

TITLE 4
CONSTRUCTION REGULATIONS

CHAPTER 1
GENERAL REGULATIONS

SECTION:

4-1-1: Name Title

4-1-2: Purpose

4-1-3: Scope ~~(Rep. by Ord. 1623, 2-12-2008)~~

4-1-4: Adoption ~~o~~f State-Referenced Codes & Standards

~~4-1-5: Amendments To The California Building Code (CBC); California Residential Code (CRC)~~

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~~4-1-8: Interpretation (Rep. by Ord. 1642, 6-14-2011)~~

~~4-1-9: Liability~~

~~4-1-10: Compliance With CALGreen Recycling Requirements~~

4-1-1: NAME/TITLE:

These regulations shall be known as and may be cited as the PLACERVILLE CONSTRUCTION REGULATIONS. It shall be referred to hereinafter as "this title", and the term shall include any subsequent amendment thereof. (Ord. 1491, 5-26-1992) This ordinance shall be known as the "Building Code", may be cited as such, and will be referred to herein as "this code".

4-1-2: PURPOSE:

The purpose of this title Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all building and structures within the city and certain equipment regulated herein. the enforcement of the California building standards code (California Code Of Regulations, title 24, parts 1 through 12), and city ordinances which are included in this title. (Ord. 1642, 6-14-2011)

4-1-3: INTENT:

This code is intended to promote superior building construction and enhance public safety by establishing uniform regulations that provide equitable recognition of all building materials and methods based solely on their demonstrated performance and merits; and by supporting the sustainable economic growth of the municipality through impartial, performance-based standards.

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4-1-43: SCOPE:

(Rep. by Ord. 1623, 2-12-2008) The provisions of this code shall apply to the construction, alteration, addition, repair, moving, removal, demolition, maintenance, use, occupancy, and location of all buildings, structures, and premises within the municipality, including associated equipment, systems, and appurtenances, except work primarily located in the public way and not specifically regulated by this code.

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4-1-54: ADOPTION OF STATE-REFERENCED CODES:

The codes specified in this section and referenced elsewhere in the municipal code shall be considered to be part of this code to the prescribed extent of each such reference. The following parts of the California Building Standards Code (California Code of Regulations, Title 24), including both building and administrative standards, are hereby adopted by reference:

Part 1, known as the California building standards administrative code;

Part 2, volume 1 and 2, known as the California Building Code, which is based on the international building code;

Part 2.5, known as the California Residential Code, which is based on the international residential code;

Part 3, known as the California Electrical Code, which is based on the national electrical code;

Part 4, known as the California Mechanical Code, which is based on the uniform mechanical code;

Part 5, known as the California Plumbing Code, which is based on the uniform plumbing code;

Part 6, known as the California Energy Code;

Part 7, currently vacant known as the California Wildland-Urban Interface Code;

Part 8, known as the state California Historical Building Code;

Part 9, ~~known as the California Ffire Ccode, which is based on the international fire code;~~

Part 10, ~~known as the California Eexisting Bbuilding Ccode, which is based on the international existing building code;~~

Part 11, ~~known as the California Ggreen Bbuilding Sstandards Ccode, which is also called the CALGreen code; and~~

Part 12, ~~known as the California Rreferenced Sstandards Ccode.~~ (Ord. 1642, 6-14-2011)

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~~4-1-5: AMENDMENTS TO THE CALIFORNIA BUILDING CODE (CBC); CALIFORNIA RESIDENTIAL CODE (CRC);~~

~~CBC section 1505.1.1 and CRC R902, Roof Coverings Within Very High Fire Hazard Severity Zones, shall be amended to read as follows: "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."~~

~~CBC section 1607A.11.2, Reduction In Roof Live Loads, shall be amended to read as follows: "No reduction in roof live loads shall be allowed."~~

~~CBC section 1608A.2, Determination Of Snow Loads, shall be amended to read as follows: "The roof live load for snow shall be (20) twenty pounds per square foot for all areas of the city of Placerville."~~

~~(Ord. 1642, 6-14-2011)~~

~~4-1-6: FINDINGS:~~

~~The city council of the city of Placerville finds and declares that the additions, modifications and changes made to these codes are necessary for the protection of the public health, safety and welfare due to climatic, geological or topographical conditions. These amendments are authorized under Health And Safety Code sections 18941.5 and 17958 and are identified as follows:~~

~~—(A)— Express finding number 1; climatic: The city of Placerville is located approximately forty five (45) miles east of Sacramento and seventy (70) miles west of Lake Tahoe at an average elevation of one thousand eight hundred seventy feet (1,870') above sea level. It is the transition area between the California central valley and the Sierra Nevada Mountains. It experiences a change in precipitation and snowfall from the arid central valley to the deep snow of the mountains. The average annual rainfall is thirty six inches (36"). This rainfall normally occurs from October to April. Hourly rainfall for design purposes is three inches (3") per hour or 0.031 gpm per square foot as established from data in the "El Dorado County Drainage Manual" and nearby jurisdictions. Snow can be expected each winter but usually does not accumulate for an appreciable amount of time. Historically for~~

at least twenty (20) years, the design roof snow load has been twenty (20) pounds per square foot with no reduction allowed.

Climate is one of the greatest impacts to fire behavior and other major emergency events because it cannot be controlled. The drying out of wood building components and wildland fuels in the summer months allows for easy ignition and propagation of fire. Steep, narrow, often congested streets can lead to longer response times for firefighters. Therefore, the fire classification of roof assemblies and roof coverings should be the most restrictive.

Amendments related to climate: CBC section 1505.1.1, 1607A.11.2, 1608A.2.

—(B)— Express finding number 2; geological: The city of Placerville has three (3) dominant east/west ridgelines, which in turn define the principal watersheds, with a series of subwatersheds branching off each major watershed divide. These subridgelines are generally oriented in a north/south direction perpendicular to the primary ridgelines. The secondary ridgelines are located at "regular" intervals approximately one-fourth (1/4) of a mile apart. The moderate to steep slopes, which are characteristic of this topography, have a profound influence on the location of roads and hence the development pattern. There are no identified active earthquake faults in Placerville; however, the inactive Melones Fault does pass through the eastern part of the city, trending in a north/south direction. The city of Placerville is subject to ground tremors from seismic events as the city is located in site class C. Some portions of the city have poor soil conditions that are often expansive in nature. Due to the potential for seismic activity, a need exists for more restrictive design criteria.

Amendments related to geological conditions: CBC section 1607A.11.2, 1608A.2.

—(C)— Express finding number 3; topographical: The city of Placerville is located in the transition between the California central valley and the Sierra Nevada Mountains. Three (3) biophysical gradients are apparent: a transition from central valley grassland vegetation, to mixed needleleaf and broadleaf forests, to Sierra evergreen forests. The threat to Placerville from wildland fires is relatively high due to the dense vegetative cover and steeply sloping lands. Therefore, a need exists for additional fire protection measures.

Amendments relating to topographical conditions: CBC section 1505.1.1.

—(Ord. 1623, 2-12-2008)

4-1-7: FILING OF FINDINGS:

The city clerk is hereby directed to file a copy of the ordinance codified herein with the California building standards commission of the state of California. (Ord. 1623, 2-12-2008)

4-1-8: INTERPRETATION:

(Rep. by Ord. 1642, 6-14-2011)

~~4-1-9: LIABILITY:~~

~~The provisions of this code shall not be construed as imposing upon the city of Placerville any liability or responsibility for damage to persons or property resulting from defective work, nor shall the city of Placerville, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this code of any permits or certificates issued under this code. (Ord. 1623, 2-12-2009)~~

~~4-1-10: COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS:~~

~~Persons applying for a permit from the City for new construction and building additions and alternations shall also comply with the requirements of Section 7-1B-10 (Compliance with CALGreen Recycling Requirements) found in Chapter 1B (Organic Waste Disposal Reduction) of Title 7 (Health and Sanitation). (Ord. 1706, 12-14-2021)~~

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**CHAPTER 2
ORGANIZATION AND ENFORCEMENT**

SECTION:

4-2-1: Creation Of Enforcement Agency (Rep. by Ord. 1623, 2-12-2008)

4-2-2: Powers And Duties Of Building Official

4-2-3: Unsafe Buildings, Structures Or Building Service Equipment (Rep. by Ord. 1623, 2-12-2008)

4-2-4: Building Board Of Appeals

4-2-5: Violations

4-2-1: CREATION OF ENFORCEMENT AGENCY:

(Rep. by Ord. 1623, 2-12-2008)

4-2-2: POWERS AND DUTIES OF BUILDING OFFICIAL:

The building official may request and shall receive, so far as is required in the discharge of his or her duties, the assistance and cooperation of other officials of this jurisdiction. (Ord. 1623, 2-12-2008)

4-2-3: UNSAFE BUILDINGS, STRUCTURES OR BUILDING SERVICE EQUIPMENT:

(Rep. by Ord. 1623, 2-12-2008)

4-2-4: BUILDING BOARD OF APPEALS:

See title 2, chapter 7 of this code. (Ord. 1642, 6-14-2011)

4-2-5: VIOLATIONS:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment, or to excavate or grade or permit the same to be done in violation of this title and the technical codes. See section 1-4-5 of this code for penalties. (Ord. 1491, 5-26-1992)

CHAPTER 3
PERMITS AND INSPECTIONS

SECTION:

~~4-3-1: Permits (Rep. by Ord. 1623, 2-12-2008)~~

~~4-3-2: Application For Permit (Rep. by Ord. 1623, 2-12-2008)~~

~~4-3-3: Permits Issuance (Rep. by Ord. 1623, 2-12-2008)~~

~~4-3-4: Fees~~

~~4-3-1: PERMITS:~~

~~(Rep. by Ord. 1623, 2-12-2008)~~

~~4-3-2: APPLICATION FOR PERMIT:~~

~~(Rep. by Ord. 1623, 2-12-2008)~~

~~4-3-3: PERMITS ISSUANCE:~~

~~(Rep. by Ord. 1623, 2-12-2008)~~

~~4-3-4: FEES:~~

~~The fee for each permit, plan review and investigation shall be those established and adopted by the city council from time to time by resolution.~~

~~—(A)— Determination Of Value: The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. (Ord. 1491, 5-26-1992)~~

~~—(B)— Plan Review Fees: A plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee for buildings or structures shall be as adopted by resolution and determined by the building official based on building valuation data from the "Building Safety Journal" published by the International Code Council (ICC).~~

~~The plan review fee for grading work shall be as adopted by resolution.~~

~~Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be paid at the rate adopted by resolution. (Ord. 1642, 6-14-2011)~~

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

~~—1. Exception; Residential Plan Review: An applicant may renew a plan review by paying a renewal fee within thirty (30) days after the plan review expiration. The fee for each permit shall be those established and adopted by the city council at the time of plan review. The applicant shall resubmit plans and pay a new plan review fee no later than thirty (30) days after the expiration of the plan review. (Ord. 1491, 5-26-1992)~~

~~—(D) Investigation Fees; Work Without A Permit: (Rep. by Ord. 1642, 6-14-2011)~~

~~—(E) Fee Refunds:~~

~~—1. The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.~~

~~—2. The building official may authorize the refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~

~~—3. The building official may authorize the refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.~~

~~The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment. (Ord. 1491, 5-26-1992)~~

CHAPTER 4
RELOCATION OF BUILDINGS AND STRUCTURES

SECTION:

4-4-1: Purpose

4-4-2: Permits

4-4-3: Safety Requirements

4-4-4: Bonds Required

4-4-5: Forfeiture Of Bonds

4-4-6: Completion

4-4-1: PURPOSE:

The purpose of this chapter is to provide minimum standards to safeguard public health, safety and public welfare by regulating and controlling the relocation of buildings and structures. (Ord. 1164, 8-8-1978)

4-4-2: PERMITS:

(A) Permits Required: No person, firm or corporation shall relocate any building or structure into or within the city without first obtaining a separate relocation permit for each such building or structure from the building official. (Ord. 1164, 8-8-1978)

(B) Application: To obtain a relocation permit the applicant shall file in writing an application for a site plan review as required by section 10-4-9 of this code and for the relocation permit. The applicant will pay the fees prescribed for the site plan review and a prerelocation inspection of the building or structure to be relocated. The relocation application shall: (Ord. 1642, 6-14-2011)

1. Identify and describe the work to be covered by the permit for which the application is made.
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed work.
3. Indicate the use or occupancy for the proposed building or structure.
4. Be accompanied by four (4) photographs showing each elevation of the building or structure to be relocated.

5. Be accompanied by plans and specifications drawn to scale showing plot or site, foundation, floor plan(s), and complete details for any changes proposed for the existing building or structure. The building official may require such plans and specifications to be prepared and designed by an architect or engineer licensed by this state.

Computations, stress diagrams and other data sufficient to show the corrections of the plans shall be submitted when required by the building official.

6. Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority.

7. Give such other information as reasonably may be required by the building official. (Ord. 1164, 8-8-1978)

(C) Relocation Permits: The application, plans and specifications filed by the applicant shall be reviewed by the building official. Such plans may be reviewed by other departments of the city to check compliance with ordinances and laws under their jurisdiction. When the site plan has been approved, as required in section 10-4-9 of this code, the work described in the relocation application for the permit and the plans conform to the requirements of this chapter, other pertinent ordinances and laws, and the fees have been paid and the insurance and bonds deposited as specified below, a permit may be issued.

1. A relocation permit fee as determined by the building official. (Ord. 1642, 6-14-2011)

2. A cash bond, assigned deposit or performance bond of two thousand five hundred dollars (\$2,500.00) to provide for any damage to city property or utilities.

3. A liability and property damage insurance policy of five hundred thousand dollars (\$500,000.00).

4. A cash bond, assignment deposit or performance bond based on the estimated cost of the work to complete the building relocation plus ten percent (10%). This performance bond and insurance policy must be approved by the city attorney as to form and legal requirements. (Ord. 1164, 8-8-1978)

4-4-3: SAFETY REQUIREMENTS:

(A) Traffic Hazard: The relocation of buildings or structures shall be performed in such a manner so as not to create a hazard to pedestrian or vehicular traffic or to unreasonably impede such traffic. ~~Forty eight~~Forty-eight (48) hours prior to the proposed relocation the permittee shall submit to the building official the proposed route for the move. The building official will obtain the approval of the city engineer, fire, police and public works departments. The relocation shall not be started until approval has been obtained from the building official as to time and route.

(B) **Danger To Persons Or Property:** The relocation of buildings or structures shall be performed in such a manner as to not create a hazard to the health and safety of any person or property.

(C) **Notice To Cease:** If, in the opinion of the building official exercising reasonable judgment based upon a personal inspection at the location, it is determined that the relocation is being performed in a manner as to create a hazard or danger, the building official shall issue a written stop work notice to persons relocating the building or structure to cease such hazardous or dangerous activity immediately. Upon the receipt of such notice all persons engaged in the relocation shall cease such activity immediately and take such corrective action as may be required by the building official so to eliminate such hazard or danger. (Ord. 1164, 8-8-1978)

4-4-4: BONDS REQUIRED:

The bonds and insurance referred to in section 4-4-2 of this chapter shall guarantee the performance by the person(s) relocating the building or structure to:

(A) Keep all streets and sidewalks clear and free of all debris during and after the relocation.

(B) Provide for and erect barricades or overhead protection to prevent damage to publicly owned improvements.

(C) Leave the site from which the building or structure is relocated in a clean and level condition, removing from the site all foundations and debris, to fill to grade all holes, depressions or trenches resulting from the relocation, and to cap the sewer in an approved manner.

(D) Repair all damage done to public or private property in the relocation of a building or structures.

(E) Assure the completion of all work required by the relocation permit within the time designated. (Ord. 1164, 8-8-1978)

4-4-5: FORFEITURE OF BONDS:

The failure of the permittee to comply with any of the provisions of this chapter, or the permit, the city shall initiate the forfeiture of the bond(s) to complete the work in accordance with the permit requirements. (Ord. 1164, 8-8-1978)

4-4-6: COMPLETION:

Upon the completion of the relocation of buildings and structures under the provisions of this chapter and the permit, the building official shall return the cash bond to the permittee and/or release the performance bonds. (Ord. 1164, 8-8-1978)

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CHAPTER 5
SIGN REGULATIONS 1

(Rep. by Ord. 1585, 5-14-2002)

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Notes

1 1. See section 10-4-17 of this code.

CHAPTER 6
MOVING BUILDINGS

(Rep. by Ord. 1164, 8-8-1978)

CHAPTER 7
RESIDENTIAL DEVELOPMENT FEE

(Rep. by Ord. 1642, 6-14-2011)

CHAPTER 8
DEVELOPMENT FEES

SECTION:

4-8-1: Development Fees

~~4-8-1: DEVELOPMENT FEES:~~

~~The city of Placerville shall require the payment of fees to defray the costs incidental to the processing of plans, specifications and inspection of such work. The fees shall be in the amount hereinafter set forth by resolution of the city council for the following:~~

- ~~-(A) Improvements such as sewer, water, drainage, streets, curbs, gutter and sidewalks.~~
- ~~-(B) Parcel maps.~~
- ~~-(C) Subdivisions. (Ord. 1263, 5-26-1981)~~

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CHAPTER 9
FLOOD DAMAGE PROTECTION

SECTION:

4-9-1: Purpose

4-9-2: Definitions

4-9-3: General Provisions

4-9-4: Administration

4-9-5: Provisions For Flood Hazard Reduction

4-9-6: Variance Procedure

4-9-1: PURPOSE:

(A) Statutory Authorization: The legislature of the state of California has in Government Code sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Placerville does ordain as follows:

(B) Findings Of Fact:

1. The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(C) Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(D) Methods Of Reducing Flood Losses: In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1621, 1-22-2008)

4-9-2: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A ZONE: See definition of Special Flood Hazard Area (SFHA).

ACCESSORY STRUCTURE: A structure that is either:

(A) Solely for the parking of no more than two (2) cars; or

(B) A small, low cost shed or limited storage, less than one hundred fifty (150) square feet and one thousand five hundred dollars (\$1,500.00) in value.

ACCESSORY USE: A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN: A geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL: A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet (3'); a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: See definition of Special Flood Hazard Area (SFHA).

BASE FLOOD: A flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the 100-year flood). Base flood is the term used throughout this chapter.

BASE FLOOD ELEVATION (BFE): The elevation shown on the flood insurance rate map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade, i.e., below ground level, on all sides.

BUILDING: See definition of Structure.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before effective date of the initial FIRM or after August 9, 1988.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on

which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): The official map on which the federal emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the floodway.

FLOOD, FLOODING, OR FLOODWATER: (A) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(B) The condition resulting from flood related erosion.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal insurance administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

FLOODPLAIN ADMINISTRATOR: The community official designated by this chapter to administer and enforce the floodplain management regulations.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS: This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood prone areas. This term describes federal, state, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source. See definition of Flood, Flooding, Or Floodwater.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA technical bulletins TB 1-93, TB 3-93, and TB 7-93.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1'). Also referred to as regulatory floodway.

FLOODWAY FRINGE: The area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

FRAUD AND VICTIMIZATION: As related to section 4-9-6 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city of Placerville will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, which future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, and does not include [long-term](#) storage or related manufacturing facilities.

GOVERNING BODY: The local governing unit, i.e., county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP: As related to section 4-9-6 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city of Placerville requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;

(B) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior or directly by the secretary of the interior in states without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement (see definition of Basement).

(A) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

1. The flood openings standard in subsection 4-9-5(A)3 of this chapter;
2. The anchoring standards in subsection 4-9-5(A) of this chapter;
3. The construction materials and methods standards in subsection 4-9-5(A)2 of this chapter; and
4. The standards for utilities in subsection 4-9-5(C) of this chapter.

(B) For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see definition of Basement). This prohibition includes below grade garages and storage areas.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

MARKET VALUE: As defined in the city of Placerville substantial damage/improvement procedures.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, North American vertical datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: For floodplain management purposes, means structures for which the "start of construction" commenced on or after August 9, 1988, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the initial FIRM or after August 9, 1988.

OBSTRUCTION: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

100-YEAR FLOOD OR ONE HUNDRED YEAR FLOOD: See definition of Base Flood.

PROGRAM DEFICIENCY: A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

PUBLIC SAFETY AND NUISANCE: As related to section 4-9-6 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE: A vehicle which is:

- (A) Built on a single chassis;
- (B) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

REMEDY A VIOLATION: To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the

enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA (SFHA): An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, or AH.

START OF CONSTRUCTION: Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building that is principally aboveground; that includes a gas or liquid storage tank or a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(B) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE: A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION: The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the national geodetic vertical datum (NGVD) of 1929, North American vertical datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE: A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 1621, 1-22-2008)

4-9-3: GENERAL PROVISIONS:

(A) Lands To Which This Chapter Applies: This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(B) Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood hazard identified by the federal emergency management agency or the federal insurance administration in a scientific and engineering report entitled "Flood Insurance Study (FIS)" dated March 30, 1983, flood insurance rate maps (FIRMs) dated September 30, 1983, and flood boundary and floodway maps (FBFMs) dated September 30, 1983, and all subsequent amendments and/or revisions is hereby adopted by reference and declared to be a part of this chapter. This flood insurance study is on file at city hall, 3101 Center Street, Placerville, CA 95667. This flood insurance study is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator.

(C) Compliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council of the city from taking such lawful action as is necessary to prevent or remedy any violation.

(D) Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(E) Interpretation: In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

(F) Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the federal insurance administration, or the state of California for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(G) Severability: This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1621, 1-22-2008)

4-9-4: ADMINISTRATION:

(A) Designation Of The Floodplain Administrator: The development services director is hereby appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions. (Ord. 1621, 1-22-2008; amd. Ord. 1654, 6-25-2013)

(B) Duties And Responsibilities Of The Floodplain Administrator: The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

1. Permit Review: Review all development permits to determine:

(a) Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

(b) All other required state and federal permits have been obtained;

(c) The site is reasonably safe from flooding;

(d) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot (1') at any point;

(e) All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revisions (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

2. Use Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with subsection 4-9-3(B) of this chapter, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer section 4-9-5 of this chapter. Any such information shall be submitted to the city council for adoption.

3. Changes In Watercourses: Whenever a watercourse is to be altered or relocated:

(a) Notify adjacent communities and the California department of water resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency;

(b) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

4. Changes In Base Flood Elevation: Base flood elevation changes due to physical alterations:

(a) Within six (6) months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).

(b) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

5. Changes In Corporate Boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

6. Documents For Public Inspection: Obtain and maintain for public inspection and make available as needed:

(a) The certification required in subsections 4-9-5(A)3(a) and 4-9-5(E) of this chapter (floor elevations);

(b) The certification required in subsection 4-9-5(A)3(b) of this chapter;

(c) The certification required in subsection 4-9-5(A)3(c) of this chapter;

(d) The certified elevation required in subsection 4-9-5(D)2 of this chapter (subdivision standards);

(e) The certification required in subsection 4-9-5(F)1 of this chapter (floodway encroachments).

7. Interpretations: Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4-9-6 of this chapter.

8. Remedy Violations: Take action to remedy violations of this chapter as specified in subsection 4-9-3(C) of this chapter.

(C) Development Permit: A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in subsection 4-9-3(B) of this chapter. Application for a development permit shall be made on forms furnished by the city of Placerville. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:

(a) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage or materials and equipment and their location;

(b) Proposed locations of water supply, sanitary sewer, and other utilities;

(c) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

(d) Location of the regulatory floodway when applicable;

(e) Base flood elevation information as specified in section 4-9-3 of this chapter;

(f) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

(g) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as detailed in FEMA technical bulletin TB 3-93.

2. Certification from a registered civil engineer or architect that the ~~nonresidential~~non-residential floodproofed building meets the floodproofing criteria in section 4-9-5 of this chapter.

3. For a crawl space foundation, location and total net area of foundation openings as detailed in FEMA technical bulletins 1-93 and 7-93.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5. All appropriate certifications listed in subsection (B)6 of this section. (Ord. 1621, 1-22-2008)

4-9-5: PROVISIONS FOR FLOOD HAZARD REDUCTION:

(A) Standards Of Construction: In all areas of special flood hazards, the following standards are required:

1. Anchoring:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes shall meet the anchoring standards of subsection (E) of this section.

2. Construction Materials And Methods:

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Elevation And Floodproofing:

(a) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection (A)3(b) of this section. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

(b) Nonresidential construction shall either be elevated in conformance with subsection (A)3(a) of this section or together with attendant utility and sanitary facilities:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection be satisfied. Such certifications shall be provided to the floodplain administrator.

(c) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) Either a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured homes shall also meet the standards in subsection (E) of this section.

(B) Garages And Low Cost Accessory Structures:

1. Attached Garages:

(a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. Areas of the garage below the BFE must be constructed with flood resistant materials.

(b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA technical bulletin TB-6.

2. Detached Garages And Accessory Structures:

(a) "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low cost sheds), as defined in section 4-9-2 of this chapter may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

(1) Use of the accessory structure must be limited to parking or limited storage;

(2) The portions of the accessory structure located below the BFE must be built using flood resistant materials;

(3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

(4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

(5) The accessory structure must comply with floodplain encroachment provisions in subsection (F) of this section; and

(6) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (A)3 of this section.

(b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this section.

(C) Standards For Utilities:

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

2. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Standards For Subdivisions And Other Proposed Development:

1. All preliminary subdivision and other development proposals shall identify the flood hazard area and the elevation of the base flood.

2. If the site is filled above the base flood elevation, the following as built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:

(a) Lowest floor elevation.

(b) Pad elevation.

(c) Lowest adjacent grade.

3. All subdivision and other development proposals shall be consistent with the need to minimize flood damage.

4. All subdivision and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions and other development shall provide adequate drainage to reduce exposure to flood hazards.

(E) Standards For Manufactured Homes: All new and replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is at or above the base flood elevation; and

2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

(F) Floodways: Located within areas of special flood hazard established in subsection 4-9-3(B) of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection (F)1 of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section. (Ord. 1621, 1-22-2008)

4-9-6: VARIANCE PROCEDURE:

(A) Nature Of Variances: The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city of Placerville to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The ~~long-term~~ long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(B) Appeal Board:

1. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

2. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

3. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger of life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (B)3(a) through (B)3(k) of this section have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

5. Upon consideration of the factors of subsection (B)3 of this section and the purposes of this chapter, the city council of the city may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(C) Conditions For Variances:

1. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in section 4-9-2 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.

4. Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (C)1 through (C)4 of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety and does not create a public nuisance.

6. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as ~~twenty~~ five~~twenty-five~~ dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and

(b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain administrator in the office of the El Dorado County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

7. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the federal emergency management agency. (Ord. 1621, 1-22-2008)

CHAPTER 10
REIMBURSEMENT FOR CONSTRUCTION OF DRAINAGE FACILITIES

SECTION:

4-10-1: Reimbursement For Construction Of Drainage Facilities

4-10-1: REIMBURSEMENT FOR CONSTRUCTION OF DRAINAGE FACILITIES:

(A) Persons other than the city may from ~~time to time~~ time-to-time desire to have the drainage facilities of the city extended for the purpose of making drainage facilities available to properties lying beyond existing drainage facilities. The person desiring to extend the drainage facilities must make application with the city engineer requesting that the drainage facilities be extended and must file with the city engineer plans and specifications setting forth the manner in which the drainage facilities are to be extended. The drainage facilities may be extended by the applicant in the event that the city engineer approves the application, together with the plans and specifications.

(B) In the event the city engineer determines that properties other than the property being developed by the person constructing the drainage facilities benefits from the construction, the city may enter into an appropriate reimbursement agreement with the person constructing the drainage facilities. Said agreement shall provide that the city shall, but without liability therefor, endeavor to collect by way of building permit or other charge associated with new construction on undeveloped property and reimburse to such initial developer so much of the construction costs of said drainage facilities as may be practicably collected from the property owners on the basis of the extent to which said drainage facilities shall benefit their respective properties.

(C) Each reimbursement agreement with the developer shall be authorized by the council in the same manner as other contracts. Such reimbursement agreement and the rights therein granted shall be assignable by the person constructing such drainage facilities in the first instance.

(D) All rights for reimbursement under any reimbursement agreement shall terminate on the tenth anniversary of the date of the agreement, and the city shall thereafter retain any fees charged for use of the system.

(E) The area to be benefited shall be determined by the city engineer, and a map designating the area to be benefited shall be attached to all reimbursement contracts.

(F) The determination of benefits may be based either on area or front foot charges, whichever is determined to be most equitable by the city engineer, and the appropriate allocations of construction costs shall be based upon the benefits to be derived from each parcel of property. The determinations of benefit and allocation of cost by the city engineer shall be final and conclusive.

(G) Fees shall be paid as required by section 4-8-1 of this code to defray the costs incidental to the processing of plans and inspection of such work.

(H) The developer or applicant shall pay all of the initial costs of constructing the drainage facilities as set forth pursuant to this section. The parties within the area that will benefit from the addition to the drainage facilities shall pay their proportionate share of the cost at such time as a building permit is taken out, time to be determined by the city engineer. (Ord. 1463, 11-28-1989)

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CHAPTER 11
DEMOLITION OF BUILDINGS AND STRUCTURES

SECTION:

4-11-1: Purpose

4-11-2: Permits

4-11-3: Safety Requirements

4-11-4: Bonds Required

4-11-5: Forfeiture Of Bonds

4-11-6: Completion

4-11-1: PURPOSE:

The purpose of this chapter is to provide minimum standards to safeguard public health, safety and public welfare by regulating and controlling the demolition of buildings and structures. (Ord. 1469, 7-24-1990)

4-11-2: PERMITS:

(A) Permits Required: No person, firm or corporation shall demolish any building or structure in the City without first obtaining a separate demolition permit for each such building or structure from the building official.

(B) Application: To obtain a demolition permit the applicant must complete and submit a written application with the Building Division. The demolition application shall:

1. Indicate if the building or structure is within a Historic District or is identified as a historic building or structure. If the building or structure falls into this category, an application for a site plan review is required by section 10-4-10 of this Code and must be filed and fees paid.
2. Identify and describe the work to be covered by the permit for which the application is made.
3. Describe the land on which the demolition work is to be done by the lot, block, tract, assessor's parcel, number and house and street address, or similar description that will readily identify and definitely locate the proposed work.
4. Indicate the use and/or occupancy of the building or structure.
5. Include a hazardous materials statement.
6. Be accompanied by photographs of each building or structure to be demolished.

7. Be signed by the owner or his authorized agent, who may be required to submit evidence to indicate such authority.

8. Give such other information as reasonably may be required by the building official.

9. To hold the City free and harmless for liability and indemnify the City from any loss or damage.

(C) Demolition Permits: The application and plans filed by the applicant shall be reviewed by the building official. Such plans may be reviewed by other departments of the City to assure compliance with ordinances and laws under their jurisdiction. When a site plan has been approved, the work described in the demolition application for the permit shall contain any conditions of the approved site plan. The demolition work shall also be in accordance with other pertinent ordinances and laws. Fees shall be paid as set by resolution of the City Council and insurance and bonds as specified below, shall be provided in order that a permit may be issued.

1. A cash bond, assigned deposit or performance bond of five thousand dollars (\$5,000.00) to provide for damage to City property or utilities.

2. A liability and property damage insurance policy of one million dollars (\$1,000,000.00).

3. A cash bond, assignment deposit or performance bond based on the estimated cost of the work to complete the demolition plus ten percent (10%). All performance bonds and insurance policies must be approved by the City Attorney as to form and legal requirements. (Ord. 1469, 7-24-1990)

4-11-3: SAFETY REQUIREMENTS:

(A) Hazards: The demolition of buildings or structures shall be performed in such a manner as not to create a hazard to pedestrian or vehicular traffic or to unreasonably impede such traffic. ~~Forty eight~~Forty-eight (48) hours prior to the start of demolition the permittee shall notify the building official. Approvals must be obtained from affected city departments prior to start of any demolition.

(B) Danger To Persons Or Property: The demolition of buildings or structures shall be performed in such a manner as not to create a hazard to health and safety of any person or property. A ~~four-foot~~four-foot (4') fence and/or pedestrian protection as required by chapter 144 of the building code shall be installed. The building official may waive the fence requirement for minor demolition work.

(C) Notice To Cease: If, in the opinion of the building official exercising reasonable judgement, based upon an inspection at the demolition location, it is determined that the demolition is being performed in a manner as to create a hazard or danger, the building official shall issue a written stop work notice to persons demolishing the building or structure to cease such hazardous or dangerous activity immediately. Upon receipt of such notice, all persons engaged in the demolition shall cease such activity immediately and take

such corrective action as may be required by the building official so as to eliminate such hazard or danger. (Ord. 1469, 7-24-1990)

4-11-4: BONDS REQUIRED:

The bonds and insurance referred to in section 4-11-2 of this chapter shall guarantee the performance by person(s) demolishing the building(s) or structure(s) to:

(A) Keep all streets, sidewalks and other public property clear and free of all debris during and after the demolition.

(B) Provide for fencing and pedestrian protection for site security, pedestrian protection, and prevent damage to publicly owned improvements.

(C) Leave the demolition site in a clean and level condition, removing from the site all foundation and debris, to fill to grade all holes, depressions or trenches resulting from the demolition, and cap to sewer in an approved manner.

(D) Repair all damage done to public or private property in the demolition of the building(s) or structure(s).

(E) Assure the completion of all work required by the demolition permit within the time designation. (Ord. 1469, 7-24-1990)

4-11-5: FORFEITURE OF BONDS:

The failure of the permittee to comply with any of the provisions of this chapter, or the permit, the city shall initiate the forfeiture of the bond(s) to complete the work in accordance with the permit requirements. (Ord. 1469, 7-24-1990)

4-11-6: COMPLETION:

Upon completion of the demolition of the building(s) and structure(s) under the provisions of this chapter and the permit, the building official shall return the cash bond(s) and/or release the assignment deposit(s) and performance bond(s). (Ord. 1469, 7-24-1990)

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CHAPTER 12
SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

SECTION:

4-12-1: Definitions

4-12-2: Purpose

4-12-3: Applicability

4-12-4: Solar Energy System Requirements

4-12-5: Duties Of The Building Division And Building Official

4-12-6: Permit Review And Inspection Requirements

4-12-7: Fees

4-12-8: Severability

4-12-1: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section:

ASSOCIATION: A nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

COMMON INTEREST DEVELOPMENT: Any of the following:

- ~~—(A) A community apartment project.~~
- ~~—(B) A condominium project.~~
- ~~—(C) A planned development.~~
- ~~—(D) A stock cooperative.~~

ELECTRONIC SUBMITTAL: Utilization of one or more of the following:

- ~~—(A) E-mail; or~~
- ~~—(B) Internet; or~~
- ~~—(C) Facsimile.~~

REASONABLE RESTRICTIONS: Restrictions on a solar energy system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

~~RESTRICTIONS THAT DO NOT SIGNIFICANTLY INCREASE THE COST OF THE SYSTEM OR DECREASE ITS EFFICIENCY OR SPECIFIED PERFORMANCE: (A) For water heater systems or solar swimming pool heating systems: An amount exceeding ten percent (10%) of the cost of the system, but in no case more than one thousand dollars (\$1,000.00), or decreasing the efficiency of the solar energy system by an amount exceeding ten percent (10%), as originally specified and proposed.~~

~~(B) For photovoltaic systems: An amount not to exceed one thousand dollars (\$1,000.00) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent (10%) as originally specified and proposed.~~

~~SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM: All of the following:~~

~~—(A) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.~~

~~—(B) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and all state and city health and safety standards.~~

~~—(C) A solar energy system that is installed on a single or duplex family dwelling, and accessory buildings to the same.~~

~~—(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the city.~~

~~SOLAR ENERGY SYSTEMS: Either of the following:~~

~~—(A) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.~~

~~—(B) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.~~

~~SPECIFIC, ADVERSE IMPACT: A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.~~

~~STANDARD SOLAR INSTALLATION: A system that meets the "California Solar Permitting Guidebook" standard plan for installation of solar photovoltaic systems utilizing 2-wire multiple string central inverters, not exceeding a total AC output of ten (10) kilowatts, in single-family dwellings having a 3-wire electrical service not larger than two hundred twenty five (225) amps at a voltage of 120/240. The system includes a standard installation of DC to AC inverters, both micro and central inverters. The system does not contain batteries, power optimizers and generators. (Ord. 1671, 9-8-2015)~~

4-12-2: PURPOSE:

The purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with the solar rights act and AB 2188 (chapter 521, statutes 2014) to achieve timely and cost effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety. (Ord. 1671, 9-8-2015)

4-12-3: APPLICABILITY:

~~—(A) This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.~~

~~—(B) Small residential rooftop solar energy systems legally established or permitted prior to the effective date hereof are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like kind parts replacements shall not require a permit. (Ord. 1671, 9-8-2015)~~

4-12-4: SOLAR ENERGY SYSTEM REQUIREMENTS:

~~—(A) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, the city and local fire district.~~

~~—(B) Solar energy systems for heating water in single family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California plumbing and mechanical codes.~~

~~—(C) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California electrical code, the Institute Of Electrical And Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the public utilities commission regarding safety and reliability. (Ord. 1671, 9-8-2015)~~

4-12-5: DUTIES OF THE BUILDING DIVISION AND BUILDING OFFICIAL:

~~—(A) All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible city website.~~

~~—(B) When possible, electronic submittal of the required permit application and documents by e-mail, the internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.~~

~~—(C) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.~~

~~—(D) The city's building division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.~~

~~—(E) The small photovoltaic residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the "California Solar Permitting Guidebook" adopted by the governor's office of planning and research.~~

~~—(F) An installation compliance checklist by the building official will be checked and signed by the solar installer as having met all the requirements applicable to the installation. (Ord. 1671, 9-8-2015)~~

4-12-6: PERMIT REVIEW AND INSPECTION REQUIREMENTS:

~~—(A) The city building division shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The building division shall issue a building permit or other nondiscretionary permit within three (3) business days for electronic applications of receipt of a deemed complete application and meets the requirements of the approved checklist and standard plan. The building official may determine that the proposed solar energy system is not subject to the expedited permitting process if the official finds based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the development services director.~~

~~—(B) Review of the application shall be limited to the building official's or designee's review of whether the application meets local, state, and federal health and safety requirements.~~

~~—(C) The applicant shall verify to reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation.~~

~~—(D) The applicant shall verify to reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.~~

~~—(E) A building official may deny an application for the use permit if the building official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is~~

~~no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the development services director.~~

~~—(F) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.~~

~~—(G) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of amended section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.~~

~~—(H) The city shall not condition approval of an application on the approval of an association or similar group, as defined in section 4080 of the Civil Code.~~

~~—(I) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.~~

~~—(J) Only one inspection shall be required and performed by the building division for small residential rooftop solar energy systems eligible for expedited review. A separate fire inspection may be performed if an agreement with the local fire authority does not exist to perform safety inspections on behalf of the fire authority.~~

~~—(K) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and provide a four (4) hour P.M. inspection window. The building official may require the presence of the installer or representative of the installing company during the final inspection or subsequent inspections.~~

~~—(L) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter. (Ord. 1671, 9-8-2015)~~

~~4-12-7: FEES:~~

~~All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with state Health And Safety Code section 17951 and Government Code amended section 66015. The city shall not charge a residential permit fee that exceeds the estimated reasonable cost of providing the service for which the fee is charged. A fee based on the number of hours for service for a solar permit and inspection time provided is two hundred dollars (\$200.00) unless determined the proposed system is more than a standard~~

~~installation. The permit fee shall not exceed five hundred dollars (\$500.00) plus fifteen dollars (\$15.00) per kilowatt for each kilowatt above ten (10) kilowatts. (Ord. 1671, 9-8-2015)~~

~~4-12-8: SEVERABILITY:~~

~~—(A) If any section, subsection, phrase, or clause of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.~~

~~—(B) The city council hereby declares that it would have passed this chapter 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. (Ord. 1671, 9-8-2015)~~

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