

ORDINANCE NO. 1364

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY REPEALING AND REPLACING TITLE 15 (“FIRE”) OF THE MILL VALLEY MUNICIPAL CODE; RATIFYING SOUTHERN MARIN FIRE PROTECTION DISTRICT ORDINANCE NO. 2025/2026-01, AND DELEGATING RESPONSIBILITY FOR ENFORCEMENT OF THE FIRE CODE TO THE DISTRICT FIRE CHIEF

THE CITY COUNCIL OF THE CITY OF MILL VALLEY does ordain as follows:

SECTION 1. Recitals.

- A. The City of Mill Valley (“City”) lies within the jurisdictional boundaries of the Southern Marin County Fire Protection District (“District”).
- B. The District has responsibility for the fire protection within said jurisdictional boundaries.
- C. On October 22, 2025, the Board of Directors of the Southern Marin County Fire Protection District adopted Ordinance No. 2025/2026-01, which adopted by reference, together with certain changes and amendments, the 2025 edition of the California Fire Code and California Wildland-Urban Interface Code.
- D. Health and Safety Code Section 13869.7 requires the City to ratify District Ordinance No. 2025/2026-01 in order for the District Fire Code and any more restrictive amendments to building standards therein, to be effective within the City.
- E. It is the intention of the City Council in adopting this Ordinance to ratify District Ordinance No. 2025/2026-01, including any and all more restrictive building standards, and the District’s related fee schedule, and to have the District Fire Code and more restrictive building standards enforced in the City of Mill Valley.

SECTION 2. Ordinance. Title 15 of the Mill Valley Municipal Code is hereby repealed in its entirety and replaced with a new Title 15 to read as follows:

“Title 15 Fire Chapter 15.04 Fire Prevention

15.04.020 Fire Code.

Any and all references in the Mill Valley Municipal Code to the “Fire Code” shall mean and refer to the Fire Code of the Southern Marin Fire Protection District, as the same may be amended from time to time.

15.04.030 Fire Department.

The Southern Marin Fire Protection District is hereby designated, and shall serve, as the Fire Department of the City of Mill Valley. Any and all references in the Mill Valley Municipal Code to the Fire Department shall mean and refer to the Southern Marin Fire Protection District.

15.04.040 Fire Chief and Fire Marshal.

Any and all references in the Mill Valley Municipal Code to the Fire Chief or Fire Marshal shall mean and refer to the Fire Chief and Fire Marshal, respectively, of the Southern Marin Fire Protection District, or their designees. Any references in the Mill Valley Municipal Code to any other officer of the Fire Department shall mean and refer to that person employed or retained by the Southern Marin Fire Protection District having substantially the same job responsibilities, or the designee.

15.04.050 Fire Hazard Reduction.

Any person who owns, leases, controls or maintains any building or structure, and/or lands within specific Wildland-Urban Interface Areas of the jurisdiction of the City of Mill Valley shall comply with the following:

- A. Cut and remove all pyrophytic combustible vegetation and ground coverings within 10 feet of property lines and driveways and within 100 feet of structures, up to 200 feet (but not beyond the property line) when topographic or pyrophytic vegetative types necessitate removal as determined by the Fire Chief or the Fire Chief's designee. After removal of pyrophytic combustible vegetation, the area shall be maintained free of such vegetation. "Pyrophytic combustible vegetation" means vegetation that is highly flammable and endangers public safety by creating a fire hazard, including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves, and other hazardous vegetation such as, but not limited to, Coyote brush, Chaparral, Chamise, Manzanita, Rosemary, Tan Oak, Yew and Coastal Sagebrush.
- B. Commencing May 1, 2021 (except as provided in subsection I of this section below), remove all of the following from the entirety of the parcel and maintain the property free of such vegetation:

Common Name	Genus	Species
Acacia	Acacia	All species & varieties
Bamboo	All Genera	All species & varieties
Arborvitae	Thuja	All species & varieties
Italian Cypress	Cupressus	Sempervirens
Junipers	Juniperus	All species & varieties
French Broom	Genista	Monspessulana
Portuguese Broom	Cytisus	Striatus
Scotch Broom	Cytisus	Scoparius

Spanish Broom	Spartium	Junceum & all varieties
Gorse	Ulex	Europaea

- C. Owners of property within the Wildland-Urban Interface Area are encouraged to voluntarily clear and create hardscape within the first 3 feet surrounding any residential or commercial structure. A deck or patio is considered to be a part of the structure. Hardscape may consist of gravel, concrete, brick, pavers, decomposed granite, and like materials, or bare ground. Organic mulches derived from plant materials such as pine needles, pine bark nuggets, wood chips, or shredded redwood or cedar bark, or from ground or shredded rubber, should not be within the 3 foot hardscape area. Succulent plants are acceptable in the 3 foot hardscape area. This hardscape area should be maintained clear of vegetation and organic material, other than succulent plants.
- D. Remove accumulated dead vegetation on the property.
- E. Cut and remove tree limbs that overhang wood decks and roofs.
- F. Remove that portion of any tree which extends within 10 feet of any chimney, stovepipe, roof surfaces and roof gutters.
- G. Clean any leaves and needles from roof and gutters.
- H. Cut and remove growth less than 3-inches in diameter, from the ground up to a minimum height of 10 feet, provided that no crown shall be raised to a point so as to remove branches from more than the lower one-third of the tree's total height.
- I. Ladder fuels shall be removed within 30 feet of the structure.
- J. When required by the Fire Code Official, cut and remove trees that are six inches of diameter or less at breast height, or four feet, six inches above ground, to achieve canopy separation within 30 feet of the structure.
- K. Vegetation clearance requirements for new construction and substantial remodels in Wildland-Urban Interface Areas shall be in accordance with the 2024 International Wildland-Urban Interface Code, as amended by the Southern Marin Fire Protection District. Notwithstanding anything to the contrary here-in, commencing on the effective date of this ordinance new construction and substantial remodels shall also comply with the vegetation removal requirements in Section B above.
- L. Removal of trees shall comply with the requirements of Chapter 20.67 of the Mill Valley Municipal Code.

Exception 1: When approved by the Fire Code Official, single specimens of trees (including but not limited to redwood trees and other heritage trees) or other vegetation that are well-pruned and maintained so as to effectively manage fuels and

do not form a means of rapidly transmitting fire from the native growth to any structure.

Exception 2: When approved by the Fire Code Official, grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed, where necessary to stabilize soil, prevent erosion, or otherwise protect against landslides or slope failures. Grasses shall be cut and maintained at a height of 3 inches or shorter.

Exception 3: Where necessary to mitigate potential impacts to special status species, including but not limited to nesting birds, the Fire Code Official may approve deferred removal of trees or vegetation. Where the removal of multiple trees or significant amounts of vegetation is proposed, the Fire Chief may require a property owner to hire a qualified biologist to conduct a species survey and prepare a mitigation plan.

15.04.060 Tracer Bullets, Tracer Charges, Rockets and Model Aircraft.

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

SECTION 3. Ratification. The City Council hereby ratifies District Ordinance No. 2025/2026-01 and the District’s schedule of fees adopted thereby.

SECTION 4. Enforcement Designation. The City Council hereby delegates authority to enforce the District Fire Code, including the more restrictive building standards contained in the District Fire Code, to the District Fire Chief, pursuant to Health and Safety Code Section 13869.7.

SECTION 5. California Environmental Quality Act. The City Council finds that it can be seen with certainty that adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City Clerk is directed to prepare and file a Notice of Exemption within five (5) days following adoption of this Ordinance with the Marin County Clerk.

SECTION 6. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.


SECTION 7. Ongoing Actions for Violations. The adoption of this Ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION 8. Effective Date and Certification of Publication. This Ordinance shall be effective thirty (30) days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Council members voting for and against it.


INTRODUCED at a regular meeting of the City Council of the City of Mill Valley on the **17th** day of **November 2025**, and

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **8th** day of **December 2025**, by the following vote:

AYES: Councilmembers: Jones, Carmel, Joachim, Perrey, Burke
NOES: None.
ABSENT: None.
ABSTAIN: None.



Stephen Burke, Mayor

ATTEST:


Risa De Ferrari, City Clerk