

1 NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Wheatland City Council will hold a hearing on **Tuesday, December 12, 2023** at the Wheatland Community Center, 101 C Street, Wheatland, California to consider the following request. The City Council meeting is scheduled to begin at 6:00 p.m.

Discussion and consideration of the following item:

- **Consideration to introduce and waive the first reading of the proposed ordinance amending Title 15 of the Wheatland Municipal Code – Building and Construction – to adopt by reference the 2022 California Title 24 Code of Regulations.**

Information on the proposed discussion item is available for review online at the City of Wheatland's website <http://www.wheatland.ca.gov/>.

**The City encourages you to submit your comments on the approval associated with the proposed ordinance by email to the Wheatland City Clerk, Lisa Thomason, lthomason@wheatlandca.gov. To give the City Clerk adequate time to print out your comments for consideration at the meeting, please submit your written comments prior to 4:30 p.m.; or if you are unable to email, please call the City Clerk's Office at (530) 633-2761 by 4:30 p.m.

If you wish to have your comments read to the City Council Members during the appropriate Public Comment period, please indicate in the Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on.

Comments that you want read to City Council will be subject to the three-minute time limitation (approximately 350 words). Written comments that are only to be provided to City Council and not read at the meeting will be distributed to the City Council prior to the meeting.

If you challenge the approval of the proposed project in court, you may be limited to raising only those issues you or someone else raised during the public hearing described in this notice or in written correspondence delivered to the City at or prior to the public hearing (Government Code Section 65009).

**Any individual with a disability who needs assistance or accommodation to participate in this video- and teleconference meeting should call the City Attorney, Jennifer Buckman, at 916-804-0173 or email her at jtb@bkslawfirm.com.

Any person interested in any agenda item may contact the City Clerk prior to the meeting date for further information. If you have any questions regarding the items, please contact Bill Zenoni at (530) 633-2761 or at bzenoni@wheatland.ca.gov.

Date: November 28, 2023
For publication by December 1, 2023

Lisa Thomason, City Clerk
City of Wheatland
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Wheatland, CA 95692
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CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

December 12, 2023

SUBJECT: Introduction and First Reading of an Ordinance Amending Title 15 of the Wheatland Municipal Code Relating to Buildings and Construction

PREPARED BY: Bill Zenoni, City Manager

Recommendation

Staff recommends that the City Council conduct a public hearing on proposed amendments to Title 15 of the Wheatland Municipal Code relating to buildings and construction, and upon closing the public hearing, introduce and waive the first reading of an ordinance amending Title 15 of the Wheatland Municipal Code. A notice of this public hearing has been published in the local newspaper and has been posted on the City website.

Background/Discussion

The State of California publishes updated building codes every three years. The most recent update was approved in July 2022 and became effective on January 1, 2023. The 2022 updated codes replace the 2019 codes that are referenced in Title 15 of the City's Municipal Code. It is mandatory that local government agencies enforce the current building codes. The State allows local agencies to amend the building standards as long as they are more restrictive than the state standards and are based on findings and justification based on local climatic, geological or topographic conditions. The attached ordinance amends the City of Wheatland Municipal Code, Title 15, Chapters 15.01, 15.02 and 15.04 through 15.18 to adopt and amend the 2022 California Administrative Code, the 2022 California Building Code, the 2022 California Residential Code, the 2022 California Electrical Code, the 2022 California Mechanical Code, the 2022 California Plumbing Code, the 2022 California Energy Code, the 2022 California Historical Code, the 2022 California Fire Code, the 2022 California Existing Building Code, the 2022 California Green Building Standards Code, the 2022 California Referenced Standards Code, the 2021 International Building Code and the 2021 International Property Maintenance Code. Amendments from earlier code versions have been carried forward in the attached ordinance. Chapters 15.06.070 and 15.12.030 related to fire sprinkler systems have also been updated to reflect current practices of the Wheatland Fire Authority.

Fiscal Impact

None

Attachments

1. Ordinance
2. Wheatland Municipal Code, Title 15 – with changes noted

ORDINANCE NO. 495

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
AMENDING THE WHEATLAND MUNICIPAL CODE, TITLE 15 - BUILDING AND
CONSTRUCTION, CHAPTERS 15.01, 15.02, 15.04 TO 15.18**

The City Council of the City of Wheatland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is twofold;

1) to adopt by reference the 2022 California Title 24 building and construction related codes and standards published and compiled by the International Code Council and the California Building Standards Commission and to amend, repeal, and add to provisions in Title 15 of the Wheatland Municipal Code that are in conflict concerning the same subject matter. and
2) to continue to allow for the City of Wheatland to transfer the operational authority of the City Building Department services to the County of Yuba Building Department. This ordinance is adopted pursuant to California Constitution, article 11, section 7; Government Code sections 50022.1, et seq.; Health and Safety Code sections 17958 and 18941.5, and other applicable law

SECTION 2. Findings. The City Council hereby finds and determines as follows:

A. The City Council has previously adopted by reference the California Title 24 codes consisting of the California Building Standards Administrative Code, the California Building Code, the California Residential Building Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code, the California Historical Building Code, the California Fire Code, the California Existing Building Code, the California Green Building Standards Code, and the California Referenced Standards Code. The City Council is required by state law to repeat this process to incorporate changes to those codes as they are made by the California Building Standards Commission and reprinted on a triennial frequency. The City Council has previously referenced the International Property Maintenance Code and to remain consistent and concurrent will adopt the 2021 edition.

B. Pursuant to Health and Safety Code sections 17958 et seq. and 18941.5, the City may adopt amendments, deletions and additions to the uniform codes identified in section 2(A) above when reasonably necessary because of local climatic, geological or topographical conditions.

C. Certain changes to some of the uniform codes are necessary to address the City's local climatic, geological and topographical conditions. These local conditions include the following:

1. Average yearly rainfall for the City is approximately between 16 and 22 inches. This rainfall normally occurs between October and April. During the summer months, there is generally little measurable precipitation. Temperatures during the summer average from 80 to over 100 degrees Fahrenheit and are frequently accompanied by light or gusty northerly winds. The City is surrounded by several hundred acres of grassland, which in conjunction with the dry and sometimes windy climate creates a hazardous fire situation that has led to extensive grass and brush fires in recent years.

Over the past decade, the City has grown in population and continues to develop away from the City's urban core into grassland and undeveloped agricultural areas. In these areas of the City, wind-driven fires would pose a danger to life and property within those areas.

2. Uniquely for a city of its size, the City is bisected by two topographical features: Union Pacific's railway line and State Highway 65. As a result, the City is divided into two different areas — the east side (east of the railroad line) and the west side (west of the railroad line). Traffic between these two areas is channeled into several streets that cross the railroad tracks and the State highway by means of at-grade crossings, which are sometimes blocked by passing trains. Further, during the morning and evening commute times, congestion on the City's streets delays the response times of fire equipment and emergency services. If an accident or other blockage were to occur, or if a train were to stop in the middle of the City, then portions of the City could become isolated from emergency services or emergency response times could be sufficiently slowed so as to increase the risk to the health and welfare of City residents and damage to property.

3. These local climatic, topographical and geographical conditions could potentially affect the timely response and efficacy of fire and emergency services within the City. Additionally, there are areas of the City where larger homes are located on larger lots. Accordingly, it is necessary to mitigate these issues by making the following amendments:

a. Amending the Title 24 2022 California Building Code, California Residential Code, California Plumbing Code to require compliance with the City's zoning laws and related standards and permitting requirements that impose or establish higher standards or safety than those provided under applicable federal or state laws, rules or regulations.

b. Amending the Title 24 2022 California Building Code, California Residential Code, California Electrical Code, the California Mechanical Code, the California Plumbing Code, and the California Existing Building Code to establish the applicability of City-imposed permit, plan review and penalty fees;

c. Amend the California Existing Building Code to establish plan submittal, plan review and retention, inspection, and permit requirements set forth in Chapter 15.13;

d. Amending the California Fire Code to ensure that adequate sprinkler fire-flow is provided for new construction within the City per the Fire Code Official, and to set residential sprinkler testing requirements, and to ensure that City-established penalties apply to violations of the code, and to prohibit the storage of above-ground tanks and containers containing certain dangerous, hazardous or flammable liquids and gases within City limits unless authorized by the Fire Code Official;

4. The amendments to the codes described above are necessary to preserve the health, welfare and safety of residents, businesses and property within the City.

SECTION 4. Amendments to Title 15.

A. Wheatland Municipal Code Sections 15.01, 15.02, and 15.04 through 15.18 are amended to reference the applicable 2022 California Title 24 codes and the fee requirements of Section 15.02. Sections 15.04 through 15.18 are amended to remove unnecessary business addresses. Section 15.18 is amended to reference the applicable 2021 International Property Maintenance Code. Section 15.12.035 is amended to reflect the fire sprinkler testing practices of the Wheatland Fire Authority. All other amendments not specifically noted above are to coordinate with the operational plan check and field inspection procedures and Code interpretations of the Wheatland Fire Authority and County of Yuba Building Department.

SECTION 5. Repeal of Existing Ordinance.

All former ordinances or parts conflicting or inconsistent with the provisions of this Ordinance and any other ordinance in conflict herewith are hereby repealed.

SECTION 6. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 7. Filing. The City Manager shall file with the California Building Standards Commission a copy of this ordinance, which includes the City's findings of fact supporting the City's amendments to the uniform codes specified in section 2(C)(3) above.

SECTION 8. Effective Date. This ordinance shall take effect 30 days after its final passage.

SECTION 9. Posting. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

SECTION 10. CEQA Exemption

The City Council finds that the changes made to the 2019 Title 24 Codes are enacted to mitigate threats to public peace, health, and safety from earthquakes, high winds, and fire. Therefore, it can be seen with certainty that the adoption of this ordinance will not have a significant effect on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. City staff is directed to file a Notice of Exemption within five (5) days of adopting this ordinance.

INTRODUCED by the City Council on the 12th day of December 2023

PASSED AND ADOPTED by the City Council of the City of Wheatland on the 9th day of January 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rick West, Mayor

Attest:

Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. 495, which ordinance was duly adopted and posted pursuant to law.

Lisa J. Thomason, City Clerk

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Title 15

Buildings and Construction

Chapter 15.01 GENERAL PROVISIONS

§ 15.01.010 **Title.**

The California Title 24 Codes set forth in Chapters **15.02** through **15.18** collectively shall be known as the “Wheatland Building Code” and may be cited as such, and will be referred to in this chapter as “this Code.”

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017)

§ 15.01.020 **Applicability.**

This Code shall apply to all new construction and any alterations, repairs, relocations, or reconstruction of any building, structures or any portion thereof, including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building or structure within the city.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017)

§ 15.01.030 **Conflicts with other Codes.**

In the event of any conflict between this Code and any applicable federal, state, or local law, rule, or regulation, the requirement that establishes the higher standard of safety shall govern.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017)

§ 15.01.040 **Interpretation.**

The provisions of this Code are enacted for the public health, safety, and welfare and are to be liberally construed to further these beneficial purposes as specified in Chapter 1 of the 20~~22~~¹⁹ California Building Code.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 471 § 4, 2020)

§ 15.01.050 **Liability.**

The provisions of this Code shall not be construed as imposing upon the City of Wheatland any liability or responsibility for damage to persons or property resulting from defective work, nor shall the City of Wheatland, or any official, employee, or agent of the city, be held as assuming any such liability or responsibility by reason of the review or inspections authorized by the provisions of this Code of any permits or certificates issued under this Code.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017)

§ 15.01.060 **Penalty.**

Notwithstanding any other provisions of this Code, any person who violates any provision of this Code shall be guilty of a misdemeanor and punishable under Wheatland Municipal Code Chapter **1.16** and the laws of the State of California.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017)

Chapter 15.02

FEES

§ 15.02.010 **Permit fees.**

At any time during which the Wheatland city council has a contract with Yuba County for building permitting and inspection services, fees for all building department services shall be determined by the provisions of Yuba County Code, Title X, Chapter 10.05, Article 5. Should the Wheatland city council cease to contract with Yuba County for building permitting and inspection services, the Yuba County fee structure will remain in effect until amended by subsequent ordinance.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.02.020 **Plan review fees.**

At any time during which the Wheatland city council has a contract with Yuba County for building permitting and inspection services, fees for all building department services shall be determined by the provisions of Yuba County Code, Title X, Chapter 10.05, Article 5. Should the Wheatland city council cease to contract with Yuba County for building permitting and inspection services, the Yuba County fee structure will remain in effect until amended by subsequent ordinance.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.02.030 **Commencement of work before a permit is issued.**

Any person who commences any work on a building, structure, or any portion thereof including any electrical, gas, mechanical, plumbing, or fire system or equipment installed on any property or used on or within any building or structure without first having obtained such permit, shall be subject to a fee established by the building official. Such fee shall be in addition to the required permit fee and plan review fee. This provision shall not apply to emergency work when it is proved to the satisfaction of the building official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the emergency work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so. If there is an unreasonable delay in obtaining such permit, the applicable permit fee shall be charged notwithstanding the earlier emergency.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

Chapter 15.04

CALIFORNIA ADMINISTRATIVE CODE

§ 15.04.010 **Adoption of Code.**

The ~~2022~~19 California Administrative Code (codified in Part I of Title 24 of the California Code of Regulations), as published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, is hereby adopted by reference, subject to the amendments, deletions or additions set forth in this chapter and incorporated in the Wheatland Building Code. A copy of this document is maintained in the office of the city's designated building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

Chapter 15.05

CALIFORNIA BUILDING CODE

§ 15.05.010 **Adoption of Code.**

The ~~2022~~19 California Building Code (codified in Part 2 of Title 24 of the California Code of Regulations), and Appendices C, I, J, L, and O to such Code, as based upon the ~~2021~~15 International Building Code (IBC)

published by the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions and additions set forth in this chapter. Copies of these documents are maintained in the office of the city's designated building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.020 Section 105.2 Work exempt from permit—Amended.

Section 105.2 Work exempt from permit, of the 20~~22~~¹⁹ California Building Code is hereby amended by adding a sentence to read as follows:

R105.2 Work exempt for permit. Any work that is exempt from a building permit shall remain subject to other applicable City ordinances, resolutions, and regulations, including, but not limited to, the City's Subdivision Ordinance, Zoning Code, and design review requirements.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.030 Section 105.2 Work exempt from permit—Building: exceptions—Amended.

Section 105.2 Work exempt from permit—Building exceptions, of the California Building Code is amended to read as follows:

Building #1. One story detached residential accessory buildings used as tool and storage sheds, play-houses, or similar uses as determined by the City, provided the square footage does not exceed 120 square feet and the structure is built entirely above grade and is not located on a maintenance easement, on a public utilities easement, or on front and side street setbacks as required by the City's Zoning Code. The structure shall not exceed the height requirements set forth in the City's Zoning Code. The eave overhangs shall not extend more than 12 inches beyond the exterior wall of the structure. For fire protection purposes, the structure's location on the property shall be in compliance with the California Residential Code and the California Building Code, as those codes may be amended from time to time. All construction shall be in compliance with acceptable standards for construction as outlined in the Wheatland Building Code. Detached residential accessory structures on any size lot or parcels that include electrical and plumbing work shall not be exempt from building permit requirements.

Building #5. Item #5 is hereby deleted.

Building #6. Sidewalks and driveways, provided they are not part of an accessible path of travel required by the Wheatland Building Code.

Building #9. Prefabricated swimming pools accessory to a Group R3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above grade and derive power from an existing ground fault circuit interrupter receptacle are exempt from the City's building permit requirements.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.05.040 Section 105.5 Expiration—Amended.

Section 105.5 Expiration, of the California Building Code is hereby amended to read as follows:

105.5 Expiration. Every permit issued by the City's Building Official under the provisions of this Code shall expire and become null and void if the building or work authorized by such permit is not commenced within 180 days after the date of issuance of the permit, or if the building or work authorized by the permit is suspended or abandoned for a period of 180 days at any time after the work is commenced.

Any person holding an unexpired permit, or where a permit has been expired for less than 180 days, under which work has commenced may apply for an extension of time to complete the work under that permit provided no changes have been or will be made to the plans that were originally submitted to the City. Renewal fees shall be determined by the Building Official per the provisions of Yuba County Code Title X, Chapter 10.05, Article 4, Section 10.05.430.

Any person holding a permit expired for 180 days or more or a permit that has been revoked or voided shall be subject to the provisions for permit reinstatement per the provisions of Yuba County Code Title X, Chapter 10.05, Article 4, Section 10.05.430.

For the purpose of this section, commencement of work shall be defined as the successful completion, inspection, and approval of the entire foundation system for the permitted building or structure, including the placement of concrete. If the permit is for a building or structure that does not include a foundation, then the City's Building Official or designee will determine that the work has commenced if, in the discretion of the Building Official or his or her designee, the amount of work completed shows a good faith effort to substantially perform the work authorized by the permit.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.05.050 Section 1.8.4.2 Fees and 109.2 Schedule of permit fees—Amended.

Section 1.8.4.2 Fees, and 109.2 Schedule of permit fees, of the California Building Code are hereby amended to read as follows:

1.8.4.2 Fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

109.2 Schedule of permit fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.05.060 Section 109.4 Work commencing before permit issuance—Amended.

Section 109.4 Work commencing before permit issuance, of the California Building Code is amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work for which a permit is required without first having obtained such permit shall be subject to a fee established by the Building Official. Such fee shall be in addition to the required permit fee and plan review fee. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the emergency work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so. If there is an unreasonable delay in obtaining such permit, the applicable fee shall be charged notwithstanding the earlier emergency.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.05.070 Section 1505.1.3 Roof coverings within all other areas—Amended.

Section 1505.1.3 Roof coverings within all other areas, of the 2022~~19~~ California Building Code is hereby amended to read as follows:

1505.1.3 Roof coverings within all areas. The roof covering on any structure regulated by this Code shall be a Class A roof assembly as classified in Section 1505.2. An existing structure with an existing wood shake or shingle roof shall replace the entire roof with a Class A roof assembly when increasing the area of the existing roof by a third or more, or when repairing, altering or replacing one third or more of the existing roof

area.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.075 **Section 3109.2 California Swimming Pool Safety Act—Amended.**

Section 3109.2, California Swimming Pool Safety Act is hereby amended to add the following:

3109.2 California Swimming Pool Safety Act. A barrier complying with, California Swimming Pool Safety Act Section 115923, shall be installed to separate the pool from the general public in addition to the requirements of California Swimming Pool Safety Act Section 115922.

(Ord. 471 § 4, 2020)

§ 15.05.080 **Appendix “C” Section C101.1 Scope—Added.**

Section C101.1 Scope, of the 20~~22~~¹⁹ California Building Code is hereby amended by adding an Item #9 to read as follows:

C101.1 Scope. Item #9. Enclosed structures, other than within the dwelling unit, used exclusively for the cultivation of agricultural crops, such as medical or recreational marijuana.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.090 **Appendix “C” Section C102.4 Allowable height and area—Added.**

Section C102.4 Allowable height and area, of the 20~~22~~¹⁹ California Building Code is hereby added to read as follows:

C102.4 Allowable height and area. Buildings classified as Group U for the cultivation of marijuana shall not exceed the height and area limitations as set forth in the City of Wheatland Zoning Code Section **18.61.040**, Indoor Cultivation.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.100 **Appendix “C” Section C105 Permits required—Added.**

Section C105 Permits required, of the 20~~22~~¹⁹ California Building Code is hereby added to read as follows:

C105 Permits required. No person shall use any dwelling or structure for the cultivation of marijuana without first having to obtain a building, electrical and mechanical permit complying with the provisions of this Code and Chapters **15.07** and **15.08**, as applicable.

Any dwelling or structure used for the cultivation of marijuana shall have a ventilation and filtration system that prevents marijuana plant odors from exiting the interior of the dwelling or structure complying with the California Mechanical Code, non-hazardous Product Conveying Systems.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.110 **Appendix “J” Section J101.1 Scope—Amended.**

Appendix “J” Section J101.1 Scope, of the 20~~22~~¹⁹ California Building Code is hereby amended to read as follows:

J101.1 Scope. All references to the “Building Official” within this appendix are hereby amended to read “Building Officials” or “City Engineer”. All grading operations within the City shall be performed in accordance with the applicable provisions of the Wheatland Building Code, the City’s grading policies as

established in the approved public works improvement standards, and any other City rules and regulations pertaining to grading operations.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.120 **Appendix “J” Section J101.2 Flood hazard areas—Amended.**

Appendix “J” Section J101.2 Flood hazard areas, of the 2022+9 California Building Code is hereby amended to read as follows:

J101.2 Flood hazard areas. All grading in flood hazard areas shall be performed in accordance with Chapter 15.20, Federal Management Agency (FEMA) regulations and guidelines, and any other City rules and regulations pertaining to grading operations in flood hazard areas.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.130 **Appendix “J” Section J101.3 Fees—Added.**

Appendix “J” Section J101.3 Fees, of the 2022+9 California Building Code is hereby added to read as follows:

J101.3 Fees. Fees relating to grading permits shall be assessed in accordance with City’s current established fee schedule.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.140 **Appendix “J” Section J103.1 Permits required—Amended.**

Appendix “J” Section J103.1 Permits required, of the 2022+9 California Building Code is hereby amended to read as follows:

J103.1 Permits required. Except as specified in Section J103.2 of this Chapter, no person shall perform any grading over 10 cubic yards without first having obtained a grading permit from the City Engineer. A separate permit shall be obtained for each site and may cover both excavations and fills. Any site disturbance/grading over one acre in size or a land development project also may require an additional storm water discharge permit from the Regional Water Quality Control Board under the National Pollutant Discharge Elimination System (NPDES) program.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.150 **Appendix “J” Section J103.2 Exemptions—Deleted.**

Appendix “J” Section J103.2 Exemptions, of the 2022+9 California Building Code is hereby amended by deleting Items #2, #5, and #6.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.05.160 **Appendix “J” Section J110.1 General—Amended.**

Appendix “J” Section J110.1 General, of the 2022+9 California Building Code is hereby amended to read as follows:

Section J110.1 General. Erosion control shall be in accordance with applicable provisions of the Erosion and Sediment Control Guidelines of the High Sierra Resource Conservation District and the City’s erosion control grading requirements. Storm Water Pollution Prevention Plans shall be enforced in accordance with applicable federal, state and local laws and regulations, including the City’s Public Works requirements.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

Chapter 15.06 CALIFORNIA RESIDENTIAL CODE

§ 15.06.010 **Adoption of Code.**

The 20~~22~~¹⁹ California Residential Code (codified in Part 2.5 of Title 24 of the California Code of Regulations) and Appendices H, Q, S, V, and X to such Code, as published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions or additions set forth in this chapter. Copies of these documents are maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.06.020 **Section R105.2 Work exempt from permit—Amended.**

Section R105.2, Work exempt from permit, of the California Residential Code is hereby amended by adding a sentence to read as follows:

R105.2 Work exempt for permit. Any work that is exempt from a building permit shall remain subject to other applicable ordinances, resolutions, rules and regulations, including, but not limited to, the City's Subdivision Ordinance, Zoning Code, and design review requirements.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.030 **Section R105.2 Work exempt from permit—Building—Amended.**

Section R105.2 Work exempt from permit—Building, of the California Residential Code is hereby amended to read as follows:

Building #1. One story detached residential accessory buildings used as tool and storage sheds, play-houses, or similar uses as determined by the City, provided the square footage does not exceed 120 square feet and the structure is built entirely above grade and is not located on a maintenance easement, on a public utilities easement, or on front and side street setbacks as required by the City's Zoning Code. The structure shall not exceed the height requirements set forth in the City of Wheatland Zoning Code. The eave overhangs shall not extend more than 1224 inches beyond the exterior wall of the structure. For fire protection purposes, the structure's location on the property shall be in compliance with the California Residential Code and the California Building Code, as those codes may be amended from time to time. All construction shall be in compliance with acceptable standards for construction as outlined in the Wheatland Building Code. Detached residential accessory structures on any size of lot or parcel that include electrical and plumbing work shall not be exempt from building permit requirements.

Building #4. Item #4 is hereby deleted.

Building #5. Sidewalks and driveways, provided they are not part of an accessible path of travel required by the Wheatland Building Code.

Building #7. Prefabricated swimming pools accessory to a Group R3 occupancy that are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above grade and derive power from an existing ground fault interrupter circuit are exempt for the City's building permit requirements.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.040 Section R105.5 Expiration—Amended.

Section R105.5 Expiration, of the California Residential Code is hereby amended to read as follows:

R105.5 Expiration. Every permit issued by the City’s Building Official under the provisions of this Code shall expire and become null and void if the building or work authorized by such permit is not commenced within 180 days after the date of issuance of the permit, or if the building or work authorized by the permit is suspended or abandoned for a period of 180 days, at any time after the work is commenced.

Any person holding an unexpired permit, or where a permit has been expired for less than 180 days, under which work has commenced may apply for an extension of time to complete the work under that permit, provided no changes have been or will be made to the plans that were originally submitted to the City. Renewal fees shall be determined by the Building Official per the provisions of Yuba County Code Title X, Chapter 10.05, Article 4, and Section 10.05.430.

Any person holding a permit expired for 180 days or more or a permit that has been revoked or voided shall be subject to the provisions for permit reinstatement per the provisions of Yuba County Code Title X, Chapter 10.05, Article 4, Section 10.05.430.

For the purpose of this section, commencement of work shall be defined as the successful completion, inspection, and approval of the entire foundation system for the permitted building or structure, including the placement of concrete. If the permit is for a building or structure that does not include a foundation, then the City’s Building Official or designee will determine that the work has commenced if the Building Official or designee determines, in his or her discretion, that the amount of work completed shows a good faith effort to substantially perform the work authorized by the permit.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.050 Section 1.8.4.2 Fees and R108.2 Schedule of permit fees—Amended.

Sections 1.8.4.2 Fees, and R108.2 Schedule of permit fees, of the California Residential Code are hereby amended to read as follows:

1.8.4.2 Fees. Permit Fees and plan review fees are set forth in Chapter **15.02**.

R108.2 Schedule of permit fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.060 Section R108.6 Work commencing before permit issuance—Amended.

Section R108.6 Work commencing before permit issuance, of the California Residential Code is hereby amended to read as follows:

R108.6 Work commencing before permit issuance. Any person who commences any work for which a permit is required without first having obtained such permit shall be subject to a fee established by the Building Official. Such fee shall be in addition to the required permit fee and plan review fee. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the emergency work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so. If there is an unreasonable delay in obtaining such permit, the applicable fees shall be charged notwithstanding the earlier emergency.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.070 Section R313.1.1 Design and installation—Amended.

Section R313.1.1 Design and installation, of the California Residential Code is hereby amended to read as follows:

R313.1.1 Design and installation. Automatic fire sprinkler systems that are required to be installed in townhouses and apartment buildings pursuant to the California Residential Code shall be permitted to be designed and installed throughout in accordance with NFPA 13D or 13R or the California Residential Code, Section R313.3. The fire riser shall be installed pursuant to the City's construction standards and as specified herein. In the event of any conflict between this Code and any law, rule, or regulation of the State of California, the requirement that establishes the higher standard of safety shall govern, as determined by the Fire Code official or the City's Building Official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.080 Section R313.2.1 Design and installation—Amended.

Section R313.2.1 Design and installation, of the California Residential Code is hereby amended to read as follows:

R313.2.1 Design and installation. Automatic fire sprinkler systems that are required to be installed in one-and two-family dwellings pursuant to the California Residential Code shall be permitted to be designed and installed throughout in accordance with NFPA 13D or the California Residential Code, Section R313.3. The fire riser shall be installed pursuant to the City's construction standards and as specified herein. In the event of any conflict between this Code and any law, rule, or regulation of the State of California, the requirement that establishes the higher standard of safety shall govern, as determined by the Fire Code official or the City's Building Official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.090 Section R313.3.8.2 Final inspection—Added.

Section R313.3.8.2 Final Inspection, of the California Residential Code is hereby amended by adding an Item #5 to read as follows:

R313.3.8.2 Final inspection—Item 5. All residential fire sprinkler systems mayshall be tested by a two head flow test prior to placing the sprinkler system into service.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.100 Section R902.1.3 Roof coverings within all other areas—Amended.

Section R902.1.3 Roof coverings within all other areas, of the California Residential Code is hereby amended to read as follows:

R902.1.3 Roof coverings within all areas. The roof covering on any structure regulated by this Code shall be a Class A roof assembly as classified in Section 1505.2 of the California Building Code. An existing structure with an existing wood shake or shingle roof shall replace the entire roof with a Class A roof assembly when increasing the area of the existing roof by a third or more, or when repairing, altering or replacing one-third or more of the existing roof area.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.06.110 Section AV100.2 Appendix V California Swimming Pool Safety Act—Added.

Section AV100.2 of Appendix V is amended to add the following:

A barrier complying with California Swimming Pool Safety Act AV100.3, shall be installed to separate the pool from the general public in addition to the requirements of California Swimming Pool Safety Act AV1900.2.

(Ord. 471 § 4, 2020)

Chapter 15.07 CALIFORNIA ELECTRICAL CODE

§ 15.07.010 **Adoption of Code.**

The 2022~~19~~ California Electrical Code (codified in Part 3 of Title 24 of the California Code of Regulations) and Appendices A, B, C, F, and G to such Code, as published by the National Fire Protection Association, ~~1 Batterymarch Park (P.O. Box 9146), Quincy, Massachusetts 02269-9959~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are hereby adopted by reference and incorporated in the Wheatland Building Code, subject to any amendments, deletions or additions as set forth in this chapter. Copies of these documents are maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.07.020 **Section 89.108.4.2 Fees—Amended.**

Section 89.108.4.2 Fees, of the California Electrical Code is hereby amended to read as follows:

89.108.4.2 Fees—Permit fees and plan review fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.07.030 **Section 89.108.4.2.1 Work without permit fees—Added.**

Section 89.108.4.2.1 Work without permit fees, of the California Electrical Code is hereby added to read as follows:

89.108.4.2.1 Work without permit fees. Any person who commences any electrical work for which a permit is required, without first having obtained such permit shall be subject to a fee established by the Building Official. Such fee shall be in addition to the required permit fee and plan review fee. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the emergency work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so. If there is an unreasonable delay in obtaining such permit, the applicable ~~penalty~~ fees shall be charged, notwithstanding the earlier emergency.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

Chapter 15.08 CALIFORNIA MECHANICAL CODE

§ 15.08.010 **Adoption of Code.**

The 2022~~19~~ California Mechanical Code (codified in Part 4 of Title 24 of the California Code of Regulations) to such Code, as published by the International Association of Plumbing and Mechanical Officials, ~~4755 East Philadelphia Street, Ontario, California, 91761-2816~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions and additions set forth in this chapter. Copies of these documents are maintained in the office of the

city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.08.020 Sections 1.8.4.2 Fees, 104.5 Fees, and 104.3.2 Plan review fees—Amended.

Section 1.8.4.2 Fees, 104.5 Fees, and 104.3.2 Plan Review Fees, of the California Mechanical Code are hereby amended to read as follows:

1.8.4.2 Fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

104.5 Fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

104.3.2 Plan review fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.08.030 Section 104.5.2 Investigation fee—Amended.

Section 104.5.2 Investigation fee, of the Mechanical Code is hereby amended to read as follows:

104.5.2 Investigation fee. Any person who commences any mechanical work for which a permit is required without first having obtained such permit shall be subject to a fee established by the Building Official. Such fee shall be in addition to the required permit fee and plan review fee. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the emergency work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, the applicable fees shall be charged notwithstanding the earlier emergency.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

Chapter 15.09 CALIFORNIA PLUMBING CODE

§ 15.09.010 Adoption of Code.

The ~~2022~~19 California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations) and Appendices A, B, D, and I to such Code, as published by the International Association of Plumbing and Mechanical Officials, ~~4755 East Philadelphia Street, Ontario, California, 91761-2816~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions and additions set forth in this chapter. Copies of these documents are maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.09.020 Sections 1.8.4.2 Fees, 104.5 Fees, 104.3.2 Plan review fees—Amended.

Sections 1.8.4.2 Fees, 104.5 Fees, and 104.3.2 Plan review fees, of the California Plumbing Code are hereby amended to read as follows:

1.8.4.2 Fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

104.5 Fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

104.3.2 Plan review fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.09.030 **Section 104.5.2 Investigation fees—Amended.**

Section 104.5.2 Investigation fees, of the California Plumbing Code is hereby amended to read as follows:

104.5.2 Investigation fees. Any person who commences any plumbing work for which a permit is required without first having obtained such permit shall be subject to a fee as established by the Building Official. Such fee shall be in addition to the required permit fee and plan check fee. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the emergency work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so. If there is an unreasonable delay in obtaining such permit, the applicable fees shall be charged notwithstanding the earlier emergency.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.09.040 **Section 602.5 Private wells—Added.**

Section 602.5 Private wells is added to read as follows:

Section 602.5 Private wells. Private wells are not permitted within the City Limits.

Exception: In rural areas within the City limits, exceptions may be granted by the City Engineer on a case-by-case basis.

(Ord. 471 § 4, 2020)

§ 15.09.050 **Section 713.0 Sewer required—Amended.**

Section 713.0 Sewer required, of the California Plumbing Code is hereby amended to read as follows:

- (a) Section 713.1. Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall comply with all requirements of Division 1 (Sewers) of Title 13 (Public Services) of the Wheatland Municipal Code. In rural areas within the City limits, exceptions may be granted by the City Engineer on a case-by-case basis.
- (b) Section 713.2 is hereby repealed.
- (c) Section 713.3 is hereby repealed.
- (d) Section 713.4 is hereby repealed.
- (e) Section 713.7 is hereby repealed.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

Chapter 15.10 CALIFORNIA ENERGY CODE

§ 15.10.010 **Adoption of Code.**

The 2022~~19~~ California Energy Code (Part 6 of Title 24 of the California Code of Regulations) and Appendix 1-A to such code, as published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions and additions set forth in this chapter.

Copies of these documents are maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

Chapter 15.11 CALIFORNIA HISTORICAL BUILDING CODE

§ 15.11.010 **Adoption of Code.**

The ~~2022~~19 California Historical Building Code (Part 8 of Title 24 of the California Code of Regulations), with Appendix A to such Code, as published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, is hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions and additions set forth in this chapter. Copies of these documents are maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

Chapter 15.12 CALIFORNIA FIRE CODE

§ 15.12.010 **Adoption of Code.**

The ~~2022~~19 California Fire Code (Part 9 of Title 24 of the California Code of Regulations) and Appendices 4, B, C, I, and Sections D104, D105, and D106 of Appendix D to such Code, as published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions and additions set forth in this chapter. Copies of these documents are maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.12.020 **Section 110.4 Violation penalties—Amended.**

Section 110.4 Violation penalties, of the California Fire Code is hereby amended to read as follows:

110.4 Violation penalties. Persons who violate any provision of this Code or fail to comply with any requirements stated herein, or erect, install, alter, repair, or conduct work in violation of the approved construction documents and directives of the Fire Code Official or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor punishable by a fine as specified in Chapter 1.16 of the Wheatland Municipal Code.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.12.030 **Section 112.4 Failure to comply—Amended.**

Section 112.4 Failure to comply, of the California Fire Code is hereby amended to read as follows:

Section 112.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine as specified in Chapter 1.16 of the Wheatland Municipal Code.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.12.035 Section 901.5 Installation acceptance testing—Added.

Section 901.5 Installation acceptance testing, of the California Fire code is hereby amended to add the following:

901.5 Installation acceptance testing. ~~For single-family, duplex, and townhomes Group R3 Occupancies,~~ using a NFPA 13D or 13R fire sprinkler system, at the required sprinkler testing heads, may be subject to the required water flow ~~shall be acceptance testing~~ ing by the Fire Code Official using a “bucket” test method established by the Fire Code Official. The Fire ~~Code~~ Official shall retain the authority to require acceptance testing for all NFPA 13D or 13R Group R3 individual building fire sprinkler systems or to require spot check acceptance testing of NFPA 13D or 13R Group R3 individual building fire systems identified by the Fire Code Official in multi-building construction.

(Ord. 471 § 4, 2020)

§ 15.12.040 Section 5704.2.9.6.1 Locations where above ground tanks are prohibited—Amended.

Section 5704.2.9.6.1 Locations where above ground tanks are prohibited, of the California Fire Code is hereby amended to read as follows:

5704.2.9.6.1 Locations where above ground tanks are prohibited. Storage of Class I and II liquids in above ground tanks outside of buildings is prohibited within City limits except as authorized by the Fire Code Official.

Exception: Protected tanks designed, installed and maintained in accordance with Chapter 57 of the 20~~22~~¹⁹ California Fire Code, at a location approved by the Fire Code Official. All such above ground tanks shall be UL 2085 listed.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.12.050 Section 5706.2.4.4 Locations where above ground tanks are prohibited—Amended.

Section 5706.2.4.4 Locations where above ground tanks are prohibited, of the California Fire Code is hereby amended to read as follows:

5706.2.4.4 Locations where above ground tanks are prohibited. Storage of Class I and II liquids in above ground tanks is prohibited within City limits except as authorized by the Fire Code Official.

Exception: Existing Agricultural Operations.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.12.060 Section 5806.2 Limitations—Amended.

Section 5806.2 Limitations, of the California Fire Code is hereby amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within City limits except as authorized by the Fire Code Official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.12.070 Section 6104.2 Maximum capacity within established limits—Amended.

Section 6104.2 Maximum capacity within established limits, of the California Fire Code is hereby amended to read as follows:

6104.2 Maximum capacity within established limits. The outside storage and use of liquefied petroleum

gases is restricted as specified in this section.

The aggregate capacity of any one installation shall not exceed 2,000 gallons, except that in particular installations, this capacity may be altered by the Fire Code Official after consideration of special features and relevant factors, such as topographical conditions, nature of occupancy, proximity of buildings, capacity of proposed tanks, degree of private fire protection to be provided, and capabilities of the local Fire Department.

1. Storage and dispensing of LP-gas for resale purposes, into approved containers and vehicles, is restricted to those areas of the City zoned as Light Industrial (M-1), Heavy industrial (M-2) and to other commercially zoned properties used as automotive service stations. Dispensing shall be performed only by qualified persons.
2. Dispensing of LP-gas for private use is restricted to those zones identified in subsection 1 and, when approved by the Fire Code Official, may be permitted in those areas of the City zoned as Commercial. Dispensing shall be performed only by qualified persons.
3. For cooking, lighting, or heating in a building, only on a property that does not have natural gas service existing on a boundary line of said property or when prohibition of such storage would cause undue hardship as determined by the Fire Code Official.
4. For temporary use on construction sites, when authorized by the Fire Code Official.
5. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Fire Code Official.
6. For use with certain mobile vending and certain commercial barbeque equipment and other specific uses, when authorized by the Fire Code Official.
7. For use by artisans in pursuit of their trade, when authorized by the Fire Code Official.
8. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the City, when approved by the Fire Code Official and stored in accordance with Section 3809 of the California Fire Code. Such storage shall be located a minimum of 20 feet away from any fuel.

Exceptions:

1. Storage of LP-gas in accordance with Subsections 3, 4, and 5 shall be limited to one container not to exceed 250 gallons water capacity, unless authorized by the Fire Code Official.
2. The aggregate capacity of containers in storage and use in accordance with Subsections 6 and 7 shall not exceed 15 gallons. Individual containers shall not exceed five gallons water capacity, unless authorized by the Fire Code Official, and shall not be manifolded.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.12.080 Appendix B—Table B105.1 (1) Required fire flow for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses—Amended.

Appendix B—Table B105.1 (1), at Section 0—3,600 square feet without sprinklers, Section 0—3,600 square feet with sprinklers, and Section 3,601 and greater with sprinklers, shall be amended as follows:

Table B105.1 (1) Section 0—3,600 square feet with no automatic sprinkler system, minimum fire flow shall be 1,500 gpm for 1 hour. Exceptions may be granted by the Fire Code Official on a case-by-case basis.

Table B105.1 (1) Section 0—3,600 square feet with Section 903.3.1.3 of the California Fire Code or Section 313.3 of the California Residential Code, minimum fire flow shall be 1,500 gpm for 1 hour. Exceptions may be granted by the Fire Code Official on a case-by-case basis.

Table B105.1 (1) Section 3,601 and greater square feet with Section 903.3.1.3 of the California Fire Code or Section 313.3 of the California Residential Code, minimum fire flow shall be ½ value in Table B105.1 (2) but not less than 1,500 gpm for 2 hours. Exceptions may be granted by the Fire Code Official on a case-by-case basis.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.12.085 Appendix B—Table B105.2 Required fire flow for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses—Amended.

Appendix B—Table B105.2 Minimum Fire Flow at Section 903.3.1.1 and Section 903.3.1.2, shall be amended to read as follows:

Table B105.2 Minimum Fire Flow at Section 903.3.1.1 shall be 25% to 50% of the value in Table B105.1 (2)^a as determined by the Fire Code Official.

Table B105.2 Minimum Fire Flow at Section 903.3.1.2 shall be 25% to 50% of the value in Table B105.1 (2)^b as determined by the Fire Code Official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.12.090 Appendix B—Table B105.2, Required fire flow for buildings other than one- and two-family dwellings, Group R-3 and R-4 for buildings and townhouses—Footnote a—Amended.

Appendix B - Table B105.2 Footnote a, shall be amended to read as follows:

Table B105.2 Footnote a—The reduced fire-flow shall be not less than 1,500 gallons per minute.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.12.095 Appendix C—Table C102.1 Footnotes F and G—Deleted.

Appendix C—Table C102.1 Footnotes F and G are hereby deleted.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

Chapter 15.13 CALIFORNIA EXISTING BUILDING CODE

§ 15.13.010 Adoption of Code.

The 2022~~19~~ California Existing Building Code (Part 10 of Title 24 of the California Code of Regulations), published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, is hereby adopted by reference and incorporated in the Wheatland Building Code subject to any amendments, deletions or additions set forth in this chapter. A copy of this document is maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.020 Section 1.8.4.2 Fees—Amended.

Section 1.8.4.2 Fees, of the 2022~~19~~ California Existing Building Code is hereby amended to read as follows:

1.8.4.2 Fees. Permit fees and plan review fees are set forth in Chapter **15.02**.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.030 **Section 105.2 Work exempt from a permit—Building—Amended.**

Section 105.2 Work exempt from a permit—Building, of the 2022+9 California Existing Building Code is hereby amended by adding a sentence to read as follows:

105.2 Work exempt from a permit. Any work that is exempt from a building permit shall remain subject to other applicable City ordinances, resolutions, and regulations, including, but not limited to, the City's Subdivision Ordinance, Zoning Code, and design review requirements.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.035 **Section 105.2 Work exempt from a permit—Building (Exceptions #1 & #5)—Amended.**

Section 105.2 Work exempt from a permit—Building: Exceptions #1 and #5 are hereby amended to read as follows:

Building #1. Sidewalks and driveways provided they are not part of an accessible path of travel required by the Wheatland Building Code.

Building #5, Window awnings supported by an exterior wall of Group R-3 or Group U occupancies, which do not project more than 54 inches from the exterior wall and do not require additional support.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.13.040 **Section 105.5 Expiration—Amended.**

Section 105.5 Expiration, of the 2022+9 California Existing Building Code is hereby amended to read as follows:

105.5 Expiration. Every permit issued by the city's building official under the provisions of this Code shall expire and become null and void if the building or work authorized by such permit is not commenced within 180 days year after the date of issuance of the permit, or if the building or work authorized by the permit is suspended or abandoned for a period of 180 days at any time after the work is commenced.

Any person holding an unexpired permit, or where a permit has been expired for less than 180 days, under which work has commenced may apply for an extension of time to complete the work under that permit, provided no changes have been or will be made to the plans that were originally submitted to the City. Renewal fees shall be determined by the Building Official per the provisions of Yuba County Code Title X, Chapter 10.05, Article 4. Section 10.05.430.

Any person holding a permit expired for 180 days or more or a permit that has been revoked or voided shall be subject to the provisions for permit reinstatement per the provisions of Yuba County Code Title X, Chapter 10.05, Article 4. Section 10.05.430.

For the purpose of this section, commencement of work shall be defined as the successful completion, inspection, and approval of the entire foundation system for the permitted building or structure, including the placement of concrete. If the permit is for a building or structure that does not include a foundation, then the city's building official or designee will determine that the work has commenced if the Building Official or designee determines in his or her discretion that the amount of work completed shows a good faith effort to substantially perform the work authorized by the permit.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.050 **Section 106.2.6 Site plan—Amended.**

Section 106.2.6 Site plan, of the 2022~~19~~ California Existing Building Code is hereby amended to read as follows:

106.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale: the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design floor elevations; and the site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration, repair, or change of occupancy.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.060 **Section 106.4 Amended construction documents—Amended.**

Section 106.4 Amended construction documents, of the 2022~~19~~ California Existing Building Code is hereby amended to read as follows:

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents and shall pay a new plan review fee as determined by the Building Official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.070 **Section 106.5 Retention of construction documents—Amended.**

Section 106.5 Retention of construction documents, of the 2022~~19~~ California Existing Building Code is hereby amended to read as follows:

106.5 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or other applicable City ordinances, resolutions, and regulations.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.080 **Section 107.5 Permit required—Added.**

Section 107.5 Permit required, of the 2022~~19~~ California Existing Building Code is hereby added to read as follows:

107.5 Permit required. Temporary structures that cover an area greater than 120 square feet, including connecting areas or spaces with a common means of egress or entrance that are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated, or maintained for any purpose without first obtaining a permit from the Building Official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.090 **Section 107.6 Construction documents—Added.**

Section 107.6 Construction documents, of the 2022~~19~~ California Existing Building Code is hereby added to read as follows:

107.6 Construction documents. A permit application and construction documents shall be submitted for each installation of a temporary structure. The construction documents shall include a site plan indicating the location of the temporary structure and information delineating the means of egress and the occupant load.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.100 Section 107.7 Location—Added.

Section 107.7 Location, of the 2022~~19~~ California Existing Building Code is hereby added to read as follows:

107.7 Location. Temporary structures shall be located in accordance with the requirements of Table 602 of the California Building Code based on the fire-resistance rating of the exterior walls for the proposed type of construction.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.110 Section 107.8 Means of egress—Added.

Section 107.8 Means of egress, of the 2022~~19~~ California Existing Building Code is hereby added to read as follows:

107.8 Means of egress. Temporary structures shall conform to the means of egress requirements of Chapter 10 of the California Building Code and shall have an exit access travel distance of 100 feet or less.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.120 Section 108.2 Schedule of permit fees—Amended.

Section 108.2 Schedule of permit fees, of the 2022~~19~~ California Existing Building Code is hereby amended to read as follows:

108.2 Schedule of permit fees. Permit fees and plan review fees are set forth in Chapter 15.02.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.130 Section 108.2.1 Investigation fees—Amended.

Section 108.2.1 Investigation fees, of the 2022~~19~~ California Existing Building Code is hereby amended to read as follows:

108.2.1 Investigation fees. For applications for reconstruction, rehabilitation, repair, alteration, addition, demolition, change of occupancy, or relocation of existing buildings, the Building Official is authorized to require the existing building to be investigated and evaluated. An investigation fee, as determined by the Building Official, is to be paid and shall be in addition to the required permit fee and plan check fee.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.140 Section 108.4 Work commencing before permit issuance—Amended.

Section 108.4 Work commencing before permit issuance, of the 2022~~19~~ California Existing Building Code is hereby amended to read as follows:

108.4 Work commencing before permit issuance. Any person who commences any work for which a permit is required without first having obtained such permit shall be subject to a fee established by the Building Official. Such fee shall be in addition to the required permit fee and plan review fee. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the

emergency work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so. If there is an unreasonable delay in obtaining such permit, the applicable fee shall be charged notwithstanding the earlier emergency.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.150 **Section 109.3.5 Lath or gypsum board inspection—Amended.**

Section 109.3.5 Lath or gypsum board inspection, of the ~~2022~~2019 California Existing Building Code is hereby amended to read as follows:

109.3.5 Lath or gypsum board inspection. Lath, gypsum board, and gypsum panel product inspections shall be made after lathing, gypsum board, and gypsum panel products, interior and exterior, are in place, but before panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.160 **Section 202 Code official definition—Amended.**

Section 202 Code official definition, of the ~~2022~~2019 California Existing Building Code is hereby amended to read as follows:

202 Code official definition. The officer or other designated authority charged with the administration and enforcement of this code shall be the Building Official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.13.170 **Section 302.7 Maintenance of existing buildings—Added.**

Section 302.7 Maintenance of existing buildings is hereby added to read as follows:

302.7 Maintenance of existing buildings. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the Building Official shall have the authority to require a building or structure to be re-inspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

Chapter 15.14

CALIFORNIA GREEN BUILDING STANDARDS CODE

§ 15.14.010 **Adoption of Code.**

The ~~2022~~2019 California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations) and Appendices A4 and A5 to such Code, as published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, are hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the additions set forth in this chapter. Copies of these documents are maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.14.020 Tier voluntary measures.

The tier requirements and measures set forth in Appendices A4 and A5 are not adopted as mandatory but may voluntarily be included in any level or degree by the owner or applicant of any permit.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.14.030 Recycling of construction and demolition debris.

- A. Persons applying for a permit from the city for new construction and building additions and alterations that are within the scope of the CalGreen Building Standards, Title 24 of the California Code of Regulations, Part 11, as may be amended shall comply with the construction and demolition debris diversion requirements pursuant to Sections 4.408 and 5.408 of the same. Project applicants shall also comply with all written and published city policies and/or administrative guidelines regarding the provision of a construction waste management plan; construction waste management plan acknowledgment by the project contractor and subcontractors; and, construction waste management plan compliance documentation. Project applicants must, as a condition of city's permit approval, comply with the following:
1. For projects where five or more multifamily dwelling units are to be constructed on a building site, the project applicant shall identify and provide readily accessible areas that serve occupants of all buildings on the site for the storage and collection of nonhazardous materials for recycling, including recyclable materials and organic waste materials collected in the city's solid waste collection program, in compliance with Section 4.410.2 of the California Green Building Standards Code, 24 CCR, Part 11.
 2. For projects that involve new commercial construction or additions resulting in an increase to floor area of thirty percent or more the project applicant shall identify and provide readily accessible areas for the storage and collection of nonhazardous materials for recycling, including recyclable materials and organic waste materials collected in the city's solid waste collection program, in compliance with Sections 5.410.1 and 5.410.1.2 of the CALGreen Building Standards, as may be amended. Section 5.410.1.2 references the space allocation sample ordinance developed pursuant to Chapter 18, Part 3, Division 30 of the California Public Resources Code, known as the California Solid Waste Reuse and Recycling Access Act of 1991, which took effect in the city September 1, 1993, as the city did not adopt an alternate ordinance.
- B. Inspections and Investigations.
1. City representatives and/or its designated entity, including designees, are authorized to conduct inspections and investigations, at random or otherwise, of any project site, collection container or collection vehicle loads to confirm compliance with this section by commercial businesses (including multifamily residential dwellings); property owners; building/demolition/landscaping contractors; or other entity subject to applicable laws. This section does not allow city representatives and/or its designated entity, including designees to enter the interior of a private residential property for inspection.
 2. Regulated entities shall provide or arrange for access during all inspections (with the exception of residential property interiors) and shall cooperate with the city's representative(s) or its designated entity/designee during such inspections and investigations. Such inspections and investigations may include confirmation of proper solid waste collection services, proper placement of materials in containers, records, or any other requirement of this section. Failure to provide or arrange for: (a) access to an entity's premises; or (b) access to records for any inspection or investigation is a violation of this section and may result in penalties described.
 3. Any records obtained by the city during its inspections or investigations, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth

in Government Code Section 6250 et seq.

4. City representatives, its designated entity, and/or designee are authorized to conduct any inspections, or other investigations as reasonably necessary to further the goals of this section, subject to applicable laws.
 5. The city shall receive written complaints from persons regarding an entity that may be potentially noncompliant with this section, including receipt of anonymous complaints.
- C. Enforcement.
1. Violation of any provision of this section shall constitute grounds for issuance of a notice of violation and assessment of a fine by a city enforcement official or representative. Enforcement actions under this section are issuance of an administrative citation and assessment of a fine. The city's procedures on imposition of administrative fines, pursuant to Chapter 1.18 of this code are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this section and any rule or regulation adopted pursuant to this section, except as otherwise indicated.
 2. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The city may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The city may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of city staff and resources.
 3. Entity Responsible for Enforcement.
 - a. Enforcement pursuant to this section may be undertaken by the city enforcement official(s) or their designated entity, legal counsel, or combination thereof.
 - b. City enforcement official(s) will interpret this section; determine if violation(s) have occurred; implement enforcement actions; and, determine if compliance standards are met.
 - c. City enforcement official(s) may issue notices of violation(s).
 4. Process for Enforcement.
 - a. City enforcement official(s) and/or their designee will monitor compliance with this section randomly and through compliance reviews, investigation of complaints, and an inspection program.
 - b. The city may issue an official notification to notify regulated entities of its obligations under the chapter.
 - c. The city shall issue a notice of violation requiring compliance within sixty days of issuance of the notice
 - d. Absent compliance by the respondent within the deadline set forth in the notice of violation, the city shall commence an action to impose penalties, via an administrative citation and fine, pursuant to this section. Notices shall be sent to the commercial business (including multi-family residential dwellings); property owner; building/demolition/landscaping contractor; or, other entity responsible for the violation.
 5. Penalties. Penalties will be assessed as follows:
 - a. For a first violation, the amount of the base penalty shall be fifty dollars per violation.
 - b. For a second violation, the amount of the base penalty shall be one hundred dollars per violation.

- c. For a third or subsequent violation, the amount of the base penalty shall be two hundred fifty dollars per violation.
- 6. Compliance Deadline Extension Considerations.
 - a. The city may extend the compliance deadlines set forth in a notice of violation issued in accordance with subsection if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:
 - i. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters; or
 - ii. Delays in obtaining discretionary permits or other government agency approvals.
- 7. Appeals. Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with the city's procedures in the city's codes for appeals of administrative citations. Evidence may be presented at the hearing. The city will appoint a hearing officer who shall conduct the hearing and issue a final written order.
- 8. Education Period for Noncompliance. Beginning on the effective date of the ordinance codified in this section and through December 31, 2023, the city will conduct inspections and compliance reviews, depending upon the type of regulated entity, to determine compliance, and if the city determines that a commercial business (including multifamily residential dwellings); property owner; building/demolition/landscaping contractor; or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this section and a notice that compliance is required immediately, and that violations may be subject to administrative civil penalties starting on January 1, 2024.
- 9. Civil Penalties for Noncompliance. Beginning January 1, 2024, if the city determines that a commercial business (including multifamily residential dwellings); property owner; building/demolition/landscaping contractor; or, other entity is not in compliance with this section, it shall document the noncompliance or violation, issue a notice of violation, and take enforcement action pursuant to this subsection, as needed.

(Ord. 485 § 4, 2022)

Chapter 15.15 CALIFORNIA REFERENCED STANDARDS CODE

§ 15.15.010 Adoption of Code.

The ~~2022~~19 California Referenced Standards Code (Part 12 of Title 24 of the California Code of Regulations), published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~ and the California Building Standards Commission, ~~2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936~~, is hereby adopted by reference and incorporated in the Wheatland Building Code, subject to the amendments, deletions or additions set forth in this chapter. A copy of this document is maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

Chapter 15.16 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

§ 15.16.010 Adoption of Code.

The 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Code

Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~, is adopted by reference and incorporated into the Wheatland Building Code, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the building department.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.16.020 Conflicts.

In the event of any conflicts between this code and the provisions and requirements of the adopted California Title 24 Codes (Part 1 through Part 12) adopted in Title 15 of the Wheatland Municipal Code, the provisions of the adopted California Title 24 Codes (Part 1 through Part 12) shall apply.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

Chapter 15.17
1997 UNIFORM HOUSING CODE

§ 15.17.010 Adoption of Code.

The 1997 Uniform Housing Code, published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~, is adopted by reference and incorporated into the Wheatland Municipal Code, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the building department.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

§ 15.17.020 Conflicts.

In the event of any conflicts between this code and the provisions and requirements of the adopted California Title 24 Codes (Part 1 through Part 12) adopted in Title 15 of the Wheatland Municipal Code, the provisions of the adopted California Title 24 Codes (Part 1 through Part 12) shall apply.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

Chapter 15.18
2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 15.18.010 Adoption of Code.

The ~~2021~~¹⁸ International Property Maintenance Code, published by the International Code Council, ~~500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001~~, is hereby adopted by reference and incorporated in the Wheatland Building Code, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the city's building official.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018; Ord. 471 § 4, 2020)

§ 15.18.020 Conflicts.

In the event of any conflicts between this chapter and the provisions and requirements of Chapters **15.04** through **15.15**, inclusive, of this Code, the provisions and requirements in Chapters **15.04** through **15.15** shall apply.

(Ord. 451 § 5, 2013; Ord. 462 § 4, 2017; Ord. 469 § 4, 2018)

Chapter 15.19
EXPEDITED PERMITTING OF SMALL RESIDENTIAL ROOFTOP SOLAR

ENERGY SYSTEM PERMITS

Note: Prior ordinance history: Ord. 456.

§ 15.19.010 **Authority.**

The City of Wheatland hereby designates the County of Yuba building department as the authority for implementing the City's compliance with the required State of California process for expedited permitting of "small residential rooftop solar energy systems," and also adopts along the installation requirements set forth in Sections **15.19.020** and **15.19.030**.

"Small residential rooftop solar energy system" shall have the same meaning as provided in the Solar Rights Act, Government Code Section 65850.5(j)(3), as the same may be amended from time to time.

(Ord. 469 § 4, 2018)

§ 15.19.020 **Fire department roof access point.**

For fire department roof access, the roof access point shall NOT be located on a residential garage roof.

(Ord. 469 § 4, 2018)

§ 15.19.030 **Location of electrical conduit located under a roof.**

Electrical conduit used for the installation of "small residential rooftop solar energy systems" that is run within the building attic space shall be located at a minimum distance of twelve inches below the bottom surface of the roof sheathing.

(Ord. 469 § 4, 2018)

Chapter 15.20

FLOODPLAIN MANAGEMENT

§ 15.20.010 **Findings of fact.**

- A. The flood hazard areas of the City of Wheatland are subject to periodic inundation that could result 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.
- B. These flood losses are caused in part by land uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards, which increase flood heights and velocities, also contribute to the flood loss.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.020 **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 to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;

- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. 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 blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.030 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to accomplish the following:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development that may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers that could unnaturally divert floodwaters or that could increase flood hazards in other areas.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.040 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 “Special flood hazard area.”

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than two cars; or
2. A small, low cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means 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" means 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" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; 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 "Special flood hazard area."

"Base flood" means a flood which has a one percent 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) for existing development, means 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 or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

Building. See "Structure."

"Central Valley Flood Protection Plan" or "CVFPP" means the flood protection plan that is being prepared by the Central Valley Flood Protection Board and that is approved by the Central Valley Flood Protection Board pursuant to Water Code Section 9612, including any amendments or updates to the plan.

"City" means the City of Wheatland, California.

"City council" means the city council of the city.

"Development" means any man-made 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" means 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" means 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 the effective date of the initial floodplain management regulations adopted by the city.

"Expansion to an existing manufactured home park or subdivision" means 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).

"FEMA" means the Federal Emergency Management Agency.

"Flood," "flooding" or "flood water" means:

1. 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
2. The condition resulting from flood-related erosion.

"Flood hazard boundary map," "flood boundary" and "floodway map" (FBFM) mean 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 rate map (FIRM)" means 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" means 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" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flooding."

"Floodplain administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means 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" means 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.

"Floodproofing" means 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" means 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. Also referred to as "regulatory floodway."

"Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"Fraud and victimization" means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred 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, while 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" means 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 ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Governing body" means the city council of the City of Wheatland.

"Hardship" means the exceptional hardship that would result from a failure to grant the requested variance. The city council 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" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. 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;
2. 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;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. 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.

"In or adjacent to" as applied to areas of special flood hazard, means an area beyond the area of special flood hazard to a point where the existing ground elevation is one foot above the based flood elevation.

"Levee" means a man-made 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" means 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" means the lowest floor of the lowest enclosed area, including basement (see "basement" definition). 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 non-elevation design requirements, including, but not limited to:

1. The flood openings standard in Section **15.20.150(D)**;
2. The anchoring standards in Section **15.20.150(B)**;
3. The construction materials and methods standards in Section **15.20.150(C)**; and
4. The standards for utilities in Section **15.20.160**.

"Manufactured home" means 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" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the 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 the effective date of floodplain management regulations adopted by the city, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means 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 floodplain management regulations adopted by the city.

"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.

"One-hundred-year flood" or "100-year flood." See "Base flood."

"Program deficiency" means 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" 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, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

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

"Regulatory floodway" means 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.

"Remedy a violation" means 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 impacts 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" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet flow area. See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1 A30, 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 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 manufacture 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" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means:

1. 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 of the market value of the structure before the damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss."

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent 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:

1. Any project for improvement of a structure to correct existing violations or 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
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

"Water surface elevation" means 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" means 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. 380 § 3, 2003; Ord. 412 § 2, 2009; Ord. 429 § 3, 2011; Ord. 451 § 4, 2013)

§ 15.20.050 **Applicability.**

This chapter shall apply to all special flood hazard areas located within the city.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.060 **Basis for establishing special flood hazard areas.**

The areas of special flood hazard identified by the Federal Insurance Administration of FEMA in a scientific

and engineering report entitled "Flood Insurance Study for the City of Wheatland" (FIS) dated, September 29, 1986 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated, September 29, 1986, and all subsequent amendments and/or revisions to the FIS, FIRMs and FBFMs, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas that allow implementation of this chapter and that are approved by the city council. The FIS, FIRMs and FBFMs are on file at City Hall, 313 Main Street, Wheatland, CA 95692.

(Ord. 380 § 3, 2003; Ord. 429 § 4, 2011; Ord. 451 § 4, 2013)

§ 15.20.070 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. Any person violating a provision of this chapter shall be guilty of a misdemeanor and punishable as provided in Section **1.16.010**. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.080 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 chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.090 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the city; and
- C. Deemed neither to limit nor repeal any other powers granted under federal, state or local law.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.100 Warning and disclaimer of liability.

The degree of flood protection provided 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 man-made 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 city officer, employee or agent, State of California, or the federal government for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under this chapter.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.110 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section **15.20.060**. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or

proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. All elevations shall be at Northern American Vertical Datum (NAVD) 88 datum, as may be re-revised from time to time. Specifically, the following information is required.

A. Site plan, including, but not limited to:

1. For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site; and
2. Proposed locations of water supply, sanitary sewer, and utilities; and
3. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map, or other source recommended by the floodplain administrator and adopted by the city council; and
4. If applicable, the location of the regulatory floodway.

B. Foundation design detail, including but not limited to:

1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
2. For a crawl-space foundation, location and total net area of foundation openings as required in Section **15.20.150(D)** and FEMA Technical Bulletins 1-93 and 7-93; and
3. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent using the Standard Proctor Test method).

C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section **15.20.150(D)(2)** and FEMA Technical Bulletin TB 3-93.

D. All appropriate certifications listed in Section **15.20.130(D)**.

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

(Ord. 380 § 3, 2003; Ord. 429 § 5, 2011; Ord. 451 § 4, 2013)

§ 15.20.120 Designation of floodplain administrator.

The floodplain administrator is hereby authorized to administer, implement and enforce this chapter, including the granting or denying development permits in accord with its provisions.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.130 Duties and responsibilities of floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding; and

4. 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. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Base Flood Data Review. Obtain, review and utilize base flood data as follows:

1. When base flood elevation data has not been provided in accordance with Section **15.20.060**, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections **15.20.150** through **15.20.200**. Any such information shall be submitted to the city council for adoption.

2. If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication “Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations,” dated July 1995 in order to administer Sections **15.20.150** through **15.20.200**:

a. Simplified Method.

i. One-hundred-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and

ii. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or

b. Detailed Method.

i. One-hundred-year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers’ HEC-HMS computer program; and

ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers’ HEC-RAS computer program.

C. Notification of Other Agencies.

1. Alteration or Relocation of a Watercourse.

a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation Changes Due to Physical Alterations.

a. Within six 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.

- c. 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.
3. 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 within six months after such changes occur.
- D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
 1. Certification required by Section **15.20.150(D)(1)** and **15.20.180** (lowest floor elevations);
 2. Certification required by Section **15.20.150(D)(2)** (elevation or floodproofing of nonresidential structures);
 3. Certification required by Section **15.20.150(D)(3)** (wet floodproofing standard);
 4. Certification of elevation required by Section **15.20.170(B)** (subdivision standards);
 5. Certification required by Section **15.20.200(A)** (floodway encroachments).
- E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section **15.20.210**.
- F. Remedial Action. Take action to remedy a violation of this chapter as specified in Section **15.20.070** and as otherwise authorized by law. To remedy a violation means to bring the structure or other development into compliance with federal, state and city floodplain management regulations, or, if this is not possible or feasible, to reduce the impacts of its noncompliance. Means to reduce impacts 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 federal, state and city financial exposure with regard to the structure or other development.
- G. Other Duties.
 1. Complete and submit the city’s biennial report to FEMA.
 2. Ensure that the city’s general plan is consistent with floodplain management objectives herein.
 3. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator may:
 - a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;
 - b. Enter into a “non-conversion agreement for construction within flood hazard areas” or equivalent with property owners within the city. The agreement shall be recorded with the Yuba County recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the floodplain administrator; and

- c. Inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least seventy-two hours.

(Ord. 380 § 3, 2003; Ord. 429 §§ 6, 7, 2011; Ord. 451 § 4, 2013)

§ 15.20.140 Appeals.

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.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.150 Standards of construction.

The following standards shall apply in all special flood hazard areas:

- A. **Prohibition of Adverse Affects on Surrounding Property.** Lands included within any flood hazard zone on the FEMA Flood Insurance Map, or other “best available information” source (as determined by the floodplain administrator per Section **15.20.110(A)(3)**), shall not be subdivided, developed or graded until the owner or developer submits a plan certified by a registered civil engineer to, and approved by, the floodplain administrator. This plan shall show how all development will be flood-proofed in conformance with this chapter in a manner, which will not have an adverse effect on surrounding property.
- B. **Anchoring.**
 1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. All manufactured homes shall meet the anchoring standards of Section **15.20.180**.
- C. **Construction Materials and Methods.** All new construction and substantial improvement shall be constructed.
 1. With flood-resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
 2. Using methods and practices that minimize flood damage;
 3. 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; and if
 4. In or adjacent to Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- D. **Elevation and Floodproofing.**
 1. Residential construction, new or substantial improvement, shall have the lowest floor (including basement) elevation established in accordance with the following:
 - a. In an AO zone, elevated above the highest adjacent grade to a height one foot above the depth number specified in feet on the FIRM, or elevated at least three feet above the highest adjacent grade if no depth number is specified;

- b. In or adjacent to an A zone, elevated at least one foot above the base flood elevation (as determined pursuant to Section **15.20.130(B)**);
- c. In or adjacent to all other zones, elevated at least one foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the city building official to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

- 2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection **(D)(1)** of this section or together with attendant utility and sanitary facilities:
 - a. Be floodproofed below the elevation recommended under subsection **(D)(1)** of this section so that the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the floodplain administrator.
- 3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and 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 floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:
 - a. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot 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 floodwater; or
 - b. Be certified by a registered professional engineer or architect.
- 4. Manufactured homes also shall meet the standards in Section **15.20.180**.
- 5. Crawl Space Construction. This subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
 - b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
 - c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
 - d. Portions of the building below the BFE must be constructed with materials resistant to flood damage.

This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

- e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - i. The interior grade of a crawl space below the BFE must not be more than two feet below the low-est adjacent exterior grade (LAG), shown as D in Figure 3 of Technical Bulletin 11-01;
 - ii. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in Figure 3 of Technical Bulletin 11-01) at any point;
 - iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed seventy-two hours; and
 - iv. The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

(Ord. 380 § 3, 2003; Ord. 429 § 8, 2011; Ord. 440 § 2, 2012; Ord. 451 § 4, 2013)

§ 15.20.160 Standards for utilities.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - 1. Infiltration of floodwaters into the systems, and
 - 2. Discharge from the systems into floodwaters.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.170 Standards for subdivisions.

- A. All preliminary subdivision proposals shall identify the special flood hazard area and the base flood elevation.
- B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled at least two feet above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage and shall ensure a 1-in-100 year level of flood protection.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. 380 § 3, 2003; Ord. 429 § 9, 2011; Ord. 451 § 4, 2013)

§ 15.20.180 **Standards for manufactured homes.**

A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of subsection A of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that the:

1. The lowest floor of the manufactured home is at least one foot above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed surveyor, and verified by the city building department to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(Ord. 380 § 3, 2003; Ord. 429 §§ 10, 11, 2011; Ord. 451 § 4, 2013; Ord. 461 § 2, 2016)

§ 15.20.190 **Standards for recreational vehicles.**

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

- A. Be on the site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use; a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
- B. Meet the permit requirements of Sections 15.20.110 through 15.20.140 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.20.180(A).

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.200 **Standards for floodways.**

Areas designated as floodways shall be included within areas of special flood hazard. Because 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 to development in a floodway:

- A. The city shall prohibit encroachments, including fill, new construction, substantial improvement, and

other new development, unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

- B. If subsection A of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections **15.20.150** through **15.20.200**.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.210 Variance procedure.

- A. The variance criteria set forth in Sections **15.20.210** through **15.20.230** 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 from the application of a provision of this chapter may be granted by the city council 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.
- B. It is the duty of the city council 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 chapter are quite rare. The 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.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.220 Variance criteria.

- A. In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the following criteria:
1. Danger that materials may be swept onto other lands to the injury of others;
 2. Danger of life and property due to flooding or erosion damage;
 3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 4. Importance of the services provided by the proposed facility to the community;
 5. Necessity to the facility of a waterfront location, where applicable;
 6. Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 7. Compatibility of the proposed use with existing and anticipated development;
 8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 11. 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.
- B. A variance shall not be approved if it causes fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred 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, while 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.
 - C. A variance shall not be approved if it results in anything that is injurious to the safety or health of the city or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any watercourse.
 - D. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 1. 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 dollars for one hundred dollars of insurance coverage; and
 2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Yuba County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
 - E. 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 FEMA Federal Insurance Administration.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.230 Conditions for variances.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.20.060 through 15.20.200 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum deviation from the

requirements of this chapter necessary or appropriate to afford relief. 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 that the city council believes will both provide relief and preserve the integrity of the local chapter.

- E. Variances shall only be issued if the city council makes the following findings:
1. Determination that the city council has considered and evaluated the criteria of Section **15.20.220**;
 2. Determination that there has been a showing of good and sufficient cause to justify the variance;
 3. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 4. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
- F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions 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 does not result in additional threats to public safety and does not create a public nuisance.
- G. Upon consideration of the criteria of Section **15.20.220** and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary or appropriate to further the purposes of this chapter.

(Ord. 380 § 3, 2003; Ord. 451 § 4, 2013)

§ 15.20.900 Severability.

This chapter and the various sections thereof are hereby declared to be severable. Should any section of this chapter be declared by any court to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any section thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 429 § 12, 2011; Ord. 451 § 4, 2013)