

**ORDINANCE NO. 3658**

**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS  
ADOPTING AMENDMENTS TO PORTIONS OF TITLE 19 (MARIN COUNTY BUILDING  
CODE) OF THE MARIN COUNTY CODE REGULATING: ADOPTION AND AMENDMENT OF  
THE 2016 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF  
REGULATIONS; EXTERIOR WILDFIRE EXPOSURE REQUIREMENTS FOR ADDITIONS  
AND EXTERIOR REMODELS; FIRE PROTECTION SYSTEMS; EMERGENCY ESCAPE AND  
RESCUE OPENINGS; FIRE CLASSIFICATION; GREEN BUILDING REQUIREMENTS;  
RECYCLING AND REUSE REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION;  
INSTALLATION OF WOOD BURNING DEVICES—REMOVAL AND OPERATION OF NON-  
CERTIFIED WOOD BURNING DEVICES; DECORATIVE POOL AND POND ENCLOSURES;  
REGULATION OF THE CONSTRUCTION AND MAINTENANCE OF FLOATING HOMES;  
VOLUNTARY ALTERNATIVE REGULATIONS FOR THE CONSTRUCTION, EXPANSION  
AND MAINTENANCE OF STRAWBALE RESIDENTIAL STRUCTURES; REPEALING ALL  
ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

**SECTION I: FINDINGS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN hereby ordains as follows:

**WHEREAS**, the California Building Standards Code is published in its entirety every three years by order of the California Legislature to implement the State's statutes, to have the same force of law, to take effect 180 days after their publication, unless otherwise stipulated, and to apply to all occupancies in the State of California; and

**WHEREAS**, the County of Marin is authorized by statute to adopt local amendments, additions or deletions to the California Building Standards Code when determined reasonably necessary by the Marin County Board of Supervisors because of local climatic, geological, topographical or environmental conditions, provided the procedures and effective date of local amendments coincide with the procedures and effective date of the California Building Standards Code; and

**WHEREAS**, Title 19 of Marin County Code is the official repository of local amendments, additions or deletions to the California Building Standards Code promulgated for the unincorporated County of Marin, and do not apply to triennial publications the California Building Standards Code without appropriate periodic local adoption and required filing; and

**WHEREAS**, Title 19 of Marin County Code requires periodic maintenance for the purpose of updating existing provisions and correcting duplicate, conflicting or obsolete provisions; and

**WHEREAS**, the Marin County Community Development Agency is the designated enforcement authority for this Title, and with the Ordinance proposed herein is expressly initiating local amendments, additions or deletions to the California Building Standards Code and recommended maintenance of Title 19 of Marin County Code.

## **SECTION II: AMENDMENTS TO TITLE 19**

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ORDAINS AS FOLLOWS: the Marin County Board of Supervisors hereby adopts the amendments to Marin County Code Title 19 (Marin County Building Code) as depicted in Exhibit "A" of this Ordinance.

## **SECTION III: EFFECTIVE DATE**

This ordinance is enacted pursuant to and in compliance with Health and Safety Code §17958, §17958.5, §17958.7 and §18941.5 and as expressly permitted in Government Code §50022.2 and shall be, and is hereby declared to be, in full force and effect as of January 1, 2017.

In accordance with Government Code §25124(b)(1), within fifteen (15) days after adoption the Marin County Board of Supervisors Clerk shall publish a summary of this Ordinance, with the names of the Supervisors voting for and against the same, in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin, and shall also post in the office of the Marin County Board of Supervisors a certified copy of the full text of this Ordinance along with the names of those Board of Supervisors members voting for and against the Ordinance.

Prior to the effective date, a copy of this Ordinance shall be filed with the California Building Standards Commission complete with local findings for each local amendment to the California Building Standards Code.

## **SECTION IV: FORMER ORDINANCES**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or the provisions depicted in Exhibit "A" of this Ordinance hereby adopted are hereby repealed.

## **SECTION V: VALIDITY**

If any section, subsection, sentence, clause or phrase of the provisions depicted in Exhibit "A" of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The board of supervisors of Marin County hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof shall be declared invalid.

## **SECTION VI: CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Board of Supervisors of Marin County finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14, § 15061(b)(3).

## **SECTION VII: VOTE**

Notice of this Ordinance was published pursuant to Government Code §50022.3, §6066 and §25124(b)(1), and a certified copy of the full text of this Ordinance was posted in the office of the Clerk of the Marin County Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which it was adopted.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 15<sup>th</sup> day of November 2016 by the following vote:

AYES: SUPERVISORS Judy Arnold, Katie Rice, Damon Connolly, Kathrin Sears,  
Steve Kinsey  
NOES: NONE  
ABSENT: NONE



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PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



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CLERK

Title 19 - MARIN COUNTY BUILDING CODE

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Subchapter 1 - General Provisions

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19.23.045 - Temporary occupancy.

19.23.050 - Fees.

19.23.060 - General requirements.

19.23.065 - Intent of general requirements.

Title 19 - MARIN COUNTY BUILDING CODE[1]

Chapters:

Footnotes:

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Note—Ord. No. 3549, § II(exh. A), 2010 renamed Title 19 as set out herein, formerly titled "Buildings".

## Chapter 19.04 - BUILDING REGULATIONS[2]

Sections:

Footnotes:

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Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.04 in its entirety to read as herein set out, adding a new § 19.04.064 and repealing § 19.04.100 pertaining to emergency efficiency standards for single-family dwellings, multifamily residential and commercial construction. Former Ch. 19.04, §§ 19.04.010—19.04.170, pertained to similar subject matter, and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010.

### Subchapter 1 - General Provisions

#### 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 2016 edition of the California Building Code, known as California Code of Regulations, Part 2 of Title-24, incorporating the 2015 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 title.
- (2) The 2016 edition of the California Residential Code, known as California Code of Regulations, Part 2.5 of Title-24, incorporating the 2015 edition of the "International Residential Code" published by the International Code Council, including: Appendix H for patio covers; Appendix S for strawbale construction; and Appendix J for existing buildings and structures; with exceptions, additions and deletions as provided in this title.
- (3) The 2016 edition of the California Electrical Code, known as California Code of Regulations, Part 3 of Title-24, incorporating the 2014 edition of the "National Electrical Code" published by the National Fire Protection Association, with exceptions, additions and deletions as provided in this title.
- (4) The 2016 edition of the California Mechanical Code, known as California Code of Regulations, Part 4 of Title-24, incorporating the 2015 edition of the "Uniform Mechanical Code" published by the

International Association of Plumbing and Mechanical Officials, including Appendices A—G with exceptions, additions, and deletions as provided in this title.

(5) The 2016 edition of the California Plumbing Code, known as California Code of Regulations, Part 5 of Title-24, incorporating the 2015 edition of the "Uniform Plumbing Code" as published by the International Association of Plumbing and Mechanical Officials, including Appendices A, B, G and I, with exceptions, additions, and deletions as provided in this title.

(6) The 2016 edition of the California Energy Code known as California Code of Regulations, Part 6 of Title-24.

(7) The 2016 edition of the California Historical Building Code known as California Code of Regulations, Part 8 of Title-24.

(8) The 2016 edition of the California Existing Building Code, known as California Code of Regulations, Part 10 of Title-24, incorporating Appendix Chapters A1 and A3 of the 2015 edition of the "International Existing Building Code" published by the International Code Council.

(9) The 2016 edition of the California Green Building Standards Code known as California Code of Regulations, Part 11 of Title-24, with exceptions, additions, and deletions as provided in this Title.

(10) The 2016 edition of the California Referenced Standards Code known as California Code of Regulations, Part 12 of Title-24.

(11) Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, with changes or modifications as provided in Chapter 19.20 of the Marin County Code.

(Ord. No. 3607, § II(exh. A), 2013; Ord. No. 3619, § II(exh. A, § I), 2014)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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 therefor, 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

#### 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 and 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. No. 3607, § II(exh. A), 2013)

#### 19.04.028 - Boards and commissions.

(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 and Safety Code Section 19955 et seq., to conduct hearings on written appeal under Health and Safety Code Section 19957.5, and to

approve or disapprove interpretation made pursuant to Health and 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) Architectural commission. In order to qualify, register and inventory architecturally significant structures and architecturally significant features determined to have local importance to the history, architecture or culture of an area within the unincorporated areas of Marin County; to serve as the appropriate local jurisdictional body to designate locally qualified historical buildings or structures pursuant to Health and Safety Code Section 18950 et seq., and structures deemed of present or future importance to the history, architecture or culture of Marin County pursuant to Health and Safety Code Section 18955 and Chapter 19.23 of this Code, and shall include structures and sites on existing or future local inventories of architecturally significant sites; there is hereby created an architectural commission consisting of: Two licensed architects, one licensed professional engineer, one licensed contractor 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 commission.

(d) Licensed contractors, architects, engineers or members of the public may simultaneously serve on more than one board or commission. The board of supervisors may appoint alternate representative members to sit on each board or commission.

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

(Ord. No. 3607, § II(exh. A), 2013; Ord. No. 3619, § II(exh. A, § VI), 2014)

Editor's note— Ord. No. 3619, § II(exh. A, § VI), adopted Aug. 19, 2014, amended § 19.04.028 in its entirety to read as herein set out. Section 19.04.028 formerly pertained to boards.

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 to four 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. No. 3607, § II(exh. A), 2013)

19.04.032 - Fee schedule—Permit fees.

(a) Findings and intent.

(1) Pursuant to Article XIII B 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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 therefor was the owner of the real property at the time of such violation or whether the applicant therefor 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.04.041 - Reserved.

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. No. 3607, § II(exh. A), 2013)

19.04.045 - Voluntary permit provisions for residential occupancies.

The following alternative provisions may be permitted in applications for residential occupancies when specifically requested by the permit applicant and the building official determines their application does not create or continue conditions that endanger life, limb, health, property, safety or welfare of the public or the occupants thereof to the extent the building would be deemed substandard pursuant to Section 17920.3 of the California Health and Safety Code. It is not the intent of this section to reduce the requirements, review, approval, inspections, nor limit the authority, of the applicable fire agency responsible for overseeing construction applications subject to this section.

(1) Repairs and alterations using replacement, retention and/or extension of original materials and/or the use of original methods of construction provided the portion of the building or structure subject to such application complies with the building regulations governing that portion of the building at the time of its construction in accordance with Section 17958.8 of the California Health and Safety Code.

(2) Relocation of dwellings permitting retention of existing materials and methods of construction provided the new foundation complies with the building standards for new construction in accordance with Section 17958.9 of the California Health and Safety Code.

(3) Electronic inspection using review and approval, denial or requiring correction through digital photographic field documentation to satisfy field inspection requirements and ensure construction compliance with applicable building standards when approved by the building official.

(Ord. No. 3619, § II(exh. A, § II), 2014)

19.04.050 - Permit application expiration and extension.

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 this chapter 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 of not less than thirty days and not exceeding three hundred sixty-five days each. Extension requests shall be submitted in writing and justifiable cause beyond the reasonable control of the applicant shall be demonstrated. Extension requests granted by the building official are subject to payment of extension fees and may be subject to revised plan submittal to demonstrate compliance with the regulations in effect at the time the application extension request is received, as well as additional plan review fees.

(Ord. No. 3607, § II(exh. A), 2013)

19.04.055 - Permit expiration, extension and new permits for completion of work.

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 this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit has not substantially commenced within one year from the date of such permit. All permits shall expire due to exceeding the allowable construction time limit and become null and void, if the building or work authorized by such permit is not completed within two years from the date of permit issuance. The chief building inspector may require the substantial 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 of not less than seven days and not exceeding three hundred sixty-five days each. Extension requests shall be submitted in writing and justifiable cause beyond the reasonable control of the applicant shall be demonstrated. Extension requests granted by the building official are subject to payment of extension fees and may be subject to revised plan submittal to demonstrate compliance with the regulations in effect at the time the application extension request is received, as well as additional plan review fees.

Before work can be recommenced on a permit that has expired, a new permit may be required to 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 may be subject to the regulations in effect at the time application for the new permit is accepted by the community development agency and may require revised plan submittal, as well as additional plan review fees.

(Ord. No. 3607, § II(exh. A), 2013)

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:

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. No. 3607, § II(exh. A), 2013)

19.04.063 - Definitions of terms.

"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 of the existing floor area of the structure within any thirty-six-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.

"Second unit", as used herein, is an attached or detached additional dwelling unit which provides complete independent living facilities, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation and is located on the same lot as the primary unit.

"Junior accessory dwelling unit", as used herein, is a type of accessory dwelling unit that is accessory to and included within a legal primary dwelling on the same site. A junior accessory dwelling unit provides independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, and cooking. Cooking and food preparation facilities shall be limited to an efficiency kitchen as provided for in the local zoning ordinance. Sanitation facilities may be independently provided for the junior accessory dwelling unit or may be shared with occupants of the primary dwelling provided interior access is available.

"Public storage facility", as used herein, is any business that sells, leases or rents space to the public that is enclosed, whether it is a building, storage container or similar configuration.

(Ord. No. 3607, § II(exh. A), 2013)

19.04.064 - Exterior wildfire exposure requirements for additions and exterior remodels.

Express finding: Pursuant to Health and 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 and California Residential 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.

Sections 701A.1 and 701A.3 of Chapter 7A of the 2016 California Building Code (Title 24, Part 2, Volume 1), California Code of Regulations are hereby amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, additions and exterior remodels located within a Wildland Urban Interface Fire Area as defined in section 702A.

701A.3 Application. New buildings, additions and exterior remodels to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of an accessory character and not exceeding 120 square feet in floor area, when located at least 50 feet from an applicable building.
2. Buildings of an accessory character classified as a Group U occupancy of any size located at least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C - Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

Sections R337.1.1 and R337.1.3 of the 2016 California Residential Code (Title 24, Part 2.5), California Code of Regulations are hereby amended to read as follows:

R337.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, additions and exterior remodels located within a Wildland Urban Interface Fire Area as defined in section R337.2.

R337.1.3 Application. New buildings, additions and exterior remodels to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of an accessory character and not exceeding 120 square feet in floor area, when located at least 50 feet from an applicable building.



2. Buildings of an accessory character classified as a Group U occupancy of any size located at least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C - Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

(Ord. No. 3607, § II(exh. A), 2013)

19.04.065 - Fire protection systems.

Express finding: Pursuant to Health and 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.

For the purpose of uniformity, the following amendment shall be deemed to amend and 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, including manufactured homes, mobile homes, and multi-family manufactured homes with 2 or more dwelling units, in accordance with Title 25 of the California Code of Regulations 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 60 feet in all directions and not exceeding 25 feet in height, and located within an agricultural zoned district as defined in the Marin County Planning Code.

2. In newly created second units.

Exception: Junior accessory dwelling unit

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 2016 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 2016 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 2016 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. No. 3607, § II(exh. A), 2013)

19.04.070 - Emergency escape and rescue openings.

Express finding: Pursuant to Health and 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 R310.1 of Chapter 3 of the 2016 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. No. 3607, § II(exh. A), 2013)

19.04.080 - Fire classification.

Express finding: Pursuant to Health and 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 2016 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.

Sections 1505.1.2 and 1505.1.3 of Chapter 15 of the 2016 California Building Code (Title 24, Part 2) and Sections R902.1.2 and R902.1.3 of the 2016 California Residential Code (Title 24, Part 2.5), California Code of Regulations are amended to read as follows:

Sections 1505.1.2 and R902.1.2 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.

Sections 1505.1.3 and R902.1.3 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. No. 3607, § II(exh. A), 2013)

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 the ordinance codified in this chapter, 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 chapter or voluntarily, with a permit issued on or after the effective date of the ordinance codified in this chapter, 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 (non-motion 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.04.100 - Reserved.

Subchapter 2 - Green Building Requirements[3]

Footnotes:

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Note—Express finding: Pursuant to Health and 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 and 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 2016 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 2016 California Green Building Standards Code (Title 24, Part 11) of the California Code of Regulations

(Ord. No. 3607, § II(exh. A), 2013)

#### 19.04.115 - California Green Building Standards Code.

Section 301.1 of Chapter 3 of the 2016 California Green Building Standards Code (Title 24, Part 11), California Code of Regulations is hereby amended by replacing the first sentence with the following:

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.

Section 301.1.1 of Chapter 3 of the 2016 California Green Building Standards Code (Title 24, Part 11), California Code of Regulations is hereby amended by replacing the first sentence with the following:

301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall be applied to additions and alterations of existing residential buildings in accordance with applicable requirements of Marin County Green Building Requirements beginning at chapter 19.04.110, Marin County Code.

(Ord. No. 3607, § II(exh. A), 2013)

#### 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. 3607, § II(exh. A), 2013)

#### 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. "BIG" means "Build It Green," a nonprofit organization which established and maintains the GreenPoint Rating System for evaluating and certifying residential green buildings and green building professionals.



2. "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.
3. "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.
4. "GBCI" means the "Green Building Certification Institute," a nonprofit organization which certifies green buildings and green building professionals under the LEED;reg; rating system.
5. "Green building checklist" means a checklist or rating sheet used for calculating a green building rating.
6. "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.
7. "GreenPoint rated" means a residential building certified as complying with the green building rating systems developed by the Build It Green organization.
8. "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.
9. "LEED;reg;" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.
10. "LEED;reg; AP" means an individual who has been certified a LEED;reg; 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;reg; green building rating systems.
11. "Passive House" means a building that meets the Passive House standards as developed by the Passive House Institute, Germany, providing cost effective energy efficiency, indoor air quality, and comfort through modeling using the PHPP energy-modeling program.
12. "PHPP" means the "Passive House Planning Package," an energy-modeling program developed by the Passive House Institute, Germany, used in developing buildings to the Passive House Standard.
13. "Qualified green building rater" means an individual who has been trained and certified as a LEED;reg; AP, GreenPoint rater or has similar qualifications and certifications if acceptable to the chief building official.

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

(Ord. No. 3607, § II(exh. A), 2013)

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 establish "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 2016 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 or building standard may be used to determine project compliance, where it can be demonstrated that the alternative rating system or building standard 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.g., the use of LEED for Homes or Passive House for residential projects.

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 2016 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 2016 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 or the Passive House Institute. 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. 3607, § II(exh. A), 2013)

#### 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. 3607, § II(exh. A), 2013)

#### 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. 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, shall be provided prior to issuance of a building permit.

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

E. Final building inspection: Prior to final building inspection and occupancy for any covered project, evidence that project construction has achieved the required compliance set forth in the standards for compliance outlined in Section 19.04.140 shall be provided. 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. 3607, § II(exh. A), 2013)

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 2016 California Energy Code (Title 24, Part 6) and referenced standards, or the 2016 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 2016 California Energy Code (Title 24, Part 6) and referenced standards, or the 2016 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 off-site 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. 3607, § II(exh. A), 2013)

#### Chapter 19.05 - STREET IMPROVEMENTS REQUIRED ABUTTING BUILDING SITES[4]

Sections:

Footnotes:

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Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.05 in its entirety to read as herein set out. Former Ch. 19.05 pertained to similar subject matter and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

##### 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. No. 3607, § II(exh. A), 2013)

##### 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.05.028 - Public transportation facilities fees.

See Chapter 15.07 of the Marin County Code.

(Ord. No. 3607, § II(exh. A), 2013)

Chapter 19.06 - GRADING[5]

Sections:

Footnotes:

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Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.06 in its entirety to read as herein set out. Former Ch. 19.06 pertained to similar subject matter and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

19.06.010 - Purpose.

It is the purpose of this chapter to ensure 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

Chapter 19.07 - Reserved[6]

Footnotes:

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Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.07 in its entirety to read as herein set out, effectively repealing §§ 19.07.020—10.07.090 pertaining to definitions, threshold for covered projects, infeasible exemption, waste management plan (WMP), submission of recycling/reuse documentation, compliance, enforcement, and severability; § 19.07.010 formerly pertained to findings. Former Ch. 19.07 derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

(Ord. No. 3607, § II(exh. A), 2013)

#### Chapter 19.08 - INSTALLATION OF WOOD BURNING DEVICES—REMOVAL AND OPERATION OF NON-CERTIFIED WOOD BURNING DEVICES[7]

Sections:

Footnotes:

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Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.08 in its entirety to read as herein set out. Former Ch. 19.08 pertained to similar subject matter and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

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) Regulating the type of wood-burning appliances that may be installed and maintained within the county; and
- (3) Banning the use of non-certified burning appliances after July 1, 2008.
- (4) Conforming requirements of the County to the requirements of Bay Area Air Quality Management District Regulation 6, Rule 3 for wood-burning devices to ensure the requirements of this chapter are at least as restrictive as those of the District.

(Ord. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

#### 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 " means any wood-burning heater that meets the standards set forth in Title 40 Code of Federal Regulations (CFR), Part 60, Subpart AAA in effect at the time of installation and is certified and labeled pursuant to those regulations. An EPA certified wood heater may be freestanding, built-in, or an insert within a fireplace.

(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 any 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 or semi solid wastes, and other discarded solid or semisolid wastes.

(6) "Gas-fueled heating device" means any device that utilizes natural gas or propane as a fuel source exclusively including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, or gas-fueled inserts.

(7) "Insert" means any wood or gas-fueled 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 wood heater" means any wood-burning device which is operated on pellet-fuel and is either EPA certified or exempted under U.S. EPA requirements set forth in Title 40 Code of Federal Regulation (CFR), Part 60, Subpart AAA. Pellet fuel may be composed of compressed wood, corn or other biomass.

(11) "Remodel" means any change to the appearance and/or functional utility of a fireplace or chimney that requires a building permit.

(12) "Replace or replacement" means the removal and substitution of an existing wood-burning device 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.

(13) "Solid fuel" means any wood, wood-based product, non-gaseous or non-liquid fuel, including but not limited to: manufactured logs, pressed logs, wood or other pellet products.

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

(15) "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.

(16) "Wood-burning device" means any wood heater, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes.

(17) "Wood heater" means an enclosed, wood-burning device capable of and intended for space heating such as a wood stove, pellet-fueled wood heater, or wood-burning fireplace insert.

(Ord. No. 3607, § II(exh. A), 2013)

#### 19.08.040 - Exemptions.

Wood-burning devices specifically designed for cooking shall be exempt from Sections 19.08.070 through 19.08.100 of this chapter.

(Ord. No. 3607, § II(exh. A), 2013)

#### 19.08.050 - Education program.

The county through the chief building official shall establish and maintain an ongoing program to educate the public on the provisions of this chapter 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. No. 3607, § II(exh. A), 2013)

19.08.060 - Voluntary curtailment.

The county shall endeavor to provide public notification requesting that residents curtail the burning of wood during mandatory burn bans and other 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. No. 3607, § II(exh. A), 2013)

19.08.070 – Remodels of and replacements for non-compliant devices.

- (a) This section applies to both residential and commercial properties.
- (b) It shall be unlawful to “remodel”, as defined in this chapter, or install a replacement for a wood-burning device that is not one of the following:
  - (1) A pellet-fueled wood heater, as defined in this chapter;(2) A wood-burning heater that is “EPA certified”, as defined in this chapter;
  - (3) A gas-fueled heating device, as defined in this chapter;
- (c) The conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning device and is prohibited.

(Ord. No. 3607, § II(exh. A), 2013)

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

Any wood-burning heater that is not “EPA certified”, as defined in this chapter, shall be removed, rendered inoperable or replaced with a compliant device, in accordance with Section 19.08.070, when a remodel or addition requiring a building permit exceeds five hundred square feet.

(Ord. No. 3607, § II(exh. A), 2013)

19.08.090 - New construction, additions or remodels.

Wood-burning devices of any kind will not be allowed to be added in new construction, additions or remodels of any size. Gas-fueled heating devices, as defined in this chapter will be allowed.

(Ord. No. 3607, § II(exh. A), 2013)

19.08.100 - Operation of non-compliant wood heaters.

Effective January 1, 2017, it shall be unlawful to use any non-EPA certified wood heaters, freestanding or insert, on any property within the un-incorporated area of Marin County. After that date all noncompliant wood heaters must be removed or rendered inoperable. The chief building official may grant an exception to this section in the case of wood burning devices that are registered with Bay Area Air Quality Management District, pursuant to Section 6-3-404 of Regulation 6, Rule 3; and qualify for the exemptions provided under Sections 6-3-110 and 6-3-111 of Regulation 6, Rule 3.

(Ord. No. 3607, § II(exh. A), 2013)

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

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

(Ord. No. 3607, § II(exh. A), 2013)

19.08.120 - Prohibited fuels.

Use of any of the following fuels in a wood-burning device 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 device.

(Ord. No. 3607, § II(exh. A), 2013)

19.08.130 - Violation.

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

(Ord. No. 3607, § II(exh. A), 2013)

Chapter 19.12 - DECORATIVE POOL FENCES[8]

Sections:

Footnotes:

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Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.12 in its entirety to read as herein set out. Former Ch. 19.12 pertained to similar subject matter and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

19.12.010 - Finding of facts.

The board of supervisors finds that there is a large number of privately owned decorative pools, ponds and other artificially created bodies of water that are not intended for swimming or recreational bathing 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.

Swimming pools or pools intended for swimming or recreational bathing, including but not limited to in-ground and above-ground structures, hot tubs, spas, portable spas and non-portable wading pools are not subject to the requirements of this chapter. Swimming pools or pools intended for swimming or recreational bathing shall be subject to the requirements of Section 3109.4.4 - Private Swimming Pools, of Chapter 31 of the 2016 California Building Code (Title 24, Part 2) of the California Code of Regulations, as adopted by Section 19.04.010 of this Code.

(Ord. No. 3607, § II(exh. A), 2013)

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 decorative pool, fish pond, or any outside body of water created by artificial means, any portion of which is eighteen inches 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 subsection 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 subsections 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.12.060 - Reserved.

Chapter 19.16 - FLOOD CONTROL FACILITY FENCING[9]

Sections:



Footnotes:

--- (9) ---

Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.16 in its entirety to read as herein set out. Former Ch. 19.16 pertained to similar subject matter and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

#### Chapter 19.18 - REGULATION OF THE CONSTRUCTION AND MAINTENANCE OF FLOATING HOMES[10]

Sections:

Footnotes:

--- (10) ---

Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.18 in its entirety to read as herein set out. Former Ch. 19.18 pertained to similar subject matter and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

Note—Express finding: Pursuant to Health and Safety Code Sections 17958.7 and 18941.5, the Marin County Board of Supervisors hereby finds the following floating home modifications to 2016 California Residential Code Sections R305.1, R304.1 and 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 chapter 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. No. 3607, § II(exh. A), 2013)

##### 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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

#### 19.18.035 - Permit requirements.

No person shall construct a floating home, without having first secured a permit therefor from the community development agency. Application for permits shall be in accordance with Sections 19.04.050 and 19.04.055 of this code; and 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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.18.052 - Reserved.

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.18.080 - Reserved.

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.18.130 - Reserved.

19.18.140 - Reserved.

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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 area circuits, e.g.:

$3 \times \text{Length} \times \text{Width}$ $115 \times 15(\text{or } 20)$	+	Number of 15 (or 20 ampere circuits)
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(Ord. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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 freestanding 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

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.

(Ord. No. 3607, § II(exh. A), 2013)

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 according to the following equation:

(MG)	=	$\frac{W_{sly}}{W}$	-	L
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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 (first 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. No. 3607, § II(exh. A), 2013)

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:

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:		
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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

#### 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. No. 3607, § II(exh. A), 2013)

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. No. 3607, § II(exh. A), 2013)

19.18.400 - Reserved.

19.18.410 - Reserved.

19.18.420 - Reserved.

19.18.510 - Reserved.

#### Chapter 19.19 - AGRICULTURAL EXEMPTIONS FROM PERMIT REQUIREMENTS[11]

Sections:

Footnotes:

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Editor's note—Ord. No. 3607, § II(exh. A), adopted Nov. 12, 2013, amended Ch. 19.19 in its entirety to read as herein set out. Former Ch. 19.19 pertained to similar subject matter and derived from Ord. No. 3549, § II(exh. A), adopted Nov. 30, 2010. For full derivative history see disposition tables.

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. 3607, § II(exh. A), 2013)

19.19.020 - Definitions.

(1) "Qualified nonoccupied agricultural utility structures" include Group U buildings, as defined under 2016 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. 3607, § II(exh. A), 2013)

#### 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. 3607, § II(exh. A), 2013)

#### 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. 3607, § II(exh. A), 2013)

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. 3607, § II(exh. A), 2013)

#### Chapter 19.20 - VOLUNTARY ALTERNATIVE REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF LIMITED DENSITY OWNER-BUILT RURAL DWELLINGS[12]

#### Footnotes:

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Express finding: Pursuant to Section 17958.2(a) of the California Health and Safety Code, the Marin County Board of Supervisors hereby finds the application of regulations adopted by the California Department of Housing and Community Development for limited density owner-built rural dwellings, which are codified in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, is reasonably necessary in rural portions of the unincorporated County of Marin, where local conditions, such as lack of readily available district water, sewer or utility power connections, exist to the extent it would exclude participation in the normal permit process and create an unreasonable burden to the property owner to comply with prescriptive building and development requirements, which are codified in the California Building Standards Code (Title 24 of the California Code of Regulations); (b) the Marin County Board of Supervisors also finds the following changes or modifications to the provisions contained in Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, and which are codified in

Chapter 19.20, of Title 19 of Marin County Code are reasonably necessary to remove conflicting administrative provisions and integrate the requirements of this chapter into Marin County Code, insofar as the substantive application of these provisions is consistent with those contained within Article 8 (commencing with Section 74) of Subchapter 1 of Chapter 1 of Title 25 of the California Code of Regulations, as set forth in this chapter.

19.20.010 - Purpose.

The purpose of this chapter is to support the use of alternative construction design, materials and methods that protect the environment, improve the economic viability of sustainable construction, aid affordability of construction improvements, increase participation and consumer protection through promoting lawful construction activity, enhance owner equity in the improvement of property, and provide voluntary minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of limited density owner-built rural dwellings and appurtenant structures. It is also the expressed purpose of this chapter to conform the regulations regarding the construction and use of limited density, rural owner-built dwellings and appurtenant structures to the requirements of Article 1, Section 1, of the California State Constitution, and local conditions, among which are conditions of topography, geography and general development.

(Ord. No. 3619, § II(exh. A, § III), 2014)

19.20.015 - Intent and application.

The provisions of this chapter shall voluntarily apply to the construction, enlargement, conversion, alteration, repair, use, maintenance, and occupancy of limited density owner-built rural dwellings and appurtenant structures. It is the intent of this chapter that the requirements contained herein shall apply to seasonally or permanently occupied dwellings, hunting shelters, guest cottages, vacation homes, recreational shelters and detached bedrooms proposed or located on rural qualifying parcels. It is not the intent of this chapter to reduce the requirements, review, approval, inspections, nor limit the authority, of the applicable fire agency responsible for overseeing construction applications subject to this chapter.

(Ord. No. 3619, § II(exh. A, § III), 2014)

19.20.020 - Definitions.

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

- (a) Limited density, rural dwelling. A "limited density, rural dwelling" is any structure consisting of one or more habitable rooms intended or designed to be occupied by one family with facilities for living and sleeping, with use restricted to rural areas that fulfill the requirements of this chapter.

(b) Owner built shall mean constructed by any person or family who acts as the general contractor for, or the provider of, part or all of the labor necessary to build housing to be occupied as the principal residence of that person or family, and not intended for sale, lease, rent or employee occupancy. For the purposes of this chapter, the sale, lease, renting (see Health and Safety Code Section 19825) or employee occupancy of owner-built structures within one year of issuance of a certificate of occupancy shall be presumptive evidence that the structure was erected for the purpose of sale, lease, or renting.

(c) Rural qualifying parcels. For the purpose of this chapter only, "rural qualifying parcels" shall mean parcels in those unincorporated areas in Marin County that are approved for residential use, where due to geographical, topographical or other conditions affecting general development; any of the following exist to the extent it would create an unreasonable burden to the property owner to comply with prevailing building and development requirements as prescribed elsewhere in Marin County Code, and is approved for the application of this chapter by the community development agency. Qualifying conditions may include, but are not limited to:

(1) Lack of readily available district water, sewer or utility power connections.

(Ord. No. 3619, § II(exh. A, § III), 2014)

#### 19.20.030 - Permits, plans and inspections.

Permits, plans and inspections may be required for the construction, enlargement, conversion, alteration, repair, use or maintenance of rural dwellings and appurtenant structures in accordance with prevailing code and provisions within Title 19 of this Code, as modified by this chapter and as determined by the building official. The application, plans, and other data filed by an applicant for such permit shall be reviewed by the building official to verify compliance with the provisions of this chapter. If the building official determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the community development agency may issue a permit therefor to the applicant.

Exemptions: work exempt from permit as allowed in Section 19.04.060 of this Code shall be exempt from the permit requirements of this chapter. When inspections are required, the inspections of the building or structure(s) shall be conducted in order to determine compliance with the provisions of this chapter. Structures of simple construction may be inspected at a single inspection, when approved by the building official.

(Ord. No. 3619, § II(exh. A, § III), 2014)

#### 19.20.040 - Certificate of occupancy.

After the structure(s) is completed for occupancy and any inspections which have been required by the building official have been conducted, and work approved, the community development agency shall issue a certificate of occupancy for such dwelling(s) and appurtenant structure(s) which identify compliance with the provisions of this chapter.

(Ord. No. 3619, § II(exh. A, § III), 2014)

19.20.045 - Temporary occupancy.

The use and occupancy of a portion or portions of a dwelling or appurtenant structure prior to the completion of the entire structure may be allowed, provided approved sanitary facilities are available at the site and the work completed does not create any condition to an extent that endangers life, health or fire-life safety of the public or occupants. The occupants of any such uncompleted structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

(Ord. No. 3619, § II(exh. A, § III), 2014)

19.20.050 - Fees.

Permit fees for the application of this chapter shall be in accordance with county permit fees in effect as provided for elsewhere in this Code.

(Ord. No. 3619, § II(exh. A, § III), 2014)

19.20.060 - General requirements.

(a) Each structure shall be constructed in accordance with applicable laws, requirements contained in Parts 2—12, Title 24, California Code of Regulations, and Marin County ordinances and fire-life safety requirements, as modified by this chapter.

(b) Each structure shall be maintained in a sound structural and fire-life safety condition sufficient to provide a safe and sanitary shelter from the elements for the occupants.

(c) Fire regulations within the California Building Standards Code and requirements of the fire authority having jurisdiction shall be enforced unless specific alternatives are expressly approved in advance by the fire authority having jurisdiction on a case by case basis.

(d) To safeguard the public health, safety and general welfare of Marin's communities through reasonable and essential fire-life safety improvements to the existing built environment, the provisions of this section shall be applicable to every permit application subject to this chapter for the addition or remodel to an existing building. In addition to the scope of work declared in each permit application for the addition or remodel to an existing building, the applicant shall provide for the following essential fire-life safety improvements to the extent the estimated cost of providing the improvements does not exceed twenty percent of the reasonable valuation of the scope of work declared in the permit application. The list of fire-life safety protection measures in this section includes, but is not limited to, the following:

Smoke and carbon monoxide alarms compliant with the codes adopted in Section 19.04.010.

Automatic fire sprinkler system in accordance with Section 19.04.065.

Water heater seismic anchorage as required by the codes adopted in Section 19.04.010.

Attic venting designed to resist intrusion of flame and burning embers in accordance with Section 19.04.064.

Exterior windows or doors in accordance with Section 19.04.064.

Vegetation management in accordance with Section 19.04.064.

Gas shut-off device in accordance with Section 19.04.090.

Emergency escape and rescue openings in accordance with Section 19.04.070.

The fire official is authorized to use discretion and allow for alternative means of protection when administering this section for the purpose of improving the fire-life safety of existing buildings.

(Ord. No. 3619, § II(exh. A, § III), 2014)

19.20.065 - Intent of general requirements.

Excluding requirements of the fire authority having jurisdiction, it is the purpose and intent of this chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the California Building Standards Code (Title 24, California Code of Regulations), to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this chapter, it is necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this chapter.

Except as otherwise required by this chapter, dwellings and appurtenant structures constructed pursuant to this part need not conform with the construction requirements prescribed by the latest applicable editions of the California Building Standards Code, or other applicable technical codes; however, it is not the intent of this section to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the erection and construction of dwelling and appurtenant structures as are contained in the California Building Standards Code, or other applicable technical codes. Such codes shall be a basis for approval.

(Ord. No. 3619, § II(exh. A, § III), 2014)

19.20.070 - Mechanical, electrical, plumbing requirements.

(a) Mechanical. Heating and cooking appliances, and gas piping installed in buildings constructed pursuant to this chapter, shall be installed and vented in accordance with the applicable requirements contained in the current edition of the California Mechanical Code, Part 4, Title 24, California Code of Regulations.

(b) Electrical. No dwelling or appurtenant structure constructed pursuant to this chapter shall be required to be connected to a source of electrical power, or wired, or otherwise fitted for electrification, except as set forth in this section. Where electrical wiring or appliances are installed, the installation shall be in accordance with applicable requirements contained in the current edition of the California Electrical Code, Part 3, Title 24, California Code of Regulations. Smoke and carbon monoxide alarms shall be installed and maintained in accordance with California law, as modified by this chapter.

Exceptions to installation requirements: In structures where electrical usage is confined to one or more rooms of a structure, the remainder of the structure shall not be required to be wired or otherwise fitted for electrification unless the building official determines the electrical demands are expected to exceed the confinement and capacity of that room(s). In these instances, the building official may require further electrification of the structure. It is the intent of this subsection to apply to buildings in which there exists a workshop, kitchen, or other single room which may require electrification, and where there is no expectation of further electrical demand. The enforcement agency should, at the time of a permit application or other appropriate point, advise the applicant of the potential hazards of violating this section.

(c) Plumbing. plumbing equipment and installation shall be in accordance with applicable requirements contained in the current edition of the California Plumbing Code, Part 5, Title 24, California Code of Regulations applicable to the construction of limited density owner-built rural dwellings.

(Ord. No. 3619, § II(exh. A, § III), 2014)

Chapter 19.21 - VOLUNTARY ALTERNATIVE REGULATIONS FOR THE CREATION AND MAINTENANCE OF JOINT LIVING AND WORK QUARTERS[13]

Footnotes:

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Express finding: Pursuant to Section 17958.11 of the California Health and Safety Code, the Marin County Board of Supervisors hereby finds that untenanted portions of manufacturing and commercial buildings constitute a potential resource capable, when appropriately altered, of accommodating joint living and work quarters which would be physically and economically suitable for application within unincorporated areas of Marin County specifically designated for such occupancy, and that the public will benefit by making such buildings available for this purpose, because (1) conversion of space to joint living and work quarters provides a new use for such buildings contributing to improved equity in the economic vitality of Marin, (2) such conversion results in building improvements and rehabilitation, (3) conversion of space to joint living and work quarters constitute lower potential environmental impacts than construction of separated living quarters and work quarters, and (4) such conversion constitutes



lower potential ongoing environmental impacts, through reduction of work-related commuting, than separated living quarters and work quarters.

19.21.010 - Purpose.

The purpose of this chapter is to support the use of alternative construction design, materials and methods that protect the environment, improve the economic viability of sustainable construction, aid affordability of construction improvements, increase participation and consumer protection through promoting lawful construction activity, enhance owner equity in the improvement of property, and permit the voluntary application of alternative building regulations for the conversion of approved commercial or industrial buildings, or portions thereof, to joint living and work quarters.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

19.21.015 - Intent and application.

The provisions of this chapter shall voluntarily apply to the conversion, enlargement, alteration, repair, use, maintenance, and occupancy of approved buildings located on qualifying properties to joint living and work quarters and appurtenant structures. It is the intent of this chapter that the alternative building regulations allowed under this chapter shall impose such requirements as will, in the determination of the building official, protect the public health, safety and welfare in requiring standards for occupancy of joint living and work quarters, consistent with the needs and conditions peculiar to the Marin local environment, and that building code regulations pursuant to the California Building Standards Code applicable to residential housing may have to be relaxed to provide joint living and work quarters in buildings previously used for commercial or industrial purposes. It is not the intent of this chapter to reduce the requirements, review, approval, inspections, nor limit the authority, of the applicable fire agency responsible for overseeing construction applications subject to this chapter.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

19.21.020 - Definitions.

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

- (a) Joint living and work quarters means residential occupancy by a family maintaining a common household, or by not more than four unrelated persons, of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which include:
  - (1) Cooking space and sanitary facilities in conformance with the provisions of Marin County Code; and
  - (2) Adequate working space reserved for, and regularly used by, one or more persons residing therein.

(b) Approved buildings are buildings originally constructed for commercial or industrial purposes, specifically designated and approved for the application of this chapter by the community development agency.

(c) Qualifying properties are parcels approved for residential use by the community development agency containing one or more approved buildings.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

#### 19.21.030 - Permits, plans and inspections.

Permits, plans and inspections shall be required for the conversion, enlargement, alteration, repair, use or maintenance of joint living and work quarters and appurtenant structures in accordance with prevailing code and provisions within Title 19 of this Code, as modified by this chapter and as determined by the building official. The permit application, plans, and other data filed by an applicant for such permit shall be reviewed by the building official to verify compliance with the provisions of this chapter. If the building official determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the community development agency may issue a permit therefor to the applicant.

Exemptions: Work exempt from permit as allowed in Section 19.04.060 of this Code shall be exempt from the permit requirements of this chapter.

When inspections are required, the inspections of the building or structure(s) shall be conducted in order to determine compliance with the provisions of this chapter. Structures of simple construction may be inspected at a single inspection, when approved by the building official.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

#### 19.21.040 - Certificate of occupancy.

After the conversion is completed for occupancy and all requirements of the permit have been satisfied, inspections which have been required by the building official have been conducted, and work approved, the community development agency shall issue a certificate of occupancy for such joint living and work quarters and appurtenant structure(s) which identify compliance with the provisions of this chapter.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

#### 19.21.045 - Temporary occupancy.

The use and occupancy of a portion or portions of joint living and work quarters or appurtenant structures prior to the completion of the entire conversion may be allowed, provided approved sanitary facilities are available at the site and temporary occupancy does not create any condition to an extent that endangers life, health or fire-life safety of the public or occupants. The occupants of any such

uncompleted joint living work quarters and appurtenant structure(s) shall assume sole responsibility for the occupancy of the structure or portion thereof.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

#### 19.21.050 - Fees.

Permit fees for the application of this chapter shall be in accordance with county permit fees in effect as provided for elsewhere in this Code.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

#### 19.21.060 - General requirements.

(a) Each conversion, enlargement, alteration, repair, or maintenance shall be in accordance with applicable laws, requirements contained in Parts 2—12, Title 24, California Code of Regulations, and Marin County ordinances and fire-life safety requirements, as modified by this chapter.

(b) Each structure shall be maintained in a sound structural and fire-life safety condition sufficient to provide a safe and sanitary shelter from the elements for the occupants.

(c) Fire regulations within the California Building Standards Code and requirements of the fire authority having jurisdiction shall be enforced unless specific alternatives are expressly approved in advance by the fire authority having jurisdiction on a case by case basis.

(d) To safeguard the public health, safety and general welfare of Marin's communities through reasonable and essential fire-life safety improvements to the existing built environment, the provisions of this section shall be applicable to every permit application subject to this chapter for the addition or remodel to an existing building. In addition to the scope of work declared in each permit application for the addition or remodel to an existing building, the applicant shall provide for the following essential fire-life safety improvements to the extent the estimated cost of providing the improvements does not exceed twenty percent of the reasonable valuation of the scope of work declared in the permit application. The list of fire-life safety protection measures in this section includes, but is not limited to, the following:

Smoke and carbon monoxide alarms compliant with the codes adopted in Section 19.04.010.

Automatic fire sprinkler system in accordance with Section 19.04.065.

Water heater seismic anchorage as required by the codes adopted in Section 19.04.010.

Attic venting designed to resist intrusion of flame and burning embers in accordance with Section 19.04.064.

Exterior windows or doors in accordance with Section 19.04.064.

Vegetation management in accordance with Section 19.04.064.

Gas shut-off device in accordance with Section 19.04.090.

Emergency escape and rescue openings in accordance with Section 19.04.070.

The fire official is authorized to use discretion and allow for alternative means of protection when administering this section for the purpose of improving the fire-life safety of existing buildings.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

19.21.065 - Intent of general requirements.

Excluding requirements of the fire authority having jurisdiction, it is the purpose and intent of this chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the California Building Standards Code (Title 24, California Code of Regulations), to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this chapter, it is necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this chapter.

Joint living and work quarters and appurtenant structures converted pursuant to this chapter need not conform with the construction requirements prescribed by the latest applicable editions of the California Building Standards Code, or other applicable technical codes; however, it is not the intent of this chapter to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the creation of joint living and work quarters and appurtenant structures as are contained in the California Building Standards Code, or other applicable technical codes. Such codes shall be a basis for approval.

(Ord. No. 3619, § II(exh. A, § IV), 2014)

Chapter 19.22 - Reserved

Chapter 19.23 - VOLUNTARY ALTERNATIVE REGULATIONS FOR THE DESIGNATION, CONSTRUCTION, ALTERATION, EXPANSION OR PRESERVATION OF ARCHITECTURALLY SIGNIFICANT STRUCTURES AND FEATURES[15]

Footnotes:

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Express finding: Pursuant to Sections 18954, 18955 of the California Health and Safety Code, the Marin County Board of Supervisors hereby finds that there is a local need for alternative building regulations to facilitate, promote and preserve sites, structures and architectural features that reflect, support and express the culture and values of Marin's communities to the extent they have been recognized and designated as historically or architecturally significant by the county architectural commission and inventoried within the Marin County register of architecturally significant sites, structures and features.

19.23.010 - Purpose.

The purpose of this chapter is to support the use of alternative construction design, materials and methods that protect the environment, stimulate the economic viability of sustainable construction, aid affordability of construction practices, increase participation and consumer protection through lawful construction activity, enhance owner equity in the improvement of property, and permit the voluntary application of alternative building regulations contained within Part 8 of Title 24 of the California Code of Regulations for the construction, alteration, expansion or preservation of designated architecturally significant structures and architecturally significant features pursuant to Section 19.04.028(c) of this Code.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

19.23.015 - Intent and application.

The provisions of this chapter, and the regulations within Part 8 of Title 24 of the California Code of Regulations, shall be voluntarily used in conjunction with the California Building Standards Code to provide solutions to facilitate construction, alteration, expansion or preservation of designated architecturally significant structures and architecturally significant features, as defined in this chapter, in promoting cost-effective approaches to providing sustainability and reasonable safety of the occupants or users. It is not the intent of this chapter to reduce the requirements, review, approval, inspections, nor limit the authority, of the applicable fire agency responsible for overseeing construction applications subject to this chapter.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

19.23.020 - Definitions.

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

- (a) Architecturally significant structure is any existing or future structure or property, collection of structures, and their related sites deemed to have present or future local importance to the history, architecture or culture of an area by the architectural commission pursuant to Section 18955 of the California Health and Safety Code or 19.04.028(c) of this Code, and inventoried along with its significant features within the Marin County register of architecturally significant structures.

(b) Architecturally significant features are the specific character-defining architectural features of an architecturally significant structure that are determined to have local importance by the architectural commission pursuant to 19.04.028(c) of this Code, and expressly inventoried with the structure within the Marin County register of architecturally significant structures.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

#### 19.23.030 - Permits, plans and inspections.

Permits, plans and inspections shall be required for the construction, alteration, expansion or preservation of designated architecturally significant structures in accordance with prevailing code and provisions within Title 19 of this Code, as modified by this chapter and as determined by the building official. The permit application, plans, and other data filed by an applicant for such permit shall be reviewed by the building official to verify compliance with the provisions of this chapter. If the building official determines that the permit application and other data indicate that the structure(s) will comply with the provisions of this chapter, the community development agency may issue a permit therefore to the applicant.

Exemptions: work exempt from permit as allowed in Section 19.04.060 of this Code shall be exempt from the permit requirements of this chapter.

When inspections are required, the inspections of the building or structure(s) shall be conducted in order to determine compliance with the provisions of this chapter. Structures of simple construction may be inspected at a single inspection, when approved by the building official.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

#### 19.23.040 - Certificate of occupancy.

After the construction has been completed for occupancy and all requirements of the permit have been satisfied, inspections which have been required by the building official have been conducted, and work approved, the community development agency shall issue a certificate of occupancy for such architecturally significant structure(s) which identify compliance with the provisions of this chapter.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

#### 19.23.045 - Temporary occupancy.

The use and occupancy of a portion or portions of an architecturally significant structure prior to the completion of the entire structure may be allowed, provided approved sanitary facilities are available at the site and temporary occupancy does not create any condition to an extent that endangers life, health or fire-life safety of the public or occupants. The occupants of any such uncompleted architecturally significant structure shall assume sole responsibility for the occupancy of the structure or portion thereof.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

19.23.050 - Fees.

Permit fees for the application of this chapter shall be in accordance with county permit fees in effect as provided for elsewhere in this Code.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

19.23.060 - General requirements.

(a) Each construction, enlargement, alteration, repair, or maintenance shall be in accordance with applicable laws, requirements contained in Parts 2—12, Title 24, California Code of Regulations, and Marin County ordinances and fire-life safety requirements, as modified by this chapter.

(b) Each structure shall be maintained in a sound structural and fire-life safety condition sufficient to provide a safe and sanitary shelter from the elements for the occupants.

(c) Fire regulations within the California Building Standards Code and requirements of the fire authority having jurisdiction shall be enforced unless specific alternatives are expressly approved in advance by the fire authority having jurisdiction on a case by case basis.

(d) To safeguard the public health, safety and general welfare of Marin's communities through reasonable and essential fire-life safety improvements to the existing built environment, the provisions of this section shall be applicable to every permit application subject to this chapter for the addition or remodel to an existing building. In addition to the scope of work declared in each permit application for the addition or remodel to an existing building, the applicant shall provide for the following essential fire-life safety improvements to the extent the estimated cost of providing the improvements does not exceed twenty percent of the reasonable valuation of the scope of work declared in the permit application. The list of fire-life safety protection measures in this section includes, but is not limited to, the following:

Smoke and carbon monoxide alarms compliant with the codes adopted in Section 19.04.010.

Automatic fire sprinkler system in accordance with Section 19.04.065.

Water heater seismic anchorage as required by the codes adopted in Section 19.04.010.

Attic venting designed to resist intrusion of flame and burning embers in accordance with Section 19.04.064.

Exterior windows or doors in accordance with Section 19.04.064.

Vegetation management in accordance with Section 19.04.064.

Gas shut-off device in accordance with Section 19.04.090.

Emergency escape and rescue openings in accordance with Section 19.04.070.

The fire official is authorized to use discretion and allow for alternative means of protection when administering this section for the purpose of improving the fire-life safety of existing buildings.

(Ord. No. 3619, § II(exh. A, § VII), 2014)

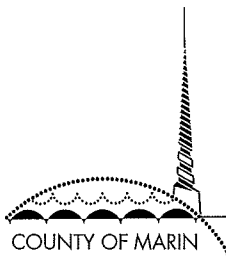
19.23.065 - Intent of general requirements.

Excluding requirements of the fire authority having jurisdiction, it is the purpose and intent of this chapter to permit the use of ingenuity and preferences of the builder, and to allow and facilitate the use of alternatives to the specifications prescribed by the California Building Standards Code (Title 24, California Code of Regulations), in the preservation of architecturally significant features to the extent that a reasonable degree of health and safety is provided by such alternatives, and that the materials, methods of construction, and structural integrity of the structure shall perform in application for the purpose intended. To provide for the application of this chapter, it is necessary for the enforcement agency to exercise reasonable judgment in determining the compliance of appropriate structures with the general and specific requirements of this chapter.

Architecturally significant structures subject to this chapter need not conform with the construction requirements prescribed by the latest applicable editions of the California Building Standards Code, or other applicable technical codes; however, it is not the intent of this chapter to disregard nationally accepted technical and scientific principles relating to design, materials, methods of construction, and structural requirements for the construction, alteration or maintenance of architecturally significant features as are contained in the California Building Standards Code, or other applicable technical codes. Such codes shall be a basis for approval.

(Ord. No. 3619, § II(exh. A, § VII), 2014)





**Green Building Requirements Fact Sheet**  
*Standards for Compliance*

The County of Marin requires residential and commercial construction projects to integrate sustainable design features and construction techniques (green building). These requirements are mandatory in addition to California Code of Regulations Title 24, Part 6 and Part 11, which relate to energy and green building. The green building requirements in Part 11 are commonly referred to as CALGreen. Effective January 1, 2017, the County's requirements have been amended in light of updates to the State's mandatory energy and green building standards.

Requirements

The Green Building Requirements, effective January 1, 2017, are applicable to:

- New residential construction projects over 500 square feet;
- All residential additions and remodels;
- All new multi-family construction;
- All new commercial construction; and,
- All commercial remodels.

Compliance with the Green Building Standards for new residential projects requires third-party verification by a Build it Green GreenPoint Rater. A GreenPoint Rater directory and more information on the program are available at [www.builditgreen.org](http://www.builditgreen.org) or by calling 510-845-0472. Raters work as independent contractors, setting their own rates and service packages. Contractual terms and fee structure are negotiated between you and your rater.

Information on LEED Accredited Professionals (AP) for compliance with the Green Building Standards for commercial projects is available from the Green Building Certification Institute (GBCI) at [www.gbci.org](http://www.gbci.org) or by calling 1-800-795-1746. GBCI's combined design and construction review fees depend on project size and type, and are either a flat fee or calculated on a price per square foot basis.

For more information about how to meet the Green Building Standards, please refer to the attached materials. Alternative rating systems, including LEED® for Homes, Passive House Institute US (PHIUS) Certification, or CALGreen Tier 1 may be used instead of the green building rating systems listed below with prior approval. For additional assistance, please contact Alice Zanmiller, Planner, at 415-473-2797, or via email at [azanmiller@marincounty.org](mailto:azanmiller@marincounty.org). Required checklists, information on financial incentives, and additional resources are available at [www.marinegreenbuilding.org](http://www.marinegreenbuilding.org).

Please print any required checklists on a single sheet of standard letter paper and include with your plans at the time of building permit submittal.

**TABLE A: GREEN BUILDING STANDARDS FOR COMPLIANCE FOR  
RESIDENTIAL CONSTRUCTION AND REMODELS**

Covered Project	Green Building Rating System	Minimum Compliance Threshold	Verification
<b>Single-Family or Two-Family Residential: New construction</b>			
500-2,499 sq. ft.	CALGreen and GPR New Home	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 65 points</li> </ul>	Green Point Rater <sup>1</sup>
2,500-3,999 sq. ft.	CALGreen and GPR New Home	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 85 points</li> </ul>	Green Point Rater <sup>1</sup>
4,000-5,499 sq. ft.	CALGreen and GPR New Home	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 110 points</li> </ul>	Green Point Rater <sup>1</sup>
5,500-6,999 sq. ft.	CALGreen and GPR New Home	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 130 points</li> </ul>	Green Point Rater <sup>1</sup>
7,000+ sq. ft.	CALGreen and GPR New Home	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 180 points</li> </ul>	Green Point Rater <sup>1</sup>
<b>Single-Family or Two-Family Residential: Remodels (including additions to existing buildings)</b>			
Less than \$50,000 valuation <sup>2</sup>	CALGreen	Completion of applicable requirements of CALGreen <i>Chapter 4 – Residential Mandatory Measures</i>	County building inspector
\$50,000-\$99,999 valuation or less than 500 sq. ft. <sup>2</sup>	CALGreen and GPR Existing Home– Elements	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist<sup>3</sup></li> </ul>	County plan check <sup>4</sup>
\$100,000-\$149,999 valuation or 500-749 sq. ft. <sup>2</sup>	CALGreen and GPR Existing Home – Elements	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 20 points<sup>3</sup></li> </ul>	County plan check <sup>4</sup>
\$150,000-\$299,999 valuation or 750-999 sq. ft. <sup>2</sup>	CALGreen and GPR Existing Home – Elements	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 30 points<sup>3</sup></li> </ul>	County plan check <sup>4</sup>
\$300,000+ valuation or 1,000+ sq. ft. <sup>2</sup>	CALGreen and GPR Existing Home – Whole House	Completion of applicable requirements in CALGreen <i>Chapter 4 – Residential Mandatory Measures, and</i> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 45 points<sup>3</sup></li> </ul>	County plan check <sup>4</sup>

MARIN COUNTY GREEN BUILDING REQUIREMENTS

Covered Project	Green Building Rating System	Minimum Compliance Threshold	Verification
<b>Multi-Family Residential: New Construction</b>			
Less than 1,000 sq. ft. average unit size	CALGreen and GPR Multi-Family <sup>3</sup>	Completion of applicable requirements in CALGreen Chapter 4 – Residential Mandatory Measures, <b>and</b> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 50 points</li> </ul>	GreenPoint Rater <sup>1</sup>
1,000+ sq. ft. average unit size	CALGreen and GPR Multi-Family <sup>3</sup>	Completion of applicable requirements in CALGreen Chapter 4 – Residential Mandatory Measures, <b>and</b> <ul style="list-style-type: none"> <li>• Submittal of appropriate GPR checklist demonstrating achievement of 65 points</li> </ul>	GreenPoint Rater <sup>1</sup>
<b>NOTE:</b> Where external rating system requirements are less stringent than the requirements in CALGreen, the project shall comply with the minimum state code set forth in CALGreen			

<sup>1</sup> Project verification by GreenPoint Rater

<sup>2</sup> Project valuation will be the primary determinate in establishing the Minimum Compliance Threshold for the project, with the use of project size range only used when valuation is uncertain or in the opinion of the building official does not accurately reflect the project scope.

<sup>3</sup> Points are not required to meet minimum points per GPR category that would be required for GPR certification

<sup>4</sup> Project review to be completed by project applicant. Use of a GreenPoint Rater is highly recommended.

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GPR: GreenPoint Rated

**TABLE B: GREEN BUILDING STANDARDS FOR COMPLIANCE FOR  
COMMERCIAL CONSTRUCTION AND REMODELS**

Covered Project	Green Building Rating System	Minimum Compliance Threshold	Verification
<b>New construction (including additions to existing buildings)</b>			
2,000 sq. ft. or less	CALGreen	Completion of applicable requirements in CALGreen Chapter 5 – Nonresidential Mandatory Measures	County building inspector
2,000-4,999 sq. ft.	CALGreen and LEED® New Construction or Core & Shell <sup>1</sup>	Completion of applicable requirements in CALGreen Chapter 5 – Nonresidential Mandatory Measures and <ul style="list-style-type: none"> <li>• Submittal of appropriate LEED checklist</li> </ul>	County plan check <sup>2</sup>
5,000-49,999 sq. ft.	CALGreen and LEED® New Construction or Core & Shell <sup>1</sup>	Completion of applicable requirements in CALGreen Chapter 5 – Nonresidential Mandatory Measures and <ul style="list-style-type: none"> <li>• Submittal of appropriate LEED checklist demonstrating achievement of 40 points</li> </ul>	LEED® AP <sup>3</sup>
50,000+ sq. ft.	CALGreen and LEED® New Construction or Core & Shell <sup>1</sup>	Completion of applicable requirements in CALGreen Chapter 5 – Nonresidential Mandatory Measures and <ul style="list-style-type: none"> <li>• Submittal of appropriate LEED checklist demonstrating achievement of 50 points</li> </ul>	LEED® AP <sup>3</sup>
<b>Remodels</b>			
Less than \$500,000 valuation or 500-4,999 sq. ft. <sup>4</sup>	CALGreen and LEED® Commercial Interiors or Operations & Maintenance <sup>1</sup>	Completion of applicable requirements in CALGreen Chapter 5 – Nonresidential Mandatory Measures	County building inspector
\$500,000 - \$5 million valuation or 5,000-24,999 sq. ft. <sup>4</sup>	CALGreen and LEED® Commercial Interiors or Operations & Maintenance <sup>1</sup>	Completion of applicable requirements in CALGreen Chapter 5 – Nonresidential Mandatory Measures and <ul style="list-style-type: none"> <li>• Submittal of appropriate LEED checklist</li> </ul>	County plan check <sup>2</sup>
Greater than \$5 million valuation or 25,000+ sq. ft. <sup>4</sup>	CALGreen and LEED® Commercial Interiors or Operations & Maintenance <sup>1</sup>	Completion of applicable requirements in CALGreen Chapter 5 – Nonresidential Mandatory Measures and <ul style="list-style-type: none"> <li>• Submittal of appropriate LEED checklist demonstrating achievement of 40 points</li> </ul>	LEED® AP <sup>3</sup>
<b>NOTE: Where external rating system requirements are less stringent than the requirements in CALGreen, the project shall comply with the minimum state code set forth in CALGreen</b>			

<sup>1</sup> Points are not required to meet minimum points per LEED category that would be required for GPR certification

<sup>2</sup> Project review to be completed by project applicant. Use of a LEED AP is highly recommended.

<sup>3</sup> Project verification by a LEED AP.

<sup>4</sup> Project valuation will be the primary determinate in establishing the Minimum Compliance Threshold for the project, with the use of project size range only used when valuation is uncertain or in the opinion of the building official does not accurately reflect the project scope.

LEED: Leadership in Energy and Environmental Design Green Building Rating System    LEED AP: LEED Accredited Professional

## MARIN COUNTY GREEN BUILDING REQUIREMENTS

### **SOLAR WATER HEATER PRE-PLUMBING REQUIREMENTS.**

New commercial buildings over 5,000 square feet in floor area which include hot water heating systems and all new residential dwelling units shall include plumbing specifically designed to allow the later installation of a system which utilizes solar energy as a means of heating domestic potable water. Construction specifications to accomplish this requirement shall be adopted by the Chief Building Official. No building permit shall be issued unless the requirements of this section are incorporated into the approved building plans. The provisions of this section can be modified or waived when it can be satisfactorily demonstrated to the Chief Building Official that the requirements are impractical due to shading, building orientation, construction constraints or configuration of the parcel.

### **PHOTOVOLTAIC PRE-WIRING REQUIREMENTS**

New commercial buildings over 5,000 square feet in floor area and all new residential dwelling units shall include electrical conduit specifically designed to allow the later installation of a photovoltaic (PV) system which utilizes solar energy as a means to provide electricity. Construction specifications to accomplish this requirement shall be adopted by the Chief Building Official. No building permit shall be issued unless the requirements of this section are incorporated into the approved building plans. The provisions of this section can be modified or waived when it can be satisfactorily demonstrated to the Chief Building Official that the requirements are impractical due to shading, building orientation, construction constraints or configuration of the parcel.

### **RADIANT BARRIER REQUIREMENTS**

When reroofing causes the roof sheathing to be removed, a radiant barrier (reflective insulation) shall be installed in conjunction with the reroofing project.

### **HOT WATER PIPING INSULATION REQUIREMENTS**

When hot water pipes are exposed by removal of wall surfaces insulation shall be installed having a minimum thickness of 1 inch for pipe diameter of 2 inches or less, and having a minimum thickness of 1.5 inches for pipe diameter exceeding 2 inches.

### **EXCEPTIONS**

The following shall not be included as Covered Projects:

1. Buildings which are temporary or manufactured homes,
2. Building area which is not or is not intended to be conditioned space, and
3. Any requirement which would impair the historic integrity of any building listed on a local, state or federal register of historic structures.

The following shall not be included in project valuation:

1. Improvements primarily intended for seismic upgrades or required disabled access,
2. Building replacement due to catastrophic loss due to fire, flood, or earthquake damage, and
3. Installation of renewable energy systems.