, the following:

1. Total size of the project.

2. Information on the adjoining properties on all sides, including current land uses, and if known, existing structures and densities, planned construction, natural vegetation, environmental restoration plans, roads, and parks.

3. A map with all project boundary lines, property lines, slope contour lines, proposed structure foundation footprints, and proposed roads and driveways. The map shall identify project fuel modification zones and method of identifying the fuel modification zone boundaries.

4. The map shall include all existing emergency water supplies.

Section 4903.2.1.2 of Chapter 49 is amended to include the following:

Section 4903.2.1.2

1. A map identifying all proposed plants in the fuel modification zones with a legend that includes a symbol for each proposed plant species. The plan shall include specific information on each species proposed, including, but not limited to:

a. The plant life-form:

b. The scientific and common name; and

c. The expected height and width for mature growth.

2. Identification of irrigated and non-irrigated zones

3. Requirements for vegetation reduction around emergency access and evacuation routes.

4. Identification of points of access for equipment and personnel to maintain vegetation in common areas.

5. Legally binding statements regarding community responsibility for maintenance of fuel modification zones.

6. Legally binding statements to be included in covenants, conditions, and restrictions regarding property owner responsibilities for vegetation maintenance.

7. Identify the location of fire protection systems or equipment.

8. Identify any power sources, meters, and shutdowns.

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

Section 4906.2 Application. Buildings and structures located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency shall maintain the required hazardous vegetation and fuel management per Sections 4906.1 through 4907.5.

Section 4906.3 of Chapter 49 is amended to read as follows:

Section 4906.3. Vegetation Management Plan. A Vegetation Management plan shall be required for new construction, substantial remodels, and landscape modifications including new plantings, modifications to existing plantings, and/or excavation.

Section 4906.3.1 of Chapter 49 is deleted in its entirety.

Section 4906.4.2.1 of Chapter 49 is amended to read as follows:

Section 4906.4.2.1 Tree Planting. New trees classified as fire-resistant vegetation shall be permitted provided the tree is planted and maintained so that the tree's drip line at maturity is a minimum 5 feet (9144 mm) from any combustible structure.

Section 4907.2 of Chapter 49 is amended to read as follows:

Section 4907.2 Application. Buildings and structures located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency shall maintain the required hazardous vegetation and fuel management.

Section 4907.4 of Chapter 49 is hereby added and shall read as follows:

Section 4907.4 Fire Hazard Reduction. Any person who owns, leases, controls, or maintains any building or structure, vacant lands, open space, and/or lands within specific Wildland Urban Interface areas of the jurisdiction of the Town of Corte Madera, shall comply with the following:

1. Cut and remove all hazardous vegetation and ground coverings within 100 feet of structures, up to 200 feet when topographic or combustible vegetative types necessitate removal as determined by the Fire Code Official.

2. Remove accumulated dead vegetation on the property.

3. Cut and remove tree limbs that overhang wood decks and roofs.

4. Remove that portion of any tree which extends within 10 feet of any chimney or stovepipe, roof surfaces and roof gutters

5. Clean any leaves and needles from the roof and gutters.

6. Cut and remove growth less than 3-inches in diameter, from the ground up to a height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.

7. Remove ladder fuels within 100 feet of the structure.

8. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2021 International Wildland-Urban Interface Code, as amended by the Town of Corte Madera.

Exception 1: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants, or plants used as ground covers, need not be removed provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

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

Section 4907.5 of Chapter 49 is hereby added and shall read as follows:

Section 4907.5 Fire Hazard Reduction from Roadways. The Fire Code Official is authorized to cause areas within 10 feet (3048 cm) on each side of portions of highways, fire apparatus access roads (improved or unimproved), and driveways (improved or unimproved), which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. Corrective action, if necessary, shall be the same as the actions required in section 4907.4. The Fire Code Official is authorized to enter upon private property to carry out this work.

Exception: When approved by the Fire Code Official, single specimens of trees, ornamental shrubbery or similar plants, or plants used as ground covers, need not be removed provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

CHAPTER 56   
EXPLOSIVES AND FIREWORKS

Section 5601.1.3 of Chapter 56 Exceptions 1, 2, and 4 are hereby deleted.

Section 5608.1.2 of Chapter is added to read as follows:

Section 5608.1.2 Permit required. A permit shall be obtained from the Fire Code Official in accordance with Section 105.6 prior to the performance of any firework display. Application for such approval shall be made in writing no less than twenty (20) days prior to the proposed display. The application shall be considered and acted upon by the fire code official or authorized designee pursuant to this Chapter and Title 19, Chapter 6, Article 3 - Licenses of the California Code of Regulations. Any permit for a fireworks display may be suspended or revoked at any time by the Fire code official or authorized designee.

Section 5608.2 of Chapter 56 is added to read as follows:

Section 5608.2 Limitations. Possession, storage, offer or expose for sale, sell at retail, gift or give away, use, explode, discharge, or in any manner dispose of fireworks is prohibited within the limits established by law as the limits of the districts in which such possession, storage, offer or exposure for sale, retail sale, gifting, use, explosion, discharge, or disposal of fireworks is prohibited in any area as established by applicable land-use and zoning standards.

Exception: Firework displays authorized pursuant to section 5608.1 for which a permit has been issued.

CHAPTER 80   
REFERENCED STANDARDS

California Fire Code, Chapter 80 is amended as follows:

NFPA 13-22: Standard for the installation of Sprinkler Systems

\*NFPA 13, Amended Sections as follows:

Revise Section 29.4.1 as follows:

29.4.1 The installing contractor shall identify a hydraulically designed sprinkler system with permanently raised, stamped, or etched, marked weatherproof metal or rigid plastic sign secured with corrosion resistant wire, chain, or other approved means. Such signs shall be placed at the alarm valve, dry pipe valve, pre-action valve, or deluge valve supplying the corresponding hydraulically designed area. Pipe schedule systems shall be provided with a sign indicating that the system was designed and installed as a pipe schedule system and the hazard classification(s) included in the design.

APPENDIX C   
FIRE HYDRANT LOCATIONS AND DISTRIBUTION

Section C103.1 of Appendix C is amended to read as follows:

Section C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the California Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be approved by the fire code official.

Section C103.2 of Appendix C is deleted.

Section C103.3 of Appendix C is deleted.

(Ord. No. 1023, § 2, 11-15-2022)

15.02.120 Amendments Made to Appendix A of the 2018 International Wildland-Urban Interface Code.

INTERNATIONAL WILDLAND-URBAN INTERFACE   
APPENDIX A

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

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

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

Section A104.11 - Tracer Bullets, Tracer Charges, Rockets and Model Aircraft. Tracer bullets and tracer charges shall not be possessed, fired or caused to be fired into or across hazardous fire areas. Rockets, model planes, gliders and balloons powered with an engine, propellant or other feature liable to start or cause a fire shall not be fired or projected into or across hazardous fire areas.

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

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

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

Section A104.13 APIARIES. Lighted or smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas except by permit from the Fire Code Official.

(Ord. No. 1023, § 2, 11-15-2022)

15.02.130 Findings.

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

(a) Climatic.

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

(2) Humidity generally ranges from fifty percent during the daytime to eighty-six percent at night. It drops to twenty percent and lower during the summer months

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

(4) Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another due to the area's topography and location. Velocities are generally in the five to fifteen miles per hour range, gusting to twenty to thirty miles per hour, particularly during the summer months. Extreme winds up to fifty miles per hour have been known to occur.

(5) Because of climatic conditions, the County of Marin has experienced water rationing in recent years, including a mandatory thirty-five percent reduction in 1989 and twenty percent in 2015. Water shortages can be expected in future years due to limited storage capacities in Marin, increased domestic consumption and weather patterns that reduce the already minimal annual rainfall. While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

(b) Geologic.

(1) The town of Corte Madera is geologically mixed with three classifications of rock: igneous, metamorphic, and sedimentary. The outstanding material is volcanic in origin with ridges of serpentine reaching in excess of seven hundred feet in elevation.

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

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

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

(c) Topographic.

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

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

(3) Many of the commercial buildings in Corte Madera were largely built long before present code requirements existed. Consequently, many of these structures do not meet even minimal standards for fire protection and life safety. Wood frame construction of older buildings, especially those in mountainous areas, creates an adverse exposure problem, not only in being easily ignited by an adjacent structure fire, but also in contributing to the extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the town has shown flying embers will start secondary fires after blowing in the air.

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

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

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

The following table lists the California Fire Code sections that have been modified pursuant to Section 15.02.110 of this code and the corresponding local climatic, geological and topographical condition findings that necessitate each amendment, addition, or deletion.

|  |  |
| --- | --- |
| CA Fire Code Section No. | Local Condition Finding |
| 202 | 1c, 2a, 2b, 2d, 3a, 3b |
| 302.1 | 2b, 2d, 3a, 3b, 3c, 3d |
| 324 | 2b, 2d, 3a, 3b, 3c, 3d |
| 401.1.1 | 2c, 2d, 3a, 3b, 3c, 3d |
| 401.3.2.1-401.3.2.2 | 2a, 2c, 2d, 3a, 3b, 3c |
| 402.1 | 2b, 2d, 3a, 3b, 3c, 3d |
| 403.1.1 | 2a, 2b, 2c, 2d, 3a, 2g |
| 403.9.1.4 | 2a, 2b, 2c, 2d, 2e, 2g |
| 502.1 | 2a, 2c, 2d, 2e, 2f, 2g |
| 503.1 | 2a, 2c, 2d, 2e, 2f, 2g |
| 503.1.4 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.1.5-503.1.5.3 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.2.1 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.2.6.1 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.4 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.4.2 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.6.1 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.6.2 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 503.6.3 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 507.5.1 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 507.5.1.1 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 507.5.7 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| 510.1 | 2a, 2b, 2c, 2d, 3d |
| 901.7 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 902.1 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 903.2 - 903.2.4 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 903.3.9 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 903.6.1 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 906.11 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 907.2.13.1.2 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 907.6.6 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 907.8.5 | 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 918-918.3 | 1b, 1c, 1d, 1e, 2c, 2d |
| 1208-1208.8 | 2b, 2d, 3a, 3b, 3c, 3d |
| 3314.3 | 2a, 2b, 2c, 2d, 3d |
| 3315.3 | 2a, 2b, 2c, 2d, 3d |
| 3315.4 | 2a, 2b, 2c, 2d, 3d |
| 4902.1 | 1a, 1b, 1c, 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 4903.2.1.1-4903.2.2 | 1a, 1b, 1c, 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 4906.2-4906.4.2.1 | 1a, 1b, 1c, 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 4907.2 - 4907.4 | 1a, 1b, 1c, 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 4907.5 | 1a, 1b, 1c, 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| 5608.1.2 - 5608.2 | 2a, 2c, 2d, 3a, 3b, 3c, 3d |
| Chapter 80 | 1a, 1b, 1c, 2a, 2b, 2c, 2d, 3a, 3b, 3c, 3d |
| Appendix B | 2a, 2b, 2c, 2d, 3a, 3b, 3c |

(Ord. No. 1023, § 2, 11-15-2022)

15.02.140 Appeals.

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

(Ord. No. 1023, § 2, 11-15-2022)

15.02.150 Penalties.

(a) Any person who violates any of the provisions of the California Fire Code, as adopted and amended herein, or any other section, subsection, or provision of this chapter, or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the fire code official, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment. The prosecuting authority may, however, in its discretion charge or reduce any violation to an infraction punishable as stated by Government Code Section 36900(c). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) Violations of the California Fire Code or this chapter shall be subject to administrative fines as set forth in Chapter 9.05 of the town municipal code.

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

(Ord. No. 1023, § 2, 11-15-2022)

15.02.160 Former ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of the ordinance from which this chapter is derived or the code hereby adopted are hereby repealed.

(Ord. No. 1023, § 2, 11-15-2022)

15.02.170 Validity.

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

(Ord. No. 1023, § 2, 11-15-2022)

## Chapter 15.03 RESIDENTIAL CODE[[3]](#footnote-3)

15.03.010 Adoption by reference.

The 2022 California Residential Code, known as Part 2.5, Title 24 of the California Code of Regulations, excluding all but the following Appendix Chapters: Appendix Chapter AH, Patio Covers -, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

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

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

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.020 Addition—Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.030 Addition—Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.040 Addition—Chapter 1, Division I, Section 1.8.9.5.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.050 Addition—Chapter 1, Division I, Section 1.8.9.6.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.060 Addition—Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.070 Addition—Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.080 Addition—Chapter 1, Division I, Section 1.8.9.9.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.090 Deletion—Chapter 1, Division II, Section R104.10.1.

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.092 Amendment—Chapter 1, Division II, Section R105.2.

Section R105.2, Work Exempt from Permit, is amended to read as follows:

Building: (1) is revised to read as follows:

1. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 120 square feet and the structure contains no plumbing, electrical or heating appliances.

Building: (2) is amended to read as follows:

2. Fences not over 7 feet high, except that masonry, concrete and stone fences in excess of 3 feet high shall require a building permit.

Building: (6) is amended to read as follows:

6. Painting, papering, tiling, carpeting, millwork, counter tops and similar finish work.

Building: (10) is amended to read as follows:

10. Decks not exceeding 200 square feet in area that are not more than 30 inches above grade at any point, are not attached to a dwelling, and are not part of any path of egress from the dwelling.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.100 Deletion—Chapter 1, Division II, Section R105.3.1.1.

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.110 Amendment—Chapter 1, Division II, Section R108.3.

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

R108.3 Building Permit Valuations. The applicant for a permit shall provide an estimated valuation of proposed work at time of application. Permit valuation shall include the total fair market value of work, including materials and labor, for all elements of the construction. If in the opinion of the building official the valuation is underestimated, the final building permit valuation may be set by the building official.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.120 Deletion—Chapter 1, Division II, Section R109.1.3.

Section R109.1.3, Flood Plain Inspections, is repealed in its entirety.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.130 Amendment—Chapter 1, Division II, Section R112.1.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.140 Amendment—Chapter 1, Division II, Section R112.2.

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

112.2 Definitions. Whenever used in any section of this Chapter, the terms "Housing Appeals Board" and "Local Appeals Board" shall each refer to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.170 Amendment—Chapter 1, Division II, Section R112.3.

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

R112.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapters 15.03 of the Corte Madera Municipal Code, may appeal the issue for resolution to the building code appeals board.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.180 Addition—Chapter 1, Division II, Section R115.

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.190 Addition—Chapter 1, Division II, Section R115.1.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.200 Addition—Chapter 1, Division II, Section R115.2.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.210 Addition—Chapter 1, Division II, Section R115.3.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.215 Addition—Chapter 1, Division II, Section R115.4.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.218 Addition—Chapter 1, Division II, Section R115.5.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.220 Addition—Chapter 1, Division II, Section R115.6.

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

R115.6 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.230 Addition—Chapter 1, Division II, Section R115.7.

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

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

(Ord. No. 1022, § 2, 11-15-2022)

15.03.236 Amendment—Chapter 9, Section R902.

Section R902.1.3, Roofing Requirements in Wildland-Urban Interface Fire Areas, is amended to read as follows:

R902.1.3 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements for structures located in a Wildland-Urban Interface (WUI) Fire Area shall be a minimum Class A roof covering and shall also comply with the provisions of California Residential Code Section 337.5.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.240 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 2, 11-15-2022)

15.03.250 No mandatory duty.

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

(Ord. No. 1022, § 2, 11-15-2022)

## Chapter 15.04 WILDLAND-URBAN INTERFACE CODE

**Sections:**

15.04.010 Adoption of the 2006 International Wildland-Urban Interface Code.

The International Wildland-Urban Interface Code, 2006 Edition, including Appendix Chapter A, as published by the International Code Council, is adopted by reference herein as amended by this chapter as the Wildland-Urban Interface Code of the town of Corte Madera, 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 Wildland-Urban Interface Code on file in the office of the town of Corte Madera are referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter of which code not less than one copy is filed in the office of the fire marshal of the Corte Madera fire department and the same are adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provision thereof shall be controlling within the limits of the town of Corte Madera.

(Ord. 905 § 1 (part), 2008)

15.04.020 Amendments made to Chapter 1 of the 2006 International Wildland-Urban Interface Code.

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

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

**101.5 Additions or alterations.** Additions or exterior alterations may be made to any building or structure without requiring the unaltered portion of the building or structure to comply with all of the requirements of this code provided that the additions or exterior alterations do not constitute a substantial remodel and provided that the addition or exterior alteration conforms to that which is required for a new building or structure by this code.

Exception: Provisions of this code that specifically apply to existing conditions, buildings or structures shall be applied to any and all existing conditions, buildings, or structures regulated by this code. 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 is created when 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.

As used in this chapter, the terms "addition" and "alteration" do not include any "repair" as defined in the most recent edition of the California Building Code in effect when the work is performed.

(b) Section 101.6 of Chapter 1 is 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 regulated by this code shall be maintained in conformance with the regulations of the edition of this code adopted by the Town under which the same were installed or improved in any manner requiring a permit to be obtained under this code. The real property owner or the real property owner's designated agent shall be responsible for the maintenance of buildings, structures, access roads, water supplies, landscape materials and vegetation existing on the owner's property in conformity with the regulations of the edition of this code adopted by the Town under which the same were installed or improved in any manner requiring a permit to be obtained under this code.

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

**Section 102.2 Interpretation 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 with the intent and purpose of this code. A copy of such rules and regulations shall be filed with the clerk of the town of Corte Madera and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

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

**103.3 Alternative materials or methods.** The code official 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.

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

**105.2 Permits required.** Unless otherwise exempted, no building or structure located within a designated Wildland-Urban Interface Area 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, in addition to all other applicable permits required by the Municipal Code a permit shall be obtained for the following activities, operations, practices or functions within a Wildland-Urban Interface Area:

1. Implementation of a Fire Protection Plan

2. Implementation of a Vegetation Management Plan

(f) Section 105.8 of Chapter 1 is 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 construction, activity or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building construction, activity or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work has been commenced.

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.

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

**106.1 General.** Plans, engineering calculations, diagrams and other data in compliance with the provisions of this code 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 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 the code official finds that the nature of the work applied for is such that reviewing of plans by an architect or engineer licensed by the state to practice is not necessary to obtain compliance with this code.

(h) Section 106.3 of Chapter 1 is 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.

(i) Section 106.6 of Chapter 1 is 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.

(j) Section 106.7 of Chapter 1 is 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.

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

**106.8 Retention of plans.** All approved plans shall be maintained by the code official for the life of the structure.

(l) Section 107.1.1 of Chapter 1 is 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 town of Corte Madera 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 town of Corte Madera.

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

(m) Section 108 of Chapter 1 is 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.

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 town of Corte Madera. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the town of Corte Madera shall not be valid.

(Ord. 907 § 1, 2008: Ord. 905 § 1 (part), 2008)

15.04.030 Amendments made to Chapter 2 of the 2006 International Wildland-Urban Interface Code.

(a) Section 202 of Chapter 2 is amended by adding the following definitions:

**NWCG.** National Wildfire Coordinating Group.

**SUBSTANTIAL REMODEL - EXTERIOR.** The alteration, modification, improvement, conversion, repair, or renovation of the exterior surface of any structure, which combined with the exterior surface of any additions to the structure, affects an exterior surface area which exceeds fifty percent of the existing exterior surface area of the structure. Exterior surface includes wall surfaces, windows, doors, and horizontal deck surfaces. 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.** Any geographical area within the Town identified by the state as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or designated by an ordinance of the Town Council to be a "Wildland-Urban Interface Fire Area".

(b) Section 202 of Chapter 2 is amended by deleting all of the following definitions:

**FUEL, HEAVY.**

**FUEL, LIGHT.**

**FUEL, MEDIUM.**

**IGNITION-RESISTANT CONSTRUCTION, CLASS 1.**

**IGNITION-RESISTANT CONSTRUCTION, CLASS 2.**

**IGNITION-RESISTANT CONSTRUCTION, CLASS 3.**

(Ord. 905 § 1 (part), 2008)

15.04.040 Amendments made to Chapter 3 of the 2006 International Wildland-Urban Interface Code.

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

**302.1 Declaration.** The Town Council shall declare the Wildland-Urban Interface Fire Areas within the town of Corte Madera. The Wildland-Urban Interface Fire Areas shall be based on the findings of fact as prescribed by the California Health and Safety Code. The Wildland-Urban Interface Fire 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.

(Ord. 905 § 1 (part), 2008)

15.04.050 Amendments made to Chapter 4 of the 2006 International Wildland-Urban Interface Code.

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

**402.1.1 Access.** New subdivisions, as may be approved by the Town, shall be provided with fire apparatus access roads in accordance with the California Fire Code and access requirements in accordance with Section 403.

(b) Section 402.2.1 is deleted and the following language substituted in its place:

**402.2.1 Access.** Individual buildings or structures hereafter constructed, or meeting the definition of substantial remodel - exterior, or buildings or structures relocated into or within Wildland-Urban Interface Fire 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.

(c) Section 402.2.2 is deleted and the following language substituted in its place:

**402.2.2 Water supply.** Individual buildings or structures hereafter constructed, or meeting the definition of substantial remodel - exterior, or buildings or structures relocated into or within Wildland-Urban Interface Fire 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.

(d) Section 403.1 is 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.

(e) Section 403.2 of Chapter 4 is 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 more than 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.

(f) Section 403.6 of Chapter 4 is 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 intended 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.

(g) Section 403.7 of Chapter 4 is 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%.

**Exception:** Where alternate means of protection are approved by the Chief.

(h) Section 404.1 of Chapter 4 is 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 Wildland-Urban Interface Fire Area of the town of Corte Madera 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.

(i) Section 404.2 of Chapter 4 is 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.

(j) Section 404.5 of Chapter 4 is 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 established by the Town Council from time to time may be charged for the purpose of upgrading existing municipal fire flow to defray the costs to the Town of accommodating the needs of the property.

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 established by the Town Council from time to time may be charged for the purpose of upgrading existing municipal fire flow to defray the costs to the Town of accommodating the needs of the property.

(k) Section 404.9 of Chapter 4 is 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.

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

**404.10.3 Standby power.** Stationary water supply facilities within the Wildland-Urban Interface Fire Area that are dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the most recently adopted version of the California 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.

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

**405.2 Content.** The fire protection 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.

(n) Section 405.4 of Chapter 4 is 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.

(o) Section 406 of Chapter 4 is added to read as follows:

**SECTION 406. VEGETATION MANAGEMENT PLAN**

**406.1 General.** When required by the code official to protect against destruction caused by fire and for life safety purposes, a vegetation management plan shall be prepared by the property owner.

**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 a minimum:

1. The entire "plan content" elements described in narrative form.

2. Not less than three (3) complete plan sets shall 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.

(Ord. 905 § 1 (part), 2008)

15.04.060 Amendments made to Chapter 5 of the 2006 International Wildland-Urban Interface Code.

(a) Chapter 5 is deleted in its entirety and the following chapter substituted in its place:

**Chapter 5.**

**MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE**

**SECTION 501 SCOPE, PURPOSE AND APPLICATION**

**501.1 - Purpose.** The purpose of this Chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Wildland-Urban Interface Fire Area to resist the intrusion of flame or burning embers projected by a vegetation fire and to contribute to a systematic reduction in conflagration losses.

**501.2 - Scope.** This chapter provides those building materials, systems, and/or assemblies that may be used in the exterior design and construction of new or relocated buildings or buildings meeting the definition of substantial remodel - exterior within a Wildland-Urban Interface Fire Area as defined in Section 202.

**Exceptions:**

1. Accessory structures not exceeding 120 square feet in floor area when located at least 50 feet from buildings containing habitable spaces.

**501.3. Application.**

The building standards of Chapter 7A of the California Building Code will apply to construction in a designated wildland-urban interface fire area of a new building or structure, or a building or structure where all additions and or alterations considered cumulatively over a continuous 24 month period would meet the definition of a substantial remodel - exterior, and all building permit applications for work within the 24-month period were submitted on or after the effective date of Ordinance Number 905 (April 18, 2008).

Exception: The building standards of Chapter 7A shall not apply to projects for which a development application has been deemed "complete" prior to the effective date of Ordinance Number 905 (April 18, 2008).

Exceptions to these provisions may be granted by the Chief when alternate means of protection are provided as approved by the Chief.

(Ord. 907 § 2, 2008: Ord. 905 § 1 (part), 2008)

15.04.070 Amendments made to Chapter 6 of the 2006 International Wildland-Urban Interface Code.

**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. In accordance with Government Code section 51182(b), a person is not required under this section to maintain any defensible space on any property that the person does not have the legal right to maintain, nor is any person required to enter upon or to damage property that is owned by any other person without the consent of the owner of the property.

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 deleted.

Figure 603.2 of Chapter 6 is deleted.

(Ord. 905 § 1 (part), 2008)

15.04.080 Findings.

(a) Findings. The town council of the town of Corte Madera has determined and finds that the adoption of the 2006 Edition of the International Wildland-Urban Interface Code with the above changes or modifications are needed and are reasonably necessary because of local climatic, geologic and topographic conditions as described below.

(b) Local Conditions. Local conditions have an adverse effect on the prevention of: (1) major loss fires, (2) major earthquake damage, and (3) the potential for life and property loss resulting from fires occurring within the town, making necessary changes or modifications to the 2006 International Wildland-Urban Interface Code in order to provide a reasonable degree of property security and fire and life safety in this jurisdiction.

Below are listed adverse local climatic, geologic and topographic conditions.

(1) Climatic.

(a) Precipitation. Precipitation ranges from fifteen to forty-two inches per year with an average of approximately twenty-five inches per year. Approximately ninety percent falls during the months of November through April, and ten percent from May through October.

(b) Relative Humidity. Humidity generally ranges from fifty percent during daytime to eight-six percent at night. It drops to twenty percent during the summer months and occasionally drops lower.

(c) Temperatures. Temperatures have been recorded as high as one hundred four degrees Fahrenheit. Average summer highs are in the seventy-eight degree to eighty-five degree range.

(d) Winds. Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the five to fifteen mph range, gusting to twenty to thirty mph, particularly during the summer months. Extreme winds, up to fifty mph, have been known to occur.

(e) Summary. These local climatic conditions accelerate the speed, intensify the degree, and increase the size, of fire in the community. Wood shake and shingle roof types proliferate within the town. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another, commonly found in Corte Madera. During wood shake and shingle roof fires, or exposure fires, strong winds, such as those regularly experienced by the town, can carry sparks and burning brands to other structures in close proximity, thus spreading the fire and causing conflagrations. In building fires, strong winds can literally force fires back into the building and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts. These conditions make it difficult to stop a fire after it has begun, increases the need to rapidly reach the fire before it spreads or intensifies, and increases the risks of property damage, personal injury and loss of life resulting from the fire.

(2) Geologic.

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

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

(c) The relatively young geological processes that have created the San Francisco Bay Area are still active today. The district sits between two active earthquake faults (San Andreas and the Hayward/-Calaveras) and numerous potentially active faults. One hundred percent of the town is in the strong to violent seismic hazard zones.

(d) Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. The majority of the town's industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. The town's resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single-dwelling or structure fires. The greater risk of earthquakes results in a higher likelihood of a fire which could lead to substantial damage or loss of life within the town.

(3) Topographic.

(a) Because of the differing topography of Corte Madera, the characteristics of the fire environment changes from one location to the next. Therefore, the town has not one, but a number of fire environments, each of which has its individual fire protection needs.

(b) The service area of the Corte Madera has a varied topography and vegetative cover. A conglomeration of bay plains, hills and ridges make up the terrain. Development has occurred on the flat lands in the central portion of the district. Development in the hillside areas on the west and south sides of town is predominantly limited to residential remodeling and additions.

(c) Many of the buildings in Corte Madera were built long before present code requirements existed. Consequently, many of these structures do not meet even minimal standards for fire protection and life safety. Wood frame construction of older buildings, especially those in mountainous areas, creates an adverse exposure problem, not only in being easily ignited by an adjacent structure fire, but also in contributing to the extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the town has shown flying embers will start secondary fires after blowing in the air.

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

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

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

(g) There is much diversity in slope percentages. Christmas Tree Hill slopes run from nearly level to over seventy percent.

(h) Corte Madera's semi-arid Mediterranean-type climate produces vegetation similar to that of most of Marin County, with specific growth locale a result of topography and prevailing wind. The south facing exposure is primarily rye grass, highly flammable brush, with occasional clumps of bay and oak trees in the more sheltered pockets. The north facing slopes are heavily wooded from lower elevations to ridge with oak and bay trees and minor shrubs of the general chaparral class.

(i) Historic development of the residential community extended into areas of heavier vegetation and has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view. Of particular recent note is the increase in dead down fuel and litter accumulation directly associated with the dead oak syndrome, which has heightened the risk of fire being caused and spreading in many areas of the town.

(4) Summary. The above local climatic, geologic, and topographic conditions serve to increase the magnitude, exposure, and access problems characteristic of fire hazards existing within the town of Corte Madera.

Other special circumstances that may tend to increase and intensify the fire hazards facing the town are:

(a) The extent of damage that may be done to the water system serving properties in the area in times of fire. There are areas within the town in which there are no water mains at all constructed. Meadow Valley has no water main supply to serve properties in the area, other than domestic, and there is minimal water supply that can serve properties along Casa Buena Drive. An insufficient water supply will increase the risk of a fire not being able to be controlled and increasing in degree and in the number of properties being affected after it has begun;

(b) The extent of isolation experienced by town residents in the event that a fire or other catastrophe beginning a fire causes the bridge and/or freeway overpass to collapse;

(c) The extent of roadway damage and/or amount of debris blocking the roadways of the town in the event of a fire;

(d) Climatic conditions (hot, dry weather with high winds) which increase the risk and spread of fire;

(e) Time of day will influence the amount of traffic on roadways which would present an obstacle to timely respond to a fire and could intensify the risk to life during normal business hours when traffic is busiest. The town of Corte Madera covers approximately four square miles including a population estimated at nine thousand one hundred. Many town residents commute to work in other cities which increases the traffic within the town. There are two fire stations and a total of twenty career and twenty volunteer fire department personnel. The fire department handles diverse responsibilities including wildland, urban, freeway, and paramedical.

(f) The availability of timely mutual aid or military assistance is an important factor in the ability to respond to fires. The town depends heavily on mutual aid resources for even a single-dwelling structure fire. In a widespread disaster, those resources would be unavailable.

(g) The close proximity of residences and large portion of dwellings with wood shingle roof coverings within wildland-urban interface fire areas could result in conflagrations that spread rapidly from residence to residence.

(5) Conclusion. Local climatic, geologic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore it is found to be reasonably necessary that the 2006 Edition of the International Wildland-Urban Interface Code be adopted as amended herein to mitigate the effects of the above conditions.

(Ord. 905 § 1 (part), 2008)

15.04.090 Appeals.

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

(Ord. 905 § 1 (part), 2008)

15.04.100 Penalties.

(a) Any person who violates any of the provisions of the Wildland-Urban Interface Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who violates any provisions of this chapter, or who builds in violation of any specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Corte Madera fire department, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

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

(c) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. 905 § 1 (part), 2008; Ord. No. 1007, § 6, 6-15-2021)

## Chapter 15.05 ELECTRICAL CODE[[4]](#footnote-4)

15.05.010 Adoption by reference.

The 2022 California Electrical Code, known as Part 3, Title 24 of the California Code of Regulations, including all tables and annex chapters, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following sections of this chapter.

(Ord. No. 1022, § 3, 11-15-2022)

15.05.020 Addition—Section 89.108.9.3.

Section 89.108.9.3, Conditions, is added as follows:

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

(Ord. No. 1022, § 3, 11-15-2022)

15.05.030 Addition—Section 89.108.9.4.

Section 89.108.9.4, Record, is added as follows:

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

(Ord. No. 1022, § 3, 11-15-2022)

15.05.040 Addition—Section 89.108.9.5.

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

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

(Ord. No. 1022, § 3, 11-15-2022)

15.05.050 Addition—Section 89.108.9.6.

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

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

(Ord. No. 1022, § 3, 11-15-2022)

15.05.060 Addition—Section 89.108.9.7.

Section 89.108.9.7, Restoration, is added as follows:

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

(Ord. No. 1022, § 3, 11-15-2022)

15.05.070 Addition—Section 89.108.9.8.

Section 89.108.9.8, Nuisance Proceedings, is added as follows:

89.108.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 3, 11-15-2022)

15.05.080 Addition—Section 89.108.9.9.

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

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

(Ord. No. 1022, § 3, 11-15-2022)

15.05.090 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 3, 11-15-2022)

15.05.100 No mandatory duty.

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

(Ord. No. 1022, § 3, 11-15-2022)

## Chapter 15.06 MECHANICAL CODE[[5]](#footnote-5)

15.06.010 Adoption by reference.

The 2022 California Mechanical Code, known as Part 4, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

(a) Mechanical Code Chapter 1, Division I shall apply to state-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

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

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

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.020 Addition—Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.030 Addition—Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.040 Addition—Chapter 1, Division I, Section 1.8.9.5.

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

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.050 Addition—Chapter 1, Division I, Section 1.8.9.6.

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

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.060 Addition—Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.070 Addition—Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.080 Addition—Chapter 1, Division I, Section 1.8.9.9.

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

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.090 Addition—Chapter 1, Division II, Section 106.7.

Section 106.7, Record, is added as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.100 Addition—Chapter 1, Division II, Section 106.8.

Section 106.8, Notice and Order, is added as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.110 Addition—Chapter 1, Division II, Section 106.9.

Section 106.9, Method of Service, is added as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.120 Addition—Chapter 1, Division II, Section 106.10.

Section 106.10, Restoration, is added as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.130 Addition—Chapter 1, Division II, Section 106.11.

Section 106.11, Nuisance Proceedings, is added as follows:

106.11 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.140 Addition—Chapter 1, Division II, Section 106.12.

Section 106.12, Staying of Order, is added as follows:

106.12 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 106.9.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.150 Amendment—Chapter 1, Division II, Section 107.1.

Section 107.1, General, is deleted and replaced to read as follows:

107.1 General. The building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.160 Amendment—Chapter 1, Division II, Section 107.2.

Section 107.2, Limitations on Authority, is amended to read as follows:

107.2 Definitions. Whenever used in any section of this Chapter, the terms "Housing Appeals Board" and "Local Appeals Board" shall each refer to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.170 Addition—Chapter 1, Division II, Section 107.3.

Section 107.3, Appeals, is added as follows:

107.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.06 of the Corte Madera Municipal Code, may appeal the issue for resolution to the building code appeals board.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.190 Amendment—Chapter 1, Division II, Section 104.5.

Section 104.5, General, is deleted and replaced to read as follows:

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

(Ord. No. 1022, § 4, 11-15-2022)

15.06.200 Deletion—Chapter 1, Division II, Section 104.3.2

Section 104.3.2, Plan Review Fees, is deleted in its entirety.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.210 Deletion—Chapter 1, Division II, Table 104.5.

Table 104.5, Mechanical Permit Fees, is deleted in its entirety.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.220 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 4, 11-15-2022)

15.06.230 No mandatory duty.

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

(Ord. No. 1022, § 4, 11-15-2022)

## Chapter 15.07 PLUMBING CODE[[6]](#footnote-6)

15.07.010 Adoption by reference.

The 2022 California Plumbing Code, known as Part 5, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter except as modified by the following subsections of this section and the following sections of this chapter:

(a) Plumbing Code Chapter 1, Division I shall apply to state-regulated buildings, structures and applications set forth by Section 1.1.3.2 of Chapter 1, Division I.

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

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

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.020 Addition—Chapter 1, Division I, Section 1.8.9.3.

Section 1.8.9.3, Conditions, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.030 Addition—Chapter 1, Division I, Section 1.8.9.4.

Section 1.8.9.4, Record, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.040 Addition—Chapter 1, Division I, Section 1.8.9.5.

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

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.050 Addition—Chapter 1, Division I, Section 1.8.9.6.

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

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.060 Addition—Chapter 1, Division I, Section 1.8.9.7.

Section 1.8.9.7, Restoration, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.070 Addition—Chapter 1, Division I, Section 1.8.9.8.

Section 1.8.9.8, Nuisance Proceedings, is added as follows:

1.8.9.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.080 Addition—Chapter 1, Division I, Section 1.8.9.9.

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

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.090 Addition—Chapter 1, Division II, Section 106.7.

Section 106.7, Record, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.100 Addition—Chapter 1, Division II, Section 106.8.

Section 106.8, Notice and Order, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.110 Addition—Chapter 1, Division II, Section 106.9.

Section 106.9, Method of Service, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.120 Addition—Chapter 1, Division II, Section 106.10.

Section 106.10, Restoration, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.130 Addition—Chapter 1, Division II, Section 106.11.

Section 106.11, Nuisance Proceedings, is added as follows:

106.11 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.140 Addition—Chapter 1, Division II, Section 106.12.

Section 106.12, Staying of Order, is added as follows:

106.12 Staying of Order. Except as otherwise provided by this paragraph, if the owner fails to take those actions required by the building official in the notice and order, the building official shall not compel the owner to take such action until such time as the Town Council or a court with proper jurisdiction orders the nuisance to be abated. An order to vacate the building or structure in the notice and order shall be exempt from the provisions of this paragraph and is enforceable upon proper service being made under the provisions of Section 106.9.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.150 Amendment—Chapter 1, Division II, Section 107.1.

Section 107.1, Board of Appeals, is deleted and replaced to read as follows:

107.1 General. The building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.160 Addition—Chapter 1, Division II, Section 107.2.

Section 107.2, Definitions, is added as follows:

107.2 Definitions. Whenever used in any section of this Chapter, the terms "Housing Appeals Board" and "Local Appeals Board" shall each refer to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.170 Addition—Chapter 1, Division II, Section 107.3.

Section 107.3, Appeals, is added as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.180 Addition—Chapter 1, Division II, Section 107.4.

Section 107.4, Limitations of Authority, is added to read as follows:

107.4 Limitations of Authority. The building code appeals board shall have no authority relative to interpretation of the administrative provisions of this code, nor shall the board be empowered to waive requirements of this code.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.190 Amendment—Chapter 1, Division II, Section 104.5.

Section 104.5, Fees, is deleted and replaced to read as follows:

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

(Ord. No. 1022, § 5, 11-15-2022)

15.07.200 Deletion—Chapter 1, Division II, Section 104.3.2.

Section 104.3.2, Plan Review Fees, is deleted in its entirety.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.210 Deletion—Chapter 1, Division II, Table 104.5.

Table 104.5, Plumbing Permit Fees, is deleted in its entirety.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.220 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 5, 11-15-2022)

15.07.230 No mandatory duty.

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

(Ord. No. 1022, § 5, 11-15-2022)

## Chapter 15.08 ENERGY CODE[[7]](#footnote-7)

15.08.010 Adoption by reference.

The 2022 California Energy Code, known as Part 6, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

(Ord. No. 1022, § 6, 11-15-2022)

15.08.020 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 6, 11-15-2022)

15.08.030 No mandatory duty.

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

(Ord. No. 1022, § 6, 11-15-2022)

## Chapter 15.09 HISTORIC BUILDING CODE[[8]](#footnote-8)

15.09.010 Adoption by reference.

The 2022 California Historic Building Code, known as Part 8, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter.

(Ord. No. 1022, § 7, 11-15-2022)

15.09.020 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 7, 11-15-2022)

15.09.030 No mandatory duty.

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

(Ord. No. 1022, § 7, 11-15-2022)

## Chapter 15.11 EXISTING BUILDING CODE[[9]](#footnote-9)

15.11.010 Adoption by reference.

The 2022 California Existing Building Code, known as Part 10, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter.

(Ord. No. 1022, § 8, 11-15-2022)

15.11.020 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 8, 11-15-2022)

15.11.030 No mandatory duty.

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

(Ord. No. 1022, § 8, 11-15-2022)

## Chapter 15.13 GREEN BUILDING STANDARDS CODE[[10]](#footnote-10)

15.13.010 Adoption by reference.

The 2022 California Green Building Standards Code, known as Part 11, Title 24 of the California Code of Regulations, including all appendices, is hereby adopted by reference as though fully set forth in this chapter.

(Ord. No. 1022, § 9, 11-15-2022)

15.13.020 Amendment—Section 202 of Chapter 2.

Section 202 Definitions is added as follows.

Automatic Load Management System (ALMS). A control system designed to manage load across one or more electric vehicle supply equipment (EVSE), circuits, panels and to share electrical capacity and/or automatically manage power at each connection point. ALMS systems shall be designed to deliver no less than 3.3 kVa (208/240 volt, 16-ampere) to each EV Capable, EV Ready or EVCS space served by the ALMS, and meet the requirements of California Electrical Code Article 625. The connected amperage to the building site for the EV charging infrastructure shall not be lower than the required connected amperage per California Green Building Standards Code, Title 24 Part 11.

Direct Current Fast Charging (DCFC). A parking space provided with electrical infrastructure that meets the following conditions:

(a) A minimum of 48 kVa (480 volt, 100-ampere) capacity wiring.

(b) Electric vehicle supply equipment (EVSE) located within three (3) feet of the parking space providing a minimum capacity of 80-ampere.

Electric Vehicle Charging Station (EVCS). One or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. Electric vehicle charging stations are not considered parking spaces. A parking space that includes installation of electric vehicle supply equipment (EVSE) at an EV Ready space. An EVCS space may be used to satisfy EV Ready space requirements. EVSE shall be installed in accordance with the California Electrical Code, Article 625.

Electric Vehicle (EV) Ready Space. [HCD] A vehicle space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

Electric Vehicle (EV) Capable Space. A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

Level 2 (L2) EV Capable. A parking space provided with electrical infrastructure that meets the following requirements:

(a) Conduit that links a listed electrical panel with sufficient capacity to a junction box or receptacle located within three (3) feet of the parking space.

(b) The conduit shall be designed to accommodate at least 8.3 kVa (208/240 volt, 40-ampere) per parking space. Conduit shall have a minimum nominal trade size of 1 inch inside diameter and may be sized for multiple circuits as allowed by the California Electrical Code. Conduit shall be installed at a minimum in spaces that will be inaccessible after construction, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits, and such additional elements deemed necessary by the Building Official. Construction documents shall indicate future completion of conduit from the panel to the parking space, via the installed inaccessible conduit.

(c) The electrical panel shall reserve a space for a 40-ampere overcurrent protective device space(s) for EV charging, labeled in the panel directory as "EV CAPABLE."

(d) Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes.

(e) The parking space shall contain signage with at least a 12" font adjacent to the parking space indicating the space is EV Capable.

Level 1 (L1) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

(a) A minimum of 2.2 kVa (110/120 volt, 20-ampere) capacity wiring.

(b) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.

(c) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

Level 2 (L2) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

(a) A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.

(b) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

Low Power Level 2 (L2) EV Ready. A parking space that is served by a complete electric circuit with the following requirements:

(a) A minimum of 4.1 kVA (208/240 Volt, 20-ampere) capacity wiring.

(b) A receptacle labeled "Electric Vehicle Outlet" or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 16-ampere.

(c) Conduit oversized to accommodate future Level 2 EV Ready (208/240 volt, 40-ampere) at each parking space.

Off-Street Loading Spaces. [BSC-CG, DSA-SS] An area, other than a public street, public way, or other property (and exclusive of off-street parking spaces), permanently reserved or set aside for the loading or unloading of motor vehicles, including ways of ingress and egress and maneuvering areas. Whenever the term "loading space" is used, it shall, unless the context clearly requires otherwise, be construed as meaning off-street loading space. This excludes designated passenger loading/unloading.

(Ord. No. 1022, § 9, 11-15-2022)

15.13.030 Amendment—Section 4.106.4.

Section 4.106.4, Electric Vehicle (EV) Charging for New Construction, is deleted and replaced in its entirety to read as follows:

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Section 4.106.4.1 or 4.106.4.2 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:

1.1. Where there is no local utility power supply or the local utility is unable to supply adequate power.

1.2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 4.106.4, may adversely impact the construction cost of the project.

2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities.

3. Building projects that have approved entitlements before the code effective date.

4. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

4.106.4.1 New one- and two-family dwellings and town-houses with private garages. For each dwelling unit, a dedicated 208/240-volt branch circuit shall be installed in the raceway required by Section 4.106.4.1. The branch circuit and associated overcurrent protective device shall be rated at 40 amperes minimum. Other electrical components, including a receptable or blank cover, related to this section shall be installed in accordance with the California Electrical Code.

4.106.4.2 New multifamily dwellings, and new residential parking facilities. When parking is provided, parking spaces for new multifamily dwellings, hotels and motels shall meet the requirements of Sections 4.106.2.1 and 4.106.4.2.2. Calculations for spaces shall be rounded up to the nearest whole number. A parking space served by electric vehicle supply equipment or designed as a future EV charging space shall count as at least one standards automobile parking space only for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction. See Vehicle Code Section 22511.2 for further details. Requirements apply to parking spaces that are assigned or leased to individual dwelling units, as well as unassigned residential parking. Visitor or common area parking is not included.

4.106.4.2.1 Multifamily development projects. The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

Fifteen percent (15%) of dwelling units with parking spaces shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Eighty-five percent (85%) of dwelling units with parking spaces shall be provided with a Low Power Level 2 EV Ready space. EV ready spaces and EVCS in multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A. EVCS shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B.

Notes:

a. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.

b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.

4.106.4.2.2 Hotels and motels.

The number of dwelling units, sleeping units or guest rooms shall be based on all buildings on a project site subject to this section.

Ten percent (10%) of parking spaces provided shall be EVCS with Level 2 EV Ready. ALMS shall be permitted to reduce load when multiple vehicles are charging. Thirty-five percent (35%) of parking spaces provided shall be Low Power Level 2 EV Ready space. Ten percent (10%) of parking spaces provided shall be Level 2 EV Capable.

When new parking facilities are added and ALMS is installed, the ALMS system must be designed to deliver no less than 2.2 kVa (110/120 volt, 20-ampere).

Notes:

a. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.

b. There is no requirement for EV spaces to be constructed or available until receptacles for EV charging or EV chargers are installed for use.

4.106.4.2.2.1 Electric vehicle charging stations (EVCS).

Electric vehicle charging stations required by Section 4.106.4.2. 1 and 4.106.4.2, shall comply with Section 4.106.4.2.2.1.

Exception: Electric vehicle charging stations serving public accommodations, public housing, motels and hotels shall not be required to comply with this section. See California Building Code, Chapter 11B, for applicable requirements.

4.106.4.2.2.1.1 Location.

EVCS shall comply with at least one of the following options:

1. The charging space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.

2. The charging space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.2.1.1 and Section 4.106.4.2.2.1.2, Item 3.

4.106.4.2.2.1.2 Electric vehicle charging stations (EVCS) dimensions.

The charging spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).

2. The minimum width of each EV space shall be 9 feet (2743 mm).

3. One in every 25 charging spaces, but not less than one, shall also have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm).

4. Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

4.106.4.2.2.1.3 Accessible EV spaces.

In addition to the requirements in Sections 4.106.4.2.2.1.1 and 4.106.4.2.2.1.2, all EVSE, when installed shall comply with the accessibility provisions for EV chargers in the California Building Code, Chapter 11B. EV ready spaces and EVCS in m multifamily developments shall comply with California Building Code, Chapter 11A, Section 1109A.

4.106.4.3 Direct current fast charging stations (DCFC).

One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 4.106.4.2.1 and 4.106.4.2.2. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

(Ord. No. 1022, § 9, 11-15-2022)

15.13.040 Amendment—Section 4.106.5.3.

Section 4.106.5.3, Electric Vehicle (EV) Charging, is repealed and replaced to read as follows:

5.106.5.3 Electric vehicle (EV) charging.

[N] Construction to provide electric vehicle infrastructure and facilitate electric vehicle charging shall comply with Section 5.106.5.3.1 A5.106.5.3.1 or A5.106.5.3.2 and shall be provided in accordance with regulations in the California Building Code and the California Electrical Code. Accessible EVCS shall be provided in accordance with the California Building Code Chapter 11B Section 11B-228.3. For EVCS signs, refer to Caltrans Traffic Operations Policy Directive 13-01 (Zero Emission Vehicle Signs and Pavement Markings) or its successor(s). Calculation for spaces shall be rounded up to the nearest whole number.

Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:

a. Where there is no local utility power supply

b. Where the local utility is unable to supply adequate power.

c. Where there is evidence suitable to the local enforcement agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.

2. Parking spaces accessible only by automated mechanical car parking systems are not required to comply with this code section.

3. Building projects that have approved entitlements before the code effective date.

4. One DCFC may be substituted for up to five (5) EVCS to meet the requirements of 5.106.5.3. Where ALMS serve DCFC stations, the power demand from the DCFC shall be prioritized above Level 1 and Level 2 spaces.

(Ord. No. 1022, § 9, 11-15-2022)

15.13.050 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 9, 11-15-2022)

15.13.060 No mandatory duty.

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

(Ord. No. 1022, § 9, 11-15-2022)

## Chapter 15.15 REFERENCED STANDARDS CODE[[11]](#footnote-11)

15.15.010 Adoption by reference.

The 2022 California Referenced Standards Code, known as Part 12, Title 24 of the California Code of Regulations, is hereby adopted by reference as though fully set forth in this chapter.

(Ord. No. 1022, § 10, 11-15-2022)

15.15.020 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 10, 11-15-2022)

15.15.030 No mandatory duty.

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

(Ord. No. 1022, § 10, 11-15-2022)

## Chapter 15.17 ELECTRICAL CODE ADMINISTRATIVE PROVISIONS[[12]](#footnote-12)

15.17.010 Adoption by reference.

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.020 Amendment—Section 102.6.

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

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.030 Deletion—Section 201.3.

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.040 Deletion—Section 301.

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.050 Deletion—Section 303.

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.060 Amendment—Section 404.2.

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

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.070 Amendment—Section 901.5.

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

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.080 Addition—Chapter 1, Section 901.7.

Section 901.7, Restoration, is added as follows:

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.090 Addition—Section 901.8.

Section 901.8, Nuisance Proceedings, is added as follows:

901.8 Nuisance Proceedings. When the building official has inspected, or caused to be inspected, any structure or equipment and has found and determined that such structure or equipment is unsafe, such structure or equipment shall be considered a nuisance and the building official may commence proceedings to cause the repair, vacation or demolition of the building or equipment pursuant to this code and/or the provisions of Chapter 9.04 of the Corte Madera Municipal Code. An order to abate a nuisance may not be appealed under Title 15 of the Corte Madera Municipal Code.

(Ord. No. 1022, § 11, 11-15-2022)

15.17.100 Addition—Section 901.9.

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

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.110 Amendment—Section 1101.1.

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

1101.1 General. The building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of building standards published in the California Building Standards Code.

(Ord. No. 1022, § 11, 11-15-2022)

15.17.120 Amendment—Section 1101.2.

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

1101.2 Definitions. Whenever used in any section of this Chapter, the terms "Housing Appeals Board" and "Local Appeals Board" shall each refer to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code.

(Ord. No. 1022, § 11, 11-15-2022)

15.17.130 Addition—Section 1101.3.

Section 1101.3, Appeals, is added as follows:

1101.3 Appeals. Except as otherwise provided by law, any person, firm or corporation adversely affected by a decision, order or determination by the building official relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any ordinance enacted by the Town under Chapter 15.05 of the Corte Madera Municipal Code, may appeal the issue for resolution to the building code appeals board.

(Ord. No. 1022, § 11, 11-15-2022)

15.17.140 Deletion—Section 1102.

Section 1102, Membership, is repealed in its entirety.

(Ord. No. 1022, § 11, 11-15-2022)

15.17.150 Deletion—Section 1103.

Section 1103, Procedures, is repealed in its entirety.

(Ord. No. 1022, § 11, 11-15-2022)

15.17.160 Deletion—Chapter 12.

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.170 Deletion—Chapter 13.

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

(Ord. No. 1022, § 11, 11-15-2022)

15.17.180 Violation—Penalty.

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

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. No. 1022, § 11, 11-15-2022)

15.17.190 No mandatory duty.

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

(Ord. No. 1022, § 11, 11-15-2022)

## Chapter 15.19 SEVERABILITY[[13]](#footnote-13)

15.19.010 Severability.

If any section, subsection, phrase or clause of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17.

The town council declares that it would have passed the ordinance codified in Chapters 15.01, 15.03, 15.05, 15.06, 15.07, 15.08, 15.09, 15.11, 15.13, 15.15, and 15.17 and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional.

(Ord. No. 1022, § 12, 11-15-2022)

## Chapter 15.20 GRADING AND DRAINAGE

**Sections:**

15.20.010 Scope.

(a) The purpose of this chapter is to provide minimum standards to protect public health and welfare, to promote orderly improvement, and to conserve natural beauty of real property by providing adequate drainage and regulating design, construction and maintenance of grading, whether excavation or fill, within the town.

(b) The regulations in this chapter shall apply to the improvement of any lot, parcel or subdivision involving grading except as set forth in exceptions listed in this chapter.

(Ord. 402 § 1(A), 1963)

15.20.020 Definitions.

(a) "Debris" may include but is not limited to tree, lawn and shrub trimmings, paper, glass, crockery, wood scraps, brick bats, cement, plaster, stones, gravel and other similar building materials commonly disposed of at building sites. Tin cans or any other materials having any connection with food preparation or processing are not within this definition.

(b) "Director" means the director of public works or his or her designee. In the event that the director of public works position is unoccupied this term shall refer to the person designated as Town Engineer or his or her designee.

(c) "Drainage" means a system of carrying off all rain water or any liquid to alleviate any possibility of flood or erosion.

(d) "Grading" means the removal and/or placement of earth or rock from or upon any property.

(e) "Permit" means the permit required by this chapter.

(f) "Permittee" means the owner of the property or his or her authorized agent to whom the permit is issued.

(g) "Relative compaction" means a proportion of the maximum density of the material and shall be measured and defined as set forth in State Standard Specifications adopted in this chapter.

(h) "Town" means the town of Corte Madera and departments and officials thereof. (Ord. 402 § 1(B), 1963)

(Ord. No. 916, § 1, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.030 Permit—Required.

No person shall grade any lot, parcel or subdivision without first obtaining a permit. The following work may be exempted at the director's discretion:

(1) Excavation for foundations, basements and swimming pools for which a building permit has been issued;

(2) Excavation for trenches if to be backfilled to existing ground surface and where the slope of the surface of the ground is flatter than one vertical to five horizontal;

(3) Excavations for installation of underground storage tanks where capacity of the tank does not exceed ten thousand gallons;

(4) Excavation for mine shafts, wells, trenches or tunnels for utilities;

(5) Earth construction if performed by a governmental agency;

(6) Gravel stockpiles for road materials; also stockpiles of construction materials for buildings or structures, or for commercial storage purposes permitted under Title 18; also the removal of gravel or other materials which obstruct natural watercourses;

(7) Exploratory excavations or borings performed under the direction of a Registered Geotechnical Engineer;

(8) Excavations less than fifty cubic yards;

(9) Fills of less than fifty cubic yards that are constructed on slopes less than twenty percent and less than three feet in height and do not support a structure.

(Ord. 402 § 2(A), 1963; Ord. No. 951, § 2, 7-21-2015)

15.20.040 Application—Form and contents.

(a) The grading and drainage plan shall be in the form of a map and submitted, in duplicate, accompanied by the filing fee to the director. Each plan submitted shall be deemed to be a promise to comply herewith and shall be deemed to incorporate therein all the terms and provisions hereof.

(b) The map and supporting documents shall contain the following information:

(1) The street address and assessor's parcel number of the properties on which grading is to be done;

(2) The name and address of the owner and the applicant;

(3) All buildings and topographic features and details of terrain and drainage for the conditions existing before and after the proposed work;

(4) The location of springs, swampy areas, areas subject to flooding, landslides and mud flows;

(5) Elevations at all critical points to be based on monuments and bench marks;

(6) Contour lines at a maximum of five-foot intervals;

(7) Cross sections of the ground showing both original and proposed ground surfaces with grades, slopes and elevations;

(8) Ponding areas;

(9) A statement as to the general description of the earth materials involved in the work as to classification, bedding or other geological features; results of test borings; and reports by a soils engineer as to slide conditions existing or anticipated and as to the suitability of the material for construction of stable embankments with recommendations for construction procedure to obtain required stability and compaction.

(c) Exceptions to the requirements in subsections (a) and (b) may be permitted by the director. (Ord. 402 § 2(B), 1963)

(Ord. No. 916, § 2, 10-6-2009)

15.20.050 Permit—Plan check.

The director shall, upon receipt of an acceptable application, review and make such field inspections as may be deemed necessary to determine site conditions or the relation of the site to the adjoining properties, and to determine compliance with all town ordinances. (Ord. 402 § 3(A), 1963)

(Ord. No. 916, § 2, 10-6-2009)

15.20.060 Permit—Issuance.

Plans shall be approved in which the proposed design and use and the proposed construction procedures are found to meet the requirements of all applicable town ordinances and are found to not endanger adjacent properties and streets. After receipt of the completed plan and other data, the director shall:

(1) On work involving one thousand cubic yards or less of earth issue or decline to issue a permit for said work within five working days after application.

(2) On work involving more than one thousand cubic yards of earth, make written recommendation to the town council at the first regular meeting following five working days allowed for his proper review. Council, after due consideration, shall approve or disapprove the plan and authorize the issuance by the director of a permit on all approved plans.

(3) With the issuance of a permit a red card of one square foot minimum size shall be posted by the director conspicuously on subject site and no work shall be done by the permittee for three days after posting of the red card. The red card shall bear the following information:

(A) Name and address of applicant,

(B) Approximate amount of earth involved,

(C) Date work may begin under permit,

(D) Signature of the director. (Ord. 402 § 3(B), 1963)

(Ord. No. 916, § 2, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.070 Permit—Appeal procedure.

(a) The director's denial, suspension, or revocation of a permit may be appealed in writing by the applicant or permittee to the Town Council. Such an appeal shall be filed with the town clerk within ten calendar days of the director's determination and shall be presented at the next available regular meeting of the council.

(b) Said appeal must state the reason for the appeal and shall be filed with the director. All appeals shall be presented to the Town Council at the first available regular meeting following the date of receipt. No work shall be done by the permittee unless the appeal is heard and granted by the council upon making a de novo review of the evidence presented at the hearing. The formal rules of evidence shall not apply to the presentation of evidence at the appeal hearing. (Ord. 402 § 3(C), 1963)

(Ord. No. 916, § 2, 10-6-2009)

15.20.080 Permit—Term.

The permit shall set forth a reasonable expiration date. Permits for debris fills shall be issued for one year only. (Ord. 402 § 3(D), 1963)

(Ord. No. 916, § 2, 10-6-2009)

15.20.090 Permit—Suspension and revocation.

The director may either suspend or revoke a permit by written notice delivered to the permittee if it is found that:

(1) Conditions at the site vary substantially from those shown on the approved plan;

(2) Construction or grading as it progresses does not conform to the approved plan;

(3) Cessation of work before completion has left the site in a condition hazardous to the public or to the adjacent property;

(4) The work authorized under the permit has not commenced within four months from the date of the permit, or, after having been commenced, is not consistently and expeditiously prosecuted or carried forth toward completion. Upon the expiration, suspension or revocation of a permit, all work shall cease. (Ord. 766 § 1, 1990: Ord. 402 § 3(E), 1963)

(Ord. No. 916, § 4, 10-6-2009)

15.20.100 Permit—Extension of time.

The permittee may, before the expiration of a permit, apply in writing for extension of time in which to complete the work authorized by a permit. The permittee shall set forth reasons for such extension and a new completion date. The director may grant such an extension. Application for a permit for a debris fill shall be submitted annually with no extension of time allowed. (Ord. 402 § 3(F), 1963)

(Ord. No. 916, § 2, 10-6-2009)

15.20.110 Permit—Nontransferable.

Permits issued under the provisions of this chapter are nontransferable.

(Ord. 402 § 3(G), 1963)

15.20.120 Fees and cash deposits.

The schedule of fees will be those established and adopted by the town council from time to time by resolution. Before a permit is issued, the applicant shall deposit with the town cash or check in a sufficient sum to cover the fee for issuance of the permit, charges for field investigation, and the fee for necessary inspection, all in accordance with a schedule established and adopted by the town council. Where work for which a permit is required by this title is started or proceeded with, prior to obtaining said permit, the fees above-specified shall be doubled.

(Ord. 616 § 1, 1974: Ord. 402 § 4(A), 1963)

15.20.130 Certificate of insurance.

The permittee, unless he is a contractor duly licensed by the state, shall file with the town clerk a certificate of public liability and property damage insurance in favor of the person for whom he is doing work. The amounts shall be at least one hundred thousand dollars per person with three hundred thousand dollars per accident and twenty-five thousand dollars property damage.

(Ord. 402 § 4(B), 1963)

15.20.140 Regulations.

The regulations in Sections 15.20.140 through 15.20.230 are applicable to grading performed pursuant to permits issued under this chapter.

(Ord. 402 § 5, (part), 1963.

15.20.150 Rainy weather work.

Without special provision therefor in the permit, excavation or filling may be prohibited by the director during the times in which, in his opinion, rainfall precludes compliance with this chapter or permit conditions. (Ord. 402 § 5(A), 1963)

(Ord. No. 916, § 3, 10-6-2009)

15.20.160 Hours of work.

Those operations within five hundred feet of residential occupancies shall be limited to the hours of seven a.m. to seven p.m. daily. Sunday operations are prohibited. Maintenance and service work on equipment may, however, be performed at other times.

(Ord. 402 § 5(B), 1963)

15.20.170 Rights-of-way.

Encroachment of operations on public rights-of-way is prohibited, except for hauling of legal loads by vehicles permitted by law to operate on public roads or upon issuance of an encroachment permit by the town.

(Ord. 402 § 5(C), 1963)

15.20.180 Traffic control.

Traffic control on affected streets shall be provided by the permittee to the satisfaction of the police chief so as to provide a minimum of public inconvenience and traffic disruption.

(Ord. 402 § 5(D), 1963)

15.20.190 Nuisances.

Operations shall be controlled by the permittee so as to prevent nuisances to public and private ownerships because of dust, drainage, removal of natural support, encroachment, noise, and vibrations.

(Ord. 402 § 5(E), 1963)

15.20.200 Blasting.

Blasting, or other use of explosives, is prohibited except when in accordance with regulations of the General Industry Safety Orders of the Division of Industrial Safety of the state of California and Title 19 of the State Administrative Code and a blasting permit has been issued by the town.

(Ord. 402 § 5(F), 1963)

15.20.210 Inspection.

The director shall have the right to enter the improvement site at all times to inspect operating procedures, progress, prospective developments and compliance with the permit. (Ord. 402 § 5(G), 1963)

(Ord. No. 916, § 4, 10-6-2009)

15.20.220 Supervised grading.

Where construction is such that frequent or continuous inspection during construction operations is deemed necessary by the director or the permit involves the movement of more than one thousand cubic yards, the permittee shall retain a soils engineer to furnish supervision and inspection of the work and make all necessary field tests during grading operations. Upon completion of the work under permit, the soils engineer shall certify in writing that the grading and related work (including drainage provisions, slope stability, erosion prevention methods and methods of placing stabilizing and compacting fills) was performed under his or her supervision. He or she shall therein state whether or not it was performed in accordance with the requirements of this chapter and accepted engineering practices and shall describe any deviation therefrom. The certificate of the soils engineer shall state his or her opinion as to the adequacy of the cut or fill for the intended use. (Ord. 402 § 5(H), 1963)

(Ord. No. 916, § 4, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.230 Cessation of work before completion.

Should the permittee cease work for any reason before the work is completed, he shall take all steps necessary to leave the premises in a condition that will not violate this chapter or any of the terms of his permit and in a condition that will not promote damage to adjoining properties or to the public roads or other public places through erosion or materials or landslides.

(Ord. 402 § 5(I), 1963)

15.20.240 Standards—Conformance required.

The standards in Sections 15.20.250 through 15.20.340 shall be conformed to in all cases.

(Ord. 402 § 6 (part), 1963)

15.20.250 Excavations.

(a) Slope. The slope of the bank in an excavation shall not be steeper than two horizontal to one vertical, except the director granting the permit may require slopes to be flatter if soil conditions appear to be unfavorable, or if an adjacent foundation or structure may be endangered. Steeper slopes may be permitted by the director if approved by a licensed Geotechnical Engineer.

(b) Height. The vertical height of any excavated slope shall not exceed thirty feet, measured from the toe of the slope to the highest natural ground on such slope or to a level bench not less than six feet in width.

(c) Setback. Neither the top nor the toe of any excavation slopes shall be closer than two feet to the property line. (Ord. 402 § 6(A), 1963)

(Ord. No. 916, § 5, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.260 Ground preparation for fills.

(a) Clearing and Stripping. Except in salt marshland and where specifically debris filling is proposed and approved, the area on which a fill is to be placed shall be cleared of all vegetation such as trees, logs, stumps and roots of trees, brush, heavy growth of grass and weeds and any other material, such as debris, metal or nonearthen materials which cannot be properly consolidated or will not support the load of the fill or structures. In salt marshland, surface vegetation may remain.

(b) Keying. Embankment fills shall not be constructed upon natural ground slopes which are steeper than five horizontal to one vertical unless such embankments are keyed into the natural ground by means of horizontal benches excavated in the natural ground. The construction operation shall be such that a slip plane is not created between the original materials and the newly compacted material.

(Ord. 402 § 6(B), 1963; Ord. No. 951, § 2, 7-21-2015)

15.20.270 Fills.

(a) Slopes. The slopes of a fill shall not be steeper than two horizontal to one vertical. A flatter slope than two to one may be required by the director if the underlying soils or fill material warrant.

(b) Setback. The toe of fill slopes shall be at least three feet away from any property line.

(c) Compaction. All fills shall be compacted to a relative compaction of not less than ninety percent except as approved by the director.

(d) Rocks. No rock larger than six inches in greatest dimension will be permitted closer than eighteen inches from the surface in the creation of an embankment. Rocks will not be permitted to nest. All voids shall be filled with earth or other fine material and shall be compacted as required in (c). (Ord. 402 § 6(C), 1963)

(Ord. No. 916, § 6, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.280 Drainage.

(a) Surface Drainage. Drainage facilities and erosion control devices shall be provided to convey storm waters to a natural channel or watercourse or to a storm drainage facility in a manner consistent with good engineering practices. Drainage facilities shall be designed so as to provide capacity necessary to carry off twenty-five year storm, unless otherwise required by the director, but in no case shall culverts be less than twelve inches in diameter.

(b) Subsurface Drainage. Where evidence indicates the pressure of subsurface waters which may contribute to sliding or settlement of the earth surface either in an undisturbed state, or likely to result from grading operations, the town may require the construction of, or installation of, such subsurface and surface facilities as may be deemed necessary to collect such subsurface waters as may require its conveyance to an adequate natural watercourse or public drainage system.

(c) Design Standards. All design and construction of drainage facilities hereafter implemented within the town shall comply and be in conformance with that certain publication known as "Town-Wide Storm Drainage and Flood Control Study, Phase 1" prepared by AN West Inc. dated May 2007, and "Town-Wide Storm Drainage and Flood Control Study, Phase 2" prepared by AN West Inc. dated December 2008, and their appendices. This shall include, but not be limited to, rainfall criteria, runoff, facility sizing, and all other engineering criteria included in these documents. (Ord. 719 §§ 1, 2, 3, 1984; Ord. 566 § 1, 1972: Ord. 402 § 6(D), 1963)

(Ord. No. 916, § 6, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.285 Erosion control.

(a) Purpose. The purpose of this section is to provide for protection of water quality and control of erosion and sedimentation associated with grading or storage of earth material.

(b) Permit Required. An erosion control permit shall be obtained from the director or his delegated representative prior to the commencement of grading whenever any of the following conditions are present:

(1) The project is subject to a grading permit under Chapter 15.20 Grading and Drainage;

(2) The project is subject to a building permit or other permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste;

(3) The project would entail any of the following: hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainageway, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an ESCP.

(c) Exceptions to Permit Requirement.

(1) Maintenance work performed by or on behalf of the town or by any public agency not otherwise subject to the control of the town;

(2) Excavation for trenches in paved areas;

(3) Stockpiles of road building materials or other non-earthen construction materials to be incorporated into work for which a permit has been issued or a contract let.

(d) Permit Application. The application for an erosion control permit shall include an Erosion and Sediment Control Plan (ESCP) which addresses erosion and sediment control and pollution prevention during the construction phase as well as final stabilization control measures. The ESCP shall be submitted for review and approval by the town. The project applicant shall follow the most recent version of the MCSTOPPP Construction Erosion and Sediment Control Plan Applicant Package. At a minimum, the ESCP shall include:

(1) Description of the proposed project and soil disturbing activity;

(2) Site specific construction-phase Best Management Practices (BMPs);

(3) Rationale for selecting the BMPs;

(4) List of applicable outside agency permits associated with the soil disturbing activity, such as: Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Streambed/Lake Alteration Agreement (1600 Agreements);

(5) If the project requires coverage under the CGP issued by the State Water Resources Control Board (SWRCB), Permit Registration Documents must be filed with the SWRCB for said coverage and a copy of the Waste Discharge Identification Number shall be submitted to the town prior to issuance of a permit for construction. The applicant may submit the Storm Water Pollution Prevention Plan (SWPPP) required by the General Construction Activity Stormwater Permit in lieu of the ESCP provided it meets the requirements of the ESCP;

(6) Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the town for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the town for review and approval.

(e) Erosion and Sediment Control Standards. The standards for an Erosion and Sediment Control Plan shall conform to the MCSTOPPP, "Construction Erosion and Sediment Control Plan Applicant Package" for projects that are subject to minor and major grading permits or as directed by the director of public works. For all other projects, the MCSTOPPP, "Minimum Erosion/Sediment Control Measures for Small Projects" shall be required.

(f) Security. Prior to the issuance of an erosion control permit, a security acceptable to the director and in an amount determined by the director shall be posted to guarantee timely installation of erosion control measures whenever the contractor fails to perform required erosion control work or to perform it in a timely manner. The director may cause the work to be done by any means he deems appropriate and charge the cost thereof against the permittee's security. Where security is required for other work to be constructed, the erosion control security may be combined with that security.

(g) Fees. Fees shall be charged for checking erosion control plans and inspecting the work. These shall be the same as those established for engineering plan checking and inspection of surface and drainage improvements.

(h) Schedule of Work. Special authorization must be received from the director prior to any grading activity during the rainy season (October 15th to April 15th). Such authorization may be revoked at any time if the director determines that continuation of such activity may cause excessive erosion when grading during the rainy season is authorized. Temporary erosion control measures must be installed prior to the start of any other work and maintained throughout the rainy season. Where the approved schedule of work calls for installation of permanent erosion control measures prior to October 15th, the installation of temporary measures may be waived by the director. If in the opinion of the director, permanent erosion control measures will not be in place by October 15th, a temporary erosion control plan shall be required by September 1st, and the installation of temporary erosion control measures shall be required by October 15th.

(i) Inspection. Erosion control measures required prior to the start of other work shall be inspected and approved by the director prior to the start of the other work. The director shall also inspect the work prior to September 1st and prior to October 15th to confirm that required erosion control measures will be or are in place by October 15th. Additional inspections will be made as necessary during the rainy season to assure erosion control measures are in place and working.

(j) Modifications. The director may require modifications of previously approved erosion control plans and methods to accommodate unanticipated conditions on the site. The director shall notify permittee in writing of the requirements and specify a reasonable period of time within which permittee must comply. Permittee shall comply with such requests within the specified time.

(k) Suspension. If permittee fails to meet any requirement of this ordinance or administrative regulations, the director may suspend the erosion control and the grading permits and permittee shall cease all work on the site in accordance with Section 15.70. The director shall reinstate suspended permits upon permittee's correction of the cause of suspension. If work does not cease upon suspension of the permits, the permits shall be revoked by the director. A permittee may appeal a determination suspending or revoking a permit upon appeal being made in accordance with the permit appeal procedures set forth by this chapter. (Ord. 719 § 4, 1984)

(Ord. No. 916, § 6, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.290 Lateral support.

No grading shall be so performed as to deprive adjacent land of lateral support or to cause the slippage or excessive washing of earth or rock onto adjacent public or private land.

(Ord. 402 § 6(E), 1963)

15.20.300 Structures.

Retaining walls, crib walls, culverts, drainage facilities or other structures may be required by the director to be shown on the grading plan. (Ord. 402 § 6(F), 1963)

(Ord. No. 916, § 7, 10-6-2009)

15.20.310 Filling of land below elevation 7, mean sea level datum.

Where fill is to be placed on land which is below elevation 7, the grading plan shall define whether the applicant proposes a low-level development or a high-level development and the following requirements shall be met, in addition to the other provisions of this chapter:

(1) Low-level developments shall be completely enclosed from tidewater by levees of approved design having a minimum top elevation of +9.00 feet. Within each project, a holding pond or interconnected ponds shall be provided. The combined area of such ponds shall be not less than one-twentieth of the total area drained, including any tributary outside area. The bottom elevation of the ponds shall be not higher than -3.00 feet and the area shall be measured at elevation 0.00.

The culvert or culverts draining the holding ponds shall be equipped with tide gates at the discharge ends and shall have a minimum combined cross-sectional area in square feet equal to eight one-hundredths times the total number of acres drained, including outside tributary area. The above culvert area is based upon a coefficient of discharge, C of not less than 0.60 in the formula:

|  |  |
| --- | --- |
|  | Q = CA √2gh |
| Where | Q = discharge in cubic feet per second |
|  | A = cross-sectional area of culvert in     square feet |
|  | 2g = 64.4 feet per second per second |
|  | h = head in feet |

For lower values of C, the culvert area shall be correspondingly increased. The invert elevations of the culverts shall be not higher than—3.00 feet, and the tops of the culverts shall be not higher than 0.00 elevation. The channel extending from the discharge ends of the culverts to the open bay shall be so designed and constructed that the hydraulic drop in the channel will not exceed 0.60 feet, with the water surface at the culvert at elevation 0.00, and the flow in the channel in cubic feet per second equal to one-half of the total number of acres drained. The acres drained shall include the area tributary to the channel. Should the hydraulic drop in the channel exceed 0.60 feet, all elevations within the low-level project shall be correspondingly increased. The minimum ground elevation of areas intended not to flood shall be elevation +3.00 feet plus an additional elevation representing allowance for subsidence based on a fifty-year period. Subsidence shall be computed based on the proposed depth of new fill and for the different parts of the project according to the method set forth in "Fundamentals of Soil Mechanics," by Donald W. Taylor, 1948, Chapters 10 and 12 or similar method approved by the town engineer. In no case shall the subsidence assumed for design purposes be less than seventy-five percent of the computed ultimate settlement;

(2) High-level development. The minimum ground elevation of areas intended not to flood shall be +7.00 feet plus allowance for subsidence based on a fifty-year period. Subsidence shall be calculated as for the low-level development set forth above;

(3) Normal drainage. The street grades and storm system shall be designed for the maximum storm flow against a tide level in the bay of +3.76 feet, and further, the system shall also be designed to function with one-half the maximum storm flow against a tide level in the bay of +5.33 feet. Future subsidence of the streets and drains must be allowed for so that gravity drainage will be adequate after fifty years of normal subsidence. The permittee shall provide the town with such computations, or the written opinion of a soils engineer, upon each of these matters;

(4) Drainage pumps. In lieu of the holding ponds, pumps may be provided to handle surface water runoff during the time the discharge end of drain lines is below water. The pumps and appurtenances shall be dedicated to the town or an arrangement for maintenance satisfactory to the town council shall be set forth in an agreement with the town. Said pumps shall meet the following requirements:

(A) Capacity shall be adequate to handle maximum runoff, including any tributary areas, for a fifty-year storm,

(B) Discharge from pump shall be to a tidal channel and, if below water, shall be provided with necessary check valves.

(C) Pumps shall operate automatically when a set water elevation is exceeded.

All design and construction of drainage facilities hereafter implemented within the town shall comply and be in conformance with that certain publication known as "Town-Wide Storm Drainage and Flood Control Study, Phase 1" prepared by AN West Inc. dated May 2007, and "Town-Wide Storm Drainage and Flood Control Study, Phase 2" prepared by AN West Inc. dated December 2008, and their appendices. This shall include, but not be limited to, rainfall criteria, runoff, facility sizing, and all other engineering criteria included in these documents.

(Ord. 566 § 1, 1972: Ord. 402 § 6(G), 1963; Ord. No. 951, § 2, 7-21-2015)

15.20.320 Debris fills.

(a) Safety:

(1) The permittee shall not allow any fires or burning on the site. Any fires that occur shall be fought continuously night and day by at least two men with a bulldozer until extinguished, all under the direction of and at the expense of the permittee;

(2) No smoking shall be permitted on the site and applicable signs shall be conspicuously posted;

(3) A town standard six inch fire hydrant shall be provided on site with connections and location approved by the fire chief;

(4) At least one bulldozer in operating condition shall be stationed on site at all times.

(b) Placement:

(1) All debris shall be compacted with a bulldozer so that no visible voids are created;

(2) At least one foot of earth fill shall be placed each day over the day's accumulation of debris;

(3) Face of debris shall be covered with at least one foot of earth every Saturday at five p.m. The permittee shall maintain a bulldozer working at the site continuously after said time until all debris has been so covered;

(4) Debris shall be placed in a cellular pattern of seventy-five feet times one hundred feet, each cell separated by earth fill four feet thick extending down to original ground of site;

(5) Ratio of debris to earth fill shall be a maximum of three to one;

(6) A minimum of three feet of earth fill shall be placed over debris within one year from placement of the debris.

(Ord. 402 § 6(H), 1963)

15.20.330 Variances and alternates.

At the time of the initial filing of an application or at any time during progress of the work, the applicant may propose variances from or alternates to any of the requirements and standards set forth in this chapter or stated in any previous permit. Such variances and alternates shall then be reviewed by the director or town council, authorizing agent for said permit, and the variance or alternate may be authorized upon a finding that the general public and adjacent property owners will be equally protected thereby. However, no person shall be entitled to any such variance or alternate as a matter of right, and approval thereof shall be strictly discretionary with the reviewing authority. In the absence of written approval of such variance or alternate, the requirements and standards set forth in this chapter shall be strictly adhered to.

All design and construction of drainage facilities hereafter implemented within the town shall comply and be in conformance with that certain publication known as, "Town-Wide Storm Drainage and Flood Control Study, Phase 1" prepared by AN West Inc. dated May 2007, and "Town-Wide Storm Drainage and Flood Control Study, Phase 2" prepared by AN West Inc. dated December 2008 and its appendices. This shall include, but not be limited to, rainfall criteria, runoff, facility sizing, and all other engineering criteria included in these documents. (Ord. 566 § 1, 1972: Ord. 402 § 6(I), 1963)

(Ord. No. 916, § 8, 10-6-2009; Ord. No. 951, § 2, 7-21-2015)

15.20.340 Findings.

The determination and finding of the director denying or granting any permit (either with or without conditions), or approving or disapproving any requested variance or alternate, shall be final and conclusive as to all facts, conditions and science involved in and pertinent to such action, unless an appeal is taken as set forth in Section 15.20.070(a). A failure to take such appeal or an acceptance of a conditional permit, will constitute approval by the applicant or permittee of all such determinations and findings. (Ord. 402 § 6(J), 1963)

(Ord. No. 916, § 8, 10-6-2009)

15.20.350 Nonliability of town.

The town shall not be responsible for any damage to persons or property by reason of the inspection or reinspection authorized in this chapter or failure to inspect or reinspect, nor by reason of the terms or conditions of the permit issued nor by reason of the approval or disapproval of any construction.

(Ord. 402 § 7(A), 1963)

15.20.360 Penalties.

(a) Any person who violates any term or provision of this chapter is guilty of a misdemeanor and upon conviction thereof, is punishable as provided in Section 1.04.010. Nothing contained in this chapter shall be construed to limit the power of the town to use all other legal or equitable remedies against any person who violates any items or provision of this chapter. The building inspector shall not issue any building permit for a structure on a site where grading is in progress in violation of this chapter.

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. 402 § 7(C), 1963; Ord. No. 1007, § 16, 6-15-2021)

## Chapter 15.21 DAMAGE DEPOSITS

**Sections:**

15.21.010 Purpose.

The purpose of this chapter is to impose a requirement for the posting of a damage deposit as a condition to the issuance of certain construction permits when the director of public works or his or her designee determines that the construction work to be performed in reliance on the permit represents a risk of damage to town property including but not limited to town streets, sidewalks, underground pipes and infrastructure, rights-of-way, watercourses, open space, and/or parks. Damage deposits required by this chapter shall be pledged to the town for security purposes in the event of damage to town property in connection with construction work performed in reliance on a construction permit. Damage deposits shall be refunded or charged in accordance with the provisions of this chapter. Damage deposits may be established and modified from time to time as part of the town's fees resolution proceedings but shall be maintained and processed as refundable deposits, rather than fees for services provided by the town.

(Ord. No. 914, § 1, 10-20-2009)

15.21.020 Determination of deposit.

(a) No application for a permit to perform any construction work that requires review by the director of public works or his or her designee (subject to the following exception) shall be approved, and no permit shall be issued until the director of public works or his or her designee has first determined whether a damage deposit shall be required in accordance with this chapter as a condition to the issuance of the permit. If the director of public works or his or her designee determines that a damage deposit shall be required, the permit shall not be issued until the permit applicant has first deposited a damage deposit in accordance with this chapter. Deposits for encroachment permits required by Chapter 12.12 of this Code shall not be subject to the provisions of this Chapter except as specified by subsection (d).

(b) In determining whether the work to be performed in reliance on the permit represents a risk of damage to town property, the director of public works or his or her designee shall consider: (1) the construction work contemplated by the applicant including its scope and the size of the project; (2) its location; (3) the nature of the contemplated construction and the type of construction procedures likely to be utilized by the applicant; (4) the type of equipment the applicant will, or is likely to, use in connection with the contemplated construction; and (5) such other factors as the director of public works or his or her designee deems relevant.

(c) Damage deposits shall be set by the town council in amounts that are deemed to constitute reasonable estimates of the costs of the town in repairing the damage arising out of the permitted work. damage deposit amounts may be established and modified from time to time by the town's fees resolution.

(d) If the director of public works or his or her designee determines that a damage deposit shall be required, the Director or his or her designee shall provide the permit applicant with the reasons for that determination upon the request of the applicant. The director of public works or his or her designee shall set the deposit amount in accordance with the applicable amount specified in the town's most recent fee resolution or as otherwise established by resolution of the town council. This damage deposit shall be in addition to any other fees and deposits that may be required in connection with the work that is being permitted. Whenever the director of public works or his or her designee determines that more than one permit to be issued to the applicant requires a damage deposit under this chapter, the director of public works or his or her designee may in his or her discretion waive any one or more damage deposits or combine any two or more damage deposits under this chapter into a combined deposit amount. The director of public works or his or her designee may in his or her discretion combine any damage deposit amount(s) under this chapter and the encroachment permit deposit amount under Chapter 12.12 into a combined deposit amount. Whenever any deposit amounts have been combined under this section, the provisions of this chapter shall be applied to the combined deposit amount.

(e) An applicant who is dissatisfied with the decision of the director of public works or his or her designee may, within fourteen days after the mailing of the decision by the director of public works or his or her designee, file an appeal with the town council by written notice to the town clerk stating with particularity the applicant's objections to the decision by the director of public works or his or her designee. The appeal shall be accompanied by the payment of the appeal fee required by the town's most recent fee resolution. After an appeal in compliance with the provisions of this section is received, the town clerk shall schedule a public hearing before the town council on the appeal. Any evidence relevant to the factors described in Section 15.21.020(b) may be considered by the town council. Evidence to be presented at the appeal hearing shall not be subject to the formal rules of evidence. The town council shall make a de novo review of the evidence presented at the hearing and affirm, modify, or reverse the determination of the director of public works or his or her designee under the standards set forth by this section. The decision of the town council shall be final.

(f) For the purposes of this section a "risk of damage to town property" shall mean a set of facts or circumstances that reasonably leads to the conclusion that the performance of the activities being proposed presents a significant risk of damage to the roadways, curbs, gutters, streets, sidewalks, parkways, sewer lines, waterways, or other infrastructure, rights-of-way, or unimproved property of the Town or Sanitary District No. 2 of Marin County which would require the expenditure of funds to repair, remove, and/or replace the damage.

(Ord. No. 914, § 1, 10-20-2009)

15.21.030 Deposit and utilization of the damage deposit.

(a) The applicant shall have the choice of depositing the amount of the damage deposit in cash in a separate account at a bank chosen by the town for the receipt of such deposits or depositing the amount of the damage deposit in cash with the town directly. If the deposit is retained in a separate bank account, the applicant shall be entitled to interest accruing on the deposit at the interest rate applied by the bank. If the applicant deposits the amount with the town directly, then the applicant shall be required to execute an agreement on a form provided by the town acknowledging the waiver of any right to interest which would otherwise accrue on the amount deposited with the town.

(b) The damage deposit, and all applicable interest, shall only be released to the applicant upon the satisfactory completion of all work authorized by all permits associated with the applicant's project (including but not necessarily limited to building, public works, fire, and land use entitlements and permits), the fulfillment of all conditions of each permit associated with the applicant's project, and upon the determination by the director of public works or his or her designee that no damage has been done to town property, or if such damage did result in connection with the construction project, that such damage has been repaired by the applicant to the satisfaction of the director of public works or his or her designee.

(c) In the event the applicant damages town property in connection with the permitted work and fails or refuses to repair such damage to the satisfaction of the director of public works or his or her designee, the town may utilize the damage deposit to make such repairs and pay for the costs incurred by the town.

(d) Prior to utilizing the damage deposit for repairs to town property, the director of public works or his or her designee shall provide the applicant with his or her decision. The decision shall notify the applicant of the town's intention to utilize the damage deposit for repairs to town property. The notice shall include a description of the damage to the town property and an estimate of the cost to repair or replace the town property. Whenever more than one deposit have been combined under Section 15.21.020(d), the decision need not specify the individual permit deposit that is being charged.

(e) An applicant who is dissatisfied with the decision of the director of public works or his or her designee may, within fourteen days after the mailing of the decision by the director of public works or his or her designee, file an appeal with the town council by written notice to the town clerk stating with particularity the applicant's objections to the decision by the director of public works or his or her designee. The appeal shall be accompanied by the payment of the appeal fee required by the town's most recent fee resolution. After an appeal in compliance with the provisions of this section is received, the town clerk shall schedule a public hearing before the town council on the appeal. Any evidence relevant to the occurrence of the damage or the cost of repair or replacement of the damage may be considered by the town council. Evidence to be presented at the appeal hearing shall not be subject to the formal rules of evidence. The town council shall make a de novo review of the evidence presented at the hearing and affirm, modify, or reverse the director of public works or his or her designee's determination. The decision of the town council shall be final. If the decision is modified or reversed, the town shall refund to the permittee that portion of the deposit that is determined by the town council to be owed to the permittee.

(Ord. No. 914, § 1, 10-20-2009)

15.21.040 Town's right to utilize other legal remedies.

The permit applicant shall be responsible for all damage to town property proximately caused by the applicant in performing the work authorized by the permit. Nothing contained herein shall preclude the town from utilizing any other remedy provided by law instead of or in addition to the rights provided the town in this chapter to recover for the damage to town property.

(Ord. No. 914, § 1, 10-20-2009)

15.21.050 Town property.

For the purposes of this chapter, the term "Town property" shall also apply to property of Sanitary District No. 2 of Marin County, a subsidiary district to the town of Corte Madera.

(Ord. No. 914, § 1, 10-20-2009)

## Chapter 15.25 ALL-ELECTRIC CONSTRUCTION IN NEWLY CONSTRUCTED BUILDINGS

15.25.010 Purpose.

(a) The purpose of this chapter is to reduce the use and distribution of natural gas in newly constructed buildings to reduce the emission of greenhouse gases which contribute to climate change and to improve safety in occupancy of buildings be eliminating natural gas combustion and leakage which creates indoor air pollutants shown to exacerbate asthma and other health conditions.

(b) The requirements of this chapter are reasonably necessary to address local climatic, geologic, environmental and/or topographic conditions that affect the health, safety, and welfare of residents, including flooding, sea level rise, wildfire risk, and seismic risk.

(Ord. No. 1022, § 13, 11-15-2022)

15.25.020 Applicability.

(a) The provisions of this chapter shall apply to all building permit applications submitted on or after the effective date of this chapter for all newly constructed buildings, unless exempt under the provisions of Section 15.25.050. This chapter shall not apply to portable appliances used for outdoor cooking and heating.

(b) This chapter shall in no way be construed as amending the Energy Code requirements under Title 24 of the California Code of Regulations Part 6 or Part 1, nor as requiring the use or installation of any specific appliance or system.

(Ord. No. 1022, § 13, 11-15-2022)

15.25.030 Definitions.

For the purpose of this chapter, the following definitions shall apply:

(a) "All-electric building" means a building that uses a permanent supply of electricity as the source of energy for space heating (including, but not limited to, fireplaces), water heating (including, but not limited to, pools and spas), cooking appliances (including, but not limited to, barbeques), clothing drying appliances, that has no natural gas or propane plumbing installed in the building or within the property lines. An all-electric building may also include solar thermal collectors.

(b) "Commercial kitchen" means a non-retail food facility devoted to the commercial preparation, production, and cooking of food and beverages for on-site or off-site consumption.

(c) "Cooking equipment" means equipment intended for commercial use, including ovens, ranges, and cooking appliances for use in a commercial kitchen, restaurant, or other business establishment where food is dispensed.

(d) "Energy code" means the California Energy Code as adopted in the Corte Madera Municipal Code Chapter 15.08.

(e) "Food service establishment" means any newly constructed building with construction plans for a commercial kitchen or cooking equipment.

(f) "Natural gas" means the same as "fuel gas" as defined in the California Plumbing Code and Mechanical Code.

(g) "Natural gas infrastructure" means fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of a premises, extending from the point of delivery at the meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as specified in the California Mechanical Code and Plumbing Code.

(h) "Newly constructed building" means a building that has never been used or occupied for any purpose.

(Ord. No. 1022, § 13, 11-15-2022)

15.25.040 Requirements for all-electric construction in newly constructed buildings.

All newly constructed buildings shall satisfy the definition of an all-electric building.

(Ord. No. 1022, § 13, 11-15-2022)

15.25.050 Exemptions.

(a) The following are exempt from the requirements of this chapter:

(1) Emergency electrical generation back-up power equipment for essential services and multifamily buildings;

(2) The use of portable propane appliances outside of the building envelope such as for outdoor cooking, refrigeration, and outdoor heating appliances;

(3) The use of natural gas infrastructure for equipment requiring industrial process heat;

(4) Food service establishments as defined herein;

(5) New accessory dwelling units or junior accessory dwelling units that are attached or wholly within an existing mixed-fuel residential building may utilize existing natural gas facilities or infrastructure; and

(6) Development projects that have obtained vested rights prior to the effective date of this chapter pursuant to a preliminary affordable housing project application in accordance with Government Code section 65589.5(o), a development agreement in accordance with Government Code section 65866, a vesting tentative map in accordance with Government Code section 66998.1, or pursuant to the ruling in Avco Community Developers Inc. v. South Coast Regional Communication (1976) 17 Cal.3d 785, or pursuant to other applicable statutory or case law.

(b) The building official may allow natural gas infrastructure in a newly constructed residential building where:

(1) The applicant establishes the building is not able to achieve the performance compliance standard under the energy code using commercially available technology or there is not an all-electric prescriptive compliance pathway under the energy code;

(2) The applicant establishes that there is an equivalent greenhouse gas reduction to that of all-electric construction; or

(3) The applicant for a residential project where all proposed units are deed-restricted affordable housing units for persons and/or families of low or moderate income, as defined in Section 50093 of the State Health and Safety Code establishes that the cost of achieving compliance is disproportionate to the overall cost of the project and renders the project or the level of proposed affordability infeasible.

(c) For all exemptions hereunder, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation as approved by the building official.

(Ord. No. 1022, § 13, 11-15-2022)

15.25.060 Appeals.

Any decision made by the building official under this chapter may be appealed to the building code appeals board as established in Chapter 2.2. of the Corte Madera Municipal Code. Appeals shall be made, in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the clerk not later than 5:00 p.m. on the tenth calendar day following the date of the action from which an appeal is taken. Appeals shall be accompanied by the applicable filing fee as specified by resolution adopted by the town council.

(Ord. No. 1022, § 13, 11-15-2022)

15.25.070 Objective standard.

The requirements of this chapter shall be determined to constitute "objective standards" under current and future state housing law including, but not limited to, Government Code sections 65913.4, 65589.5 and 756852.21.

(Ord. No. 1022, § 13, 11-15-2022)

15.27.080 Periodic review.

The building official shall review the requirements of this chapter every eighteen months for consistency with the California Energy Code and the energy commission's mid-cycle amendments and triennial code adoption cycle as applicable.

(Ord. No. 1022, § 13, 11-15-2022)

## Chapter 15.30 SALES OF RESIDENTIAL PROPERTY—REPORTS OF RESIDENTIAL BUILDING RECORDS

**Sections:**

15.30.010 Residential building.

The term "residential building" as used in this chapter means a building containing one or more "dwelling units" as the term "dwelling unit" is defined in Title 18.

(Ord. 690 § 1, 1980: Ord. 601 § 1 (part), 1973)

15.30.012 Residential site.

The term "residential site" means a legally subdivided parcel of land zoned for residential use.

(Ord. 601 § 1 (part), 1973)

15.30.020 Report of residential building record.

Prior to the sale or exchange of any residential building or residential site in the town, the owner or his authorized agent shall obtain from the town a report of the residential building record showing the regularly authorized use, occupancy and zoning classifications of such property and all other pertinent information relating thereto.

(Ord. 601 § 1 (part), 1973)

15.30.021 Fire inspection report of residential building record.

Prior to the sale or exchange of any residential building or residential site, the owner or his/her authorized agent shall obtain from the Central Marin Fire Authority and provide to the buyer a report of the residential building record showing whether the residential building or residential site is located within a high or very high fire hazard severity and/or located within the town's designated Wildland Urban Interface Zone; the property is in compliance with the town's defensible space standards; if the residential building was constructed prior to January 01, 2010; and disclosing which building features that exist may make the residential building home vulnerable to a wildfire and flying embers.

(Ord. No. 1008, § 2, 10-5-2021)

15.30.030 Receipt and delivery of report to buyer.

The report, when completed, shall be personally delivered to the seller or his authorized agent who shall receipt for the same. The owner or his authorized agent shall deliver the report to the buyer or transferee prior to the consummation of the sale. Any title insurance company or other escrow handling the sale or exchange of town residential property shall, prior to closing the sale or transfer, obtain from the buyer a written acknowledgment of the receipt of the report of the residential building records.

(Ord. 601 § 1 (part), 1973)

15.30.040 Fee for issuance of report.

The seller or transferee or his authorized agent shall pay the town a fee for the report on the dwelling unit. This fee shall be as set by the town council from time to time by resolution.

(Ord. 616 § 12, 1974: Ord. 601 § 1 (part), 1973)

15.30.050 Compliance with law.

No statements contained in a report of a residential building record issued by the town shall authorize the use or occupancy of any residential building contrary to the provisions of any law or ordinance. Every report issued hereunder shall contain a provision stating that the issuance of such report shall not constitute a representation by the town that the property or its present use is or is not in compliance with the law, and that the report does not constitute a full disclosure of all material facts affecting the property or the desirability of its sale.

(Ord. 601 § 1 (part), 1973)

15.30.060 Applicability of chapter—Exemptions.

The provisions of this chapter shall not apply to the following transactions:

A. The first sale of a residential building located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale;

B. A reconveyance by a trustee pursuant to the provisions of a deed of trust;

C. A transfer of property made without valuable consideration;

D. A transfer of property made between co-owners.

(Ord. 601 § 1 (part), 1973)

15.30.070 Violations.

(a) Except as provided herein, it is unlawful for the owner of a residential building in the town to sell or exchange the same without first having obtained and delivered to the buyer a report of residential building record. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars.

(b) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. 601 § 1 (part), 1973; Ord. No. 1007, § 17, 6-15-2021)

## Chapter 15.40 UNDERGROUND INSTALLATION OF ELECTRIC UTILITIES\*

**Sections:**

15.40.010 Scope.

The town council of the town of Corte Madera finds and determines that the public interest requires that facilities and wires for the extension of existing facilities for the supply and distribution of electrical energy and service, including but not limited to communication and cable television service, shall be placed underground in order to promote and preserve the health, safety and general welfare of the public, and to assure the orderly development of the town.

(Ord. 640 § 1 (part), 1976)

15.40.020 New extensions of utility facilities.

It is ordered by the town council that:

(1) All new extensions of existing utility distribution facilities (including but not limited to electric, communication and cable television lines), hereafter constructed or installed in the town, shall be placed underground.

(2) Utility distribution facilities to any new building or structure shall be placed underground unless special permission to construct such facilities aboveground is granted, as provided in this chapter.

(3) It will be the responsibility of the applicant for such service to make the necessary arrangements with the utility companies involved for the underground installation of facilities required for such new extension and/or service, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the California Public Utilities Commission.

(Ord. 640 § 1 (part), 1976)

15.40.030 Exceptions.

The provisions of Section 15.40.020 shall not apply to:

(1) Any municipal equipment or facilities installed under the supervision and to the satisfaction of the director of community services;

(2) Poles or electroliers used exclusively for street lighting;

(3) Overhead wires connecting to antennas or serving seasonal decorative lighting attached to the exterior surface of a building by means of a bracket or other fixture, and extended from one location on the building to another location on the same building;

(4) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

(5) Aboveground installation of equipment appurtenant to and required for underground facilities, such as transformers, amplifiers, terminal boxes, meter cabinets, and concealed ducts. These will be permitted where necessary, subject to the review and approval of size, design and location by the director of community services. Such approval may be conditioned upon the installation of specified landscaping or other screening. All aboveground installation will be inspected for appearance and workmanship;

(6) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects, or installed and maintained for a period not to exceed ten consecutive days, in order to provide emergency service.

(Ord. 640 § 1 (part), 1976)

15.40.040 Hardship.

Within any residence district, other than a multiple-dwelling district, established pursuant to Title 18 of this code, any parcel proposed to be developed for residential use may be served by overhead utility facilities if the director of community services makes each of the following findings:

(1) Such parcel is within an area which is largely developed and is served by existing overhead utility facilities;

(2) The requirement of underground installation would involve practical difficulties or impose undue hardship and is not necessary to carry out the purpose and spirit of this chapter.

(Ord. 640 § 1 (part), 1976)

15.40.050 Existing facilities.

The provisions of Section 15.40.020 shall not prohibit the maintenance and operation of existing overhead facilities, nor prohibit the installation of overhead service lines to facilities already served by at least one overhead utility service, nor prohibit the connection of underground service lines to existing overhead utility distribution equipment. A utility may interset additional poles or other supporting structures or increase the height of existing poles or other supporting structures if such work takes place within the existing easement and locational confines of existing overhead utility facilities. The utility may continue to maintain, repair, replace and reinforce any facility or structure to maintain the integrity of any facility or structure existing on or before the effective date of the ordinance codified in this chapter.

(Ord. 640 § 1 (part), 1976)

## Chapter 15.50 TREES

**Sections:**

### I. General Provisions

15.50.010 Purposes and principles.

(a) Trees and views contribute to the attractiveness and quality of life in the town.

(b) Trees produce a wide variety of benefits. Trees modify temperatures and winds, replenish oxygen to the atmosphere and maintain soil moisture, control soil erosion, and provide wildlife habitat. Trees contribute to the visual environment of the town by providing scale, color, silhouette and mass, and by creating visual screens and buffers to separate land uses, and promote privacy. Trees may enhance property values, stabilize slopes, reduce the need for surface drainage systems, and can conserve energy. Trees also function as living landmarks of the town's history and provide a welcome element of nature in the midst of settlement.

(c) Views, whether of San Francisco Bay, Mount Tamalpais, the surrounding hills, or other natural and man-made landmarks, also produce a variety of significant and tangible benefits for both residents and visitors to the town. Views contribute to the visual environment of the town by providing inspiring panoramic vistas, and by acting as distinctive supplements to architectural design. Similarly, sunlight contributes to people's health and well-being, enhances property values and provides solar energy and other economic benefits.

(d) Owners and residents should maintain trees on their property in accordance with Section 12.40.030, in a healthy condition for both safety reasons and for preservation of sunlight and outward views. Before planting trees, owners and residents should consider view and sunlight blockage potential, and avoid planting trees defined in this chapter as "undesirable."

(e) Trees, views, privacy, sunlight, and the benefits derived from each may come into conflict. The continued growth of trees, and their planting locations and species selected, may produce intended beneficial effects and unintended deleterious effects both on the property on which they are planted and on neighboring properties. The public health, welfare and safety are served by establishing standards which will protect and preserve trees while creating a procedure to resolve view and sunlight obstruction claims, so as to provide a reasonable balance between tree, view, privacy and sunlight-related values.

(f) Whenever possible, tree work shall adhere to the standards set forth in the International Society of Arboriculture (ISA) Standards for Pruning and the American National Standard Institute (ANSI) Standard A300.

(Ord. 796 § 2 (part), 1995)

15.50.020 Definitions.

For the purpose of this chapter, the meaning and construction of words and phrases hereinafter set forth shall apply:

(1) "Active use area" means the most frequently actively used portion or portions of a residential building or site, or nonresidential building, from which views and/or sunlight are available.

(2) "Alter" means to take action that could foreseeably endanger the health of a tree, including but not limited to, pruning of more than thirty-three percent of the canopy area, cutting, girdling, interfering with the water supply, applying chemicals, or regrading around the feeder root zone of the tree.

(3) "Arbitration" means a legal procedure as set forth in California Civil Procedure Code Section 1280, et seq.

(4) "Arbitrator" means a neutral party who will conduct a process similar to a trial, and who will hear testimony, consider evidence, and make a binding decision for the disputing parties.

(5) "Arborist" means anyone who possesses the technical competence through experience and related training to provide for or supervise the management of trees and other woody plants. A certified arborist is a person who has passed a series of tests by the International Society of Arboriculture (ISA) and is governed by ISA's professional code of ethics.

(6) "Canopy" means the leaves and branches of a tree, from the lowest branch on the trunk to the top of the tree.

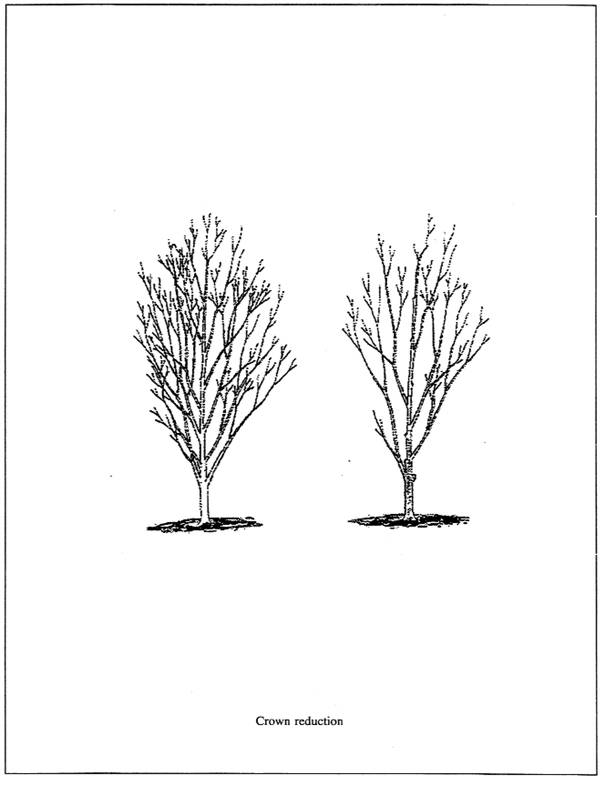
(7) "Complainant" means any property owner (or legal occupant with written permission of the property owner) who alleges that, in violation of this chapter, trees located on the property of another person are causing unreasonable obstruction of the view and/or sunlight benefitting his/her real property, or the property on which the complainant resides.

(8) "Crown" shall have the same meaning as "canopy".

(9) "Crown cleaning" means the removal of dead, dying, diseased, crowded, weakly attached, low-vigor branches and watersprouts from a tree's crown.

(10) "Crown raising" (or limbing up) means the removal of the lower branches of a tree, up to thirty-three percent of the total canopy area, or whatever height is necessary to provide clearance for pedestrians and fire safety vehicles.

(11) "Crown reduction" (crown shaping) means comprehensive pruning to reduce a tree's height and/or spread. Crown reduction entails the reduction of the top, sides or individual limbs, by the means of removal of the leader or longest portion of limb to a lateral large enough to assume the terminal, provided, however, in no event shall crown reduction result in the removal of more than thirty-three percent of the tree's canopy. The diagram which follows is illustrative of a proper crown reduction within the meaning of this chapter.



(12) "Destroy" means to kill or to take action that endangers the health or vigor of a tree, including, but not limited to, cutting, girdling, interfering with the water supply, applying chemicals, or regrading around the base of the trunk.

(12a) "Fire-prone tree" means any tree of the species known as:

|  |
| --- |
| Acacia (Acacia Spp.) |
| Arborvitae (Thuja Spp.) |
| Bishop Pine\* (Pinus Muricata) |
| California Bay\* (Umbellularia Californica) |
| Cedars (Cedrus Spp.) |
| Coulter Pine (Pinus Coulteri) |
| Cypress (Cupressus Spp.) |
| Douglas Fir\* (Pseudotsuga Menziesii) |
| Eucalyptus (Eucalyptus Spp.) |
| False Cypress (Chamaecyparis Spp) |
| Firs (Abies Spp.) |
| Gray Pine (Pinus Sabiniana) |
| Junipers (Juniperus Spp.) |
| Knobcone Pine (Pinus Attenuata) |
| Larch Trees (Larix Spp.) |
| Monterey Pine (Pinus Radiata) |
| Pond Pine (Pinus Serotina) |
| Scots Pine (Pinus Sylvestris) |
| Spruces (Picea Spp.) |
| Torrey Pine\* (Pinus Torreyana) |
| Yew Tree (Taxus Spp.) |
| \* This species group consists of native trees with many environmental benefits, and should be removed only where the fire marshal deems a tree to be a specific hazard to a structure or residence. |

(12b) "Heritage tree" means any tree, excluding an undesirable species, (A) of no less than fifty years old with a single trunk circumference equal to or more than one hundred inches (or multi-stemmed trees having an aggregate circumference of equal to or more than one hundred inches) measured 4.5 feet above grade; or (B) which is no less than one hundred years old.

(13) "Maintenance pruning" means pruning with the primary objective of maintaining or improving tree health and structure, and includes "crown cleaning," "crown reduction" and "crown raising."

(14) "Mediator" means a neutral, objective, third person who helps disputing parties to reach a mutually satisfactory solution.

(15) "Obstruction" means the blocking or diminishment of a view and/or sunlight attributable to the growth, maintenance or location of trees.

(16) "Person" means any individual, individuals, corporation, partnership, firm, or other legal entity.

(17) "Planning director" means the director of environmental services.

(18) "Pruning" means the general removal of plant material from a tree in order to modify that tree.

(19) "Public right-of-way" for purposes of this chapter means the paved portion of public street and the area extending five feet beyond the edge of the pavement, measured perpendicularly from the centerline of the roadway where there is no sidewalk, or, where there is a sidewalk, the area between the sidewalk and the roadway.

(20) "Restoration action" means any specific steps taken affecting a tree (or trees) that would result in the restoration of a view or sunlight.

(21) "Stand thinning" means the selective removal of a small percentage of trees from a grove of trees.

(22) "Sunlight" means the availability of direct or indirect sunlight to the active use area of a building and/or property.

(23) "Topping" means eliminating the upper portion of a tree's trunk or main leader.

(24) "Town" means the town of Corte Madera.

(25) "Tree" means any woody plant.

(26) "Tree owner" means any person owning real property in the town whereon a tree or trees are located.

(27) "Undesirable species" means any of the following species which possess any or all of the following characteristics: fast growth, large size, extreme flammability, poor structure, invasive roots, introduced species and relatively short life-span.

|  |  |
| --- | --- |
| Common Name | Genus Name |
| Blue gum eucalyptus | Eucalyptus globulus |
| Sugar gum eucalyptus | Eucalyptus cladocalyx |
| Manna gum eucalyptus | Eucalyptus viminalis |
| Black acacia | Acacia melanoxylon |
| Green wattle acacia | Acacia decurrens |
| Monterey pine | Pinus radiata |
| Juniper (all species) | Juniperus spp. |
| Lombardy poplar | Populus nigra "Italica |

(28) "View" means a vista, from an active use area, of features including, but not limited to, skylines, bridges, landmarks, cities, distinctive geologic features, hillside terrains, wooded canyons, ridges and bodies of water.

(29) "View/sunlight claim" means the basis upon which a complainant seeks the taking of action to restore the complainant's sunlight or view rights as granted in this chapter (see subsection (7) of this section).

(30) "Vista pruning" means the selective thinning of framework limbs or specific areas of the crown of a tree to allow a view from a specific point. Topping should not be used to accomplish vista pruning.

(Ord. 797 § 1, 1995; Ord. 796 § 2 (part), 1995)

(Ord. No. 998, § 5, 7-7-2020)

15.50.030 Enforcement.

(a) It is unlawful for any person to remove, destroy, alter, or cause to be removed, destroyed, or altered, any tree growing within the town limits on any property without a permit, as required by this chapter, unless such work is specifically exempted from tree permit requirements by this chapter. Consistent with Chapter 1.04 of this code, any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall be guilty of a misdemeanor. Each tree removed, destroyed, altered or maintained in violation of this chapter shall be deemed a separate offense.

(b) Penalties. Penalties for a misdemeanor shall be as set forth in California Government Code, and include fines of up to one thousand dollars, jail sentencing of up to six months, or both fine and imprisonment.

(c) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(d) All fees, fines, levies, or other town-imposed costs associated with this chapter shall be used exclusively for town tree-related matters in implementation of this chapter.

(Ord. 796 § 2 (part), 1995; Ord. No. 1007, § 18, 6-15-2021)

### II. Tree Permit

15.50.040 Application for permit.

(a) Permit Required. Any person desiring to remove, destroy or alter one or more trees on his or her property in the town, except those exempted from permit requirements in Section 15.50.050, shall apply in writing to the planning director for a permit to do so ("tree permit").

(b) Application. The application for a tree permit shall contain the precise number, species, size and location of the tree or trees to be removed, destroyed or altered, a detailed description of the work proposed, and a brief statement of the reason for removal or alteration, as well as any other pertinent information the planning director may require.

(c) Fee. The fee for a tree permit application shall be established from time to time by resolution of the town council. The fee for appeal of a tree permit decision shall be one hundred dollars.

(d) Town Trees Require Tree Permit. If the town desires to remove, alter or destroy any tree located on property in which the town has a fee, easement or any other interest, it may do so only after applying for and securing a tree permit; provided, however, that no such tree permit is required for the town's maintenance pruning of such trees, no such tree permit is required to remove a tree in emergency situations pursuant to section 15.50.050(7), and no such tree permit is required to remove a fire-prone tree pursuant to section 15.50.050(9).

(Ord. 840 § 1, 1999; Ord. 796 § 2 (part), 1995)

(Ord. No. 998, §§ 6, 7, 7-7-2020)

15.50.050 Exemptions to permit requirements.

Notwithstanding anything to the contrary stated in this chapter, the following activities may be performed without first securing a tree permit:

(1) Trees Below Permit Size. On private property, the removal, destruction or alteration of trees with a single trunk circumference less than fifty inches (or multistemmed trees having an aggregate circumference of less than one hundred twenty inches), measured four and one-half feet above grade;

(2) Maintenance Pruning. Maintenance pruning, as defined in Section 15.50.020, of a tree by the tree owner;

(3) Topping of Special Tree(s). Topping of trees specifically planted and maintained as a hedge, espalier, bonsai or in pollard form;

(4) Trees in the Public Right-of-way. Trees in the public right-of-way do not require a tree permit for maintenance pruning by the town or the owner of the property (i) immediately adjacent to the public right-of-way or (ii) on which the public right-of-way is located;

(5) Undesirable Species. Undesirable species of any size may be altered, removed or destroyed without a tree permit. However, inspection of the tree and its confirmation as being an undesirable species by the town arborist are required prior to the removal, destruction or alteration of any undesirable species with a trunk circumference of fifty inches or more (or multistemmed tree having an aggregate circumference of one hundred twenty inches or more), measured four and one-half feet above grade. This procedure is for species identification only and does not require a permit;

(6) Public Utilities. Public utility companies subject to the jurisdiction of the California Public Utilities Commission may perform such pruning as is necessary to comply with the safety regulations of said commission and to maintain a safe operation of their facilities without a permit. However, they should notify the planning department at least three working days (except in emergencies) prior to taking any action. The planning director shall cause such pruning work to be inspected, when appropriate, to ensure that good pruning practices previously referenced are followed. The planning director shall have the authority to stop any tree pruning performed by a utility company if such practices are not being followed;

(7) Emergencies. In case of emergency, a tree located on private property or on property in which the town has a fee, easement or any other interest, may be removed without the necessity of a permit application as required by this chapter upon a determination by the town manager, or his/her designee, that removal of the tree is necessary for the immediate protection of life or property;

(8) View and Sunlight Claim. Any removal or alteration of a tree permitted or required under any order, award or agreement issued or entered into, respectively, pursuant to Article III of this chapter by which the right to a view and/or sunlight is established.

(9) Fire-Prone Trees. A fire-prone tree, as defined in Section 15.50.020, may be altered, removed, or destroyed without a tree permit upon confirmation by the town that it meets the definition of "Fire-Prone Tree"; and upon investigation and verification by the fire code official that the fire-prone tree is deemed to be a fire hazard. This procedure is for verification purposes only and does not require a permit.

(10) Trees removed pursuant to Title 22. Pursuant to state law, a tree permit is not required for any tree that is altered, removed, or destroyed in conjunction with a project developed under Title 22 (Objective Design and Development Standards). Replacement planting shall be provided as required in Title 22.

(Ord. 840 §§ 2, 3, 1999; Ord. 796 § 2 (part), 1995)

(Ord. No. 998, § 8, 7-7-2020; Ord. No. 1013, § 5, 12-7-2021)

15.50.060 Factors for decision on permit.

The determination of the planning director in granting or denying a tree permit application shall be based upon the following factors:

(1) The condition of the tree with respect to disease, general health, root or other damage, public nuisance, fire hazard, danger of falling, proximity to existing or proposed structures and interferences with utility service, and whether or not the tree acts as a host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;

(2) The number of existing trees in the area, the number of healthy trees that a given parcel of land will support, and the current effects of the tree(s) and their removal on neighboring vegetation;

(3) The extent to which the tree(s) provide:

(A) Privacy,

(B) Energy conservation and/or climate control,

(C) Soil stability, as measured by soil structure, degree of slope and extent of tree root system(s);

(4) Other tree-related factors, including but not limited to, species, size, growth maintenance requirements, aesthetic form, vigor, location, screening, potential for replacement of removed trees, historic value, and the effect of tree removal or alteration upon the public health, safety, prosperity, beauty and general welfare of the area;

(5) Preservation/restoration of views and/or sunlight on an applicant's property.

(Ord. 796 § 2 (part), 1995)

15.50.070 Permit processing.

(a) Review of Application. The planning director may refer the application to another department, committee or person for report and recommendation. Where appropriate, the planning director may also consider a written report from an independent tree expert at the applicant's expense, if agreed to by the applicant.

In granting a permit, the planning director may attach reasonable conditions to ensure compliance with the provisions of this chapter. When a permit is denied, the planning director shall state the reasons for said denial based on the factors specified in Section 15.50.060.

(b) Notice and Time Frame. When the planning director receives an application for a tree permit, notice of said application shall be mailed to the owners of all properties within three hundred feet of the property on which the tree(s) is (are) located, at least ten days prior to a decision by the planning director.

(c) Decision. The planning director may approve, conditionally approve or deny the application, and notice of the planning director's decision shall be mailed to the applicant and any other person requesting such notification.

(d) Appeal. Any interested party may appeal the planning director's decision. Such appeal must be submitted in writing to the planning department, with appeal fee, within ten days from the date of the planning director's decision, briefly stating the facts and grounds of the appeal. The planning director shall set the matter on the next available town council agenda and shall notify the appellant, applicant and all property owners within three hundred feet of the site in writing of such meeting. After a public hearing, the council may affirm, modify or reverse the planning director's decision.

If no appeal is received by the town, the permit shall become effective ten days after the date of the planning director's decision. It shall be the responsibility of the person actually removing or altering any tree under this chapter to have on his or her person the permit or a copy of the permit at the time of such removal or alteration.

(e) Lapse of Approval. A permit for removal or alteration of a tree shall lapse and become null and void one year following the date on which the approval became effective, unless, prior to the expiration of one year, work is commenced and diligently pursued toward completion on the site which was the subject of the application.

A tree permit may be renewed for an additional period of one year beyond its initial expiration date; provided that, prior to the expiration of the date when the original permit expires, an application for renewal of the tree permit is filed with the planning department. A renewal application involving any requested change to the tree work originally granted in the permit shall be treated as a new application, subject to all the provisions of this chapter.

(Ord. 796 § 2 (part), 1995)

15.50.080 Applicability with Title 18.

(a) Zoning Decisions. Except for the first ten years after the zoning approval, the rights granted by this chapter may be asserted and established against any trees which are required to be maintained and/or planted pursuant to any approval granted pursuant to Title 18 of this code.

(b) Protection During Construction. When proposed developments may impact any tree, special construction techniques to protect the tree and roots may be required, as determined by the planning director, such as:

(1) The existing ground surface within the drip line of any tree shall not be cut, filled or compacted unless otherwise approved by the planning director. Welded wire fencing and hay bales may be required around the drip line. Tree wells may be used when approved by the planning director.

(2) Excavation adjacent to any tree, when permitted, shall be in such a manner that will minimize root damage. Inspection shall be required prior to backfilling. Pruning may be required by the town to compensate for root damage and/or removal, at the expense of the applicant or owner.

(3) No oil, gas, chemicals, heavy construction machinery, parking of vehicles, or other construction materials shall be stored or allowed to stand within the feeder root zone of trees protected by this chapter. Solvents, oils, or other liquid or solid waste shall not be, or be allowed to be, dumped within the feeder root zone.

(4) No signs, or wires, except those needed for support of the tree, shall be attached to any trees.

(Ord. 796 § 2 (part), 1995)

### III. View and Sunlight Preservation

15.50.090 Specific purposes.

The purposes of this article, based on the purposes and principles listed in Section 15.50.010, are to:

(1) Recognize and establish the right of persons to preserve views, sunlight, trees or privacy on their property;

(2) Recognize and establish parity in the right of persons to preserve views, sunlight, trees or privacy on their property;

(3) Establish a process by which persons may seek restoration of such views or sunlight when unreasonably obstructed by the growth of trees.

(Ord. 797 § 2 (part), 1995: Ord. 796 § 2 (part), 1995)

15.50.100 Right to view and sunlight.

Subject to the other provisions of this article, it is recognized that every person owning real property in the town has the right to have a reasonable amount of the view and sunlight benefitting his/her real property which existed at any time during the period beginning on the date that the complainant purchased the property and ending twelve months immediately following thereafter.

(1) Notwithstanding the above, no right to a view or sunlight may be established under this article as to any tree located in the public right-of-way; provided, however, that such rights may be established in accordance with this article as to trees located on property in which the town enjoys a fee interest, easement or any other interest, excluding trees located in the public right-of-way.

(2) Notwithstanding the above, no right to a view or sunlight may be established under this article as to any heritage tree, and heritage trees may not be altered, destroyed or removed on the basis of any provision of this article.

(3) Notwithstanding the above, a view or sunlight right may only be established based on the later of: (A) facts or conditions which occurred or existed no more than twenty years prior to the date the complainant first notifies the tree owner under Section 15.50.110(1); or (B) facts or conditions which occurred or existed during the one-year period specified in the first paragraph of this section.

(4) Notwithstanding the above, no view or sunlight right may be based upon and no view or sunlight right may be exercised with respect to any tree located more than three hundred feet from any boundary of complainant's real property.

(Ord. 797 § 2 (part), 1995: Ord. 796 § 2 (part), 1995)

15.50.110 Process for resolution of claims.

To establish view and sunlight rights recognized and established herein, the complainant must follow the process established by this article. First, the complainant must complete the "initial discussion" process described below. Second, if that process does not yield a result mutually satisfactory to the complainant and the tree owner, then the complainant must seek to mediate his/her view/sunlight claim in accordance with this article. If the tree owner refuses to mediate or if the mediation is unsuccessful in resolving their differences, then the complainant must attempt to initiate arbitration as set forth hereinafter. If arbitration is not accepted by the tree owner, and the initial discussion and mediation have proved unsuccessful in resolving the view/sunlight claim, the complainant may then initiate litigation to determine his/her view/sunlight claim rights. Except for view claims brought under the second part of Section 15.50.100(1), no town action or decisions are required to establish or exercise a complainant's view and/or sunlight rights.

(1) Initial Discussion. A complainant who believes that tree growth on another person's property has caused unreasonable obstruction of views or sunlight from the complainant's active use area shall first notify the tree owner of such concerns.

The notification should, if possible, consist of personal discussion to enable the complainant and tree owner to attempt to reach a mutually agreeable solution.

(2) If Parties Agree. Following the initial discussion, if agreement is reached between the parties as to the existence and nature of complainant's rights and on what restoration action is to be taken on the tree(s) in question, that agreement shall be reduced to writing and executed by all parties concerned. Said agreement must set forth all of the matters described in Section 15.50.150; otherwise, it shall not be enforceable and grant no view or sunlight rights hereunder.

(3) If Parties Do Not Agree. If the parties do not agree as to the rights in question and what action should be taken regarding the tree(s) in question, the complainant must prepare and provide to the tree owner a view/sunlight claim (and provide a copy of the view/sunlight claim to the town).

(Ord. 797 § 2 (part), 1995: Ord. 796 § 2 (part), 1995)

15.50.120 View/sunlight claim.

A view/sunlight claim shall consist of all of the following:

(1) For the relevant period, a description of the nature and extent of the alleged obstruction, including pertinent and corroborating evidence. Evidence may include, but is not limited to, photographic prints, negatives or slides, and written testimony from residents living in the area. Such evidence must show absence of the obstruction at or during the relevant period of time. Evidence to show the date of property acquisition or occupancy by the complainant must be included;

(2) The exact location of all trees alleged to cause the obstruction, the address of the property upon which the tree(s) are located, and the present tree owner's name and address;

(3) Evidence of the failure of initial discussion as described in Section 15.50.110(1) to resolve the dispute. The complainant must provide evidence that written attempts at reconciliation under Section 15.50.110(1) have been made and have failed. Evidence may include, but is not limited to, copies of and receipts for certified or registered mail correspondence;

(4) Specific view or sunlight restoration actions proposed by the complainant to resolve the unreasonable obstruction.

(Ord. 797 § 2 (part), 1995; Ord. 796 § 2 (part), 1995)

15.50.130 View/sunlight claim process.

(a) Mediation. If the initial discussion fails to achieve agreement between the tree owner and complainant, the complainant shall prepare and deliver to the tree owner a written view/sunlight claim and propose mediation as a timely means to settle the obstruction dispute.

Acceptance of mediation by the tree owner shall be voluntary, but the tree owner shall have no more than thirty days from service of notice either to accept or to reject the offer of mediation. If mediation is accepted, the parties shall mutually agree upon a mediator within thirty days, and should commence mediation within sixty days.

The mediator shall consider and be governed by the purposes and provisions set forth in this chapter in attempting to help resolve the dispute. The mediator shall not have the power to issue binding orders for view restoration action, but shall strive to enable the parties to resolve their dispute by written agreement in order to eliminate the need for arbitration or litigation. Any agreement reached as a result of the mediation process described in this section must be reduced to writing and executed by all parties concerned. Said agreement must set forth all of the matters described in Section 15.50.150; otherwise, it shall not be enforceable and grant no view or sunlight rights hereunder.

(b) Arbitration. In those cases where the initial discussion process fails and where mediation is declined by the tree owner or has failed, the complainant shall offer in writing to submit the dispute to binding arbitration.

The tree owner shall have thirty days from service of notice to accept or reject arbitration. If accepted, the parties shall agree on a specific arbitrator within thirty days, and shall indicate such agreement in writing. If the parties do not agree on a specific arbitrator within thirty days, either party may petition the court to appoint an arbitrator.

The arbitrator shall be governed by the provisions of this chapter in deciding the view/sunlight claim and shall submit a complete written decision to the complainant and the tree owner. This decision shall decide all of the matters described in Section 15.50.150, and if the complainant prevails, shall include a pertinent list of all required view or sunlight restoration actions with any appropriate conditions concerning such actions, and a schedule by which the actions must be completed; otherwise, it shall not be enforceable and grant no view or sunlight rights hereunder. A copy of the arbitrator's decision shall be submitted by the complainant to the town planning director immediately after it is rendered. Any decision of the arbitrator shall be enforceable pursuant to the provisions of California Code of Civil Procedure § 1285, et seq.

(Ord. 796 § 2 (part), 1995)

15.50.140 Litigation.

If a complainant has unsuccessfully attempted to obtain agreement under Sections 15.50.110 and 15.50.130(a) and the tree owner has declined binding arbitration under Section 15.50.130(b), the complainant has the right to initiate civil action for resolution of his/her view/sunlight claim and the view or sunlight obstruction dispute under the provisions of this article.

The litigating complainant shall file a copy of the lawsuit with the town planning director.

(Ord. 796 § 2 (part), 1995)

15.50.150 Specificity required to enjoy view/sunlight rights.

Any person (the "complainant") desiring to remove, destroy or alter one or more trees on property owned or controlled by another person (the "tree owner") may do so only if the complainant:

(1) Establishes a right to do so under Section 15.50.100;

(2) Establishes said right and the nature thereof in accordance with the procedures specified in Sections 15.50.110 through 15.50.140; and

(3) Either enters into an agreement with the tree owner or obtains an arbitration or judicial decision:

(A) Establishing said right,

(B) Specifying, in detail, the nature of said right, and

(C) Specifying the nature and timing of the restoration action and the parties responsible for performing said action required to effectuate the said rights so established.

(Ord. 796 § 2 (part), 1995)

15.50.160 Standards for evaluation of claims.

In determining the extent to which the complainant may exercise his/her view and/or sunlight rights otherwise established hereunder, the following factors shall be considered:

(1) The vantage point(s) from which the view is obtained;

(2) The extent of the alleged view or sunlight obstruction;

(3) The quality of the views which existed at or during the relevant time including existence of landmarks or other unique view features, and/or the extent to which the tree(s) blocks their view;

(4) The extent to which the view or sunlight is diminished by factors other than the tree(s) involved in the claim;

(5) The extent to which the tree(s) have grown to obscure the enjoyment of sunlight in the active use area of the complainant's property;

(6) The condition of the tree with respect to disease, general health, root or other damage, public nuisance, fire hazard, danger of falling, proximity to existing or proposed structures and interferences with utility service, and whether or not the tree acts as a host for a plant which is parasitic to another species of tree which is in danger of being exterminated by the parasite;

(7) The number of existing trees in the area, the number of healthy trees that a given parcel of land will support, and the current effects of the tree(s) and their removal on neighboring vegetation;

(8) The extent to which the tree(s) provide:

(A) Privacy,

(B) Energy conservation and/or climate control,

(C) Soil stability, as measured by soil structure, degree of slope and extent of tree(s) root system;

(9) Other tree-related factors, including but not limited to, species, size, growth maintenance requirements, aesthetic form, vigor, location, screening, potential for replacement of removed trees, historic value, and the effect of tree removal or alteration upon the public health, safety, prosperity, beauty and general welfare of the area.

The above factors shall not preclude reasonable restoration of view and/or sunlight.

(Ord. 797 § 2 (part), 1995; Ord. 796 § 2 (part), 1995)

15.50.170 Hierarchy of restoration actions.

View and/or sunlight restoration actions must be consistent with all other provisions of this chapter, except that no tree permit as provided in Article II of this chapter, need be obtained. It is recommended that all tree work authorized by Article III of this chapter be performed or supervised by a certified arborist. Restoration action shall be limited to the following, in order of preference:

(1) Vista Pruning. Restorative actions shall be limited to the vista pruning of branches where possible.

(2) Crown Reduction. When vista pruning of branches is not a feasible solution, crown reduction shall be preferable to tree removal if it is determined that the impact of crown reduction does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.

(3) Stand Thinning. The removal of a small percentage of the total number of trees from a grove of trees, without any replacement plantings.

(4) Topping. Eliminating the upper portion of a tree's trunk or main leader.

(5) Tree Removal, with Replacement Plantings. Tree removal, which may be considered when the above-mentioned restoration actions are judged to be ineffective and may be accompanied by replacement plantings of appropriate plant materials to restore the maximum level of benefits lost due to tree removal. Replacement plantings at an appropriate ratio can be required on the tree owner's or the complain-ant's property. Such trees shall be maintained so as not to cause a view obstruction. Under no circumstances shall restorative action include the replanting of undesirable species.

(Ord. 796 § 2 (part), 1995)

15.50.180 Responsibility for ongoing maintenance.

The complainant shall have the responsibility for paying for initial restoration actions. After this initial action, the cost of subsequent restoration actions shall be shared as determined by agreement between the tree owner and the complainant, or as ordered by arbitration decision or court order.

For "undesirable species" (see definition), initial restoration action shall be the responsibility of the complainant. Thereafter, however, the tree owner shall pay for the cost of restoration actions, other than removal, applied to undesirable species, unless otherwise agreed through mediation or ordered by arbitration decision or court order.

(Ord. 797 § 3, 1995: Ord. 796 § 2 (part), 1995)

15.50.190 Liability.

(a) The town shall not be liable for any damages, injury, costs or expenses which are the result of any decision made by the town or any other person (e.g., mediator, arbitrator or judge) concerning a view/sunlight claim or a complainant's assertions pertaining to views or sunlight rights granted or conferred in this chapter.

(b) Under no circumstances shall the town have any responsibility or liability to enforce or seek any legal redress, civil or criminal, for any decision it or any other person (except in a case where the town is a named party and is subject to a lawful order of a court of competent jurisdiction) makes concerning a view/sunlight claim.

(Ord. 796 § 2 (part), 1995)

15.50.200 Apportionment of costs.

Costs of the mediator or arbitrator shall be apportioned between the complainant and tree owner according to the following schedule:

|  |  |
| --- | --- |
| Mediation: | First three hours: complainant, thereafter fifty-fifty or as determined by parties |
| Arbitration: | First three hours: complainant, thereafter fifty-fifty or as determined by arbitrator. |

(Ord. 796 § 2 (part), 1995)

## Chapter 15.55 WATER EFFICIENT LANDSCAPING

15.55.010 Purpose and authority.

As mandated under State Government Code Section 65595(c), certain new construction and rehabilitation projects that include landscape and irrigation improvements are required to comply with water efficient landscape requirements and monitoring of water usage for irrigation. The purpose of this chapter is to comply with state mandates regarding water efficient landscaping.

The purpose of this chapter is also to ensure the efficient use of water through the promotion of water efficient landscapes. The following practices are encouraged to achieve water efficiency in the design of a landscape:

(1) Protection and preservation of native species and natural vegetation;

(2) Selection of water conserving plant, tree, and turf species, especially local native plants;

(3) Selection of plants based on local climate suitability, disease, and pest resistance;

(4) Selection of tree species appropriate for the planting area; and

(5) Selection of plants with fire resistant characteristics.

(Ord. No. 1001, § 5, 10-20-2020)

15.55.020 Adoption of code.

The water efficient landscape requirements of Marin Municipal Water District Code Title 13 "Water Service Conditions and Water Conservation Measures" Chapter 13.02 "Water Conservation and Dry Year Water Reduction Program" Section 13.02.021 "Water Conservation: Normal Year Water Conservation" Subsections (2) "Definitions" and (5) "Water Efficient Landscaping" are adopted by reference hereto, including any amendments or successors thereto, as the town of Corte Madera's Water Efficient Landscape Ordinance to comply with the California Water Conservation in Landscaping Act (Cal Gov. Code Section 65591) and shall be in full force and effect within the town.

(Ord. No. 1001, § 5, 10-20-2020)

15.55.030 Implementation, monitoring, penalties and enforcement.

(a) The Marin Municipal Water District, the public water system within the jurisdictional boundaries of the town, is hereby designated as the implementing, monitoring, and enforcement agency for the water efficient landscape provisions of Marin Municipal Water District Code Chapter 13.02 and any amendments or successors thereto. The town of Corte Madera may also implement, monitor and enforce the provisions of this chapter.

(b) Any violation of the provisions of this chapter is hereby declared a public nuisance and shall be subject to summary abatement as provided by the law.

(c) Any person violating the provisions of this chapter shall be deemed guilty of an infraction and shall be subject to penalties pursuant to Sections 36900, 36901, 38773.1 and 38773.5 of the California Government Code, as amended, and Title 9, Chapters 9.04 and 9.05 of the town of Corte Madera Municipal Code.

(d) Any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(e) Each and every day that the violation of this chapter continues, is committed or is permitted to continue shall be regarded as a new and separate offense.

(f) The remedies provided in this section shall be cumulative and not exclusive.

(Ord. No. 1001, § 5, 10-20-2020; Ord. No. 1007, § 19, 6-15-2021)

## Chapter 15.60 VACANT BUILDINGS

**Sections:**

15.60.010 Title.

This chapter shall be known as the "Code for Regulation of Vacant Buildings," may be cited as such, and will be referred to herein as "this chapter."

(Ord. 793 § 1 (part), 1995)

15.60.020 Findings and purpose.

The town council prefers that vacant buildings be kept in a well-maintained condition so as not to appear unoccupied. However, when a property owner fails to maintain properly an unoccupied building and when vacancy attracts vandalism and safety hazards, the town council desires to have a procedure to ensure that these undesirable conditions can be rectified.

The town council finds, determines and declares: that any building which remains vacant and unoccupied can become an attractive nuisance to children, a harborage for rodents, an invitation to persons as a temporary abode and an increased fire hazard; that unkept and unsecured grounds surrounding such buildings encourage the dumping of garbage, trash, and other debris thereon; that such buildings create a blight in the town, depress market values of surrounding properties, thereby reducing tax revenues, create a need for additional governmental services, significantly interfere with the use and enjoyment of neighboring properties; such buildings further create an unhealthy and unsafe condition which affects the public, constituting an unreasonable use of property and a public nuisance as defined by this chapter.

Protection of the public health, safety and welfare requires the establishment and enforcement of the means by which such nuisance conditions may be prevented and abated.

(Ord. 793 § 1 (part), 1995)

15.60.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(1) "Building" means any structure having a roof supported by columns or walls, designed or used for the housing or enclosure of persons, animals, automobiles or personal property of any kind. A structure can be residential or nonresidential, such as commercial, industrial, office or warehouse.

(2) "Building official" means the building official of the town of Corte Madera or duly authorized representative.

(3) "Code" means the Corte Madera Municipal Code.

(4) "Owner" means the person or persons, company, firm, or other legal entity identified and listed as having title to the property by the latest property tax assessment rolls maintained by the Marin County Assessor.

(5) "Planning commission" means the planning commission of the town of Corte Madera.

(6) "Property" means any real property interest or estate which may be granted or devised by deed. The word "property" includes: tracts, lots, easements or parcels of land and any and all improvements thereon.

(7) "Town council" means the town council of the town of Corte Madera.

(8) "Vacant and unoccupied buildings" means any building or other structure which is either empty, unoccupied or used and occupied by anyone without the property owner's express permission to conduct lawful activity on the property on which such building or structure is located.

(Ord. 793 § 1 (part), 1995)

15.60.040 Application.

(a) The provisions of this chapter shall apply generally to all property throughout the town whereon any of the conditions, hereinafter specified, are found to exist.

(b) This chapter is intended to supplement all of the provisions of this code, state statutory regulations, and any principles in common law or in equity. Nothing in this chapter shall be read, interpreted or construed in any manner so as to limit any existing rights, powers or authority of the town to abate any and all nuisances.

(Ord. 793 § 1 (part), 1995)

15.60.050 Authority—Building official.

The building official is authorized, empowered and directed to use the provisions of this chapter to abate any condition defined by this chapter as a public nuisance.

(Ord. 793 § 1 (part), 1995)

15.60.060 Right of entry.

To the extent authorized by law, whenever necessary to enforce any provisions of this chapter or whenever the building official has reasonable cause to believe that there exists on any property any condition(s) which is in violation of this chapter, the building official may enter such property at a reasonable time to inspect and/or abate said violation(s).

(Ord. 793 § 1 (part), 1995)

15.60.070 Responsibility for property maintenance.

Every owner of real property within the town is required to maintain such property in a manner so as not to violate the provisions of this chapter. Every owner remains liable for the conditions of the property and any violations on the property, notwithstanding any contractual relations with other persons or other third parties regarding the property.

(Ord. 793 § 1 (part), 1995)

15.60.080 Violation—Penalty.

(a) In addition to the remedies and penalties available through this chapter, other sections of the code, or laws, statutes or provisions, any person, firm or corporation who violates the provisions of this chapter and any owner, as defined by this chapter, who knowingly allows third persons to violate this chapter, shall be guilty of an infraction for each day such violation continues and shall be subject to the penalties set forth in California Government Code Chapter 36900. Exception: In the discretion of the town attorney, a violation may be charged as a misdemeanor, punishable by fines of up to one thousand dollars and imprisonment of up to six months, or both, subject to the conditions and requirements of Section 1.04.010 of this code.

(b) In addition to all other remedies and penalties available through this chapter, other sections of this code, or other laws, statutes or provisions, any violation of this chapter may be enforced by an injunction issued from the Superior Court. In any such action, civil penalties may be brought and attorney's fees sought by the town, as specified in Section 1.04.030 of this code.

(c) In addition to all other remedies and penalties available through this chapter, any person violating any of the provisions or failing to comply with any of the requirements of this chapter, including those that have been adopted by reference herein, shall be subject to administrative citation and fines as set forth in Chapter 9.05 of Title 9 of this code.

(Ord. 793 § 1 (part), 1995; Ord. No. 1007, § 20, 6-15-2021)

15.60.090 Nuisances specified.

It is unlawful and a public nuisance for any owner as defined in this chapter of real property in this town to maintain or to permit any one or more of the following conditions to exist on the property: any vacant and unoccupied building whose doors, windows or other openings are broken or missing, or boarded but not secured, so as to allow access to the interior, or boarded in noncompliance with Section 15.60.100.

(Ord. 793 § 1 (part), 1995)

15.60.100 Standards for securing building.

(a) No person, firm, association or corporation shall erect, install, place or maintain boards over the doors, windows or other openings of any building or structure, or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure except in compliance with this section.

(b) The boarding of the doors, windows, or other openings of any building or structure, or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the following minimum standards:

(1) Securing by Boarding.

(A) Windows. Windows and similar openings shall be boarded with exterior grade plywood. Vent holes may be required, as deemed necessary by the building official.

(B) Exterior doors. Exterior doors shall be boarded with exterior grade plywood.

(C) Painting of Boarded Openings. All boarded openings shall be painted with a minimum of one coat of exterior paint which is of a color consistent with the exterior color of the building or structure. All structures shall be maintained free of graffiti or other objectionable visual matter.

(2) Alternative Methods of Securing a Building. The building official may approve in writing alternative methods of securing a vacant and unoccupied building or structure. In making the determination to approve any alternative method, the building official shall consider the aesthetics, design, and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

(c) Additional Requirements. In connection with the boarding of the doors, windows or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, the building official may also require the owner to comply with the following requirements:

(1) The sewer shall be capped in a manner approved by the building official so as to prevent the accumulation of methane gas in the building or structure.

(2) If the building official deems it necessary to abate an attractive nuisance or safety hazard, the interior of the building or structure shall be cleared and cleaned of all trash, junk, garbage, debris and solid wastes; and personal possessions shall be removed from the interior of the building or structure, so as to eliminate any fire or health hazard and prevent hindrance to firefighting equipment or personnel in the event of a fire.

(3) The exterior grounds of the property shall be kept clear of all trash, junk, garbage, debris and solid wastes, so as to eliminate any fire, health hazard or visual blight.

(Ord. 793 § 1 (part), 1995)

15.60.110 Abatement procedure.

(a) If the building official has inspected or caused an inspection of any property and found and determined that a violation(s) of this chapter exists, the building official may commence abatement proceedings of the nuisance as provided in this chapter.

(b) Upon determining that real property or buildings located in the town is unsecured or improperly secured or boarded, the building official shall issue a notice directed to the owner of the property. The notice shall contain:

(1) The street address and such other description as is required to identify the property;

(2) A statement specifying the condition(s) which constitute the violation(s);

(3) An order mandating that the owner properly board the property or, as appropriate, secure the openings in the building or structure by the conventional method used in the original construction and design of the building or structure within a specified time period, not to exceed thirty days;

(4) A statement that, if the conditions which constitute the violation are not abated by the owner within the time specified, the town may exercise its rights to abate such conditions by properly securing the property in the owner's name, with the cost of the boarding to be assessed against the owner or the property.

(c) The written notice shall be served upon the owner of the property at least ten days before the abatement deadline date specified in said notice. The notice shall be served either by personal delivery upon the owner or by mailing a copy to the owner by first class mail.

(d) After the written notice has been served, it shall be the duty of the owner to abate such violation(s) within the time specified in the notice.

(Ord. 793 § 1 (part), 1995)

15.60.120 Appeal procedure.

(a) The owner of the property may request an appeal of any notice of violation within ten days of the date of notice of violation. Such request must be made in writing, must be served on the planning commission by delivering the request to the town planning department, and must set forth the basis for the appeal.

(b) On receipt of a timely written request for hearing, the planning commission shall set a date for, and on that date, shall conduct a hearing on the proposed abatement. Written notice of the hearing shall be provided by mailing said notice by United States mail with postage paid to all persons shown on the last equalized assessment roll of the county as owning real property within three hundred feet of the property which is the subject of the hearing, at least ten days before the hearing. Following the hearing, the planning commission shall issue a notice of decision informing the owner of its finding and, as appropriate, specifying the time within which the violation must be abated.

(c) Any decision of the planning commission may be appealed to the town council by the property owner or any other interested party. Any decision of the planning commission may be called up for town council review by any member of the town council. Noticing provisions for the town council hearing shall follow the procedure outlined in subsection (b) of this section.

(d) The hearing decision shall be served on the property owner in the same manner as set forth in Section 15.60.110(b).

(Ord. 793 § 1 (part), 1995)

15.60.130 Abatement by town.

(a) In the event the violation is not abated within the time specified in the notice, the town may take all necessary action to abate such violation, including the proper boarding of the property. In addition to incurring penalties as provided in this chapter, the owner shall become personally indebted to the town for the costs of the boarding, and the reasonable administrative costs of abatement and enforcement incurred by the town by reason of the existence of the violation. These costs may alternatively be assessed as a lien against the property on which the violation existed.

(b) After the town has boarded the property pursuant to the terms of subsection (a) of this section, the building official shall cause a notice to be sent to the owner of the subject property advising the owner(s) of the abatement action by the town. Said notice shall be sent to the owner by first class mail.

(Ord. 793 § 1 (part), 1995)

15.60.140 Assessment of costs of abatement by town against owner of property.

(a) The building official shall keep an itemized account of the expense incurred by the town in abating violations under this chapter. After the completion of the work of abatement, the building official shall cause an itemized bill of the expenses to be mailed to the owner.

(b) On a periodic basis as determined by the building official, the building official shall prepare and file with the town clerk a report and assessment list which identifies all real property at which abatement work was done by the town pursuant to this chapter and for which the owner has not fully reimbursed the town within thirty days of the date of billing. The report and assessment list shall provide a description of the real property at which the work was performed, the expenses incurred by the town and the names and addresses of the persons entitled to notice pursuant to Section 15.60.120(b).

(c) Upon receipt of the report, the town clerk shall post a notice of filing of the report in a conspicuous place in Town Hall, with said notice specifying the filing date of the report and assessment list and the time and place when and where the report and assessment list will be submitted to the town council for hearing and confirmation. The town clerk shall also mail by first class mail a notice to each property owner identified in the report and assessment, at the address specified in Section 15.60.110(b). Said notice shall provide a description of the real property at which the work was performed, the nature of the work performed, and the expenses incurred by the town in performing the work, and shall notify the owner that said costs shall be assessed against the owner or the property unless objection is made by the owner in writing and submitted to the town clerk at least two days before the hearing. The notice shall be mailed at least ten days prior to the date of said hearing.

(d) Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment at the town council hearing must submit any and all objections in writing to the town clerk at least two days prior to the date of hearing. The failure of any owner to submit any objections to the town clerk shall constitute a waiver of any such objections.

(e) At the time and place fixed for hearing and confirming the proposed assessments, the town council shall hear the same. At such hearing, only those persons who have submitted written objections to the town clerk will be heard by the town council. At said hearing, the town council may correct, modify or eliminate any proposed assessment which it may deem excessive or otherwise incorrect. Thereafter, by vote and resolution, the town council shall confirm each assessment and the amount thereof, as proposed or as corrected or modified, and order that an assessment be made a personal obligation of the owner or, alternatively, assess it against the property. If the town council orders that an assessment be charged as a personal obligation of the property owner, the town council shall direct appropriate town personnel to collect same by use of all appropriate legal remedies. If the town council orders that an assessment be made against the property, the town council shall also direct that the same be recorded on the property tax assessment roll and thereafter said assessment shall constitute a special assessment and lien against the property. The special assessment and lien shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the town.

(Ord. 793 § 1 (part), 1995)

15.60.150 Summary abatement.

(a) If, in the opinion of the building official, there exists a condition on any property or any building creating an immediate and imminent hazard and danger to the public health, safety or welfare, which, if not abated, would, during the pendency of the abatement procedures set forth in this chapter, subject the public to potential harm of a serious nature, the same may be abated by the town forthwith without compliance with the provisions of this chapter.

(b) No summary abatement shall be undertaken unless the town attorney or his authorized representative has been consulted.

(c) The cost of summary abatement including all administrative costs of any action taken hereunder may be assessed against the subject property as a lien or made a personal obligation of the owner as provided in this chapter.

(Ord. 793 § 1 (part), 1995)

## Chapter 15.70 STOP WORK ORDER

**Sections:**

15.70.010 Stop work order.

(a) Whenever any construction or other work that is subject to any provision of this code has been, or is being, done in any manner that is contrary to any of the provisions of this code, any ordinance of the town, or any condition of a permit, approval, or other entitlement granted by the town, the town manager or his/her designee may order that all construction or work on the property be stopped immediately by notice in writing mailed to any person engaged in doing or causing such work to be done and the owner of the property, and by posting on the property where the violation has occurred, or is presently occurring, a notice to stop such construction or work. Such persons shall forthwith stop such work until authorized by the town to proceed with the work.

(b) Any person, firm, or entity ordered to stop work, or having ownership of the property where the stop work order has been issued, may appeal the stop work order by making application for an appeal to the building code appeals board, as established in Chapter 2.22 in this code, in accordance with the appeal procedures in this code that apply to the approval, entitlement, or permit that has been, or is being, violated. The requirement that a person, firm, or entity obtain a building permit is not subject to appeal. Whenever approval of the construction or other work is not subject to an appeal under the provisions of this code, an appeal of the issuance of the stop work order may be made to the town council in accordance with the provisions set forth in Sections 18.34.050 and 18.34.080 of this code, except that the appeal shall be filed with the town clerk within ten calendar days of the issuance of the stop work order.

(c) A condition of property arising out of any violation of subsection (a) of this section is a public nuisance and may be subject to any and all rights and remedies of the town under state law, this code, and/or any ordinance of the town in abatement of a public nuisance. A violation of this section may also constitute a criminal offense and be punishable in the manner described by Section 1.04.010 of this code.

(d) This section shall be separate from, and in addition to, any stop work order provisions contained in the California Building Code or any of the town's adopted construction codes.

(Ord. 888 § 1, 2004; Ord. No. 1007, § 21, 6-15-2021)

## Chapter 15.80 SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

15.80.010 Definitions.

(a) A "Solar Energy System" means either of the following:

i. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

ii. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(b) A "small residential rooftop solar energy system" means all of the following:

i. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

ii. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town and all state health and safety standards.

iii. A solar energy system that is installed on a single or duplex family dwelling.

iv. A solar panel or module array that does not exceed the maximum legal building height as set forth by the applicable section of Title 18 (Zoning).

(c) "Electronic submittal" means the utilization of one or more of the following:

i. Email;

ii. The Internet;

iii. Facsimile.

(d) An "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

(e) A "common interest development" means any of the following:

i. A community apartment project.

ii. A condominium project.

iii. A planned development.

iv. A stock cooperative.

(f) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(g) "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(h) "Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:

i. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars ($1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

ii. For Photovoltaic Systems: an amount not to exceed one thousand dollars ($1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(Ord. No. 953, § 1, 8-4-2015)

15.80.020 Purpose.

The purpose of the Ordinance is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The provisions of this Chapter encourage the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the Town, and expanding the ability of property owners to install solar energy systems. This Chapter allows the Town to achieve these goals while protecting the public health and safety. Nothing in this ordinance is intended to create, nor shall it create, a mandatory duty upon the town or any of its officials, employees, or agents acting on behalf of the town.

(Ord. No. 953, § 1, 8-4-2015)

15.80.030 Applicability.

(a) This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the Town.

(b) Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

(Ord. No. 953, § 1, 8-4-2015)

15.80.040 Solar Energy System Requirements.

(a) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the Town.

(b) Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

(c) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(Ord. No. 953, § 1, 8-4-2015)

15.80.050 Building Department and Building Official Duties.

(a) All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible Town Website.

(b) Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

(c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(d) The Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

(e) The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

(f) All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

(Ord. No. 953, § 1, 8-4-2015)

15.80.060 Permit Review and Inspection Requirements.

(a) The Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems on or before September 30, 2015. If the application is submitted over-the-counter, the Building Department shall issue a building permit or other nondiscretionary permit on the same business day that a complete application meeting the requirements of the approved checklist and standard plan is submitted or substantially within the time period recommended for over-the-counter applications by the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. If the application is submitted electronically, the Building Department shall issue a building permit or other nondiscretionary permit within 3 business days of receipt of a complete application that meets the requirements of the approved checklist and standard plan. A complete application shall include the deposit of all application fees. A building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission.

(b) Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

(c) If a use permit is required, a building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Planning Commission.

(d) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

(e) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the Town on another similarly situated application in a prior successful application for a permit. The Town shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

(f) Approval of an application shall not be conditioned on the approval of an association, as defined in Section 4080 of the Civil Code.

(g) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

(h) Only one inspection shall be required and performed for small residential rooftop solar energy systems eligible for expedited review.

(i) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and provide a two- (2)- hour inspection window.

(j) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Ordinance.

(Ord. No. 953, § 1, 8-4-2015)

## Chapter 15.90 EXPEDITED PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

**Sections:**

15.90.010 Definitions.

(a) An "electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built and installed in compliance with Article 625 and other general requirements of the California Electrical Code in effect at the time of installation, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(b) "Electronic submittal" means the utilization of one or more of the following:

(1) Email;

(2) The Internet;

(3) Facsimile.

(c) A "feasible method to satisfactorily mitigate or avoid the specific adverse impact" includes, but is not limited to, any cost-effective method, condition or mitigation imposed on an application for a permit.

(d) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(Ord. No. 997, § 5, 7-7-2020)

15.90.020 Purpose.

The purpose of the chapter is to provide an expedited, streamlined electric vehicle charging station permitting process that complies with Section 65850.7 of the California Government Code in order to achieve timely and cost-effective installations of electric vehicle charging stations to encourage their installation. This chapter allows the town to achieve these goals while protecting the public health and safety.

(Ord. No. 997, § 5, 7-7-2020)

15.90.030 Applicability.

(a) This chapter applies to all permit applications for electric vehicle charging stations in the town. notwithstanding the forgoing, the building official may impose additional requirements for any permit application involving four or more level 3 charging stations per site, as set forth in section 15.90.060(b).

(b) Electric vehicle charging stations legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

(Ord. No. 997, § 5, 7-7-2020)

15.90.040 Electric vehicle charging station requirements.

(a) Electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the town.

(b) Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(c) For outdoor electric vehicle charging stations, design review approval subject to the provisions of chapter 18.30 is not required for installations

(d) Signage associated with electric vehicle charging station installations shall comply with the requirements of chapter 18.22, with the exception that signs for the purpose of station identification, which comply with sections 18.22.050 (1)—(10) inclusive, may be permitted without a sign permit, up to a maximum size of four square feet per station.

(e) Parking spaces served by electric vehicle charging equipment shall comply with the requirements of chapter 18.20.

(Ord. No. 997, § 5, 7-7-2020)

15.90.050 Applications and documents.

(a) Applications for the installation, alteration or replacement of an electric vehicle charging station shall be in writing and contain the information set forth in the application checklist and such other information as the building official may reasonably require to carry out the purpose of this title.

(b) All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the publicly accessible town website.

(c) Electronic submittal of the required permit application and documents by email, the internet, or facsimile shall be made available to all electric vehicle charging station permit applicants.

(d) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(Ord. No. 997, § 5, 7-7-2020)

15.90.060 Expedited permit review, issuance and inspection requirements.

The building department shall make every attempt to review and approve for permit issuance all applications for electric vehicle charging stations in an expedited fashion when completed applications are received which meet all the requirements of the application checklist, as follows:

(1) An application that satisfies the informational requirements of the application checklist, supporting documents, and required fees, as determined by the building official, shall be deemed complete.

(2) The building department shall administratively approve an application to install an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements. Applications for more than four Level-3 charging stations may require additional plans and review.

(3) Upon receipt of an incomplete application, the building department shall issue a written correction notice detailing all deficiencies in the application and any information required to be eligible for expedited permit review.

(4) In the event the building official makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, the applicant shall be required to apply for a use permit pursuant to chapter 18.26.

(A) The zoning administrator shall provide notice and take action on the use permit application pursuant to the requirements in chapter 18.26.

(B) The zoning administrator may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(C) Any conditions imposed on a use permit application shall be crafted to mitigate the specific, adverse impact upon public health or safety at the lowest cost possible.

(D) The zoning administrator's decision on the use permit may be appealed to the planning commission pursuant to the time limits and processing provisions set forth in chapter 18.26.

(5) Approval of an application shall not be conditioned on the approval of an association, as defined in Section 4080 of the Civil Code.

(6) Only one inspection shall be required and performed for an electric vehicle charging station eligible for expedited review.

(7) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request and provide a two-hour inspection window.

(8) If an electric vehicle charging station fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter.

(Ord. No. 997, § 5, 7-7-2020)

1. Editor's note(s)—Ord. No. 1022, § 1, adopted Nov. 15, 2022, repealed the former Ch. 15.01, §§ 15.01.010—15.01.170, and enacted a new Ch. 15.01 as set out herein. The former Ch. 15.01 pertained to similar subject matter and derived from Ord. No. 990, § 1, adopted Dec. 3, 2019. [↑](#footnote-ref-1)
2. Editor's note(s)—Ord. No. 1023, § 2, adopted Nov. 15, 2022 repealed Ch. 15.02, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Ch. 15.02, §§ 15.02.010—15.02.170, pertained to the same subject matter, and derived from Ord. No. 991, § 1, adopted Dec. 3, 2019. [↑](#footnote-ref-2)
3. Editor's note(s)—Ord. No. 1022, § 2, adopted Nov. 15, 2022, repealed Ch. 15.03, §§ 15.03.010—15.03.250, in its entirety and enacted new provisions to read as herein set out. Former ch. 15.03 pertained to similar subject matter and derived from Ord. No. 990, § 2, adopted Dec. 3, 2019. [↑](#footnote-ref-3)
4. Editor's note(s)—Ord. No. 1022, § 3, adopted Nov. 15, 2022, repealed Ch. 15.05, §§ 15.05.010—15.05.100, in its entirety and enacted new provisions to read as herein set out. Former ch. 15.05 pertained to similar subject matter and derived from and Ord. No. 990, § 3, adopted Dec. 3, 2019. [↑](#footnote-ref-4)
5. Editor's note(s)—Ord. No. 1022, § 4, adopted Nov. 15, 2022, repealed Ch. 15.06, §§ 15.06.010—15.06.230, in its entirety and enacted new provisions to read as herein set out. Former ch. 15.06 pertained to similar subject matter, and derived from Ord. No. 990, § 4, adopted Dec. 3, 2019. [↑](#footnote-ref-5)
6. Editor's note(s)—Ord. No. 1022, § 5, adopted Nov. 15, 2022, repealed Ch. 15.07, §§ 15.07.010—15.07.230, in its entirety and enacted new provisions to read as herein set out. Former ch. 15.07 pertained to similar subject matter and derived from Ord. No. 990, § 5, adopted Dec. 3, 2019. [↑](#footnote-ref-6)
7. Editor's note(s)—Ord. No. 1022, § 6, adopted Nov. 15, 2022, repealed Ch. 15.08, §§ 15.08.010—15.08.030, in its entirety and enacted new provisions to read as herein set out. Former ch. 15.08 pertained to similar subject matter, and derived from Ord. No. 990, § 6, adopted Dec. 3, 2019. [↑](#footnote-ref-7)
8. Editor's note(s)—Ord. No. 1022, § 7, adopted Nov. 15, 2022, repealed Ch. 15.09, §§ 15.09.010—15.09.030, in its entirety and enacted new provisions to read as herein set out. Former ch. 15.09 pertained to similar subject matter, and derived from Ord. No. 990, § 7, adopted Dec. 3, 2019. [↑](#footnote-ref-8)
9. Editor's note(s)—Ord. No. 1022, § 8, adopted Nov. 15, 2020, repealed Ch. 15.11, §§ 15.11.010—15.11.030, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Ch. 15.11 pertained to similar subject matter and derived from Ord. No. 990, § 8, adopted Dec. 3, 2019; and Ord. No. 1007, § 12, adopted June 15, 2021. [↑](#footnote-ref-9)
10. Editor's note(s)—Ord. No. 1022, § 9, adopted Nov. 15, 2022, repealed Ch. 15.13, §§ 15.13.010—15.13.030, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Ch. 15.13 pertained to Green Building Code and derived from Ord. No. 990, § 9, adopted Dec. 3, 2019; and Ord. No. 1007, § 13, adopted June 15, 2021. [↑](#footnote-ref-10)
11. Editor's note(s)—Ord. No. 1022, § 10, adopted Dec. 3, 2019, repealed Ch. 15.15, §§ 15.15.010—15.15.030, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, Ch. 15.15 pertained to similar subject matter and derived from Ord. No. 990, § 10, adopted Dec. 3, 2019; and Ord. No. 1007, § 14, adopted June 15, 2021. [↑](#footnote-ref-11)
12. Editor's note(s)—Ord. No. 1022, § 11, adopted Nov. 15, 2022, repealed the former Ch. 15.17, §§ 15.17.010—15.17.190, and enacted a new Ch. 15.17 as set out herein. The former Ch. 15.17 pertained to similar subject matter and derived from Ord. No. 990, § 11, adopted Dec. 3, 2019; and Ord. No. 1007, § 15, adopted June 15, 2021. [↑](#footnote-ref-12)
13. Editor's note(s)—Ord. No. 1022, § 12, adopted Nov. 15, 2022, repealed the former Ch. 15.19, § 15.19.010, and enacted a new Ch. 15.19 as set out herein. The former Ch. 15.19 pertained to similar subject matter and derived from Ord. No. 990, § 12, adopted Dec. 3, 2019. [↑](#footnote-ref-13)