

ORDINANCE NO. 905

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA ADDING CHAPTER 15.04 TO THE MUNICIPAL CODE IN ADOPTING AND AMENDING THE 2006 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, REGULATING AND GOVERNING THE MITIGATION OF HAZARD TO LIFE AND PROPERTY FROM THE INTRUSION OF FIRE FROM WILDLAND EXPOSURES, FIRE FROM ADJACENT STRUCTURES AND PREVENTION OF STRUCTURE FIRES FROM SPREADING TO WILDLAND FUELS IN THE TOWN OF CORTE MADERA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES.

The Town Council of the Town of Corte Madera does ordain as follows:

**SECTION 1.** Chapter No. 15.04 is added to the Town of Corte Madera Municipal Code to read as follows:

**“CHAPTER NO. 15.04**

**WILDLAND-URBAN INTERFACE CODE**

**Sections:**

- 15.04.010** Adoption of the 2006 International Wildland-Urban Interface Code.
- 15.04.020** Amendments made to Chapter 1 of the 2006 International Wildland-Urban Interface Code.
- 15.04.030** Amendments made to Chapter 2 of the 2006 International Wildland-Urban Interface Code.
- 15.04.040** Amendments made to Chapter 3 of the 2006 International Wildland-Urban Interface Code.
- 15.04.050** Amendments made to Chapter 4 of the 2006 International Wildland-Urban Interface Code.
- 15.04.060** Amendments made to Chapter 5 of the 2006 International Wildland-Urban Interface Code.
- 15.04.070** Amendments made to Chapter 6 of the 2006 International Wildland-Urban Interface Code.

**15.04.080** Findings.

**15.04.090** Appeals.

**15.04.100** Penalties.

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

The *International Wildland-Urban Interface Code*, 2006 edition, including Appendix Chapter A, as published by the International Code Council, is hereby adopted by reference herein as amended by this Chapter as the Wildland-Urban Interface Code of the Town of Corte Madera, in the State of California for regulating and governing the mitigation of hazard to life and

property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as herein provided; and further providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Wildland-Urban Interface Code on file in the office of the Town of Corte Madera are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in this Chapter of which Code not less than one (1) copy is filed in the office of the Fire Marshal of the Corte Madera Fire Department and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provision thereof shall be controlling within the limits of the Town of Corte Madera.

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

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

- Section 101.5 of Chapter 1 is hereby deleted and the following language substituted in its place:

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

Exception: Provisions of this code that specifically apply to existing conditions, buildings or structures shall be applied to any and all existing conditions, buildings, or structures regulated by this code. See Sections 402.3, 601.1 and Appendix A.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition is created when an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance; or will otherwise create conditions dangerous to human life.

•Section 101.6 of Chapter 1 is hereby deleted and the following language substituted in its place:

**101.6 Maintenance.** All buildings, structures, access, water supply, landscape materials, vegetation, defensible space or other devices or safeguards regulated by this code shall be maintained in conformance with the regulations of the edition of this code adopted by the Town under which the same were installed or improved in any manner requiring a permit to be obtained under this code. The real property owner or the real property owner's designated agent shall be responsible for the maintenance of buildings, structures, access roads, water supplies, landscape materials and vegetation existing on the owner's property in conformity with the regulations of the edition of this code adopted by the Town under which the same were installed or improved in any manner requiring a permit to be obtained under this code.

•Section 102.2 of Chapter 1 is hereby deleted and the following language substituted in its place:

**Section 102.2 Interpretation of Rules, Regulations and Standards.** The Chief is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations and to develop Fire Protection Standards to carry out the application and intent of its provisions. Such interpretations, rules, and regulations, and Standards shall be in conformance with the intent and purpose of this code. A copy of such rules and regulations shall be filed with the clerk of the Town of Corte Madera and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

•Section 103.3 of Chapter 1 is hereby deleted and the following language substituted in its place:

**103.3 Alternative materials or methods.** The code official is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative material or method is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the *California Building Code*.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency.

•Section 105.2 of Chapter 1 is hereby deleted and the following language substituted in its place:

**105.2 Permits required.** Unless otherwise exempted, no building or structure located within a designated Wildland-Urban Interface Fire Area shall be erected, constructed, altered, repaired, moved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the code official. For buildings or structures erected for temporary uses, see Appendix A, Section A108.3, of this code.

When required by the code official, in addition to all other applicable permits required by the Municipal Code a permit shall be obtained for the following activities, operations, practices or functions within a Wildland-Urban Interface Fire Area:

1. Implementation of a Fire Protection Plan
2. Implementation of a Vegetation Management Plan

•Section 105.8 of Chapter 1 is hereby deleted and the following language substituted in its place:

**105.8 Expiration.** Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building construction, activity or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building construction, activity or work authorized by such permit is suspended or

abandoned for a period of 180 days at any time after the work has been commenced.

When a permittee holding an unexpired permit is unable to commence work within the time specified in this section, the permittee may make a written request for an extension of time, which said written request shall set forth the reasons and circumstances beyond the permittee's control that have prevented the permittee from commencing work under the terms of the permit. If good cause is shown by the written application, the code official may grant the requested extension for a period not to exceed 180-days from the date of the expiration of the original permit.

- Section 106.1 of Chapter 1 is hereby deleted and the following language substituted in its place:

**106.1 General.** Plans, engineering calculations, diagrams and other data in compliance with the provisions of this code shall be submitted in at least three (3) sets with each application for a permit. When such plans are not prepared by an architect or engineer, the code official may require the applicant submitting such plans or other data demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The code official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

**Exception:** Submission of plans, calculations, construction inspection requirements and other data, if the code official finds that the nature of the work applied for is such that reviewing of plans by an architect or engineer licensed by the state to practice is not necessary to obtain compliance with this code.

- Section 106.3 of Chapter 1 is hereby deleted and the following language substituted in its place:

**106.3 Site plan.** In addition to the requirements for plans in the *California Building Code*, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

- Section 106.6 of Chapter 1 is hereby deleted and the following language substituted in its place:

**106.6 Other data and substantiation.** When required by the code official, the plans and specifications shall include classification of fuel loading, according to the *NWCG Aids to Determining Fuel Models for Estimating Fire Behavior*, current edition.

- Section 106.7 of Chapter 1 is hereby deleted and the following language substituted in its place:

**106.7 Vicinity plan.** In addition to the requirements for site plans, plans shall include details regarding the vicinity as required by the code official, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

•Section 106.8 of Chapter 1 is hereby deleted and the following language substituted in its place:

**106.8 Retention of plans.**

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

•Section 107.1.1.1 of Chapter 1 is hereby deleted and the following language substituted in its place:

**107.1.1 General.** All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the Town of Corte Madera shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of a plan review or an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the Town of Corte Madera.

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

•Section 108 of Chapter 1 is hereby deleted and the following language substituted in its place:

**SECTION 108. FINAL APPROVAL FOR OCCUPANCY**

No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made, until the code official has issued a "Final Approval" for occupancy thereof.

Issuance of a "Final Approval" for occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the Town of Corte Madera. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the Town of Corte Madera shall not be valid.

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

•Section 202 of Chapter 2 is hereby amended by adding the following definitions:

**NWCG.** National Wildfire Coordinating Group.

**SUBSTANTIAL REMODEL - EXTERIOR.** The alteration, modification, improvement, conversion, repair, or renovation of the exterior surface of any structure, which combined with the exterior surface of any additions to the structure, affects an exterior surface area which exceeds fifty percent of the existing exterior surface area of the structure. Exterior surface includes wall surfaces, windows, doors, and horizontal deck surfaces. This definition does not apply to the replacement and upgrading of residential roof coverings.

**VMP.** Shall mean Vegetation Management Plan.

**WILDFIRE.** An uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property, or resources as defined in Public Resources Code Sections 4103 and 4104.

**WILDFIRE EXPOSURE.** Either one or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

**WILDLAND-URBAN INTERFACE FIRE AREA.** Any geographical area within the Town identified by the state as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or designated by an ordinance of the Town Council to be a "Wildland-Urban Interface Fire Area".

•Section 202 of Chapter 2 is hereby amended by *deleting* all of the following definitions:

**FUEL, HEAVY.**  
**FUEL, LIGHT.**  
**FUEL, MEDIUM.**  
**IGNITION-RESISTANT CONSTRUCTION, CLASS 1.**  
**IGNITION-RESISTANT CONSTRUCTION, CLASS 2.**  
**IGNITION-RESISTANT CONSTRUCTION, CLASS 3.**

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

•Section 302.1 of Chapter 3 is hereby deleted and the following language substituted in its place:

**302.1 Declaration.** The Town Council shall declare the Wildland-Urban Interface Fire Areas within the Town of Corte Madera. The Wildland-Urban Interface Fire Areas shall be based on the findings of fact as prescribed by the California Health and Safety Code. The Wildland-Urban Interface Fire Area boundary shall correspond to natural or man-made features including but not limited to an assessment of fuel types and physical characteristics affecting wildland fire behavior.

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

•Section 402.1.1 of Chapter 4 is hereby deleted and the following language substituted in its place:

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

•Section 402.2.1 is hereby deleted and the following language substituted in its place:

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

Areas shall be provided with fire apparatus access in accordance with the *California Fire Code* and driveways in accordance with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

- Section 402.2.2 is hereby deleted and the following language substituted in its place:

**402.2.2 Water supply.** Individual buildings or structures hereafter constructed, or meeting the definition of substantial remodel - exterior, or buildings or structures relocated into or within Wildland-Urban Interface Fire Areas shall be provided with a conforming water supply in accordance with Section 404.

**Exception:** Buildings containing only private garages, carports, and sheds with a floor area of not more than 120 square feet.

- Section 403.1 is hereby deleted and the following language substituted in its place:

**403.1 Restricted access.** Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or firefighting purposes, the code official is authorized to require a key access to be installed in an accessible location. The key access shall be of a type approved by the code official and shall contain keys or an approved key switch to gain necessary access as required by the code official.

- Section 403.2 of Chapter 4 is hereby deleted and the following language substituted in its place:

**403.2 Driveways.** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 16 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 300 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. A driveway shall not serve more than five dwelling units.

**Exception:** When such driveways meet the requirements for an access road in accordance with the *California Fire Code*.

Driveway turnarounds shall have inside turning radii of not less than 27 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds. Driveway turnouts shall be an all-weather road surface at least 10 feet wide and 30 feet long, not including the approach or departure ramps. Driveway turnouts shall be located as required by the code official. Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

- Section 403.6 of Chapter 4 is hereby deleted and the following language substituted in its place:

**403.6 Address markers.** All buildings shall have a permanently

posted address clearly visible from the street with numerals illuminated and contrasting color to their background. Where structures are not visible from the street, addresses shall also be placed at each driveway entrance and be visible from both directions of travel along the road.

In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

•Section 403.7 of Chapter 4 is hereby deleted and the following language substituted in its place:

**403.7 Grade.** The gradient for fire apparatus access roads and driveways shall not exceed 18%.

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

•Section 404.1 of Chapter 4 is hereby deleted and the following language substituted in its place:

**404.1 General.** An approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the Wildland-Urban Interface Fire Area of the Town of Corte Madera in accordance with this section.

**Exception:** Buildings containing only private garages, carports, and sheds with a floor area of not more than 120 square feet.

•Section 404.2 of Chapter 4 is hereby deleted and the following language substituted in its place:

**404.2 Water sources.** The point at which a water source is available for use shall be located not more than 350 feet from the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel. Water sources shall comply with the following:

1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 404.5. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by a tanker, or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access, and access maintenance of man-made water sources shall be approved by the code official.

2. Natural water sources shall have a minimum annual water level or flow sufficient to meet the adequate water supply needs in accordance with Section 404.5. This water level or flow shall not be rendered unusable because of freezing. This water source shall have an approved draft site with an approved hydrant. Adequate water flow and rights for access to the water source shall be ensured in a form acceptable to the code official.

•Section 404.5 of Chapter 4 is hereby deleted and the following language substituted in its place:

**404.5 Adequate water supply.** Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

1. **One- and two-family dwellings.** The required water supply for one- and two-family dwellings shall be from a municipal supply. Required flow rates and duration shall be determined by the code official.

Exception: If the cost of providing a municipal supply exceeds 10% of the total construction costs (based on the building permit valuation and required site improvements), an on-site private fire protection water supply (minimum storage requirement to be determined by the code official and local standards, but not less than 3,000 gallons plus 2,000 gallons dedicated to automatic fire sprinklers and domestic water) may be permitted. If a private, on-site water supply is installed, a fee in an amount established by the Town Council from time to time may be charged for the purpose of upgrading existing municipal fire flow to defray the costs to the Town of accommodating the needs of the property.

2. **Buildings other than one- and two-family dwellings.**

The water supply required for buildings other than one- and two-family dwellings shall be as determined by the code official.

Exception: If the cost of providing a municipal supply exceeds 10% of the total construction costs (based on the building permit valuation and required site improvements), an on-site private fire protection water supply (minimum storage requirement to be determined by the code official and local standards, but not less than 3,000 gallons plus 2,000 gallons dedicated to automatic fire sprinklers and domestic water) may be permitted. If a private, on-site water supply is installed, a fee in an amount established by the Town Council from time to time may be charged for the purpose of upgrading existing municipal fire flow to defray the costs to the Town of accommodating the needs of the property.

•Section 404.9 of Chapter 4 is hereby deleted and the following language substituted in its place:

**404.9 Testing and maintenance.** Water sources, draft sites, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as determined and required by the code official. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards and shall not be made without approval of the code official.

•Section 404.10.3 of Chapter 4 is hereby deleted and the following language substituted in its place:

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

power source shall be capable of providing power for a minimum of two hours.

**Exceptions:**

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.

2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

•Section 405.2 of Chapter 4 is hereby deleted and the following language substituted in its place:

**405.2 Content.** The fire protection plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management. In addition to considerations included in this section, Fire Protection Plans shall conform to Standards developed by the code official.

•Section 405.4 of Chapter 4 is hereby deleted and the following language substituted in its place:

**405.4 Plan retention.** The fire protection plan shall be retained by the code official for the life of the building.

•Section 406 of Chapter 4 is hereby added to read as follows:

**SECTION 406. VEGETATION MANAGEMENT PLAN**

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

**406.2 Content.** The VMP consists of two forms: (1) blue line drawings; and (2) a text narrative describing specific and applicable contributing factors in the selection and design of the plan.

**VMP Contents**

The VMP shall include at a minimum:

1. The entire “plan content” elements described in narrative form.
2. Not less than three (3) complete plan sets shall be submitted to the code official for review.
3. The Hazard Assessment Matrix
4. The list of plants to be used and materials consistent with the approved plant list.
5. 3 sets of blue prints showing the house, zone, plant type and spacing.

**406.3 Cost.** The cost of vegetation management plan preparation and review shall be the responsibility of the applicant.

**406.4 Plan retention.** The vegetation management plan shall be retained by the code official for the life of the building.

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

• Chapter 5 is hereby deleted in its entirety and the following chapter substituted in its place:

## **Chapter 5. MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE**

### **SECTION 501 SCOPE, PURPOSE AND APPLICATION**

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

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

#### **Exceptions:**

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

**501.3. Application.** These provisions are applicable to construction in a designated wildland-urban interface fire area of a new building or structure, or a building or structure meeting the definition of substantial remodel - exterior within any 24 month period as follows:

Building permit applications submitted on or after the effective date of this Ordinance (April 18, 2008)

Exception: Projects for which a development application has been deemed “complete” prior to the effective date of this Ordinance (April 18, 2008)

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

### **15.04.070 Amendments Made to Chapter 6 of the 2006 International Wildland-Urban Interface Code.**

#### **SECTION 603 DEFENSIBLE SPACE**

**603.1 Objective.** Provisions of this section are intended to modify the fuel load, type, and configuration in areas adjacent to structures to create a defensible space.

**603.2 Fuel modification.** In order to qualify as a conforming defensible space, fuel modification shall be provided as specified in Fire Protection Standards approved by the Chief. Distances specified in Fire Protection Standards may be modified by the code official because of a site-specific analysis based on local conditions and the fire protection plan. Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing non fire-resistive vegetation on the property owned, leased or controlled by said person. In accordance with Government Code section 51182(b), a person is not required under this section to maintain any defensible space on any property that the person does not have the legal right to maintain, nor is any person required to

enter upon or to damage property that is owned by any other person without the consent of the owner of the property.

Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet. Deadwood and litter shall be regularly removed from trees.

Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

- Table 603.2 of Chapter 6 is hereby deleted.
- Figure 603.2 of Chapter 6 is hereby deleted.

#### **15.04.080 FINDINGS.**

**Findings:** The Town Council of the Town of Corte Madera has determined and finds that the adoption of the 2006 edition of the International Wildland-Urban Interface Code with the above changes or modifications are needed and are reasonably necessary because of local climatic, geologic and topographic conditions as described below:

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

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

#### **1. Climatic**

**a. Precipitation.** Precipitation ranges from 15 to 42 inches per year with an average of approximately 25 inches per year. Approximately ninety percent (90%) falls during the months of November through April, and 10% from May through October.

**b. Relative Humidity.** Humidity generally ranges from 50% during daytime to 86% at night. It drops to 20% during the summer months and occasionally drops lower.

**c. Temperatures.** Temperatures have been recorded as high as 104 degrees F. Average summer highs are in the 78 degree to 85 degree range.

**d. Winds.** Prevailing winds are from the northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5 - 15 mph range, gusting to 20 - 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

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

## 2. **Geologic**

- a. The fire environment of a community is primarily a combination of two factors: the area’s physical geologic characteristics and the historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area’s fire protection needs.
- b. Landslides have also been experienced in the town. While stabilization of hillsides can sometimes be achieved, heavy rainfalls have caused failures. These slides can close roadways, making accessibility to many locations in the town impossible until properly cleared.
- c. The relatively young geological processes that have created the San Francisco Bay Area are still active today. The District sits between two active earthquake faults (San Andreas and the Hayward/-Calaveras) and numerous potentially active faults. 100% of the town is in the strong to violent seismic hazard zones.
- d. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. The majority of the town’s industrial complexes are located in the highest seismic risk zones. The highest seismic risk zone also contains the largest concentration of hazardous materials. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. The Town’s resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single-dwelling or structure fires. The greater risk of earthquakes results in a higher likelihood of a fire which could lead to substantial damage or loss of life within the Town

## 3. **Topographic**

- a. Because of the differing topography of Corte Madera, the characteristics of the fire environment changes from one location to the next. Therefore, the Town has not one, but a

- number of fire environments, each of which has its individual fire protection needs.
- b. The service area of the Corte Madera has a varied topography and vegetative cover. A conglomeration of bay plains, hills and ridges make up the terrain. Development has occurred on the flat lands in the central portion of the District. Development in the hillside areas on the west and south sides of town is predominantly limited to residential remodeling and additions.
  - c. Many of the buildings in Corte Madera were built long before present code requirements existed. Consequently, many of these structures do not meet even minimal standards for fire protection and life safety. Wood frame construction of older buildings, especially those in mountainous areas, creates an adverse exposure problem, not only in being easily ignited by an adjacent structure fire, but also in contributing to the extension of fire to other buildings through radiation, actual physical heat conduction and flying embers. Fire history in the town has shown flying embers will start secondary fires after blowing in the air.
  - d. Much of the town is characterized by precipitous hilly areas where escape opportunities from residential structures are limited to one side of the home only. The steepness and uneven nature of the land often hinders, and sometimes prevents, the erecting of rescue ladders at the side of a home on a hillside parcel.
  - e. Vehicular access within the town is affected by steep, hilly terrain and many secondary ridgelines. Many streets are narrow and winding, restricting the speed at which fire apparatus may safely respond and also increasing the time lapse between fire detection and apparatus arrival, during which time a family will face the fire or other emergency on their own. The town has many dead-end streets, and on Christmas Tree Hill, there is one main access route in or out of the area. Dead-end streets can restrict the ease of relocating fire and rescue equipment from one location to another, even though actual separating distance between two areas may be minimal. In addition to restricting access routes for fire apparatus, the dead-end streets also limit egress opportunities for residents.
  - f. The town is accessible from the outside by one primary thoroughfare on the east side and three on the west side. Speed limits of 25 miles per hour, by virtue of the narrow and twisting configuration of the roads, do not allow quick responses to emergencies. The Highway 101 corridor goes directly through the town and an overpass that may or may not withstand an earthquake presents another problem.
  - g. There is much diversity in slope percentages. Christmas Tree Hill slopes run from nearly level to over 70%.
  - h. Corte Madera's semi-arid Mediterranean-type climate produces vegetation similar to that of most of Marin County, with specific growth locale a result of topography and prevailing wind. The south facing exposure is primarily rye grass, highly flammable brush, with occasional clumps of bay and oak trees in the more sheltered pockets. The north facing slopes are heavily wooded from lower elevations to ridge with oak and bay trees and minor shrubs of the general chaparral class.
  - i. Historic development of the residential community extended into areas of heavier vegetation and has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view. Of particular recent note is the increase in dead

down fuel and litter accumulation directly associated with the dead oak syndrome, which has heightened the risk of fire being caused and spreading in many areas of the Town.

#### **4. Summary.**

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

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

- a. The extent of damage that may be done to the water system serving properties in the area in times of fire. There are areas within the Town in which there are no water mains at all constructed. Meadow Valley has no water main supply to serve properties in the area, other than domestic, and there is minimal water supply that can serve properties along Casa Buena Drive. An insufficient water supply will increase the risk of a fire not being able to be controlled and increasing in degree and in the number of properties being affected after it has begun.
- b. The extent of isolation experienced by Town residents in the event that a fire or other catastrophe beginning a fire causes the bridge and/or freeway overpass to collapse;
- c. The extent of roadway damage and/or amount of debris blocking the roadways of the Town in the event of a fire;
- d. Climatic conditions (hot, dry weather with high winds) which increase the risk and spread of fire;
- e. Time of day will influence the amount of traffic on roadways which would present an obstacle to timely response to a fire and could intensify the risk to life during normal business hours when traffic is busiest. The Town of Corte Madera covers approximately 4 square miles including a population estimated at 9,100. Many Town residents commute to work in other cities which increases the traffic within the Town. There are two (2) fire stations and a total of 20 career and 20 volunteer fire department personnel. The fire department handles diverse responsibilities including wildland, urban, freeway, and paramedical.
- f. The availability of timely mutual aid or military assistance is an important factor in the ability to respond to fires. The Town depends heavily on mutual aid resources for even a single-dwelling structure fire. In a widespread disaster, those resources would be unavailable.
- g. The close proximity of residences and large portion of dwellings with wood shingle roof coverings within Wildland-Urban Interface Fire Areas could result in conflagrations that spread rapidly from residence to residence.

#### **5. Conclusion:**

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

**15.04.090. APPEALS**

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Town Council in writing, within 30 days from the date of the decision appealed. The Town Council shall render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant.

**15.04.100. PENALTIES**

Any person who violates any of the provisions of the Wildland-Urban Interface Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who violates any provisions of this chapter, or who builds in violation of any specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Corte Madera Fire Department, or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively be guilty of a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$1,000.00 or by imprisonment for not more than 180 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

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

**SECTION 2. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Town Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional on their face or as applied.

**SECTION 3. EFFECTIVE DATE.**

This ordinance shall become effective 30 days after the date of adoption.

**SECTION 4. POSTING.**

The Town Clerk shall cause this ordinance to be published within fifteen days after its adoption.


\* \* \* \* \*

This ordinance was introduced on March 4, 2008 and adopted by the Town Council on March 18, 2008 by the following vote:

AYES: COUNCIL MEMBERS:      Cock, Condon, Dupar, Lappert, Ravasio

NOES: COUNCIL MEMBERS:      - None -

ABSENT: COUNCIL MEMBERS:    - None -

  
\_\_\_\_\_  
Michael Lappert, Mayor

ATTEST:

  
Christine Green, Town Clerk

