

TITLE 19 – MARIN COUNTY BUILDING CODE

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19.04.010 - Marin County Building Codes Adopted.

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

(1)

The 2010 edition of the California Building Code, known as the California Code of Regulations, Part 2 of Title-24, incorporating the 2009 edition of the "International Building Code" published by the International Code Council, including; Appendix C for agricultural buildings; with exceptions, additions and deletions as provided in this chapter.

(2)

The 2010 edition of the California Residential Code, known as the California Code of Regulations, Part 2.5 of Title-24, incorporating the 2009 edition of the "International Residential Code" published by the International Code Council, including; Appendix H for patio covers; and Appendix J for existing buildings and structures; with exceptions, additions and deletions as provided in this chapter.

(3)

The 2010 edition of the California Electrical Code, known as the California Code of Regulations, Part 3 of Title-24, incorporating the 2008 edition of the "National Electrical Code" published by the National Fire Protection Association, with exceptions, additions and deletions as provided in this chapter.

(4)

The 2010 edition of the California Mechanical Code, known as the California Code of Regulations, Part 4 of Title-24, incorporating the 2009 edition of the "Uniform Mechanical Code" published by the International

Association of Plumbing and Mechanical Officials, including Appendices A, B, C and D with exceptions, additions, and deletions as provided in this chapter.

(5)

The 2010 edition of the California Plumbing Code, known as the California Code of Regulations, Part 5 of Title-24, incorporating the 2009 edition of the "Uniform Plumbing Code" as published by the International Association of Plumbing and Mechanical Officials, including Appendices A, B, D, G and I, with exceptions, additions, and deletions as provided in this chapter.

(6)

The 2010 edition of the California Energy Code known as the California Code of Regulations, Part 6 of Title-24.

(7)

The 2010 edition of the California Historical Building Code known as the California Code of Regulations, Part 8 of Title-24.

(8)

The 2010 edition of the California Existing Building Code, known as the California Code of Regulations, Part 10 of Title-24, incorporating Appendix Chapter A1 of the 2009 edition of the "International Existing Building Code" published by the International Code Council.

(9)

The 2010 edition of the California Green Building Standards Code known as the California Code of Regulations, Part 11 of Title-24, with exceptions, additions, and deletions as provided in this chapter.

(10)

The 2010 edition of the California Referenced Standards Code known as the California Code of Regulations, Part 12 of Title-24.

(Ord. 3478 § 1, 2007: Ord. 3354 § 1, 2003: Ord. 3296 § 1, 1999: Ord. 3217 § 1, 1995: Ord. 3099 § 1, 1992: Ord. 3045 § 1, 1990: Ord. 3015 § 1, 1989: Ord. 2953 § 1, 1987: Ord. 2930 § 2, 1986: Ord. 2907 § 1, 1986: Ord. 2814 § 1, 1984: Ord. 2788 § 2, 1983: Ord. 2672, 1981: Ord. 2448 § 2, 1979: Ord. 2293 § 2 (part), 1977: Ord. 2263 § 1, 1977: Ord. 2166 § 1, 1975: Ord. 2093 § 1 (part), 1974: Ord. 1874 § 1 (part), 1972)

19.04.011 - Codes adopted by reference.

For the purpose of establishing proper regulations for building construction for the maintenance of buildings and structures, for the installation of plumbing, gas appliances, mechanical and electrical systems, and for the storage and handling of flammable liquids, the aforementioned codes, or portions thereof herein set forth, are adopted and are made a part of this chapter by reference without further publication or

posting thereof. One copy of each of these codes as listed herein shall be kept on file for use and examination by the public in the office of the chief building inspector.

(Ord. 3296 § 2, 1999; Ord. 1874 § 1 (part), 1972)

19.04.012 - Construction of terms.

Contained within the provisions of this title, Chapter 11.20, Chapter 11.21 and the codes adopted in Section 19.04.010, where the word "city" occurs, it means the word "county", where the words "city council" occur, they mean the words "board of supervisors", and where the words "building official", "administrative authority", "chief building inspector" or "authority enforcing this code" occur, they mean the words, "Chief Building Official" of Marin County.

(Ord. 3315 § 2, 2000; Ord. 1874 § 1 (part), 1972)

19.04.020 - Building and safety division—Established.

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

(Ord. 3315 § 3, 2000; Ord. 1874 § 1 (part), 1972)

19.04.021 - Building and safety division—Personnel.

- (a) The chief building official shall be the building official referred to in the codes adopted in Section 19.04.010.
- (b) *Appointing deputies.* The chief building official may appoint such deputies, as may be needed to discharge the duties of his/her office properly.

(Ord. 3315 § 4, 2000; Ord. 2904 § 2, 1986; Ord. 1874 § 1 (part), 1972)

19.04.022 - Chief building official's powers and duties.

- (a)

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

(b)

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

(1)

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

(2)

The requirements for storage and use of flammable material;

(3)

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

(4)

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

(c)

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

(d)

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

(e)

Administration Duties. It shall be the duty of the Chief Building Official to administer all the provisions of this chapter, to condemn any building, work,

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

(f)

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

(Ord. 3315 § 5, 2000; Ord. 2644 (part), 1981; Ord. 1874 § 1 (part), 1972)

19.04.026 - Liability.

(a)

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

(b)

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

(Ord. 1874 § 1 (part), 1972)

19.04.027 – Substandard and Unsafe buildings.

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

(Ord. 1874 § 1 (part), 1972)

19.04.028 - Boards.

(a)

Building Board of Appeals. In order to resolve California building standards matters involving issues arising under Title 24 California Code of Regulations, Part 2, to conduct hearings on written appeal under Section 1.8.7 of Part 2, Title 24 California Code of Regulations, and to approve or disapprove interpretation and determinations made by the building safety division, determine suitability for the purpose intended of alternate materials and types of construction, to provide for reasonable interpretations of the provisions of this chapter, and to make recommendations to the Board of Supervisors concerning amendments to the Marin County Code, there is created a Building Board of Appeals consisting of: two licensed contractors, one licensed professional engineer, one licensed architect and one member of the general public. The chief building official shall serve as a nonvoting ex officio member and shall act as secretary of the board.

(b)

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

(c)

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

(d)

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

(Ord. 3419 § 1, 2005; Ord. 2705 § 1, 1982; Ord. 1874 § 1 (part), 1972)

19.04.029 - Penalties.

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

(Ord. 1874 § 1 (part), 1972)

19.04.032 - Fee schedule—Permit fees.

(a)

Findings and intent.

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

(b)

Fee and service level cost analysis system.

(1)

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

(2)

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

(3)

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

(c)

Definitions.

(1)

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

(2)

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

(d)

Maintenance and schedule of fees and service charges.

(1)

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

(2)

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

(3)

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

(4)

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

(5)

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

(6)

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

(7)

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

conditions for site work and inspecting for compliance with the site requirements.

(8)

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

(9)

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

(10)

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

(11)

The agency director, or his/her assign shall have the ability to waive or transfer from the in-lieu housing trust fund up to one hundred percent of the building fees for projects which include below market rate housing units subject to the requirement that the project meet the eligibility standards for state or federal housing funding. The amount of fees waived or transferred to be determined based on the proportion of the project which is below market rate housing and the permanency of the housing subsidy. The agency director, or his/her assign is also authorized to waive up to thirty-five percent of the building fees for projects undertaken by community-based nonprofit agencies or organizations which provide services resulting in public benefits.

(Ord. 3456 § 1, 2006; Ord. 3409 § 1, 2004; Ord. 3390 § 1, 2003; Ord. 3374 § 1, 2003; Ord. 3335 § 1, 2002; Ord. 3319 § 1, 2000; Ord. 3315 §§ 6—8, 2000; Ord. 3296 § 3, 1999; Ord. 3256 § 1, 1997; Ord. 3232 § 1, 1996; Ord. 3217 § 4, 1995; Ord. 3155 § 1, 1993; Ord. 3119 § 1, 1992; Ord. 3061 § 1, 1991; Ord. 3045 § 3, 1990; Ord. 2930 § 3, 1986; Ord. 2907 § 2, 1986; Ord. 2825 § 1, 1984; Ord. 2788 § 3, 1983; Ord. 2781 § 1, 1983; Ord. 2774 § 1, 1983; Ord. 2770 § 1, 1983; Ord. 2767 § 2, 1983; Ord. 2448 § 3, 1979; Ord. 2346 § 1 (part), 1978; Ord. 2993 § 2 (part), 1977; Ord. 2176 § 2 (part), 1975; Ord. 2166 § 2, 1975; Ord. 2093 § 1 (part), 1974; Ord. 1874 § 1 (part), 1972)

(Ord. No. 3528, § I, 2009)

19.04.033 - Notice of violation.

(a)

Any building violation(s) of the provision(s) of this title constitutes cause for filing for the record, with the recorder of the county in which the real property is located, a notice of violation and a lien for the estimated permit cost(s), investigation fee(s) and penalties. Permit costs shall consist of all application

and construction permit fees necessary to legalize the existing violation(s). Where a violation exists which is strictly prohibited by the Marin County Code and no permit process is available to legalize the violation, a minimum lien of five hundred dollars will be recorded, to cover costs of enforcement and abatement.

(b)

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

(c)

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

(Ord. 3098 § 1, 1992)

19.04.034 - Building permits and approvals withheld.

If the chief building inspector finds the construction, reconstruction or installation of plumbing, electrical and gas appliances and facilities for which the notice of violation and lien have been recorded pursuant to this chapter are not contrary to the public health, safety and general welfare, permits and approvals necessary for construction, reconstruction or installation of plumbing, electrical and gas appliances may be issued

for such property. If the chief building inspector finds that the construction, reconstruction or installation of plumbing, electrical and gas appliances are contrary to the public health, safety and welfare due to the above cited violations on the property, permits may be withheld until the violation(s) impacting on public health, safety and welfare are eliminated, or the chief building inspector may issue a conditional approval and may impose such conditions as are necessary to bring the violation(s) into conformance and eliminate the hazard(s) to public health, safety and welfare. The authority to deny or conditionally approve such permit(s) or approval(s), based on the above referenced findings, shall apply whether the applicant therefore was the owner of the real property at the time of such violation or whether the applicant therefore is the current owner of the real property with or without actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

(Ord. 3098 § 2, 1992)

19.04.035 - Removal of notice of violation.

(a)

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

(b)

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

(Ord. 3098 § 3, 1992)

19.04.041 - reserved

(Ord. 2696 § 1, 1982)

19.04.042 - Storm damage to property.

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

requirement if the building inspector can procure satisfactory engineering and geology advice from other appropriate sources.

(Ord. 2696 § 2, 1982)

19.04.050 - Permit application expiration.

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

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

In accordance with County or department policy, the building official is authorized to grant one or more extensions of time for additional periods not exceeding 365 days each. Extension requests shall be submitted in writing and justifiable cause beyond the reasonable control of the applicant shall be demonstrated.

(Ord. 3272 § 1, 1998)

19.04.055 - Permit expiration.

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

Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one year from the date of such permit. All permits shall expire by limitation and become null and void, if the building or work authorized by such permit is not completed within two years from the date of such permit. The chief building inspector may require the commencement of work authorized by a building permit within a specified period of time less than one year, and the completion of said work within a specified period of time less than two years to require the timely abatement of one or more violations of the County Code.

In accordance with County or department policy, the building official is authorized to grant one or more extensions of time for additional periods not exceeding 365 days each. Extension requests shall be submitted in writing and justifiable cause beyond the reasonable control of the applicant shall be demonstrated.

Before work can be recommenced on a permit that has expired, a new permit shall be applied for by the permittee. Permit fees for the new permit shall be based on the work remaining to be completed. New work remaining to be completed shall be subject to the technical codes adopted at the time application for the new permit is accepted by the Community Development Agency.

(Ord. 3272 § 2, 1998)

19.04.060 - Work exempt from obtaining a building permit.

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

(1)

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

(Ord. 3296 § 3, 1999; Ord. 2907 § 6, 1986; Ord. 2788 § 10, 1983)

19.04.063 - Substantial remodel.

"Substantial remodel", as used herein, is the renovation of any structure, which, combined with any additions to the structure, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purpose of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings.

(Ord. 3296 § 6, 1999)

19.04.065 - Fire protection systems.

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

content, combined with Marin's populated steep terrain, require the following enhanced fire protection measures.

Section 901.7 Of Chapter 9 of the 2010 California Building Code (Title 24, Part 2), California Code of Regulations is hereby amended by adding the following sentence:

"This section shall also apply to residential fire sprinkler systems."

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

1. Every newly constructed building and facility.

EXCEPTIONS:

a. Freestanding Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.

b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding sixty feet in all directions and not exceeding twenty-five feet in height, and located within an agricultural zoned district as defined in the Marin County Planning Code.

2. In newly created second units.

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

4. In all buildings except R-3 occupancies, in excess of 3,000 square feet which have more than ten percent (10%) floor area added within any 36 month period. Exceptions may be granted by the chief when alternate means of protection are installed as approved by the fire code official.

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

Section 903.3 Of Chapter 9 of the 2010 California Building Code (Title 24, Part 2), California Code of Regulations is hereby amended by adding the following thereto:

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

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

Section 903.4 of Chapter 9 of the 2010 California Building Code (Title 24, Part 2), California Code of Regulations is hereby amended to read as follows:

Section 903.4 Sprinkler system supervision and alarms. The alarm from any automatic fire sprinkler system shall transmit fire and tamper signals to a central station which has been approved by the fire department and a nationally recognized testing laboratory and with standards developed by the fire chief of the appropriate fire district.

EXCEPTION:
Group R-3, and U.

Section 907.2.11 of Chapter 9 of the 2010 California Building Code (Title 24, Part 2), California Code of Regulations is hereby amended by changing the first sentence of the exception to read as follows:

Exception: For Group R occupancies other than single family dwellings.

(Ord. 3478 § 2, 2007: Ord. 3354 § 2, 2003: Ord. 3296 § 5, 1999: Ord. 3217 § 5, 1995: Ord. 3116 § 4, 1992)

19.04.070 - Emergency escape and rescue openings.

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

Section R310 of Chapter 3 of the 2010 California Residential Code (Title 24, Part 2.5), California Code of Regulations is hereby amended by adding this paragraph as follows:

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

(Ord. 3296 § 7, 1999: Ord. 3217 § 3, 1995: Ord. 3099 § 2, 1992: Ord. 2930 § 5, 1986: Ord. 2907 § 7, 1986)

19.04.080 - Fire classification.

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

Table 1505.1 of Chapter 15 of the 2010 California Building Code (Title 24, Part 2), California Code of Regulations is amended to read as follows:

TABLE 1505.1* MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

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

* Unless otherwise required in accordance with Chapter 7A.

Section 1505.1.2 and Section 1505.1.3 of Chapter 15 of the 2010 California Building Code (Title 24, Part 2), California Code of Regulations are amended to read as follows:

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

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

(Ord. 3478 § 3, 2007; Ord. 3296 § 9, 1999; Ord. 3217 § 2, 1995; Ord. 3078 § 4, 1991)

19.04.090 - Gas shut-off devices.

A.

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

1.

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

2.

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

3.

"Excess flow gas-shut-off device" means those valves or devices that are not actuated by adoption but are activated by significant gas leaks or overpressure surges, which can occur when pipes rupture inside the structure. The design of the device provides a proven method to automatically provide for expedient and safe gas shut-off in an

emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner. The device is certified by the state architect or the operational and functional design of the device meets or exceeds the device certified by the office of the state architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the state architect may be made by one of the following: The Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or any other recognized listing and testing agency.

4.

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

5.

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

6.

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

B.

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

1.

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

2.

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

3.

When any plumbing permit is issued for gas piping.

C.

Exceptions.

1.

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

2.

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

3.

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

D.

Devices: Location required.

1.

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

2.

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

E.

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

1.

Be installed in accordance with the manufacturer's instructions;

2.

In the case of seismic gas shut-off devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the building and safety division determines that the seismic gas shut-off

device (motion sensitive) has been tested and listed for an alternate method of installation;

3.

Seismic gas shut-off devices shall be certified by the state architect and be listed by an approved listing and testing agency such as IAS, IAMPO, UL or the office of the state architect;

4.

Have a thirty-year warranty which warrants that the valve or device is free from defects and will continue to properly operate for thirty years from the date of installation; and

5.

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

F.

List of approved valves and devices. The building and safety division of the community development agency shall maintain a list of all seismic gas shut-off devices (motion sensitive) and excess flow gas shut-off devices (nonmotion sensitive) which meet or exceed the requirements of devices certified by the office of the state architect for installation in the State of California and which comply with the standards and criteria set forth in Health and Safety Code Section 19180 et seq., including quality and design regulation for earthquake actuated automatic gas shut-off systems (see 24 Cal. Code Regs. Ch. 12-16-1).

(Ord. 3322 § 2, 2001)

19.04.091 - Anchoring of liquid petroleum gas tanks.

A.

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

1.

For any new building construction (commercial, industrial or residential) containing LPG piping for which a building permit is required;

2.

For any alteration or addition to any existing residential, commercial or industrial building which contains LPG piping, and for which a building permit is required; or

3.

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

B.

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

(Ord. 3322 § 3, 2001)

19.04.100 - Energy efficiency standards for single-family dwellings, multifamily residential and commercial construction.

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following energy efficiency modifications to the California Energy Code as set forth in this section are reasonably necessary because Marin's local climatic conditions, insofar as our three climate zones and twenty four variant microclimates, combined with our increase in average dwelling construction size, result in a disproportionate annual consumption of uncertain energy supplies.

A.

Definitions. For the purposes of this section, the following definitions shall apply:

1.

"Current standards." The 2010 California Energy Code (Title 24, Part 6) California Code of Regulations and referenced standards or subsequently adopted state energy standards, whichever is applicable at the time of the building permit application.

2.

"Solar photovoltaic energy system." A photovoltaic solar collector or other photovoltaic solar energy device that has a primary purpose of providing for the collection and distribution of solar energy for the generation of alternating current rated peak electricity. The installation of any solar photovoltaic energy system must meet all installation criteria of the current edition of the California Electrical Code and the California Energy Commission Guidebook Eligibility Criteria and Conditions for Incentives for Solar Energy Systems, Senate Bill 1.

3.

"Photovoltaic (PV) credit." A TDV energy credit that may be used to achieve compliance with the requirements of this section. This credit is available if the solar photovoltaic energy system is capable of generating electricity from sunlight, supplying the electricity directly to the building, and the system is connected, through a reversible meter, to the utility grid. The methodology used to calculate the energy equivalent to the photovoltaic credit shall be the CECPV calculator, using the most recent version prior to the permit application date, which may be found at the

following web site:

http://www.gosolarcalifornia.ca.gov/nshpcalculator/download_calculator.html

4.

"Alternative proposed design credit." An energy credit for alternative energy system designs that may be used to achieve compliance with the requirements of this section subject to approval by the Chief Building Official and the Director of the Marin County Community Development Agency. Alternative energy system designs may include, but are 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.

5.

"Net zero energy." A building that has a net annual time dependent valued (TDV) energy consumption, as defined by Title 24 of the California Code of Regulations, of zero, accounting for both energy consumption and the use of on-site renewable energy production.

B.

Covered projects. The provisions of this section shall apply to the following types of building projects for which a building permit is applied for and accepted as complete by the building and safety division after the effective date of this section:

1.

New single-family dwellings resulting in a total dwelling size of five hundred square feet or greater of total conditioned floor area.

2.

Additions to single-family dwellings resulting in a total dwelling size of one thousand five hundred square feet or greater of total conditioned floor area and where Title 24 energy performance documentation is submitted which uses the "Existing + Addition or Existing + Addition + Alteration" calculation method.

3.

Substantial remodels, as defined in this Code, to single-family dwellings resulting in a total dwelling size of one thousand five hundred square feet or greater of total conditioned floor area and where Title 24 energy performance documentation is submitted which uses the "Existing + Alteration or Existing + Addition + Alteration" calculation method. (For the purposes of this section, the terms "remodel" and "alteration" are synonymous.)

4.

New multifamily residential construction.

5.

New commercial construction resulting in five thousand square feet or greater of total conditioned floor area.

C.

Exemptions. Affordable housing dwellings approved by the agency director are exempted from the requirements of this section, but must comply with the 2010 California Energy Code (Title 24, Part 6) California Code of Regulations and referenced standards.

D.

Compliance. A building permit subject to the provisions of this section will not be issued by the building and safety division unless the energy compliance documentation submitted with the permit application meets the requirements of this section. A certificate of occupancy will not be granted until a certificate of field verification and diagnostic testing (CF-4R) for the permitted project is submitted to the building and safety division when applicable. A certificate of occupancy will not be granted unless the work authorized under a permit has been constructed in accordance with the approved plans, conditions of approvals and requirements of this section.

E.

General requirements. All covered projects subject to the provisions of this section shall exceed the current standards using the performance approach by the percentage indicated in the compliance table corresponding to the dwelling's resultant total conditioned floor area.

Dwelling Size ¹ (Total Conditioned Floor Area)	Buildings Must Exceed the Current Standards by:
500 –3,999 SF	15%
4,000–5,499 SF	20%
5,500–6,499 SF	30%
7,000+	Net zero energy

Residential Compliance Table

Editor's note—

Note 1: All additions and/or substantial remodels in dwellings with a total conditioned floor area of one thousand five hundred square feet or greater, and where compliance with the Title 24 Standards uses the "Existing + Addition + Alteration" performance method, shall meet the requirements of the Compliance Table.

Multifamily Residential Compliance Table

Building Size (Total Conditioned Floor Area)	Buildings Must Exceed the Current Standards by:
All	15%

Building Size (Total Conditioned Floor Area)	Buildings Must Exceed the Current Standards by:
5,000+ sq. ft.	15%

Commercial Compliance Table

1. New single-family dwellings subject to the provisions of this section shall meet both of the following:
 - a. Exceeding the current standards as specified in the Compliance Table, using the performance compliance approach; and
 - b. Meeting all other provisions applicable to low-rise residential buildings contained in the current standards.
2. Additions and/or alterations to single-family dwellings subject to the provisions of this section shall meet one of the following requirements:
 - a. The addition and/or alteration shall comply with Subsection E.2.; or
 - b. The energy efficiency of the existing building shall be improved so that the existing building plus the addition and/or alteration meet the requirements listed in the Compliance Table.
3. A building project may use the solar PV credit and/or the alternative proposed design credit to meet the requirements of Subsection E.1., if the proposed building exceeds the current standards using the performance compliance approach by at least 15.0 percent.
4. In addition to the standard Title 24 report and when a permit applicant is applying for solar PV credit or an alternative proposed design credit, a special compliance and calculation form, which shall be available at the community development agency, documenting compliance with the

provisions of this section, shall be submitted with the building permit application and included on all plan sets with the CF-1R.

5.

HERS field verification and diagnostic testing. All buildings, additions, and remodels subject to the provisions of this section shall be field verified, by a certified HERS rater when required by these local standards. Verification shall be in accordance with protocols established in the Residential Field Verification and Diagnostic Testing Regulations Manual. A CF-4R, when required by the current standards, shall be submitted to the building and safety division to demonstrate compliance prior to issuance of a certificate of occupancy.

F.

Modifications. Whenever there are practical difficulties involved with carrying out the literal provisions of this section; the building official, in consultation with the community development agency director, shall be authorized to grant modifications for individual cases, upon application by the owner or owner's representative, provided that the building official determine the requested modification is in compliance with the intent and purpose of this section.

(Ord. 3492 § 2, 2008)

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

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Subchapter 2 - Green Building Requirements

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EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following green building modifications to California Green Building Standards Code Chapters 3, 4 & 5, as set forth

in this subchapter, are reasonably necessary because of Marin’s local topographical and environmental conditions insofar as the County of Marin is bordered by sea water on three sides, presenting a direct adverse local impact to potential sea level rise as the result of construction related contributions to climate change.

19.04.110 - Purpose.

The purpose of this chapter is to meet or exceed all applicable mandatory measures of the 2010 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations and to enhance the long-term public health and welfare by contributing to the overall reduction of greenhouse gas production and emissions and improving the environmental and economic health of the county through the efficient design, construction, operation, maintenance and deconstruction of buildings and site development by incorporating green building practices and materials. The green building provisions referenced in this chapter are designed to achieve the following objectives:

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

7. Satisfy all applicable mandatory measures of the 2010 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

19.04.115 – California Green Building Standards Code.

Section 301.1 Of Chapter 3 of the 2010 California Green Building Standards Code (Title 24, Part 11), California Code of Regulations is hereby amended by adding the following sentence:

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

19.04.120 - Applicability.

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

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

19.04.130 - Definitions.

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

1. *"Addition"* means the addition of building square footage to an existing structure.
2. *"BIG"* means "Build It Green", a nonprofit organization which established and maintains the Green Point Rated System for evaluating and certifying residential green buildings and green building professionals.
3. *"BPI"* means the "Building Performance Institute", a nonprofit organization which provides training and certification of green building professionals.
4. *"Building envelope"* means the ensemble of exterior and demising partitions of a building and roof structure that enclose conditioned space.
5. *"Compliance threshold"* means the minimum number of points or rating level required to be achieved by a particular covered project, as set forth by the standards for compliance outlined in Section 19.04.140.
6. *"Conditioned space"* means any area within a building or structure that is heated or cooled by any equipment.
- 7.

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

8.

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

9.

"Green building" means a comprehensive process of design and construction that employs techniques to increase the efficiency of resource use, including energy, water and building materials, while minimizing adverse impacts on human health and the natural environment.

10.

"Green building checklist" means a checklist or rating sheet used for calculating a green building rating.

11.

"Green building rating system" means a standardized rating system providing specific criteria to determine the level of compliance of building projects as set forth by the standards for compliance outlined in Section 19.04.140.

12.

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

13.

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

14.

"HERS" means the "Home Energy Rating System", adopted by the California Energy Commission.

15.

"LEED[®]" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.

16.

"LEED[®] AP" means an individual who has been certified a LEED[®] Accredited Professional by the U.S. Green Building Council or the Green Building Certification Institute as capable of evaluating and rating construction projects for compliance with the LEED[®] green building rating systems.

17.

"Net zero energy" means a building that has a net annual time dependent valued (TDV) energy consumption, as defined by Title 24 of the California Code of Regulations, of zero, accounting for both energy consumption and the use of on-site renewable energy production.

18.

"New construction" means the construction of a new or replacement residential dwelling unit or a new or expanded commercial building.

19.

"Qualified green building rater" means an individual who has been trained and certified as a LEED[®] AP, GreenPoint rater or has similar qualifications and certifications if acceptable to the chief building official.

20.

"Renovation" means any remodeling, modification or tenant improvement to an existing building that includes replacement or alteration of at least two of the following: Heating/ventilating/air conditioning system, building envelope, hot water system or lighting system, but excluding improvements and project valuation related to seismic or disabled access, building replacement due to catastrophic loss due to flood or earthquake damage or installation of renewable energy systems. Renovation shall include any addition of conditioned space to an existing dwelling unit.

21.

"USGBC" means the "U.S. Green Building Council", a nonprofit organization which established and maintains the LEED[®] rating systems for evaluating and certifying residential green buildings and green building professionals.

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

19.04.140 - Standards for compliance.

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

A.

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

(1)

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

(2)

The green building rating system(s) applicable to various types of covered projects;

(3)

Minimum compliance thresholds for various types of covered projects;

(4)

The methods for verification of compliance with these regulations; and

(5)

Applicable requirements of the 2010 California Green Building Standards Code (Title 24, Part 11), California Code of Regulations, or subsequently adopted state green building standards.

B.

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

C.

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

D.

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

E.

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

F.

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

G.

All buildings submitted for permit must meet all applicable requirements of the 2010 California Energy Code (Title 24, Part 6) California Code of Regulations and referenced standards, , , or subsequently adopted state energy standards, as well as all applicable requirements of the 2010 Green Building Energy Standards, California Code of Regulations, Title 24, Part 11, or subsequently adopted state green building standards

H.

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

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

19.04.150 - Incentives for compliance.

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

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

19.04.160 - Administrative procedures.

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

A.

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

B.

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

C.

Building plan check review: Upon submittal of an application for a building permit, building plans for any covered project shall include a green building program description and completed checklist. The checklist shall

be incorporated onto a separate full-sized plan sheet included with the building plans. A qualified green building rater shall provide evidence that the project, as indicated by the project plans and green building program description, will achieve the standards for compliance outlined in Section 19.04.140, prior to issuance of a building permit.

D.

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

E.

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

F.

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

G.

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

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

19.04.170 - Exemptions.

A.

The provisions of this chapter shall not apply to:

(1)

Buildings which are temporary (such as construction trailers).

(2)

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

(3)

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

B.

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

(1)

Application: The applicant shall identify in writing the specific requirements of the standards for compliance that the project is unable to achieve and the circumstances that make it a hardship or infeasible for the project to comply with this chapter. The applicant may not petition for relief from any requirement of the 2010 California Energy Code (Title 24, Part 6) and referenced standards, or the 2010 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code. Circumstances that constitute hardship or infeasibility shall include, but are not limited to the following:

i.

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

ii.

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

iii.

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

iv.

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

v.

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

(2)

Granting of exemption: If the chief building official determines that it is a hardship or infeasible for the applicant to fully meet the requirements of this chapter and that granting the requested exemption will not cause the building to fail to comply with the 2010 California Energy Code (Title 24, Part 6) and referenced standards, or the 2010 California Green Building Standards (Title 24, Part 11) of the California Building Standards Code, the chief building official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. In making this determination, the chief building official shall consider whether alternate, practical means of achieving the objectives of this chapter can be satisfied, such as reducing comparable energy use at an offsite location within the county. If an exemption is granted, the applicant shall be required to comply with this chapter in all other respects and shall be required to achieve the threshold of compliance determined to be achievable by the chief building official.

(3)

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

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

(Ord. No. 3533, § II(exh. A), 2010; Ord. No. 3541, § II(exh. A), 2010)

[Chapter 19.05 - STREET IMPROVEMENTS REQUIRED ABUTTING BUILDING SITES](#)

Sections:

[19.05.010 - Purpose.](#)

[19.05.020 - Requirements.](#)

[19.05.021 - Existing improvements.](#)

[19.05.022 - Required improvements.](#)

[19.05.023 - Frontage defined.](#)

[19.05.026 - Construction guarantee.](#)

[19.05.027 - Private access requirements.](#)

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

[19.05.010 - Purpose.](#)

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

(Ord. 2163 § 10, 1975: Ord. 1509 § 1 (part), 1966)

[19.05.020 - Requirements.](#)

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

(Ord. 2163 § 11, 1975: Ord. 1509 § 1 (part), 1966)

[19.05.021 - Existing improvements.](#)

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

(Ord. 1509 § 1 (part), 1966)

19.05.022 - Required improvements.

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

(Ord. 2163 § 12, 1975; Ord. 1509 § 1 (part), 1966)

19.05.023 - Frontage defined.

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

(Ord. 1509 § 1 (part), 1966)

19.05.026 - Construction guarantee.

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

(Ord. 1509 § 1 (part), 1966)

19.05.027 - Private access requirements.

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

(Ord. 1509 § 1 (part), 1966)

19.05.028 - Public transportation facilities fees.

See Chapter 15.07 of the Marin County Code.

(Ord. 3348 § 2 (part), 2003)

[Chapter 19.06 - GRADING](#)

Sections:

[19.06.010 - Purpose.](#)

[19.06.020 - Requirements.](#)

[19.06.010 - Purpose.](#)

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

(Ord. 2802 § 3 (part), 1983)

[19.06.020 - Requirements.](#)

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

(Ord. 3478 § 5, 2007; Ord. 2802 § 3 (part), 1983)

[Chapter 19.07 - RECYCLING AND REUSE REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION DEBRIS](#)

Sections:

[19.07.010 - Findings.](#)

[19.07.020 - Definitions.](#)

[19.07.030 - Threshold for covered projects.](#)

[19.07.040 - Infeasible exemption.](#)

[19.07.050 - Waste management plan \(WMP\).](#)

[19.07.060 - Submission of recycling/reuse documentation.](#)

[19.07.070 - Compliance.](#)

[19.07.080 - Enforcement.](#)

[19.07.090 - Severability.](#)

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following recycling and reuse modifications to California Green Building Standards Code Sections 4.408 & 5.408, as set forth in this chapter, are reasonably necessary because of Marin's local topographical and environmental conditions insofar as the County of Marin is bordered by sea water on three sides, presenting a direct adverse local impact to potential sea level rise as the result of construction related contributions to climate change.

19.07.010 - Findings.

(a)

The board of supervisors of the county of Marin ("county") finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939), requires that each local jurisdiction in the state divert fifty percent of discarded materials (base year 1990, state methodology) from landfills by December 31, 2000.

(b)

The county finds that every city and county in California could face fines up to ten thousand dollars a day for not meeting the above mandated goal.

(c)

The county finds that in recent years construction and demolition (C&D) debris constituted approximately twelve percent by weight of the materials landfilled in the county and a similarly large portion of the waste stream in the county. These materials have significant potential for waste reduction and recycling.

(d)

The county finds that reusing and recycling C&D debris is essential to further the county's efforts to reduce waste and comply with AB 939 and other waste reduction goals.

(e)

The county finds that C&D debris waste reduction and recycling have been proven to reduce the amount of such material in landfills, and be cost effective.

(f)

The county finds that, except in unusual circumstances, it is feasible to divert at least fifty percent of all C&D debris from most construction, demolition, and renovation projects.

(Ord. 3389 § 1 (part), 2003)

19.07.020 - Definitions.

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

"AB 939" means the California Waste Management Act of 1989, Public Resources Code Section 40000 et seq.

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the county for the applicable permits to undertake any construction, demolition, or renovation project within the unincorporated county jurisdiction.

"Community development agency director" means the designated staff person(s) authorized and responsible for implementing this chapter.

"Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

"Construction and demolition debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building or other structure.

"Conversion rate" means the rate set forth in the standardized conversion rate table approved by the county pursuant to this chapter for use in estimating the volume or weight of materials identified in a waste management plan.

"Covered project" shall have the meaning set forth in subsection (a) of Section 19.04.030 of this chapter.

"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.

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

"Diversion requirement" means the diversion of at least fifty percent of the total construction and demolition debris generated by a project via reuse or recycling except for noncovered projects pursuant to subsection (b) of Section 19.07.030 or unless the applicant has been granted an infeasibility exemption pursuant to Section 19.07.040 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the community development director for the covered project.

"Noncovered project" shall have the meaning set forth in subsection (b) of Section 19.07.030 of this chapter.

"Person" means a person, corporation or partnership.

"Project" means any activity, which requires an application for a building or demolition permit, or any similar permit from the county.

"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.

"Renovation" means any change, addition or modification in an existing structure.

"Reuse" means further or repeated use of construction or demolition debris.

"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.

"Waste management plan" (WMP) means a completed WMP form, approved by the county community development agency for the purpose of compliance with this chapter, submitted by the applicant for any covered or noncovered project.

(Ord. 3389 § 1 (part), 2003)

19.07.030 - Threshold for covered projects.

(a)

Covered Projects. Every construction, demolition, and renovation project within the county jurisdiction shall comply with this chapter and applicable construction waste reduction, disposal and recycling requirements of the 2010 or subsequent California Green Building Standards Code (Title 24, Part 11) of the California Building Standards Code. 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.

(Ord. 3389 § 1 (part), 2003)

19.07.040 - Infeasible exemption.

Granting of Exemption. If the community development agency director, or his/her assign determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall issue the final occupancy permit provided the maximum feasible diversion rate is met and the project is in compliance with relevant requirements of the 2010 or subsequent California Green Building Standards Code (Title 24, Part 11) of the California Building Standards Code.

(Ord. 3389 § 1 (part), 2003)

19.07.050 - 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 county 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 land-filled.

(b)

WMP Approval. The WMP form will be reviewed by the community development agency to determine feasibility. Once approved by the community development agency the WMP will be marked "approved" and submitted to the applicant with the construction or demolition permit. Submittal of a WMP form may be waived by the community development agency if a debris box is used and deposited at an approved recycling facility, or if the project is under five hundred square feet.

(Ord. 3389 § 1 (part), 2003)

19.07.060 - Submission of recycling/reuse documentation.

(a)

Documentation. Unless the applicant has been granted an infeasibility exemption pursuant to this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate determined by the community development agency director for the project, the documentation to be submitted shall include all of the following:

(1)

A waste management plan (if the project exceeds five hundred square feet of floor area and does not use a debris box);

(2)

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. A vendor, facility or waste hauler must have a minimum diversion rate of fifty percent as reported to the Marin hazardous and solid waste JPA to issue complying receipts or reports;

(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 land-filled 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 county for this purpose.

(c)

Calculating Volume and Weight of Debris. In estimating the volume or weight of materials the applicant shall use the standardized conversion rates approved by the county for this purpose.

(d)

Monitoring. This chapter shall be monitored for effectiveness in promoting construction and demolition material recycling and reuse. Reporting will include an analysis of construction and demolition material recycling quantities and opportunities to increase service area coverage and recycling rates. An annual report shall be provided to the board of supervisors.

(Ord. 3389 § 1 (part), 2003)

19.07.070 - Compliance.

(a)

Approval. The community development agency may withhold issuance of the final occupancy permit for any covered project unless and until the community development agency 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 community development agency shall only approve the recycling/reuse documentation if it indicates that at least fifty percent of all C&D debris generated by the project has been diverted pursuant to this chapter, or is deemed exempt in full by the agency director.

(b)

Non-approval. If the community development agency determines that the recycling/reuse documentation is incomplete or fails to indicate that at least fifty percent of all C&D debris generated by the project will be reused or recycled, unless a lesser amount has been approved pursuant to this chapter of this ordinance the agency 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.

(Ord. 3389 § 1 (part), 2003)

19.07.080 - Enforcement.

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

(Ord. 3389 § 1 (part), 2003)

19.07.090 - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The county board of supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provision of this chapter are declared to be severable.

(Ord. 3389 § 1 (part), 2003)

[Chapter 19.08 - INSTALLATION OF WOOD BURNING APPLIANCES—REMOVAL AND OPERATION OF NON-CERTIFIED WOOD BURNING APPLIANCES](#)

Sections:

[19.08.010 - Purpose.](#)

[19.08.020 - Findings.](#)

[19.08.030 - Definitions.](#)

[19.08.040 - Exemptions.](#)

[19.08.050 - Education program.](#)

[19.08.060 - Voluntary curtailment.](#)

[19.08.070 - Replacements for non-compliant appliances.](#)

[19.08.080 - Removal of non-certified wood heaters upon remodel.](#)

[19.08.090 - New construction, additions or remodels.](#)

[19.08.100 - Operation of non-compliant wood stoves and inserts.](#)

[19.08.110 - Permit requirements for replacement of wood-burning appliances.](#)

[19.08.120 - Prohibited fuels.](#)

[19.08.130 - Violation.](#)

[19.08.010 - Purpose.](#)

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

(1)

Educating the public regarding the impacts of burning wood and the various types of wood-burning appliances;

(2)

By regulating the type of wood-burning appliances that may be installed and maintained within the county; and

(3)

By banning the use of non-certified burning appliances after July 1, 2008.

(Ord. 3395 § 1 (part), 2003)

[19.08.020 - Findings.](#)

(a)

The board of supervisors of the county of Marin finds that the State Air Resources Board (ARB) adopted a particulate matter (PM10) Ambient Air Quality Standard (AAQS) in December 1982, and levels for the PM10 AAQS were selected pursuant to California Code of Regulations, Title 17, and Section 70200

to protect the health of people who are sensitive to exposure to particulate matter.

(b)

Research indicates that wood smoke is a contributor to PM10 levels and poses significant health risks to the public.

(c)

The board of supervisors desires to lessen this risk to human health and the environment caused by pollution from wood-burning appliances.

(d)

Therefore a need exists to adopt regulations that apply to wood-burning combustion emissions.

(Ord. 3395 § 1 (part), 2003)

19.08.030 - Definitions.

(1)

"Bay area air quality management district" means the air quality agency for the San Francisco Bay Area pursuant to California Health and Safety Code.

(2)

"EPA" means the United States Environmental Protection Agency.

(3)

"EPA certified wood heaters" means any wood heater that meets the standard in Title 40 Part 60.530 Subpart AAA Code of Federal Regulations in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.

(4)

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

(5)

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

(6)

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

(7)

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

(8)

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

(9)

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

(10)

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

(11)

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

(12)

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

(13)

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

(14)

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

(15)

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

(16)

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

A.

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

B.

A usable firebox volume less than twenty cubic feet (0.57 cubic meters);

C.

A minimum burn rate less than eleven lb/hr (kg/hr); and

D.

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

(17)

"Wood stove" means a freestanding wood heater.

(Ord. 3478 § 6, 2007: Ord. 3395 § 1 (part), 2003)

19.08.040 - Exemptions.

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

(Ord. 3395 § 1 (part), 2003)

19.08.050 - Education program.

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

(Ord. 3395 § 1 (part), 2003)

19.08.060 - Voluntary curtailment.

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

(Ord. 3395 § 1 (part), 2003)

19.08.070 - Replacements for non-compliant appliances.

- (a) This section applies to both residential and commercial properties.
- (b) It shall be unlawful to install a replacement wood-burning appliance that is not one of the following:
- (1) A pellet-fueled appliance;
 - (2) An EPA Phase II-certified, or equivalent, wood appliance manufactured after 1990;
 - (3) A dedicated gas log fireplace or gas stove.
- (c) The conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this chapter.

(Ord. 3478 § 6, 2007; Ord. 3395 § 1 (part), 2003)

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

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

(Ord. 3395 § 1 (part), 2003)

19.08.090 - New construction, additions or remodels.

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

(Ord. 3395 § 1 (part), 2003)

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

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

(Ord. 3395 § 1 (part), 2003)

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

Any person who plans to replace a wood-burning appliance must submit documentation to the building and safety division, with a building permit application, demonstrating that the appliance is in compliance with this ordinance as listed in Section 19.08.070 of this chapter.

(Ord. 3395 § 1 (part), 2003)

19.08.120 - Prohibited fuels.

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

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

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

(Ord. 3395 § 1 (part), 2003)

19.08.130 - Violation.

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

(Ord. 3395 § 1 (part), 2003)

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Chapter 19.12 - SWIMMING POOL FENCES

Sections:

[19.12.010 - Finding of facts.](#)

[19.12.020 - Fences and walls required—Specifications.](#)

[19.12.030 - Supervision or covers in lieu of fences.](#)

[19.12.040 - Gates and doors.](#)

[19.12.050 - Exempt bodies of water.](#)

[19.12.060 - Reserved.](#)

19.12.010 - Finding of facts.

The board of supervisors finds that there is a large number of privately owned swimming pools and other artificially created bodies of water within the county and that the maintenance of such bodies of water without adequate supervision or protective measures constitutes a severe hazard to the safety of the inhabitants and particularly to the small children of the unincorporated territory of the county.

(Ord. 1058 § 1, 1960)

19.12.020 - Fences and walls required—Specifications.

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

exceeding four inches may have a greater area. Such fence, wall, or other structure shall be constructed as follows:

A.

WOOD FENCES: Wood fences shall have posts not less than three inches by three inches, spaced not over ten feet on centers, and embedded at least eighteen inches into the ground. Posts, other than redwood, shall be treated with a preservative. Fencing shall be at least one-half inch in thickness and fastened securely to at least two rails not less than two inches by three inches in cross section.

B.

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

C.

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

D.

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

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

(Ord. 2448 § 21, 1979: Ord. 1058 § 2, 1960)

19.12.030 - Supervision or covers in lieu of fences.

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

(Ord. 3315 § 9, 2000: Ord. 1058 § 3, 1960)

19.12.040 - Gates and doors.

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

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

(Ord. 1058 § 4, 1960)

19.12.050 - Exempt bodies of water.

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

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

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

appeal to the board of supervisors within thirty days of its filing. The decision of the board shall be final.

(Ord. 2653, 1981: Ord. 1980 § 1, 1973: Ord. 1816 § 1, 1971: Ord. 1058 § 5, 1960)

19.12.060 - Reserved.

(Ord. 1058 § 7, 1960)

Marin County, California, Code of Ordinances >> Title 19 - BUILDINGS >> Chapter 19.16 - FLOOD CONTROL FACILITY FENCING >>

Chapter 19.16 - FLOOD CONTROL FACILITY FENCING

Sections:

[19.16.010 - Fences required.](#)

[19.16.020 - Fence specifications.](#)

[19.16.025 - Alternative fencing requirements.](#)

[19.16.030 - Penalty for violations.](#)

19.16.010 - Fences required.

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

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

(Ord. 1413 §§ 1, 2, 1965)

19.16.020 - Fence specifications.

Fences required to be constructed hereunder shall be not less than six feet in height and shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates. All doors or gates opening

through such enclosure shall be equipped with self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

(Ord. 1413 § 3, 1965)

19.16.025 - Alternative fencing requirements.

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

(Ord. 1630 § 1, 1968)

19.16.030 - Penalty for violations.

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

(Ord. 1413 § 4, 1965)

Marin County, California, Code of Ordinances >> Title 19 - BUILDINGS >> Chapter 19.18 - REGULATION OF THE CONSTRUCTION AND MAINTENANCE OF FLOATING HOMES >>

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

Sections:

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[19.18.410 - Reserved.](#)
[19.18.420 - Reserved.](#)
[19.18.510 - Reserved.](#)

EXPRESS FINDING: Pursuant to Health & Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following floating home modifications to California Residential Code Sections R305.1, R304.1 & R304.4, as shown in sections

19.18.040 and 19.18.045 regulating minimum ceiling height and floor area requirements, are reasonably necessary because of Marin's local topographical conditions insofar as the application of these provisions are for dwelling units capable of being supported entirely by water.

19.18.010 - Purpose.

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

(Ord. 1675 § 1 (part), 1968)

19.18.020 - Definitions.

(a)

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

(b)

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

(c)

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

(d)

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

(e)

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

(Ord. 2440 § 2, 1979; Ord. 2367 § 1, 1978; Ord. 1675 § 1 (part), 1968)

19.18.030 - Applications.

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

(Ord. 1675 § 1 (part), 1968)

19.18.035 - Permit requirements.

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

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

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

(Ord. 1758 § 1, 1970)

19.18.040 - Code requirements—General.

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

(Ord. 2440 § 3, 1979; Ord. 1675 § 1 (part), 1968)

19.18.042 - Alternate construction.

Alternate materials and methods of construction may be allowed as provided in the codes adopted by Chapter 19.04. The building official may approve any such alternate use of salvaged material and lumber manufactured by the floating home owner provided the building official finds that the proposed design is satisfactory and complies with the applicable provisions of the current edition of the California Building Standards Code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety. All data required by the building official in order to determine these equivalents shall be provided by the applicant.

(Ord. 2440 § 4, 1979; Ord. 1675 § 1 (part), 1968)

19.18.045 - Space requirements.

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

(a)

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

(b)

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

(Ord. 2440 § 5, 1979: Ord. 1675 § 1 (part), 1968)

19.18.050 - Height.

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

(Ord. 2451 § 1, 1980: Ord. 2449 § 1, 1980: Ord. 2440 § 6, 1979: Ord. 2367 § 2, 1978: Ord. 1675 § 1 (part), 1968)

19.18.051 - Length and width.

The basic floor area of a floating home shall not exceed forty-six feet in length and twenty feet in width, and that the length and width shall be subject to any greater limits on length and width that may be applicable pursuant to Section 11.21.050 of this code. The floor area of any story above the lowest story of the superstructure shall not exceed eighty percent of the story immediately below said story. All deck areas must be unencumbered by walls or roof structures. As used in this section, "basic floor area" means that area defined by the perimeter walls of a horizontal cross section through the lowest story of the superstructure with "superstructure" defined in Section 19.18.020 of the Marin County Code. Applications for deviation or adjustment from the provisions of this section shall be in accordance with the requirements and procedures set forth in Chapter 22.46 of this code and shall not violate the intent of this Chapter or Chapter 11.24 of this code.

(Ord. 2582 § 1, 1980: Ord. 2451 § 2, 1980: Ord. 2449 § 2, 1980)

19.18.052 - Reserved.

(Ord. 2667, 1981: Ord. 2451 § 3, 1980: Ord. 2449 § 3, 1980)

19.18.060 - Material.

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

(Ord. 1675 § 1 (part), 1968)

19.18.070 - Construction.

(a)

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

(b)

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

(Ord. 2440 § 7, 1979: Ord. 1675 § 1 (part), 1968)

19.18.080 - Reserved.

(Ord. 2440 § 8, 1979: Ord. 1675 § 1 (part), 1968)

19.18.090 - Plumbing—General.

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

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

(Ord. 2440 § 9, 1979: Ord. 1675 § 1 (part), 1968)

19.18.100 - Building drain.

The "building drain" is that part of the lowest piping of a drainage system which receives the discharge from all soil, waste and other drainage pipes inside the walls of the unit and conveys it to a sewage device which conforms to Section 19.18.120 of this chapter.

(Ord. 1675 § 1 (part), 1968)

19.18.110 - Plastic pipe.

Plastic pipe for use in piping of the potable water supply, drainage systems and venting, shall be in accordance with the current edition of the California Plumbing Code (Title 24, Part5), California Code of Regulations, adopted by Marin County Code Chapter 19.04.

(Ord. 2440 § 10, 1979: Ord. 1675 § 1 (part), 1968)

19.18.120 - Inboard sewerage and graywater device.

(a)

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

(b)

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

(Ord. 2440 § 11, 1979: Ord. 1675 § 1 (part), 1968)

19.18.130 - Reserved.

(Ord. 1675 § 1 (part), 1968)

19.18.140 - Reserved.

(Ord. 2440 § 12, 1979: Ord. 1675 § 1 (part), 1968)

19.18.150 - Water distribution.

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

(Ord. 2440 § 13, 1979: Ord. 1675 § 1 (part), 1968)

19.18.160 - Fuel—Gas piping.

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

(Ord. 2440 § 14, 1979: Ord. 1675 § 1 (part), 1968)

19.18.170 - Wiring system.

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

(Ord. 2451 § 4, 1980: Ord. 2440 § 15, 1979: Ord. 1675 § 1 (part), 1968)

19.18.180 - Power supply.

(a)

The service provided to an ark located within twenty feet of the shoreline shall be installed in accordance with the current edition of the California Electrical Code (Title 24, Part 3), California Code of Regulations for a land based structure. If the ark is more than twenty feet from the shoreline, service shall be provided and installed as specified for a floating home.

(b)

Service equipment and meter for a floating home shall be located adjacent to it (on pier or floating dock) and shall not be mounted on the floating home.

(c)

The power supply to the floating home shall be comprised of feeder circuits consisting of not more than two floating home supply cords, each rated at the amperage provided.

(Ord. 2440 § 16, 1979: Ord. 1675 § 1 (part), 1968)

19.18.190 - Supply cord.

Each floating home or ark supply cord shall be approved and have four conductors, one of which shall be identified by a continuous green color with a yellow stripe. The attachment plug, connectors and mating receptacles shall be three pole, four

wire grounding types covered by American Standards C 73 attachment plug and receptacles. The power supply cord shall be permanently attached to the distribution panel. A suitable clamp or equivalent shall be provided at the distribution panel to afford strain relief for the cord in order to prevent strain at the terminals. The length of the power supply cord shall not exceed fifty feet.

(Ord. 2440 § 17, 1979: Ord. 1675 § 1 (part), 1968)

19.18.200 - Second supply cord.

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

(Ord. 2440 § 18, 1979: Ord. 1675 § 1 (part), 1968)

19.18.210 - Permanent wiring.

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

(Ord. 1675 § 1 (part), 1968)

19.18.220 - Disconnecting means.

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

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

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

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

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

(Ord. 2440 § 19, 1979; Ord. 1675 § 1 (part), 1968)

19.18.230 - Branch circuit protective equipment.

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

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

The branch-circuit overcurrent devices shall be rated:

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

(Ord. 1675 § 1 (part), 1968)

19.18.240 - Branch circuits.

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

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

$\frac{3 \times Length \times Width}{115 \times 15 \text{ (or 20)}}$	+	Number of 15 (or 20 ampere circuits.)
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area circuits, e.g.,

(Ord. 1675 § 1 (part), 1968)

19.18.250 - Portable appliances.

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

(Ord. 1675 § 1 (part), 1968)

19.18.260 - General appliances.

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

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

(Ord. 1675 § 1 (part), 1968)

19.18.270 - Receptacle outlets.

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

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

- (a) Over counter type tops in the kitchen (at least one on each side of the sink if counter tops are on each side);
- (b) Adjacent to the refrigerator and free-standing gas range space;
- (c) At counter top spaces for built-in vanities;

(d)

At counter top spaces under wall-mounted cabinets. Receptacle outlets shall not be installed within or adjacent to a shower or bathtub space.

(Ord. 1675 § 1 (part), 1968)

19.18.280 - Fixtures and appliances.

(a)

Water heaters, refrigerators, air conditioning equipment, ranges, electric heaters, washer, dryers and other similar appliances shall be an approved type, connected in an approved manner, and securely fastened in position. (See Section 19.18.300 for provisions on grounding.)

(b)

Specifically approved pendant type fixtures or pendant cords may be installed in floating homes.

(c)

If a lighting fixture is provided over a bathtub or in a shower stall, it shall be an approved enclosed and gasketed type.

(d)

Switches shall not be located inside the tub or shower space.

(Ord. 1675 § 1 (part), 1968)

19.18.290 - Wiring methods and materials.

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

(a)

Nonmetallic outlet boxes are acceptable only in conjunction with nonmetallic sheathed cable.

(b)

Nonmetallic cable located below seven feet six inches above the floor, if exposed, shall be protected from physical damage by covering boards, guard straps, or conduit.

(c)

Metal clad and nonmetallic cables may be passed through the centers of the wide side of two by four studs. However, they shall be protected where they pass through two by two studs or at other studs or frames where the cable or armour would be less than one and one-half inches from the inside or outside surface. Steel plates on each side of the cable, or a tube with not less than No. 16 manufacturer's standard gauge wall thickness, are required to protect the cable. These plates or tubes shall be securely fastened in place.

- (d) If metallic faceplates are used, they shall be effectively grounded.
- (e) If a range, clothes dryer, or similar appliance is connected by armored cable or flexible conduit, a length of free cable or conduit should be provided to permit movement of the appliance. The cable or flexible conduit should be adequately secured to the wall. Clearance space behind a range may provide the required protection if a range is connected by type SE cable. When used, type SE cable shall have an identified and insulated neutral plus an equipment grounding conductor. Nonmetallic cable (type NM) shall not be used to connect a range.
- (f) Rigid metal conduit shall be provided with a locknut inside and outside the box. A conduit bushing shall be used on the inside. Inside ends of the conduit shall be reamed.
- (g) Switches shall be rated as follows:
 - (1) Lighting circuit switches shall have a ten ampere, one hundred twenty-five volt rating, or higher if required for the connected load.
 - (2) Motor or other load switches shall have ampere or horsepower ratings or both, adequate for loads controlled. (An "AC general use" snap switch may control a motor two horsepower or less if full load current is not over eighty percent of the switch ampere rating.)
- (h) At least four inches of free conductor shall be left at each outlet box unless conductors are intended to loop without joints.
- (i) WIRING EXPOSED TO WEATHER.
 - (1) If outdoor wiring is exposed to moisture or physical damage, it shall be protected by rigid metal conduit or liquid-tight flexible metal conduit. Electrical metallic tubing may be used when closely routed against frames and equipment enclosures.
 - (2) Conductors shall be Type NMC, RW, TW, or equivalent.

(Ord. 1675 § 1 (part), 1968)

19.18.300 - Grounding.

Grounding of electrical and non-electrical metal parts in a floating home shall be effected through connection to a grounding bus in the floating home distribution panel.

The grounding bus shall be grounded through the green conductor in the supply cord, or the feeder wiring to the service ground in the service entrance equipment.

(a)

INSULATED NEUTRAL

(1)

The grounded circuit conductor (neutral) shall be insulated from the grounding conductors, equipment enclosures, and other grounded parts. The grounded (neutral) circuit terminals in distribution panels, ranges, clothes dryers, counter mounted cooking units, and wall mounted ovens are to be insulated from the equipment enclosure. Bonding screws, straps, or buses in distribution panels and/or appliances are to be removed and discarded.

(2)

Ranges and clothes dryers shall be connected with four conductor cord and three pole four wire grounded type plugs, or by armored cable or conductors enclosed in flexible steel conduit.

(b)

EQUIPMENT GROUNDING MEANS

(1)

The green grounding wire in the supply cord or permanent feeder wiring shall be connected to the grounding bus in the distribution panel or disconnecting means.

(2)

The chassis, if metal, shall be grounded. The grounding conductor may be solid or stranded, insulated or bare, and shall be an armored grounding conductor or routed in conduit if No. 8 AWG. The conductor, if No. 6 AWG or larger, may be run without metal covering. The grounding conductor shall be connected between distributing panel grounding terminal and a terminal on the chassis. Grounding terminals shall be of the solderless type and approved as pressure terminal connectors recognized for the wire size employed.

(3)

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

(4)

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

(c)

GROUNDING OF NON-CURRENT CARRYING METAL PARTS

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

(Ord. 1675 § 1 (part), 1968)

19.18.310 - Calculations.

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

(a)

(Ord. 1675 § 1 (part), 1968)

19.18.320 - Overall stability.

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

(a)

METACENTRIC HEIGHT

The metacentric height (MG) shall be equal to + 1.0 foot or more

(MG)	=	<u><i>Ws/ly</i></u>	-L
		<i>W</i>	

according to the following equation:

where:

W_s = unit weight of sea water

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

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

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

(b)

FREEBOARD

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

(c)

STABILITY WITH OFF-CENTER LOADING; OR WIND LOADING

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

(1)

The maximum angle of list shall not exceed four degrees.

(2)

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

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

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

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

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

(Ord. 2440 § 20, 1979: Ord. 1675 § 1 (part), 1968)

19.18.330 - Calculations by engineer.

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

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

$\frac{Mr}{MO}$	=	1 or more applied with a list =4.0 degrees
Where:		
Mo	=	overturning moment resulting from the off-center loading, said moment to be taken about a longitudinal line passing through the computed center of gravity of the floating home.
Mr	=	Resisting moment due to buoyancy, said moment to be taken about a longitudinal line passing through the computed center of gravity.
and:		
$\frac{Mr}{Mw}$	=	1 or more applied with a list =40 degrees
Where:		
Mw	=	wind heeling moment
Mr	=	resisting moment due to buoyancy (same as Mr above).

(Ord. 1675 § 1 (part), 1968)

19.18.340 - Compartmentation and flotation.

(a)

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

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

(b)

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

- (c) FLOTATION DEVICES. The external surfaces of all flotation devices shall be watertight and thoroughly protected from corrosion from saltwater, solvents, and weather. Flotation devices shall be constructed so that access to each compartment is readily available from the first floor level of the completed floating home. Flotation devices shall be structurally sound and securely fastened to the main houseboat structure, as approved by the official.
- (d) BILGE PUMP. Where permanent type flotation, such as Styrofoam or plastic foam is not provided, a portable bilge pump shall be maintained in proper working order. Bilge pump size and installation shall be approved by the county.
- (e) HOLDING TANK. Flotation and decking shall provide access to and protection for the holding tank and sewage pump.

(Ord. 1675 § 1 (part), 1968)

19.18.350 - Fire prevention.

- (a) Each floating home or ark shall maintain, on board, at least one ten pound (or equivalent) all-purpose dry chemical fire extinguisher for each separate level or floor of habitable living space.
- (b) Smoke alarms and carbon monoxide alarms shall be required in accordance with the current edition of the California Residential Code (Title 24, Part 2.5), California Code of Regulations
- (c) Residential fire sprinkler system requirements shall be in accordance with other provisions of this code.

(Ord. 2440 § 21, 1979; Ord. 1675 § 1 (part), 1968)

19.18.360 - Life saving equipment.

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

(Ord. 1675 § 1 (part), 1968)

19.18.370 - Occupancy permits.

All owners of floating homes moored in Marin County on the effective date of the ordinance codified in this chapter shall apply for an occupancy permit within thirty days of such date, pursuant to Chapter 11.20 of this code. An owner of a floating home mooring in county waters after the effective date of the ordinance codified in this chapter

will apply within three days. Following the inspection of a floating home for an occupancy permit, the owner will be advised of any deficiencies that must be corrected and of applicable building permits that may be required.

(Ord. 1675 § 1 (part), 1968)

19.18.380 - Restrictions.

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

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

(Ord. 2440 § 22, 1979; Ord. 1675 § 1 (part), 1968)

19.18.400 - Reserved.

(Ord. 2440 § 23, 1979)

19.18.410 - Reserved.

(Ord. 2440 § 24 (part), 1979)

19.18.420 - Reserved.

(Ord. 2440 § 24 (part), 1979)

19.18.510 - Reserved.

(Ord. 2644 § 2, 1981)

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Chapter 19.19 - AGRICULTURAL EXEMPTIONS FROM PERMIT REQUIREMENTS

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19.19.010 - Purpose.

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

(Ord. No. 3543, § I, 2010)

19.19.020 - Definitions.

(1)

"Qualified nonoccupied agricultural utility structures" include Group U buildings, as defined under 2007 CBC Appendix C, that are not intended for human occupancy, as well as other nonoccupied incidental structures, including fences, towers and tanks, necessary to the performance of an approved agricultural use.

(2)

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

(Ord. No. 3543, § I, 2010)

19.19.030 - Applicability.

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

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

- (1) Any building which is within a setback to property line of the lesser of the minimum setback required by the governing zoning district or fifty feet, regardless of the size of the parcel, or which maintains a setback of less than fifty feet to a nonagricultural exempt building, except that the distance to other buildings may be reduced to not less than forty feet when allowed by the building code.
- (2) Any building exceeding two stories in size.
- (3) Any building subject to use by the public.
- (4) Any building subject to more than occasional or incidental use by employees of the property owner.

(Ord. No. 3543, § 1, 2010)

19.19.035 - Exemption requirements.

- (1) All work shall comply with the requirements contained within the codes adopted in Section 19.04.010 of this Code and other relevant laws and ordinances as applicable.
- (2) All work shall be performed by licensed individuals, the property owner, or employees of the property owner in conformance with applicable state law.
- (3) No work shall be performed until an agricultural exemption request application has been reviewed and approved and all fees paid.
- (4) Except where specifically exempted by the provisions of this chapter, agricultural exemption requests are subject to application, fees and permit requirements established elsewhere in the County Code.
- (5) Plan review and site inspection services normally provided by the community development agency shall be reduced under this chapter as established in the agricultural exemption request application.
- (6) A final inspection shall be performed by community development agency inspectors after construction and prior to use to verify that the building complies with the basic requirements in Subsection 19.19.020(1) above.

(Ord. No. 3543, § 1, 2010)

19.19.040 - Fees.

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

(Ord. No. 3543, § I, 2010)
