TITLE 14

BUILDING AND CONSTRUCTION

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Chapter 14.05

Construction Codes

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14.05.10 Establishment of Building Division in Department of Planning and Building. There is established within the Planning and Building Department a Building Division in and for the City of Mill Valley. The Building Division shall be responsible for the enforcement of the regulations set forth in this Chapter. (Amended by Ord. 1171, March 6, 2000)

14.05.020 Construction Codes – Adoption by reference. Except as hereinafter provided, the following parts of Title 24, "California Building Standards Code," 2010 edition, of the California Code of Regulations and associated appendices and annexes, are hereby adopted by reference and incorporated as though fully set forth in this Section 14.05.020: Part 1, California Administrative Code; Part 2, California Building Code (CBC); Part 2.5, California Residential Code (CBC); Part 3, California Electrical Code (CEC); Part 4, California Mechanical Code; Part 5, California Plumbing Code (CPC); Part 6, California Energy Code; (CMC); Part 8, California Historical Building Code; Part 9, California Fire Code; Part 10, California Existing Building Code; and Part 12, California Referenced Standards Code. This code, together with amendments, additions, and deletions set forth in Section 14.05.021 of this

Ordinance, shall constitute the Building and Construction Code of the City of Mill Valley, and may be cited as such." (Ord.
1187, Sec. 2 (part), March 17, 2003; Ord. 1224, Sec. 1, Dec. 3, 2007, Ord. 1244, Nov. 15, 2010).

14.05.021 Building Code Amendments. Notwithstanding the provisions of Section 14.05.020 of this Code, the following sections and appendices of the 2010 CBC, CRC, CEC, CMC, and CPC are adopted and amended as set forth below, with express findings of local necessity as required. Chapter, section and table numbers used in this Section 14.05.021 are those of the 2010 CBC, CRC, CEC, CMC, and CPC and 2010 California Referenced Standards Code. (Ord. 1244, Nov. 15, 2010.)

A. Administration, Organization and Enforcement. The administration, organization and enforcement of the Building Code of the City of Mill Valley is set forth in Sections 14.05.030 through 14.05.040 below as modified by the following sections of the 2010 CBC Chapter 1, Division II and 2010 CRC Chapter 1, Division II. These sections are the only sections being adopted by reference from Chapter 1, Division II of the 2010 CBC and 2010 CRC:

3. Duties and Powers of the Building Official. CBC: Sections 104.9.1, 104.11; CRC: R104.9.1, R104.11.
4. Permits. Sections: CBC: 105.2 (items 1 and 2 as amended in 14.05.021), CRC: R105.2 (items 1 and 2 as amended in 14.05.021),
5. Construction Documents. CBC: 107.3.4.1, 107.3.4.2, 107.4
6. Temporary Structures and Uses. CBC: 108; CRC: R107

The CBC is hereby amended in the following respects:

B. Board of Appeals. A Board of Appeals for the Building Code of the City of Mill Valley is established as set forth in Section 14.05.030 below.

C. Permits. CBC Chapter 1, Division II, Section 105.2, Items 1 and 2, are amended to read as follows:

1. One-story detached accessory buildings used as tool and storage sheds, children's playhouses, or similar uses, provided that (a) the floor area does not exceed 120 square feet, (b) the building contains no plumbing, electrical or heating installations, and (c) the building is not located in a interior or exterior setback area.

2. Fences not over seven (7) feet (2134 mm) high.

D. Approval of Fire Marshal Required. In the case of a proposed occupancy and use other than an R-3 or U occupancy, before issuing a certificate of occupancy, the Building Official shall submit the application to the Fire Marshal, who shall examine the same and indicate approval or disapproval thereof based on applicable sections of the California Fire Code and other related statutes and ordinances. In such case, no certificate of occupancy shall be issued, except for an R-3 or U Occupancy, without the approval of the Fire Marshal or the Fire Marshal's designated representative.

E. Definitions. The following definition is added to CBC Section 202-K:

KITCHEN is any room or portion thereof containing facilities designed or used for the regular storage and preparation of food. Such facilities may include, without limitation, stoves, ranges, ovens, or hot plates; refrigeration equipment; dish washing equipment; and built-in dish or utensil storage spaces.

F. Address Identification. CBC Section 501.2 is amended to read as follows:

SECTION 501.2 — PREMISES IDENTIFICATION

Approved address numbers shall be provided for all buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall be at least 4" in height, contrasting in color to their background, and either internally or externally illuminated.

G. Foundations. The following language is added to CBC Section 1085.1.2:

Underfloor Drainage. The underfloor grade beneath the floor system of a building shall be graded to a low point so as to provide positive drainage to the exterior in the event of water intrusion. If the exterior grade is higher than the grade beneath the floor system, a positive drainage system or sump shall be installed subject to approval of the Building Official.

H. Concrete slab design. The following language is added to CBC Section 1910.1:

Concrete Slab Design. Concrete slabs used as a finished floor or as a base for other floor finishes in habitable rooms shall meet the following requirements:

1. A waterproof membrane of polyethylene film of 6 mil minimum thickness, or alternate material approved by the building official, shall extend to the exterior walls or beyond the limits of habitable rooms and be turned up to top of slab.

2. A granular material, such as sand, approved by the building official, a minimum of 2" in depth shall be placed between the concrete and waterproof membrane to retard capillary action.

3. Steel reinforcement equivalent to 6" x 6" x 10 ga. welded wire mesh over granular material placed approximately mid-depth within the 3½" thick concrete. Blocks or chairs shall be provided in order to maintain the reinforcement in the center of the slab.

4. A granular material such as sand or gravel, 2" to 4" in depth, shall be placed below the waterproof membrane of polyethylene film.

I. Moved Buildings. No permit for the moving of a building or structure shall be granted unless the applicant meets the following requirements:

1. A performance bond in favor of the city, of not less than one thousand dollars ($1,000.00) nor more than one hundred thousand dollars ($100,000.00), as the Fire Marshal or Building Official may determine, shall be conditioned to require the applicant to comply strictly with all conditions and provisions of this chapter, and of any provision of the Mill Valley Municipal Code relating to the moving of buildings or structures, and of any order, rule or regulation which may be hereafter passed or adopted by the City Council. The applicant also shall be required to pay any and all damages to any fence, hedge, tree, pavement, sidewalk, street, curb, gas, sewer or water pipe, electric wire or pole supporting the same, or to any public or private property that may result from moving the building or structure.

2. The Director of Planning and Building and the Building Official shall inspect the structure prior to being moved to determine that said structure is suitable for the intended use and structurally adequate.

3. The applicant shall indemnify, defend and hold harmless the city and its elective officers, agents and employees against all liabilities, claims, actions, judgments, cost or any expense which may for any reason arise out of the issuance of said permit or moving of such buildings or structures. An undertaking may be required for this purpose.

J. Temporary Structures. Temporary structures such as reviewing stands and other miscellaneous structures, sheds, construction trailers, canopies or fences used for the protection of the public and/or in conjunction with construction work may be erected by special permit from the Fire Marshal or Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire-resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

14.05.022 California Electrical Code, 2010 Edition, adopted by reference. Title 24, Part 3 of the California Code of Regulations, known as the 2010 California Electrical Code (CEC), incorporating the 2005 edition of the National Electrical Code, published by the National Fire Protection Association, and the annexes thereof, is hereby adopted by reference and incorporated as though fully set forth in this Section 14.05.022. This Code, together with the additional provisions set forth in Section 14.05.023 below, shall constitute the Electrical Code of the City of Mill Valley, and may be cited as such. CEC Section 89.108.8 is deleted. Appeals of the Electrical Code of the City of Mill Valley are found in 14.05.030 of the Mill Valley Municipal Code. (Ord. 1244, Nov. 15, 2010.)

14.05.023 Electrical Code additions.

A. Purpose and scope. The purpose of the Electrical Code of the City of Mill Valley is to provide minimum standards to safeguard life or limb, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of electrical systems, equipment, machinery, fixtures, and appliances within this jurisdiction. The purpose of this Code is not to create or otherwise establish or designate any particular class or group of people who will or should be especially protected or benefited by the terms of this Code.

The provisions of this Code shall apply to the installation, alteration, repair, relocation, replacement, addition, use, or maintenance of electrical systems, equipment, machinery, fixtures and appliances. Additions, alterations, repairs and replacement of electrical systems or equipment shall comply with the provisions for new equipment and systems.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

B. Existing electrical systems. Additions, alterations, replacements, or repairs may be made to any electrical system without requiring existing electrical system to comply with all the requirements of this Code, provided the addition, alteration, replacement, or repair conforms to the requirements for a new electrical system or equipment. Additions, alterations, replacements, or repairs shall not cause an existing system to become dangerous, hazardous, or otherwise unsafe.

Electrical systems and equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life or limb, property, or public welfare has been created by such electrical system.

Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the Building Code, shall comply with all requirements of this Code which may be applicable to the new use or occupancy.

All electrical systems, equipment, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition. All devices or safeguards that are required by this Code shall be maintained in conformance with the code edition under which installed. The property owner or designated agent shall be responsible for maintenance of electrical systems and equipment. To determine compliance with this subsection, the Building Official may cause an electrical system or equipment to be inspected.

Electrical systems or equipment that are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this Code for new installations.

C. Alternate materials and methods of construction. The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code provided any such alternate has been approved and the use authorized by the Building Official.

The Building Official may authorize any alternate, provided the Building Official finds the proposed design is satisfactory for the intended use and complies with the provisions of this Code and that the material, method or work offered is for the purpose intended, at least equivalent to that prescribed by this Code in suitability, strength, effectiveness, fire resistivity, durability, ampacity, and safety.

The Building Official shall require sufficient evidence or proof be submitted to substantiate claims made regarding the use of alternates. The details of any approval actions for an alternate shall be retained in the Building Division files.

D. Disconnection of electrical service. The Building Official shall have the authority to disconnect electrical utility service or energy supplies to a building, structure, premises, or equipment regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or limb, property, or public welfare. The Building Official shall, whenever possible, notify the serving utility, the property owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, property owner and occupant for the building, structure or premises in writing of such disconnection immediately thereafter.

When the Building Official ascertains that any equipment, or portion thereof, regulated by this Code has become unsafe, hazardous, or dangerous to life or limb, property, or public welfare, the Building Official shall order in writing that the equipment either be removed or restored to a safe condition, as appropriate, within a fixed time. Persons shall not use or maintain defective equipment after receiving a notice.

When an electrical system or equipment is to be disconnected, written notice indicating the causes therefor shall be given within twenty-four (24) hours to the serving utility, the property owner and occupant of the building, structure or premises. When any electrical equipment or system is maintained in violation of this Code, and in violation of a notice issued as provided in this section, the Building Official shall institute an appropriate action to prevent, restrain, correct or abate the violation.

Persons shall not make connections from an energy or power supply nor supply energy or power to any equipment regulated by this Code which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

E. Permits required. No electrical system or equipment regulated by this Code shall be installed, altered, repaired, replaced or remodeled unless an electrical permit has been obtained from the Building Official for each separate building or structure. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for work to be done in violation of the provisions of this Code or other laws or ordinances of this jurisdiction. Permit administration shall occur as set forth in Section 14.05.032 below.

F. Connection approval. No person shall make connections from a source of energy to any electrical system or equipment regulated by this Code and for which a permit is required until approved by the Building Official.

Whenever any person engaged in the distribution or sale of electrical energy shall set or install, or reset or reinstall, in, or about any building any meter for the measurement of electrical energy; or shall connect or reconnect supply or service to any installation of electrical equipment in, on, or about any building; or shall change the nominal voltage of supply for service to any installation of electrical equipment, in, on, or about any building; or shall change any such supply for service from two-wire to three-wire or vice

versa, or from single phase to polyphase or vice versa, or from direct current to alternating current or vice versa, said person shall receive written authorization from the Building Official or the Building Official's designated representative, which authorization shall specify the location and address of the installation affected; provided, however, that said authorization need not be received with respect to any such meter installation or reinstallation or any such supply or service connection or reconnection, authorized by the Building Official or the Building Official's designated representative within thirty (30) days or more in residential occupancies or ninety (90) days or more in other occupancies of previous authorization; provided further that the Building Official may, at his or her discretion, waive temporarily or permanently any or all requirements of this section by giving written notice of such waiver to all persons engaged in the distribution or sale of electrical energy; and said Building Official may likewise at any time revoke such waiver by written notice to all such persons.

The Building Official may authorize temporary connection of the electrical equipment to the source of energy for the purpose of testing the equipment, or for use under a temporary certificate of occupancy.

Provisions shall not be made for installing more than a single utility meter in the service equipment for a single-family dwelling, including other structures on the same property, without written authorization by the Building Official prior to their installation. (Ord. 1187, Sec. 2 (part), March 17, 2003.)

14.05.024 California Mechanical Code, 2010 Edition, adopted by reference. Except as hereinafter provided, Title 24, Part 4 of the California Code of Regulations, known as the 2010 California Mechanical Code (CMC), incorporating the 2009 edition of the Uniform Mechanical Code including the appendix thereof, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and incorporated as though fully set forth in this Section 14.05.024. This code, together with amendments, additions, and deletions set forth in Section 14.05.025 of this Code, shall constitute the Mechanical Code of the City of Mill Valley, and may be cited as such. (Ord. 1244, Nov. 15, 2010).

14.05.025 Mechanical Code amendments. Notwithstanding the provisions of Section 14.05.024 of this Code, the following sections of the 2010 CMC are amended as set forth below. Chapter, section and table numbers used in this Section 14.05.025 are those of the CMC.

A. Administration, organization and enforcement. . Administration, organization and enforcement of the Mechanical Code of the City of Mill Valley shall be as set forth in Sections 14.05.030 through 14.05.040 below.

B. Permits. Permit applications shall occur as set forth in Section 14.05.032 below. Permit issuance shall occur as set forth in Section 14.05.032 below. Fees and plan review shall be as set forth in Sections 14.05.032 and 14.05.060 below. (Ord. 1244, Nov. 15, 2010).

14.05.026 California Plumbing Code, 2010 Edition, adopted by reference. Except as hereinafter provided, Title 24, Part 5 of the California Code of Regulations, known as the 2010 California Plumbing Code (CPC), incorporating the 2009 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, and the appendices thereof, are hereby adopted by reference and incorporated as though fully set forth in this Section 14.05.026. This code, together with amendments, additions, and deletions set forth in Section 14.05.027 of this Code, shall constitute the Plumbing Code of the City of Mill Valley, and may be cited as such. (Ord. 1244, Nov. 15, 2010).

14.05.027 Plumbing Code amendments. Notwithstanding the provisions of Section 14.05.026 of this Code, the following sections and appendices of the 2010 CPC are amended as follows. Chapter, section and table numbers used in this Section 14.05.027 are those of the CPC:

A. Administration, organization and enforcement. . Administration, organization and enforcement of the Plumbing Code of the City of Mill Valley shall be as set forth in Sections 14.05.030 through 14.05.040 below.

B. Permits. Permit applications shall occur as set forth in Section 14.05.032 below. Permit issuance shall occur as set forth in Section 14.05.032 below. Fees and plan review shall be as set forth in Sections 14.05.032 and 14.05.060 below. (Ord. 1244, Nov. 15, 2010).

14.05.028 State Housing Law Regulations adopted by reference. Except as hereinafter provided, Title 25, Division 1, Chapter 1, Subchapter 1 of the California Code of Regulations, known as the State Housing Law Regulations, incorporating the 1997 edition of the Uniform Housing Code, published by the International Conference of Building Officials, and the appendices thereof, are hereby adopted by reference and incorporated as though fully set forth in this Section 14.05.028. This code, together with amendments, additions, and deletions set forth in Section 14.05.029 of this Code, shall constitute the Housing Code of the City of Mill Valley, and may be cited as such. (Ord. 1187, Sec. 2 (part), March 17, 2003; Ord. 1224, Sec. 8, Dec. 3, 2007, Ord. 1244, Nov. 15, 2010).

14.05.029 Housing Code amendments. Notwithstanding the provisions of Section 14.05.028 of this Code, the following sections and appendices of the State Housing Law Regulations are amended as follows. Section numbers used within this Section 14.05.029 are those of the State Housing Law Regulations.

A. Basic requirements. Section 22 is amended to read:

Except as otherwise permitted or required by Division 13, Part 1.5 of the Health and Safety Code and by this subchapter, all buildings and structures subject to this subchapter shall comply with the basic construction regulations contained in the Building Code of the City of Mill Valley.

B. Mechanical—Building Regulations. Section 26 is amended to read:

All buildings and structures subject to the provisions of this subchapter shall comply with the basic mechanical requirements contained in the Mechanical Code of the City of Mill Valley.

Note: The provisions contained in the Unfired Pressure Vessels Safety Order, California Administrative Code, Title 8, Part 1, Chapter 4, Subchapter 1, except as permitted or required by the Mechanical Code of the City of Mill Valley, when not otherwise subject to enforcement by the Division of Industrial Safety, Department of Industrial Relations, shall apply to this Subchapter.

C. Electrical—Building Regulations. Section 28 is amended to read:

All buildings and structures subject to the provisions of this subchapter shall comply with the basic electrical requirements contained in the Electrical Code of the City of Mill Valley.

D. Plumbing—Regulations. Section 30 is amended to read:

All buildings and structures subject to the provisions of this subchapter shall comply with the basic plumbing requirements contained in the Plumbing Code of the City of Mill Valley.

E. Space, Occupancy, and Maintenance. Section 32(b) is amended to read:

(b) MECHANICAL CODE is the Mechanical Code of the City of Mill Valley.

Section 32(c) is amended to read:

(c) (c) PLUMBING CODE is the Plumbing Code of the City of Mill Valley.

F. The 2007 edition of Part 5, “Private Residence Elevators,” of Standard A17-1: Safety Code For Elevators And Escalators, published by the American Society of Mechanical Engineers or such revised and updated edition as shall hereafter be published by same, is adopted by reference as a construction code for the City of Mill Valley. (Ord. 1244, Nov. 15, 2010.)

14.05.030 Administration, organization and enforcement. There is hereby established in Mill Valley, a code enforcement agency, which shall be under the administrative and operational control of the Building Official.

A. General. The Building Official is hereby authorized and directed to enforce all the provisions of the Codes specified in this Chapter 14.05. For such purposes, he or she shall have the powers of a law enforcement officer.

B. Deputies. In accordance with prescribed procedures and with the approval of the City Council, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. He or she may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

C. Assistance of other officials. The Building Official may request and shall receive the assistance and cooperation of other officials of the City so far as is required in the discharge of the duties required by this Code or other pertinent law or ordinance.

D. Right of entry. When it is necessary to make an inspection to enforce the provisions of any Code specified in this Chapter 14.05, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, hazardous, or dangerous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and unsecured, the Building Official shall first make a reasonable effort to locate the property owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

E. Interpretations. The Building Official shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code as may be deemed necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall conform to the intent and purpose of this Code.

F. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of this Code impractical and the modification does not lessen health life and fire safety requirements. The details of actions granting modifications shall be recorded and entered in the files of the Building Division.

G. Board of Appeals. In order to determine the suitability of alternate materials and methods of installation and to provide for reasonable interpretations of the Codes specified in this Chapter 14.05, there is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to design, construction, installation and maintenance of building, electrical, plumbing, and mechanical systems, equipment, and techniques. The Building Official shall be an *ex officio* member and shall act as secretary to the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations to conduct its investigations and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The Board of Appeals 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.

H. Liability. The Building Official charged with the enforcement of this Chapter 14.05, acting in good faith and without malice in the discharge of the duties required by this Chapter, shall not be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. This Chapter 14.05 shall not be construed to relieve from or

lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the City be held as assuming any such liability by reason of the inspections authorized by this Chapter or any permits or certificates issued under this Chapter. (Ord. 1244, Nov. 15, 2010).

14.05.032 Permit administration. To obtain a permit required for any work governed by any of the Codes specified in this Chapter 14.05, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose.

A. Required information. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

3. Indicate the use or occupancy for which the proposed work is intended;

4. Be accompanied by plans, diagrams, calculations, computations and specifications and other data as required in this section;

5. State the valuation of any new building or structure or any addition, remodeling, or alteration to an existing building;

6. Be signed by the applicant or an authorized agent of the applicant;

7. Include conditions of compliance for the abatement of violations of this Code and other codes requiring permits for corrective work and such other data and information as may be required by the Building Official;

8. Contain the information required by California Health and Safety Code Division 13, Part 3, Chapter 9, Section 19825;

9. In addition to the information required by California Health and Safety Code Division 13, Part 3, Chapter 9, Section 19825 for architects and engineers, every permit shall contain the telephone numbers for any such persons, firms or designers responsible for the work proposed under the permit or application.

B. Plans and specifications.

1. Plans, calculations, computations, diagrams, specifications, and other data shall be submitted in two or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require any applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by an architect or engineer. The Building Official may reject any plans deemed to be insufficient in detail or clarity and require that such plans be prepared by a competent designer/draftsperson, or by an engineer or architect licensed by the state to practice as such, when required by state law.

The Building Official may waive the submission of plans, calculations, computations, specifications, diagrams, or other data if it is found that the nature of the work applied for is such that plan review is not necessary to obtain compliance with this Chapter 14.05.

2. Plans, diagrams, specifications, calculations, computations, reports, and other data submitted with the permit application for review shall detail clearly the nature, location, and extent of the

work proposed and how it will conform to the provisions of this Chapter and all other relevant laws, ordinances, rules and regulations. All data and documents submitted for review shall identify the house number and street name of the work and the names and addresses of the property owner and person or firm who prepared them. Any conditions of approval pursuant to any other provision of the Mill Valley Municipal Code shall be shown on the plans or otherwise submitted with the permit application.

3. Unless otherwise approved by the Building Official, plans shall be drawn to a minimum scale of one-fourth inch to one foot upon substantial paper or polyester based film (Mylar) and shall include a floor plan and a plot plan containing the following information as a minimum:

a. Location and perimeter dimensions of the proposed and existing buildings or additions and other pertinent structures, including orthogonal measurements from property lines and between structures and elevations of finished grade, floors, and slabs;

b. Proposed and existing site improvements, including drainage facilities, utilities, public and private easements, grading, and paving;

c. Proposed and existing off-street parking and loading facilities, including parking stall size, angle of parking aisle width, interior circulation, and driveway elevations and proposed gradients;

d. Location and perimeter dimensions of ground level usable open space as required by the Mill Valley Municipal Code;

e. Location and size of existing and proposed trees and other landscaping and screening as required by city tree ordinances and regulations and other land use provisions;

f. Addresses of contiguous properties;

g. Locations, types, and dimensions of foundations, framing, windows, doors, finishes, adjoining rooms and uses, fire assemblies and dampers, fixtures, appliances, equipment, and distribution systems to the extent necessary for verification of compliance with all applicable regulations.

4. In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of any Code specified in this Chapter 14.05 or other laws, ordinances, rules, or regulations.

5. Calculations, testing reports and certifications, computations, conditions of approval, conditions of compliance and other data sufficient to demonstrate the correctness of the plans shall be submitted with the permit application and when otherwise required by the Building Official.

6. Plans for buildings of other than Group R-3 and U occupancies shall detail clearly how required structural and fire-resistive integrity will be maintained where penetrations are made for electrical, mechanical, plumbing, fire extinguishing, or communications conduits, pipes, ducts, vents, supports and similar components or systems.

C. Applications to expire after 180 days. Application for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In

order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

D. Review and approval. The application, plans, diagrams, calculations, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such data may be reviewed by other departments of this and other jurisdictions to verify compliance with applicable laws under their jurisdiction. When the Building Official finds that the work described in an application for a permit and the plans, diagrams, computations, calculations, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws, ordinances and conditions of compliance for the abatement of violations of this Code and other codes and ordinances and that the fees, charges, costs and assessments specified by law, as well as all penalties, have been paid, the Building Official shall issue a permit therefor to the applicant.

When issuing a permit where plans are required, the Building Official shall endorse in writing or stamp the plans "APPROVED." Such approved plans shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this Chapter 14.05 shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of a part of a building or system before the entire plans and specifications for the whole building or system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Codes specified in this Chapter 14.05. The holder of a partial permit may proceed without assurance that the permit for the entire building, structure or system will be granted.

E. Disposition of plans. One set of approved plans, diagrams, calculations, specifications and computations shall be retained by the Building Official until final approval of the work covered therein. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

F. Permits not to authorize otherwise unlawful work. The issuance of a permit or approval of plans, calculations, specifications, diagrams, and computations shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this Chapter 14.05 or of other ordinances, rules, or regulations of the City. Permits presuming to give authority to violate or cancel the provisions of this Chapter 14.05 or of other ordinances, rules, or regulations of the City shall not be valid. The issuance of a permit based upon plans, calculations, specifications, computations and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, calculations, computations, specifications, and other data or from preventing building operations being carried on thereunder when in violation of any law or regulation of the City of Mill Valley.

G. Permit expiration. Except in those construction projects where the Building Official, due to the nature of the project, deems these limitations to be unreasonable, every permit issued by the Building Official, under the provisions of this Chapter 14.05, shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days following the issuance date of such permit or does not receive successive approvals within the time constraints identified in the conditions of compliance for the abatement of violations of this Code and other codes and ordinances requiring permits for corrective work. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

A permittee holding an unexpired permit may apply for an extension of the time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by

the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

In addition to the foregoing time limits on commencement of work authorized under a building permit, a maximum time allowable for the completion of all such work is established as follows:

Project Valuation	**Total Time Allowed**
Up to and including $10,000	6 Months
$10,000 to $50,000	9 Months
$50,000 to $100,000	12 Months
$100,000 to $1,000,000	18 Months
$1,000,000 to $5,000,000	24 Months
Over $5,000,000	36 Months

Failure to complete a project within the total time allowed may trigger the application of permit expiration conditions as provided in the terms of the permit, at the discretion of the Director of Building and Planning. (Ord. 1244, Nov. 15, 2010).

H. Suspension or revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Chapter 14.05 whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Chapter 14.05.

I. Investigation. Whenever any work for which a permit is required by this Code has commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The minimum investigation fee shall be established and assessed in accordance with Section 14.05.060. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law. (Ord. 1187, Sec. 4 (part), March 17, 2003.)

14.05.034 Confirming code compliance. The Building Official may confirm compliance with the Codes specified in this Chapter 14.05 by means of inspections and testing.

A. Inspections. Equipment, buildings, and systems for which permits are required by this Chapter 14.05 shall be subject to inspection by the Building Official, at such times and in such manner as may be set forth more fully in each Code specified in this Chapter 14.05. Such equipment, buildings, and systems shall remain accessible and exposed for inspection purposes until approved by the Building Official.

It shall be the duty of the permit applicant to cause the equipment, building, and systems to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to permit inspection. When the installation of equipment or systems, or the construction of a building, is complete, an additional and final inspection shall be made.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances, rules, or regulations of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by

telephone at the option of the Building Official. It shall be the duty of the person requesting inspections required by this Code to provide access to and means for inspection of such work.

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is requested is not complete or when required corrections have not been made. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for plan deviations requiring the approval of the Building Official. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

B. Tests. Whenever there is insufficient evidence of compliance with the provisions of any Code specified in this Chapter 14.05, or evidence that a material or method does not conform to the requirements of such Code or in order to substantiate claims for alternate materials or methods, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction.

Test methods shall be as specified in the Codes specified in this Chapter 14.05 or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall specify the testing procedures.

All tests shall be performed by an approved agency. Reports of tests shall be retained by the Building Official for the period required for retention of public records. (Ord. 1187, Sec. 4 (part), March 17, 2003.)

14.05.036 Stop orders and occupancy violations. The Building Official may prevent violations of the Codes specified in this Chapter 14.05.

A. Stop orders. When any work is being done contrary to the provisions of any Code specified in this Chapter 14.05, or other pertinent laws or ordinances implemented through the enforcement of any of these Codes, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done and such persons shall forthwith stop work until authorized by the Building Official to proceed with the work.

B. Occupancy violations. Whenever any building or structure or equipment therein regulated by any of the Codes specified in this Chapter 14.05 is being used contrary to the provisions of these Codes, the Building Official may order such use discontinued and the structure, or portion thereof, vacated if necessary by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of such notice to make the structure or portion thereof comply with the requirements of these Codes. (Ord. 1187, Sec. 4 (part), March 17, 2003.)

14.05.040 Violations—Penalties.

A. Designation of violations as infractions or misdemeanors. Violations of this Chapter shall be punishable as misdemeanors or infractions, at the discretion of the City's designated code enforcement official following consideration of the severity of the violation. Penalties shall not exceed the amounts set forth in Government Code Sections 36900 and 36901.

B. Each day a separate offense. Each violation of this Chapter is a separate offense for every day such violation shall continue, and the penalties imposed by this section shall be imposed on each and every separate offense.

C. Alternative remedies permitted. Nothing in this section limits the power of the City to use all other legal or equitable remedies to redress, abate, or punish any violation of the provisions of this Chapter. (Ord. 1187, Sec. 5, March 17, 2003.)

14.05.050 Inadequate fire protection--Withholding of building permits. The Building Official on advice from the Director of Police and Fire Services may refuse to issue a building permit for construction in any area where the supply of water or the location of fire hydrants is inadequate to provide suitable fire protection. (Ord. 1088, Sec. 3; Dec. 4, 1989.)

14.05.060 Permit fees.

A. General. Fees for plan review, permit issuance, inspections, reinspections, and investigations required by this Chapter 14.05 shall be assessed in accordance with the fee schedule established from time to time by resolution of the Mill Valley City Council.

B. Value. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official. The value to be used in computing permit and plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

C. Plan review fees. When submittal documents are required by Section 14.05.032, a plan review fee shall be paid at the time of submitting the documents for plan review. The plan review fees specified in this subsection are separate fees, payable in addition to any permit issuance fees.

D. Refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this Chapter 14.05. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment. (Ord. 1187, Sec. 6, March 17, 2003.)

14.05.070 Reference to City and State. Wherever reference to City or town is made in the Codes specified in Section 14.05.020, such reference shall be interpreted as applying to the City of Mill Valley, and wherever reference is made therein to the state, the reference shall be deemed to be the State of California. (Ord. 1140, Sec. 5, December 4, 1995.; Ord. 1187, Sec. 6, March 17, 2003.)

Chapter 14.06

Ground Water Wells

Sections:

14.06.010	Permit required.
14.06.020	Source of potable water--Connection to public water system required for multi-dwelling unit development.
14.06.030	Ground water wells--Use for irrigation and landscaping.
14.06.040	Premises served by private wells--Connection to public water system.
14.06.050	Fees.

14.06.010 Permit required. No person shall drill, construct, remodel, reconstruct, destroy or abandon any ground water well or test well without first submitting an application to and receiving a permit from the Director of Planning and Building of the City of Mill Valley. Such application shall be on a form provided by the City and shall provide information sufficient to determine that such well will comply with the provisions of this Chapter, all laws of the state of California, and rules and regulations issued thereunder. The application shall be accompanied by a fee in an amount to be fixed from time to time by resolution adopted by the City Council of the City. (Ord. 923, Sec. 1(part); August 7, 1978.)

14.06.020 Source of potable water--Connection to public water system required for multi-dwelling unit development. Notwithstanding any other provisions of law, every residential building which is required to be connected to a supply of potable water shall receive such water supply through a system owned and maintained by a public agency, or a public utility operating under the jurisdiction of the California Public Utilities Commission. Provided, however, that a residential building situated on a single-family residential lot, legally created prior to the effective date of this section, may be connected to a ground water well for the purpose of supplying potable water to such building, when all of the following conditions exist:

A. No portion of such lot lies within 125 feet of a water main to which connection can be made and which is owned and maintained by a public agency or a public utility operating under the jurisdiction of the California Public Utilities Commission.

B. The Mill Valley Fire Department certifies to the Director of Planning and Building that there is an adequate public water supply available for fire protection purposes.

C. The City Engineer certifies to the Director of Planning and Building that access is sufficient for well drilling equipment and for the importation of water in the event of well failure.

D. A yield test shall demonstrate that the well (or wells) will produce a minimum of one (1) gallon per minute for a sustained pumping test of eight (8) hours after the pumping level has been established or the well is pumped to the bottom. Such yield test shall be conducted from June 1st to November 15th, and shall be done by a licensed drilling or pump contractor, or a registered geologist. In the event of prolonged dry weather, the time period for the conduct of such yield test may be extended or certification be required by a registered geologist as to the well's productivity.

E. Prior to the connection to such well as a source of potable water supply, there shall be constructed upon the property a storage tank with a minimum capacity of one thousand (1,000) gallons to be used as a source of potable water supply during such periods as the well may be out of service for maintenance reasons or for pump repair.

F. The water supplied by such well shall meet all standards and conditions deemed necessary by the health officer for the protection of the public health, safety and welfare.

G. At the time of issuance of the well permit the applicant shall execute a hold harmless agreement relieving the City of Mill Valley, its officers, agents and employees of any liability for damages resulting from the construction and use of the well and the water supplied thereby. Such agreement shall bind the applicant, and successor owners of the property and shall be recorded in the office of the Marin County Recorder. (Ord. 923, Sec. 1(part); August 7, 1978.)

14.06.030 Ground water wells--Use for irrigation and landscaping. Permits may be issued for ground water wells as a water source for irrigation, landscaping and other non-potable uses. Before issuing a well permit for such purposes, the Director of Planning and Building shall submit a copy of the application to the public agency or public utility providing domestic water supply to be reviewed by it for the following purposes, among others:

A. Impact of total water requirements on the public water system in event of well failure;

B. Need for extension of the public water system to provide fire protection;

C. Need to install back flow prevention devices to protect the public water system.

D. All provisions for the use of well water shall conform to the applicable sections of the Uniform Building, Plumbing, Mechanical and Electrical Codes in force per Section 14.05.020 of the Mill Valley Municipal Code. (Ord. 1088, Sec. 5; Dec. 4, 1989.)

The Director of Planning and Building shall deny such application in the event it appears that the proposed well will have an adverse effect on the public water system, unless such effect can be adequately mitigated by the imposition of conditions at the time the permit is issued. (Ord. 923, Sec. 1(part); August 7, 1978.)

14.06.040 Premises served by private wells--Connection to public water system. Any building utilizing a ground water well as its source of potable water shall nevertheless connect to a public water system in the event that the water main owned and maintained by a public agency or a public utility operating under the jurisdiction of the California Public Utilities Commission is extended to within 125 feet of any portion of the lot upon which such building is situated. (Ord. 923, Sec. 1(part); August 7, 1978.)

14.06.050 Fees. Prior to issuance of a well permit, a fee shall be collected based on the fee schedules set by resolution of the City Council for Plumbing and Electrical Code applications. (Ord. 1088, Sec. 6; Dec. 4, 1989.)

Chapter 14.30

Underground Utilities

Sections:

14.30.010 Definitions.
14.30.020 Public hearing by Council.
14.30.030 Council may designate underground utility districts by resolution.
14.30.040 Unlawful acts.
14.30.050 Exception, emergency or unusual circumstances.
14.30.060 Other exceptions.
14.30.070 Notice to property owners and utility companies.
14.30.080 Responsibility of utility companies.
14.30.090 Responsibility of property owners.
14.30.100 Responsibility of City.
14.30.110 Extension of time.
14.30.120 Penalty.
14.30.130 Constitutionality.

14.30.010 Definitions. Whenever in this Chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

A. "Commission" means the Public Utilities Commission of the State of California.

B. "Underground utility district" or "district" means that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 14.30.030 of this Chapter.

C. "Person" means and includes individuals, firms, corporations, partnerships and their agents and employees.

D. "Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-ground within a district and used or useful in supplying electric, communication or similar or associated service.

E. "Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.020 Public hearing by Council. The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing, all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.030 Council may designate underground utility districts by resolution. If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.040 Unlawful acts. Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 14.30.030 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 14.30.090 hereof, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this Chapter. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.050 Exception, emergency or unusual circumstances. Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period not to exceed ten days, without authority of the Council in order to provide emergency service. The Council may grant special permission,

on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.060 Other exceptions. This Chapter and any resolution adopted pursuant to Section 14.30.030 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer;

B. Poles or electroliers used exclusively for street lighting;

C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;

F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;

G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.070 Notice to property owners and utility companies. Within ten days after the effective date of a resolution adopted pursuant to Section 14.30.030 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 14.30.030, together with a copy of this Chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.080 Responsibility of utility companies. If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 14.30.030 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Ord. 721, Sec. 1(part); August 3, 1970.)

14.30.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying, or renting a building or structure within a District shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 14.30.080 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 14.30.030 thereof, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice. (Ord. 721; August 3, 1970)

B. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Mill Valley, California. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Engineer shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a conspicuous place on said premises. (Ord. 721; August 3, 1970)

C. The notice given by the City Engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the City Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property. (Ord. 721; August 3, 1970)

D. If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. (Ord. 721; August 3, 1970)

E. The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment. (Ord. 721; August 3, 1970)

F. Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment. (Ord. 721; August 3, 1970)

G. If any assessment is not paid within five (5) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Engineer, and the City Engineer is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent (6%) per annum. (Ord. 721; August 3, 1970)

14.30.100 Responsibility of City. City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 14.30.030 thereof.

14.30.110 Extension of time. In the event that any act required by this ordinance or by a resolution adopted pursuant to Section 14.30.030 thereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

14.30.120 Penalty. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this Chapter. (Ord. 721; August 3, 1970)

14.30.130 Constitutionality. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 721; August 3, 1970)

Chapter 14.32

Grading

Sections:

14.32.010	Purpose and Intent
14.32.012	Findings
14.32.020	Authority
14.32.030	Grading Permit Required/Exemptions
14.32.040	Design Guidelines
14.32.042	Application
14.32.044	Adverse Soil Conditions
14.32.050	Security
14.32.060	Erosion Control Plans Required Submittals
14.32.070	Modifications
14.32.080	Rainy Season Grading
14.32.090	Permit Suspension or Revocation: Appeals
14.32.100	Fines and Penalties
14.32.110	Permit Fees

14.32.010 Purpose and intent. The purpose of this ordinance is to establish controls on the earthwork permitted by the City in the course of construction. The controls are established for reasons of aesthetics, sound soil engineering practice, erosion control, and water quality protection.

It is the intent of the City of Mill Valley to limit grading operations whenever possible. Grading necessary to construct homes should be confined within the footprint of the home. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.012 Findings. The City Council finds that the adoption of this ordinance is made necessary for the following reasons:

The topography in Mill Valley is characterized by densely wooded hillsides. Inadequately controlled grading will result in permanent scarring and excessive erosion.

Also a characteristic of Mill Valley is the high amount of rainfall and excessive runoff. These features, combined with inadequately controlled grading, can increase the possibility of earth slides and poor water qualify from excessive erosion.

14.32.020 Authority. The Director of Public Works, Building Official, or their designees, are authorized to enforce the provisions of this Chapter. (Ord. 1182, Sec. 1 (part), April, 2002.)

14.32.030 Grading Permit Required/Exemptions. A grading permit shall be required for all excavation, fill or grading.

The following grading activities are exempt from the grading permit requirement:

A. Where volume of material to be graded or filled does not exceed 50 cubic yards.

B. Where natural and finished slopes are less than ten percent.

C. Excavations for basements and footings, or piers for a building, retaining wall or other structure authorized by a valid building permit.

K. Excavations for wells or utilities.

E. Exploratory excavations prepared under direction of soils engineers or engineering geologists. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.040 Design guidelines. All Grading permits shall comply with the provisions of the General Plan and all applicable design guidelines adopted by the City Council. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.042 Application. Applications for a grading permit shall be in a format approved by the Director of Public Works and shall contain sufficient information as required by the Director of Public Works. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.044 Adverse soil conditions. When application is made to any department or agency of the City for an entitlement to improve or develop any real property in an area of suspected soils instability, the City may require that the applicant submit a report of soil investigation prepared by a licensed engineer or geologist whose qualifications are satisfactory to the City. If the report discloses adverse soils conditions, the City may require that as a condition to the issuance of an entitlement to improve or develop real property, there shall be recorded in the office of the County Recorder of the County of Marin a "Notice of Adverse Soils Conditions" in a form satisfactory to the City. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.050 Security. An applicant for a grading permit shall provide security for the performance of the work described and delineated on the approved Grading Plan and erosion control plans in an amount and form to be approved by the Director of Public Works. The amount of security shall be adequate to cover both the planned work and remedial work which may be required. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.060 Erosion control plans required submittals.

A. Temporary Erosion Control Plans - When determined by the Director of Public Works, the applicant shall submit plans for temporary erosion control for approval. Temporary erosion control plans for the construction period must comply with the guidelines prescribed by the Director of Public Works.

Temporary erosion control plans will be required when any of the following conditions exist.

1. There is a probability that runoff from graded areas cannot be contained on the subject property.

2. There is a major water course which will be adversely affected by runoff from the graded area.

Temporary erosion control plans shall be submitted and approved prior to obtaining a grading permit.

The applicant shall be responsible for maintaining temporary erosion control measures to the satisfaction of the Director of Public Works at all times. To guarantee conformance to requirements, the Director of Public Works may require appropriate bonding and/or cash deposits.

B. Permanent Erosion Control Plans - Each grading plan submitted to the City for approval must include provisions for permanent erosion control. Erosion control techniques proposed for the post construction period must be equal to or more effective than the guidelines adopted by the Director of Public Works.

Plans shall include detailed design and installation specifications for both temporary and permanent erosion and sediment control measures. Supporting calculations, including runoff calculations, shall also be submitted. To insure compliance with the approved plans, the Director of Public Works may require appropriate bonding and/or cash deposits. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.070 Modifications. The Director of Public Works may require modification of previously approved plans to accommodate unanticipated conditions on the site. Modifications to a previously approved plan may also be required, if the plan is found to be inadequate, or work does not proceed as scheduled. The Director of Public Works may require the permittee to submit work schedules, contingency plans, or status reports as deemed necessary. The Director of Public Works shall notify permittee in writing of the requirements and specify a reasonable time period for compliance. (Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.080 Rainy season grading.

A. No grading activity shall take place during the rainy season (October 15 to April 15) unless a rainy season grading permit has first been obtained from the Director of Public Works. Whether or not grading is permitted during the rainy season, all temporary and permanent erosion control measures shall be in place prior to October 15. If an ordinary grading permit has been issued, but all work (including all grading, landscaping and erosion control measures) will not be completed by October 1, the permittee shall submit an application for a rainy season grading permit on or before October 1. The Director of Public Works may, as a condition of approval for a rainy season grading permit, require submittal of additional financial security in an amount sufficient to ensure performance of all planned and remedial work. A rainy season grading permit may be suspended or revoked as provided in section 14.32.090, subdivision A.

B. Any party aggrieved by a decision to grant, deny, suspend or revoke a rainy season grading permit may request a hearing before the Director of Public Works by filing a written request within five calendar days after the decision. A hearing date shall be scheduled, and the Director of Public Works shall provide reasonable prior notice to the applicant and to all persons shown on the last equalized assessment roll as owners of real property within 100 feet of the property which is the subject of the application. At the hearing, the applicant and any other interested parties shall have the right to attend and be heard. The hearing shall be conducted by the Director of Public Works, who may affirm, modify or reverse the prior action. The decision of the Director of Public Works shall be final. (Ord. 1144, Sec. 1, April 15, 1996; Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.090 Permit suspension or revocation: appeals.

A. The Director of Public Works shall have the authority to order immediate cessation of all grading or improvement work and, further, to order immediate correction of any or all erosion control measures described in this chapter. The Director of Public Works may use the security provided by the permittee in order to finance corrective measures if the permittee is unwilling to immediately do so as ordered by the Director of Public Works. Grounds for suspending or revoking a permit include failure to follow approved plans, failure to follow any conditions attached to the permit, failure to implement requirements in a timely fashion, and failure to properly maintain erosion control measures.

B. Any party aggrieved by a decision to grant, deny, suspend or revoke any grading permit, other than a rainy season grading permit, may appeal that decision to the City Council. Appeals shall be in writing and shall state the basis of the appeal. Appeals shall be filed in the office of the City Clerk not later than 5:00 p.m. on the tenth calendar date following the date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified by resolution of the City Council.

C. Notice of the hearing on an appeal shall be given by mailed notice to the applicant and to all persons shown on the last equalized assessment roll as owners of real property within 100 feet of the property which is the subject of the application. Such notice shall be mailed at least ten calendar days prior to the date of the public hearing. The notice shall contain a general description of the action taken, the location of the subject property, and the time, date and place of the hearing. Failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds to invalidate the City Council's action on the item for which the notice was given.

D. The City Council shall determine an appeal no later than its second regular meeting following the date on which the appeal was filed or any such longer time as may be agreed upon between the applicant and the City Council. The action from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majority of the City Council members present and voting. (Ord. 1144, Sec. 2, April 15, 1996; Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.100 Fines and penalties. Any person, firm, corporation or agency acting as principal agent, employee or otherwise, who fails to comply with the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding the amount permitted by Government Code Section 36901, or by imprisonment in the County jail for not more than six (6) months, or by both, for each separate offense. Each day any violation of this Chapter continues, shall constitute a separate offense. (Ord. 1021, Sec. 25, February 6, 1984; Ord. 1182, Sec. 1 (part), April 2, 2002.)

14.32.110 Permit fees. Applications for grading permits shall be accompanied by the fees established by resolution of the Mill Valley City Council. (Ord. 1061, Sec. 9, 2/2/87)

Chapter 14.35

Hazard Reduction in Unreinforced Masonry Buildings

Sections:

14.35.010 Purpose.
14.35.020 Scope.
14.35.030 Definitions.
14.35.040 Rating classifications.
14.35.050 General requirements.
14.35.060 Administration.
14.35.070 Analysis and design.
14.35.080 Repairs to non-conforming structures.

14.35.090 Penalty for violation.

14.35.010 Purpose. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on unreinforced masonry buildings, constructed prior to 1949 (the adoption date of the local building code requiring earthquake resistant design of buildings). Of secondary benefit is the reduction of property damage. Such buildings have been widely recognized for sustaining life-hazardous damage during moderate to strong earthquakes.

The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent earthquake damage to rehabilitated buildings. This Chapter does not require alteration of existing electrical, plumbing, mechanical or fire safety systems unless they constitute a hazard to life or property. It is also the City's intent through the enactment of this Chapter to have appropriate City staff work closely with building owners and tenants to minimize economic hardships or interruption of business during the process of bringing buildings into compliance with the provisions of this Chapter.

This Chapter provides systematic procedures and standards for the identification and classification of unreinforced masonry buildings based upon their present use. Priorities, time periods and standards are also established under which these buildings are required to be structurally analyzed and strengthened. Where the analysis finds deficiencies, this Chapter requires the building to be strengthened or demolished.

14.35.020 Scope. The provisions of this Chapter shall apply to all buildings constructed or under construction prior to 1949 (adoption date of the first local earthquake resistant code requirements), or for which a building permit was issued prior to 1949, which on the effective date of this ordinance are of unreinforced masonry construction as defined herein.

EXCEPTION: This division shall not apply to detached one or two family dwellings and detached apartment houses containing less than five (5) dwelling units and used solely for residential purposes.

14.35.030 Definitions. For purposes of this Chapter, the applicable definitions in Sections 2302 and 2312 of the 1988 Uniform Building Code shall apply.

For purposes of this Chapter, the following additional definitions shall apply:

HIGH RISK BUILDING: Any building having an occupant load of 100 or more as determined herein.

MEDIUM RISK BUILDING: Any building having an occupant load of less than 100 and more than 20.

LOW RISK BUILDING: Any building having an occupant load of 20 or less as determined herein.

OCCUPANT LOAD: The maximum number of persons within a building as determined in accordance with Section 3302 of the 1988 Uniform Building Code. However, the Director of Planning and Building may allow a lower occupant load for a building, if no extraordinary hazard will result and the building is posted for the reduced maximum number of occupants.

QUALIFIED HISTORICAL BUILDING: Any structure or building deemed of importance to the history, architecture, or culture of an area by an appropriate local, State or Federal governmental jurisdiction. This shall include designated structures on official existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and parcels to which the City has applied the Historic Overlay Zoning District.

UNREINFORCED MASONRY CONSTRUCTION: A building or structure constructed with unreinforced masonry bearing walls as herein defined or a steel or concrete framed building with unreinforced masonry infilled walls.

UNREINFORCED MASONRY BEARING WALL: A masonry wall having all of the following characteristics:

1) Provides the vertical support for a floor or roof.

2) The total superimposed load is over 100 pounds per linear foot.

3) The area of reinforcing steel is less than 50 percent of that required under the 1949 Edition of the Uniform Building Code.

14.35.040 Rating classifications. The rating classifications indicated below are hereby adopted and each building within the scope of this Chapter shall be placed in one such classification by the Director of Planning and Building.

		Total Project		Alternate Phased Project	
Rating Classification	Occupant Load	Complete Structural Analysis	Complete Construction Or Demolition	Installation of Wall Anchors	Complete Construction
High Risk	100 or more	Jan. 1,1991	Jan. 1, 1993	Jan. 1, 1992	Jan. 1, 1995
Medium Risk	21 to 99	Jan. 1,1992	Jan. 1, 1994	Jan. 1, 1993	Jan. 1, 1996
Low Risk	20 or less	Jan. 1,1993	Jan. 1, 1995	Jan. 1, 1994	Jan. 1, 1997

For the purposes of this Chapter, when only a portion of a building is constructed of unreinforced masonry and that portion is constructed such that it will act independently when resisting seismic forces, the rating classification shall be determined based upon the unreinforced masonry portion of the building and not the entire structure.

14.35.050 General requirements. The owner of each building within the scope of this Chapter shall cause a structural analysis as described below, of the building to be made by a civil or structural engineer or architect licensed by the State of California. If the results of said structural analysis indicates that the building does not meet the minimum earthquake standards specified in this Chapter, the owner shall either cause the building to be structurally altered to conform to said standards or cause the building to be demolished.

The owner of a building within the scope of this Chapter shall comply with the requirements set forth above by submitting to the Director of Planning and Building for review, within the time limits as specified in Section 14.35.040, one of the following:

(a) A structural analysis demonstrating that the building meets the minimum requirements of this Chapter, or;

(b) A structural analysis and plans for the proposed structural alterations of the building necessary to bring the building in compliance with the minimum requirements of this Chapter, or;

(c) Plans for the demolition of the building shall include interim provisions for protecting pedestrian traffic which could be endangered by a complete or partial collapse of the building. Buildings to which the City has applied the Historic Overlay Zoning District shall only be demolished in compliance with the provisions of Chapter 20.54.

14.35.060 Administration.

(a) Service of order. The Building Official shall issue an order, as described in Section 14.35.060 (b) to the owner(s) of each building found to be within the scope of this Chapter within ninety (90) days of the effective date of this Chapter.

(b) Contents of order. The order shall be in writing and shall be served either personally or by certified or registered mail to the owner as shown on the last equalized assessment roll, and to the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Director of Planning and Building to be a potential earthquake hazard within the scope of this Chapter and, therefore, the building is required to meet the minimum seismic standards of this Chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Sections 14.35.050 and 14.35.040 which set forth the owner's alternatives and time limits for compliance.

(c) Appeal of Order. The owner or person in charge or control of the building may appeal to the City Board of Appeals, the Director of Planning and Building's initial determination that the building is within the scope of this Chapter. Such appeal shall be filed within sixty (60) calendar days from receipt of the order described in Section 14.35.060 (b). Any such appeal shall be decided by the Board no later than ninety (90) calendar days after the date that the appeal is filed. Such appeal shall be made in writing, and shall be filed with the Planning and Building Department. The grounds for the appeal shall be stated clearly and concisely in the appeal. In order to grant an appeal, the Board must make a mandatory finding that there is sufficient technical justification that the building is not within the scope of this Chapter.

Any appeal decision made by the Board of Appeals may be appealed to the City Council using the procedures as set forth in Chapter 20.100 of this Code. In order to grant an appeal, the City Council shall make a finding that there is sufficient technical justification for such building not to be within the scope of this Chapter.

(d) Recordation. At the time the aforementioned order is served, the Director of Planning and Building shall file with the office of the Marin County Recorder a certificate stating that the subject building is within the scope of Chapter 14.35 - Earthquake Hazard Reduction in Unreinforced Masonry Buildings. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where it is not found to comply with Chapter 14.35.

If the building is found not to be within the scope of this Chapter, or as a result of structural alterations or an analysis is found to be structurally capable of resisting minimum seismic forces required by this Chapter, or is demolished, the Director of Planning and Building shall file with the office of the Marin County Recorder a certificate terminating the status of the subject building as being classified within the scope of this Chapter.

<u>14.35.070 Analysis and design.</u> Every structure within the scope of this Chapter shall be analyzed and constructed to resist minimum total lateral seismic forces assumed to act nonconcurrently in the direction of each of the main axes of the structure in accordance with the provisions of Appendix Chapter 1 of the Uniform Code for Building Conservation published by the International Conference of Building Officials. Qualified Historical Buildings shall be analyzed in accordance with the State Historical Building Code (SHBC) established under Part 8, Title 24 of the California Administrative Code.

<u>14.35.080 Repairs to non-conforming structures.</u> All repairs to non-conforming structures (as defined in Section 20.60.166) required by the provisions of this Chapter shall be considered "ordinary maintenance and repairs" as specified in Section 20.60.160 and shall not be considered as part of the 15% limitation on "alterations" specified in said section.

<u>14.35.090 Penalty for violation.</u> If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Director of Planning and Building pursuant to this Chapter within the applicable time limits set forth in Section 14.35.050, the Director of Planning and Building shall order the entire building vacated and remain vacated until said order has been complied with.

If compliance with said order to vacate has not been accomplished within sixty (60) calendar days after the date the building has been ordered vacated, or by such additional time as may have been granted by an appeal, the Director of Planning and Building may order repair or demolition of the building in accordance with the provisions of the most recently adopted version of the Uniform Code for the Abatement of Dangerous Buildings as specified in Section 14.05.020 of this Code. (Ord. 1091; 3/5/90.)

Chapter 14.40

Wood Burning Appliances

Sections:

14.40.010 Title
14.40.020 Purpose & Intent
14.40.030 Definitions
14.40.040 General Requirements
14.40.050 Removal of Wood Burning Appliance Upon Remodel
14.40.060 Permit Requirements for Installation and Replacement of Wood Burning Appliances
14.40.070 Violations - Penalties

14.40.010 Title. This Chapter shall be known as the Wood Smoke Ordinance.

14.40.020 Purpose & Intent. The purpose of this ordinance is to improve air quality in the City of Mill Valley by reducing emissions of smoke (particulate matter), organic gases and carbon monoxide by regulating the type of wood-burning appliances that may be installed and maintained within the City and by banning the use of non-certified wood heaters after December 31, 2008.

14.40.030 Definitions

A. "Bay Area Air Quality Management District" means the air quality agency for the San Francisco Bay Area established pursuant to California Health and Safety Code Section 40200.

B. "EPA" means the United States Environmental Protection Agency

C. "EPA Certified Wood Heater" means any wood heater that meets the standard in Code of Federal Regulations Title 40, Part 60, Subpart AAA, in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.

D. "Fireplace" means any permanently installed masonry or factory-built wood-burning appliance designed to be used with an air-to- fuel ratio greater than or equal to 35 to 1.

E. "Garbage" means all solid, semi-solid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphalted products, manure, vegetable or animal solids, and semi solid wastes and other discarded solid and semi-solid wastes.

F. "Gas Fireplace" means any masonry or factory-built fireplace in which a device that has been designed to burn natural gas or liquefied petroleum gas in a manner that simulates the appearance of burning wood has been permanently installed so the burner pan and associated equipment are affixed to the masonry or metal base of the fireplace.

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

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

I. “Paint Solvents” means all original solvents sold or used to thin paints or clean up painting equipment.

J. “Pellet-Fueled Heater” means any appliance that operates exclusively on solid fuel pellets.

K. “Solid Fuel” means wood or any other non-gases or non- liquid fuel.

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

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

N. “Wood-Burning Appliance” means a fireplace, wood heater, or pellet-fired heater or similar device burning solid fuel used for aesthetic or space-heating purposes.

O. “Wood Heater” means an enclosed, wood-burning appliance that is not a fireplace capable of and intended for space heating that meets all the following criteria:

1. An air-to- fuel ratio in the combustion chamber averaging less than 35-to- l as determined by the test procedures prescribed and approved by the Building Official.

2. A usable firebox volume less than 20 cubic feet (0.57 cubic meters).

3. A minimum burn rate less than 11 lb/hr (kg/hr).

4. A maximum weight of less than 1,760 lbs (800kg). For the purpose of this ordinance, fixtures and devices that are normally sold separately, such as flue pipe, chimney and masonry components that are not an integral part of the appliance or heat distribution ducting do not count as part of the appliance weight.

<u>14.40.040 General Requirements.</u> It shall be unlawful in the City of Mill Valley to:

A. Use any wood-burning appliance when the Bay Area Air Quality Management District issues a “Spare the Air Tonight” warning and when an alternate legally permitted heat source is available.

B. Install a wood-burning appliance that is not one of the following: (1) a pellet-fueled wood heater, (2) an EPA certified wood heater, or, (3) a fireplace certified by the EPA if the EPA adopts a fireplace certification program. The conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this ordinance.

C. Use any of the following prohibited fuels in a wood-burning appliance: garbage, paint solvents, treated wood, coal, plastic products, glossy or colored papers, rubber products, particle board, waste petroleum products, salt water driftwood, paints, wood having a moisture content higher than 20%, or any other material that produces noxious or toxic emissions when burned in a wood-burning appliance.

D. Use any non EPA Phase II-certified wood heaters, or EPA Phase II-certified wood heaters that have been installed without a building permit, after December 31, 2008. After that date, all noncompliant wood stoves and inserts must be removed or rendered inoperable. The Building Official may grant an exception to this section in the case of hardship. Examples of hardships include without

limitation the following: the prohibited wood heater is a residential sole source of heat or there is no adequate alternative source of heat that can be provided at a reasonable cost to the premises.

14.40.050 Removal Of Wood Burning Appliance Upon Remodel. A non-EPA Phase II-Certified wood-burning appliance shall be removed, rendered inoperable or replaced with a compliant appliance when:

~~A.~~A. A remodel or addition exceeds 500 square feet;

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~~B.~~B. The combination of the addition, alteration or remodeling exceeds 50% of the floor area of the existing structure; or

~~C.~~C. A renovation includes opening up walls immediately adjacent to the appliance.

14.40.060 Permit Requirements For Installation And Replacement Of Wood Burning Appliances. A building permit is required for the replacement or installation of any wood-burning appliance.

14.40.070 Violations - Penalties.

A. Violations of this Ordinance shall be punishable as misdemeanors or infractions, at the discretion of the City's designated code enforcement official following consideration of the severity of the violation. Penalties shall not exceed the amounts set forth in Government Code Sections 36900 and 36901.

B. Each violation of this Ordinance is a separate offense for every day such violation shall continue, and the penalties imposed by this section shall be imposed on each and every separate offense.

C. Nothing in this section limits the power of the City to use all other legal or equitable remedies to redress, abate, or punish any violation of the provisions of this Ordinance. (Ord. 1208, September 19, 2005.)

Chapter 14.42

Recycling and Reuse Requirements for Construction and Demolition Debris

Sections:

14.42.010 Title
14.42.020 Definitions
14.42.030 Threshold for Covered Projects
14.42.040 Infeasible Exemption
14.42.050 Waste Management Plan (WMP)
14.42.060 Submission of Recycling/Reuse Documentation
14.42.070 Compliance
14.42.080 Violations – Penalties

14.42.010 Title. This Chapter shall be known as the Construction and Demolition Waste Recovery Ordinance.

14.42.020 Definitions.

For the purposes of this Chapter the following definitions shall apply:

A. "Act" means the California Waste Management Act of 1989, Public Resources Code Section 40000 *et seq*.

B. “Applicant” means any person who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City of Mill Valley.

C. “Building Official” means the designated staff person(s) authorized and responsible for implementing this Chapter.

D. “Construction” means the building of any facility, structure, pavement or building or any portion thereof, including any tenant improvements to an existing facility or structure.

E. “Construction and Demolition Debris” means used or discarded materials resulting from construction, remodeling, repair, or demolition operations on any facility, structure, pavement or building that are removed from the premises.

F. “Conversion Rate” means the rate set forth in the standardized Conversion Rate Table approved by the City pursuant to this Chapter for use in estimating the volume or weight of materials identified in a Waste Management Plan.

G. “Covered Project” shall have the meaning set forth in Section 14.42.030 A of this Chapter.

H. “Demolition” means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

I. “Divert” means to use material for any lawful purpose other than disposal in a landfill or transformation facility.

J. “Diversion Requirement” means the diversion of at least fifty (50) percent of the total Construction and Demolition Debris generated by a Covered Project via reuse or recycling, unless the Applicant has been granted an Infeasibility Exemption pursuant to Section 14.42.040, in which case the Diversion Requirement shall be the maximum feasible diversion rate established by the Building Official for the Covered Project.

K. “Infeasibility Exemption” means a reduction in the required fifty (50) percent Diversion Requirement, pursuant to Section 14.42.040.

L. “Noncovered Project” shall have the meaning set forth in Section 14.42.030 B of this Chapter.

M. “Project” means any activity, which requires an application for a building or demolition permit, or any similar permit from the City.

N. “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

O. “Renovation” means any change, addition, or modification in an existing structure.

P. “Reuse” means further or repeated use of Construction and Demolition Debris.

Q. “Salvage” means the controlled removal of Construction or Demolition Debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

R. “Waste Management Plan” (WMP) means a completed WMP form submitted by the Applicant for any Covered Project and approved by the Building Department for the purpose of compliance with this Chapter, as more particularly set forth in Section 14.42.050.

S. "Person" means an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

14.42.030 Threshold for Covered Projects.

A. Covered Projects: Every construction, demolition, and renovation project within the City jurisdiction shall comply with this Chapter. Failure to comply with any of the terms of this Chapter shall subject a person to the enforcement mechanisms set forth in this chapter.

B. Noncovered Projects: Reroofing, drywall, and window replacement projects are exempt from this chapter.

C. Compliance as a Condition of Approval: Compliance with the provisions of this Chapter shall be listed as a condition for initial permitting and as a condition of approval for the final occupancy permit of any building.

14.42.040 Infeasible Exemption.

A. If an Applicant for a Covered Project experiences unique circumstances that the Applicant believes make it infeasible to comply with the 50% Diversion Requirement, the Applicant may apply for an exemption at the time that he or she submits the WMP required under Section 14.42.050 of this Chapter. The Applicant shall indicate on the WMP the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the Diversion Requirement.

B. If the Building Official determines that it is infeasible for the Applicant to meet the Diversion Requirement due to unique circumstances, the Building Official shall determine the maximum feasible diversion rate for each material.

14.42.050 Waste Management Plan (WMP).

A. WMP Forms: Applicants for any Covered Project shall complete and submit a Waste Management Plan ("WMP"), on a WMP form approved by the Building Official for this purpose as part of the application packet for the permit. The completed WMP shall indicate all of the following:

(1) the estimated volume or weight of debris, by materials type, to be generated;

(2) the estimated volume or weight of such materials that can feasibly be diverted via reuse;

(3) the estimated volume or weight of such materials that can feasibly be diverted via recycling;

(4) the vendor and/or facility that the Applicant proposes to use to collect or receive said materials; and

(5) the estimated volume or weight of materials that will be landfilled.

B. WMP Approval: The WMP form will be reviewed by the Building Official to determine feasibility. Once approved by the Building Official the WMP will be marked "approved" and submitted to the applicant with the construction or demolition permit.

C. Exemption from Requirement to Submit WMP: The following Covered Projects are exempt from the requirement to submit a WMP, but must comply with all other requirements of this Chapter:

(1) Projects for which the Construction and Demolition Waste is deposited in a debris box, and the debris box is deposited at an approved recycling facility; and

(2) Projects that are under 500 square feet in area.

14.42.060 Submission of Recycling/Reuse Documentation.

A. Documentation: The Applicant shall submit the following documentation to the Building Official upon completion of the Covered Project:

(1) Receipts or reports from the vendor, facility, or waste hauler that collected or received each material showing the volume or weight or volume of the material received;

(2) A copy of the previously approved WMP for the Project adding the actual volume or weight of each material diverted and landfilled (unless no WMP was required, pursuant to Section 14.42.050.C);

(3) Any additional information the Applicant believes is relevant to determining its efforts to comply in good faith with this Chapter.

B. Weighing of Wastes: Applicants shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. If scales are used, such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the Applicant shall use the standardized Conversion Rates approved by the City for this purpose.

14.42.070 Compliance.

A. Approval: The Building Official may withhold issuance of temporary or final occupancy for any Covered Project unless and until the Building Official has approved the recycling/reuse documentation. Approval shall not be required, however, where an emergency demolition is required to protect public health or safety. The Building Official shall only approve the recycling/reuse documentation if it indicates that at least fifty (50) percent of all C&D debris generated by the Project has been diverted, has been pursuant to this Chapter, or is deemed exempt in full by the Building Official.

B. Non-approval: If the Building Official determines that the recycling/reuse documentation is incomplete or fails to indicate that the Diversion Requirement was achieved, the Building Official shall either:

(1) Deny the final occupancy permit for any building until adequate recycling/reuse documentation has been provided; or

(2) Seek enforcement pursuant to this Chapter.

14.42.080 Violations - Penalties.

A. Violations of this Chapter shall be punishable as misdemeanors or infractions, at the discretion of the City's designated code enforcement official following consideration of the severity of the violation. Penalties shall not exceed the amounts set forth in Government Code Sections 36900 and 36901.

B. Each violation of this Chapter is a separate offense for every day such violation shall continue, and the penalties imposed by this section shall be imposed on each and every separate offense.

C. Nothing in this section limits the power of the City to use all other legal or equitable remedies to redress, abate, or punish any violation of the provisions of this Chapter." (Ord. 1212, December 5, 2005.)

Chapter 14.44

Energy Efficiency Standards for Single Family Dwellings Greater Than 3,500 Square Feet of Conditioned Floor Area

Sections:

14.44.010 Title
14.44.020 Background
14.44.030 Buildings Covered
14.44.040 Definitions
14.44.050 Performance Compliance Approach
14.44.060 Additions
14.44.070 Special Permit Form

14.42.010 Title. This Chapter shall be known as the Energy Efficiency Ordinance.

14.44.020 Background. All single family dwellings must meet or exceed the energy requirements contained in the 2005 California Building Energy Efficiency Standards, including California Code of Regulations, Title 24, Parts 1 and 6. (The "Standards") This ordinance requires the application of the Standards, including but not limited to the definitions, procedures, forms, manuals and alternative calculation methods ("ACM's") associated with the Standards. In addition, this ordinance amends the Standards as described herein.

14.44.030 Buildings Covered. The provisions of this ordinance shall apply to all single family dwellings for which a building permit has not been applied for and accepted as complete by the Building Department prior to January 1, 2006, or received Design Review approval prior to January 1, 2006, that are

A. New single family dwellings greater than 3,500 square feet of total conditioned floor area. In addition, a residential second unit of not greater than 750 square feet shall be exempt from the requirements of this ordinance.

B. Additions to single family dwellings where the conditioned floor area of the existing building plus the addition is greater than 3,500 square feet and the addition is equal to or greater than 500 square feet, excluding up to a 750 square foot residential second unit.

14.44.040 Definitions.

For the purposes of this Chapter the following definitions shall apply:

A. "PV Credit" is the energy credit applicable to the Proposed Design for a solar photovoltaic system that is capable of generating electricity from sunlight and supplying it directly to the building; and is connected, through a reversible meter, to the utility grid. The amount of PV credit under this Ordinance is defined as W_o multiplied by 13.262 KBtu/sf-yr TDV energy, where W_o is a unitless value calculated as 1000 multiplied by the nominal kilowatts of the proposed PV system and divided by the total conditioned floor area of the building.

B. "Alternative Proposed Design Credit" is an energy credit applicable to the Proposed Design including but not limited to any renewable energy system which is not a solar photovoltaic system and any energy-efficiency measures not included in the Title 24 performance analysis which significantly exceed current building practice or applicable minimum state or federal efficiency standards. The permit applicant must submit calculations to document, explain and justify the amount of the credit claimed subject to approval by the Building Official.

C. "Revised Standard Design Total" is the performance energy budget, in KBtu/sf-yr, which this Ordinance establishes for all buildings to which it applies. It is defined as the Standard Design Total (TDV KBtu/sf-yr) obtained from any state-approved residential alternative calculation method (ACM) multiplied times the Standard Design Adjustment Factor (contained in Table A).

D. "Standard Design Adjustment Factor" is the arithmetic factor listed below which when multiplied by the standard design energy budget (from a state-approved residential ACM) produces the Revised Standard Design Total.)

Table A: Standard Design Adjustment Factors

House Size (Total Conditioned Sq.Ft.)	Climate Zone 3 Adjustment Factor
3,501 – 4,499	0.930
4,500 – 5,499	0.850
5,500 – 6,499	0.732
6,500 – 7,499	0.663
7,500 – 8,499	0.607
8,500 – 9,499	0.561
9,500 – 10,499	0.521
10,500 – 11,499	0.487
11,500+	0.458

14.44.050 Performance Compliance Approach

Basic Requirements. New single family dwellings with a total conditioned floor area equal to or greater than 3,500 square feet shall meet both of the following:

A. The Revised Standard Design Total energy budget, in source Kbtu/sf-yr, using the performance compliance approach.

B. All other provisions applicable to low rise residential buildings contained in the California Building Energy Efficiency Standards.

14.44.060 Additions. Additions covered by this ordinance as defined in subsection 14.44.030(B) shall meet the requirements of this section by one of the following:

A. The addition shall comply with section 14.44.050.

B. The energy efficiency of the existing building shall be improved so that the existing building plus the addition meet the energy budget in section 14.44.050(A) as applied to the Standard Design Total for the Existing-plus-Addition generated by a state approved Alternative Calculation Method (ACM).

14.44.070 Special Permit Form. In addition to the standard Title 24 report submitted to the building department, a special form will be required which shall be available at the building department. (Ord. 1213, Sec. 1, Dec. 5, 2005)