

## Title 15

### BUILDINGS AND CONSTRUCTION

#### Chapters:

<u>15.04</u>	<u>Permit Regulations</u>
<u>15.08</u>	<u>Adoption and Applicability of Codes</u>
<u>15.12</u>	<u>Administration and Enforcement</u>
<u>15.18</u>	<u>Uniform Fire Code</u>
<u>15.24</u>	<u>Uniform Sign Code</u>
<u>15.32</u>	<u>Floodplain Management</u>
<u>15.36</u>	<u>Water Conservation</u>

#### Chapter 15.04

### PERMIT REGULATIONS

#### Sections:

15.04.010	Required--Application--Issuance.
15.04.020	Inspection of work required--Rate.
15.04.040	Permit required for relocating structure-- Exception.
15.04.050	Offsite improvement construction required as permit condition.

#### 15.04.010 Required--Application--Issuance.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the city or cause the same to be done, or cause or permit to be done any plumbing or drainage work or install within or on any building, structure or premises any electric wiring, devices, appliances or equipment or alter or add to any existing wiring, devices, appliances or equipment without first obtaining a separate building, plumbing and electrical permit for each such building or structure. Such permit shall be issued by the city building department upon deposit with the city building department of fees to be paid under this section. Permits shall be issued only at a regular meeting of the city council and application for such permit shall be made at least ten (10) days before

such regular meeting. (Ord. 232 (part), 1989; Ord. 9 §1(part), 1960).

15.04.020 Inspection of work required--Rate.

All work for which a permit is required by this chapter shall be subject to inspection by authorized inspectors appointed by the city building department who shall be paid by the permittee for inspection at the rate of five dollars (\$5.00) per hour or fraction thereof of inspection, the first payment therefor to be paid out of the deposit required to be made on issuance of the permit. No work authorized by the permit shall be done without prior and continuous inspection thereof by the inspectors. All work shall be done in accordance with construction standards acceptable to city which standards are by this title determined to be the standards of construction presently required by the county for such work in urban areas. (Ord. 232 (part), 1989; Ord. 9 §1(part), 1960).

15.04.040 Permit required for relocation structure--  
Exception.

No person, firm or corporation shall relocate on or move onto any premises in the city any building or structure, except a contractor's tool house, construction building or similar structure which is moved as construction requires, until he first obtains from the city building department a relocation permit, according to the provisions of the county code adopted by reference by Chapter 15.08. (Ord. 232 (part), 1989; Ord. 65 §11, 1969).

15.04.050 Offsite improvement construction required as  
permit condition.

Whenever a building permit is required pursuant to this chapter, the city may require the construction of certain offsite improvements as a condition to issuance of said permit, and no final building inspection shall be performed or occupancy permit issued until such time as said offsite improvements have been completed and accepted by the city; provided, however, that where practical difficulties or unnecessary hardships result from the strict application of the requirements of this section, a variance may be granted by the city council upon the application to the city council by the permittee stating the reasons why a variance should be granted. The scope and in-

stallation of offsite improvements required by this section shall be in accordance with the provisions of Chapter 16.16 of this code and the city's adopted improvement standards. (Ord. 232 (part), 1989).

## Chapter 15.08

### ADOPTION AND APPLICABILITY OF CODES

#### Sections:

- 15.08.010 Adopted codes designated.
- 15.08.020 Definitions.
- 15.08.030 Copies on file.
- 15.08.040 Compliance with provisions required.
- 15.08.050 Applicability of other provisions.

#### 15.08.010 Adopted codes designated.

Pursuant to the provisions of Section 50022.2 to 50022.9, both inclusive, of the Government Code of the state, the city council does adopt by specific reference and incorporation in this chapter by such reference, the provisions, rules and regulations specified as set forth in the following Uniform Codes and sections of the Kern County Ordinance Code, all of which are collectively referred to in this chapter as "the codes":

- A. Uniform Building Code, current edition as adopted by county;
- B. Uniform Mechanical Code, current edition as adopted by county;
- C. Uniform Housing Code, current edition as adopted by county;
- D. Uniform Plumbing Code, current edition as adopted by county;
- E. Uniform Code for the Abatement of Dangerous Buildings, current edition as adopted by county;
- F. National Electric Code, current edition as adopted by county;
- G. Sections 19100 through 19151 of the Health and Safety Code (Division 13, Part 3, chapter 2, Articles 1-3, "Earthquake Protection") of the state;
- H. Repealed.

I. Uniform Solar Energy Code, current edition as published by International Association of Plumbing and Mechanical Officials, Walnut, CA 91789;

J. Building valuation data and building and plan check fees as adopted by county. (Ord. 282, 1996: Ord. 281 §1(A), 1996; Ord. 232 (part), 1989: Ord. 229 §1, 1988; Ord. 158, 1980; Ord. 111 §§1, 2, 1975; Ord. 90 §§1, 2, 3, 1972; Ord. 74 §1, 1970; Ord. 67 §2, 1969; Ord. 65 §2, 1969).

#### 15.08.020 Definitions.

A. Whenever in any of the codes the following names or terms are used, such name or term shall have the meaning ascribed to it by this section, as follows:

1. "Building official," "plumbing official," "chief electrical inspector," "chief engineer," "director of public works of the county," "director of building inspection" means the building inspector of the city.

2. "Building department" means the city building department.

3. "City" means the city of Arvin.

4. "City clerk" means the clerk of the city.

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

6. "County," "Kern County," "County of Kern," "Unincorporated territory or the county of Kern," each means the city of Arvin.

7. "County treasurer" means the city treasurer.

8. "Board of Supervisors" means the city council.

9. "Board of appeals" means the board of appeals provided for in Section 204 of the Uniform Building Code.

10. "Fire chief" means the fire chief of the city.

11. "Housing act" means the State Housing Act.

11.1. "Kern County Building Code" means the building codes of the city.

11.2. "Kern County Mechanical Code" means the mechanical codes of the city.

11.3. "Kern County Housing Code" means the housing codes of the city.

11.4. "Kern County Dangerous Buildings Code" means the dangerous buildings codes of the city.

11.5. "Kern County Plumbing Code" means the plumbing codes of the city.

11.6. "Kern County Electrical Code" means the electrical codes of the city.

11.7. "Kern County Building Moving Regulations" means the building moving regulations of the city.

11.8. "Kern County Solar Energy Code" means the solar energy codes of the city.

11.9. "Road commissioner" means the city engineer of the city.

12. "State" means the state of California.

B. For the purpose of this chapter, all titles, headings, descriptions, definitions and all other terminology contained in the primary codes and the secondary codes adopted in this chapter by reference shall mean their equivalent for the city government. (Ord. 232 (part), 1989; Oth. 11 §3, 1975; Ord. 65 §6, 1969).

15.08.030 Copies on file.

Not less than one copy of each of the codes designated in Section 15.08.010, and any secondary code pertaining thereto, all certified to be true copies by the city clerk, are on file for the use and examination by the public in the office of the city clerk. (Ord. 232 (part), 1989; Ord. 65 §3, 1969).

15.08.040 Compliance with provisions required.

It is unlawful for any person, firm or corporation to make, or cause to be made, any work of improvement within the city limits otherwise than in accordance with the provisions set forth in this chapter and the codes adopted by reference by this chapter. (Ord. 65 §3, 1969).

15.08.050 Applicability of other provisions.

Anything in this chapter or the codes to the contrary notwithstanding, this chapter shall not be interpreted as permitting any person, firm or corporation to conduct any business, profession or occupation without complying with the provisions of the business license ordinance of the city, or any other city ordinance. (Ord. 65 §13, 1969).

## Chapter 15.12

### ADMINISTRATION AND ENFORCEMENT

#### Sections:

- 15.12.010 Administration and enforcement.
- 15.12.020 City liability.
- 15.12.030 Citation issuance.

#### 15.12.010 Administration and enforcement.

The building inspector shall have the duty of enforcement and administering all the codes adopted in Chapter 15.08, but he may delegate any part of such enforcement and administration to such other city employees or officers as he may appoint and whom he deems qualified to perform the duties involved. All persons charged or delegated with enforcing any of the provisions of the codes shall have the powers of police officers. The building inspector is also designated as the city enforcement official referred to in Section 19121 and 19122 of the State Health and Safety Code. Should at any time the city enter into an agreement with any political entity for the enforcement and administration of this title and the codes by such other political entity, the appropriate officers or employees of such other political entity holding the office corresponding to the building inspector shall have all of the duties and powers given by this chapter to the city building inspector. (Ord. 232 (part), 1989; Ord. 65 §7, 1969).

#### 15.12.020 City liability.

This title shall not be construed as imposing upon the city any liability or responsibility for damage resulting from defective building, plumbing or electrical work; nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder; nor shall any person performing any duties under a written agreement between the city and any other political entity be held as assuming such liability or responsibility by reason of the inspection authorized thereunder; nor shall any person performing any duties under a written agreement between the city and any other political entity

be held as assuming such liability or responsibility by reason of the inspection authorized under this title and the codes. (Ord. 65 §8, 1969).

15.12.030 Citation issuance.

The city building inspector is granted the authority and power to issue citations to appear in court to any person or entity found by him to be in violation of any ordinance or code of the city pertaining to health and safety, buildings and construction, subdivision, zoning and related ordinances and codes. (Ord. 162 §1, 1981).

Chapter 15.18

UNIFORM FIRE CODE

Sections:

15.18.010 Adoption of Fire Code.

15.18.010 Adoption of Fire Code.

Chapter 17.32 of the Kern County Ordinance Code as amended from time to time hereafter is adopted in its entirety as the Fire Code of the city of Arvin. (Ord. 326 §2, 2002).

Chapter 15.24

UNIFORM SIGN CODE

Sections:

- 15.24.010 Document adopted by reference--Copies for public use.
- 15.24.020 Planning director to be building official.
- 15.24.030 Uniform Sign Code--Sections deleted.
- 15.24.040 Uniform Sign Code--Tables 4-B and 4-C amended--Projecting signs.
- 15.24.050 Compliance with zoning regulations.
- 15.24.060 Construction of signs--Permit issuance conditions.
- 15.24.070 Signs--Exemptions to permit requirement.

- 15.24.080 Fees for sign permits.
- 15.24.090 Plan checking fees.

15.24.010 Document adopted by reference--Copies for public use.

Except as hereinafter provided in this chapter, that certain Uniform Sign Code known and designated as the "Uniform Sign Code, 1988 Edition," sponsored and copyrighted by the International Conference of Building Officials, as modified and amended in this chapter, three (3) copies of which are filed in the office of the city clerk for use and examination by the public, is hereby adopted by reference, and is hereby declared to be the Sign Code of the city for the purpose of regulating the construction, maintenance, use and removal of signs. (Ord. 232 (part), 1989; Ord. 139 §2, 1978).

15.24.020 Planning director to be building official.

As used in the Uniform Sign Code, the term "building official" shall mean the planning director of the city, or his designated representative, who is charged with enforcement of this chapter. (Ord. 139 §3, 1978).

15.24.030 Uniform Sign Code--Sections deleted.

The following provisions are hereby deleted from the Uniform Sign Code:

- Section 103(d), Violations and Penalties;
- Section 301, Permits Required (last sentence);
- Section 303, Exemptions;
- Section 304, Fees. (Ord. 139 §4, 1978).

15.24.040 Uniform Sign Code--Tables 4-B and 4-C amended--Projecting signs.

A. Table No. 4-B of the Uniform Sign Code is amended as follows:

"TABLE NO. 4-B  
PROJECTION OF SIGNS

<b>Clearance</b>	<b>Maximum Projection</b>
Less than 8 feet	Not permitted
8 feet	1 foot
8 to 16 feet	1 foot plus 6 inches for each foot of clearance in excess of 8 feet
Over 16 feet	At least 2 feet back of curblines"

"TABLE NO. 4-C  
THICKNESS OF PROJECTING SIGN

<b>Projection</b>	<b>Maximum Thickness</b>
5 feet +	2 feet
4 feet	2 feet 6 inches
3 feet	3 feet
2 feet	3 feet 6 inches
1 foot	4 feet"

(Ord. 139 §8, 1978).

15.24.050 Compliance with zoning regulations.

All signs shall comply with the zoning ordinance of the city except as superseded in this chapter. (Ord. 139 §9, 1978).

15.24.060 Construction of signs--Permit issuance conditions.

No permit for any sign exceeding a height of fifty (50) feet from ground level shall be issued without prior approval of the city council. (Ord. 139 §10, 1978).

15.24.070 Signs--Exemptions to permit requirement.

The following signs shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance under this chapter and compliance by the owner with the provisions of this chapter or any other applicable law or ordinance regulating the same:

A. The changing of the advertising copy or message on a painted or printed sign only; except for theater mar-quees and similar signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exception;

B. Painting, repainting or cleaning of an advertis-ing structure or the changing of the advertising copy or message thereon shall not be considered an erection or al-teration which requires sign permit unless a structural change is made;

C. Signs less than six (6) feet above grade;

D. Real estate signs not exceeding twelve (12) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located;

E. Professional name plates not exceeding two (2) square feet in area;

F. Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions;

G. Signs denoting the architect, engineer or contractor, when placed upon work under construction and not exceeding twelve (12) square feet in area;

H. Memorial signs or tablets, names of buildings and the date of erection when cut into masonry surface, or when constructed of bronze or other incombustible materials;

I. Signs of public service companies indicating danger, and aids to service or safety;

J. Small portable signs under twelve (12) square feet, inside or outside a building, not over public property;

K. Construction signs for the duration of construction projects in residential areas. (Ord. 139 §5, 1978).

#### 15.24.080 Fees for sign permits.

A fee for each sign permit shall be paid established by resolution of the city council. (Ord. 139 §6, 1978).

#### 15.24.090 Plan checking fees.

Where plans and other pertinent information are required in accordance with applicable building codes, a plan check fee equal to one-half (1/2) the sign permit fee shall be paid to the building official. (Ord. 139 §7, 1978).

### Chapter 15.32

#### FLOODPLAIN MANAGEMENT

#### Sections:

- 15.32.010 Statutory authorization.
- 15.32.020 Findings of fact.
- 15.32.030 Statement of purpose.
- 15.32.040 Methods of reducing flood losses.
- 15.32.050 Definitions.
- 15.32.060 Lands to which this chapter applies.

- 15.32.070 Basis for establishing the areas of special flood hazard.
- 15.32.080 Compliance.
- 15.32.090 Abrogation and greater restrictions.
- 15.32.100 Interpretation.
- 15.32.110 Warning and disclaimer of liability.
- 15.32.120 Severability.
- 15.32.130 Establishment of development permit.
- 15.32.140 Designation of the floodplain administrator.
- 15.32.150 Duties and responsibilities of the floodplain administrator.
- 15.32.160 Appeals.
- 15.32.170 Standards of construction.
- 15.32.180 Standards for utilities.
- 15.32.190 Standards for subdivisions.
- 15.32.200 Standards for manufactured homes.
- 15.32.210 Standards for recreational vehicles.
- 15.32.220 Floodways.
- 15.32.230 Nature of variances.
- 15.32.240 Appeal board.
- 15.32.250 Conditions for variances.

15.32.010 Statutory authorization.

The legislature of the state of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Arvin does hereby adopt the following floodplain management regulations. (Ord. 327 §1(part), 2002).

15.32.020 Findings of fact.

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

B. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that increase flood heights

and velocities also contribute to the flood loss. (Ord. 327 §1(part), 2002).

15.32.030 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. 327 §1(part), 2002).

15.32.040 Methods of reducing flood losses.

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

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities, which 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 which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 327 §1(part), 2002).

15.32.050 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.

"Accessory use" means a use that 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 the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

"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 (1) to three (3) 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 (SFHA)."

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

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

"Base flood elevation" is the water surface elevation of the base flood at a given location.

"Building" - See "Structure."

"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 floodplain management regulations adopted by a community.

"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).

"Flood, flooding, or floodwater" 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 Boundary and Floodway Map (FBFM)" 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 floodway.

"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

"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 individual appointed to administer and enforce the floodplain management regulations, defined as the city engineer.

"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 the ordinance codified in 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.

"Flood-proofing" 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. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood-proofing.)

"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 (1) 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," as related to Sections 15.32.230 through 15.32.250 (Variances) of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council of the city of Arvin will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, 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" is the local governing unit, i.e., county or municipality, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship," as related to Sections 15.32.230 through 15.32.250 (Variances) of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The city council of the city of Arvin 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 al-

ternative 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, upstream and 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 the 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.

"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 structure, including basement (see "Basement" definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor

provided it conforms to applicable nonelevation design requirements, including, but not limited to:

- a. The wet flood-proofing standard in Section 15.32.170(E);
- b. The anchoring standards in Section 15.32.170(A);
- c. The construction materials and methods standards in Section 15.32.170(B); and
- d. The standards for utilities in Section 15.32.180.

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

a. In a nonelevated building, the lowest floor used for rating (formerly called "reference level" or "reference level floor") is the lowest floor including a basement, if any.

b. In an elevated building, the lowest floor used for rating is the lowest elevated floor, with the following exceptions in zones A, AE, A1-A30, AH, AO, AR and AR Dual, the floor of an enclosed area below the lowest elevated floor is the building's lowest floor if one (1) or more of the following conditions are met:

i. The enclosed space is finished (having more than twenty (20) linear feet of finished wall-paneling, etc.); or

ii. The enclosed space is used for other than building access (stairwells, elevators, etc.), parking, or storage; or

iii. The enclosed space has no proper openings; or

iv. The enclosed space has walls that prevent the entry and exit of floodwaters (i.e., the walls are not insect screening or lattice work).

"Manufactured home" means a structure, transportable in one (1) 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 (2) 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. 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. 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 National Geodetic Vertical Datum (NGVD) of 1929 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 this community, 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 this community.

"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 (100) year flood" or "100-year flood" - See "Base flood."

"Public safety and nuisance," as related to Sections 15.32.230 through 15.32.250 (Variances) of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Receive and Discharge Study" is an evaluation of water flows with respect to a parcel of land to determine water flow conveyance at the boundary condition and interior development of said parcel of land.

"Recreational vehicle" means a vehicle that is:

1. Built on a single chassis;
2. Four hundred (400) 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 (1) 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 having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as zones A, AO, A1-A30, AE, A99, AH or identified by the floodplain administrator.

1. Zone A is the flood insurance rate zone that corresponds to the one hundred (100) year floodplains that is determined in the Flood Insurance Study by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no base flood elevations or depths are shown within this zone.

2. Zone AO is the flood insurance rate zone that corresponds to the one hundred (100) year shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

3. Zones AE and A1-A30 are the flood insurance rate zones that correspond to the one hundred (100) year floodplains that are determined in the Flood Insurance Study by detailed methods. In most instances, base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

4. Zone A99 is the flood insurance rate zone that corresponds to areas of the one hundred (100) year floodplains that will be protected by a federal flood protection system where construction has reached specified statutory milestones. No base flood elevations or depths are shown in this zone.

5. Zone AH is the flood insurance rate zone that corresponds to the one hundred (100) year shallow flooding with a constant water surface elevation (usually areas of ponding) where average depths are between one (1) and three (3) feet. The base flood elevations derived from detailed hydraulic analyses are shown at selected intervals within this zone.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring

of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home. It also means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

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

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that 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 that 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 chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), 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. 327 §1(part), 2002).

15.32.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city of Arvin. (Ord. 327 §1(part), 2002).

15.32.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRMs), dated August 4, 1987, and all subsequent amendments and/or revisions, 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 which allow implementation of this chapter and which are recommended to the city council of the city of Arvin by the floodplain administrator. The study, FIRMs and FBFMs are on file at the Arvin City Hall, 200 Campus Drive, Arvin, CA 93203. (Ord. 327 §1(part), 2002).

15.32.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council of the city of Arvin from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 327 §1(part), 2002).

15.32.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 327 §1(part), 2002).

15.32.100 Interpretation.

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

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 327 §1(part), 2002).

15.32.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by 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 council of the city of Arvin, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any

administrative decision lawfully made hereunder. (Ord. 327 §1(part), 2002).

15.32.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 327 §1(part), 2002).

15.32.130 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 15.32.070. 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 elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. 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 (20) foot or smaller intervals along the foundation footprint, or one (1) foot contour elevations throughout the building site,
2. Proposed locations of water supply, sanitary sewer, and utilities,
3. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map, 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,
2. For a crawl-space foundation, location and total net area of foundation openings as required in Sec-

tion 15.32.170(E) of this chapter 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 (95%) using the Standard Proctor Test method);

C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed, as required in Section 15.32.170(D) of this chapter and FEMA Technical Bulletin TB 3-93;

D. All appropriate certifications listed in Section 15.32.150(D) of this chapter; and

E. Description of the extent to which any water-course will be altered or relocated as a result of proposed development. (Ord. 327 §1(part), 2002).

15.32.140 Designation of the floodplain administrator.

The city engineer is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 327 §1(part), 2002).

15.32.150 Duties and responsibilities of the 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 (1) foot at any point.

B. Review, Use and Development of Other Base Flood Data.

1. When base flood elevation data has not been provided in accordance with Section 15.32.070, 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 15.32.170 through 15.32.220. Any such information shall be submitted to the city council of the city of Arvin for adoption; or

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 (1) of two (2) 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 15.32.170 through 15.32.220:

a. Simplified Method.

i. One hundred (100) 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 (100) year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-Hydrologic Modeling System computer program; and

ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-River Analysis System computer program.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

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

2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

3. Assure that the flood-carrying capacity within the altered or relocated portion of said water-course is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Sections 15.32.170(C) and 15.32.200 (lowest floor elevations);
2. Certification required by Section 15.32.170(D) (elevation or flood-proofing of nonresidential structures);
3. Certification required by Section 15.32.170(E) (wet flood-proofing standard);
4. Certification of elevation required by Section 15.32.190(B) (subdivision standards);
5. Certification required by Section 15.32.220(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 Sections 15.32.230 through 15.32.250.

F. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.32.080. (Ord. 327 §1(part), 2002).

#### 15.32.160 Appeals.

The city council of the city of Arvin 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. 327 §1(part), 2002).

#### 15.32.170 Standards of construction.

In all areas of special flood hazards, the following standards are required:

- A. Anchoring.
  1. All new construction and substantial improvements shall be adequately anchored to prevent flota-

tion, 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 15.32.200.

B. 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. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing. (See Section 15.32.050 definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement.")

1. For areas in an AO zone, new construction, substantial improvement and other proposed new development of any structure shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the highest adjacent natural grade upstream of the structure, or as required by the Receive and Discharge Study, unless otherwise determined by the floodplain administrator.

2. For areas in an A zone, new construction, substantial improvement and other proposed new development of any structure shall have the lowest floor, including basement, elevated at or above the base flood elevation, or as required by the Receive and Discharge Study, unless otherwise determined by the floodplain administrator.

3. For areas in a B zone, new construction, substantial improvement and other proposed new development of any structure shall have the lowest floor, including basement, elevated zero (0) to six (6) inches as required

by the Receive and Discharge Study, unless otherwise determined by the floodplain administrator.

a. Zone B is the flood insurance rate zone that corresponds to areas outside the one hundred (100) year floodplains, areas of one hundred (100) year sheet flow flooding where average depths are less than one (1) foot, areas of one hundred (100) year stream flooding where the contributing drainage area is less than one (1) square mile, or areas protected from the one hundred (100) year flood by levees.

4. 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 community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

D. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 15.32.170(C) or together with attendant utility and sanitary facilities:

1. Be flood-proofed below the elevation recommended under Section 15.32.170(C) so that the structure is watertight with walls substantially impermeable to the passage of water;

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

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

E. 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 which 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:

1. Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bot-

tom of all openings shall be no higher than one (1) 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

2. Be certified by a registered professional engineer or architect.

F. Manufactured homes shall also meet the standards in Section 15.32.200. (Ord. 327 §1(part), 2002).

#### 15.32.180 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. 327 §1(part), 2002).

#### 15.32.190 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood consistent with this chapter.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled 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.

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. 327 §1(part), 2002).

#### 15.32.200 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved, within zones A1-A30, 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 (including the basement) is elevated one (1) foot above the base flood elevation, or two (2) feet above highest adjacent grade if not base flood elevation is specified, 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-A30, AH, 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 either the:

1. Lowest floor of the manufactured home is elevated one (1) foot above the base flood elevation, or if no base flood elevation is specified two (2) feet or more above the highest adjacent grade; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade. (Ord. 327 §1(part), 2002).

#### 15.32.210 Standards for recreational vehicles.

A. All recreational vehicles placed on sites within zones A1-A30, AH, AE, A and AO on the community's Flood Insurance Rate Map will either:

1. Be on the site for fewer than one hundred eighty (180) 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 utili-

ties and security devices, and has no permanently attached additions; or

2. Meet the permit requirements of Section 15.32.130 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.32.200(A). (Ord. 327 §1(part), 2002).

15.32.220 Floodways.

Located within areas of special flood hazard established in Section 15.32.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. 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 15.32.170 through 15.32.220. (Ord. 327 §1(part), 2002).

15.32.230 Nature of variances.

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

It is the duty of the city council of the city of Arvin 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 re-

quirements in the flood ordinance 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. 327 §1(part), 2002).

15.32.240 Appeal board.

A. In passing upon requests for variances, the city council of the city of Arvin shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

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 which 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. 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 (\$25.00) for one hundred dollars (\$100.00) 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 Kern County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 327 §1(part), 2002).

#### 15.32.250 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 (1/2) 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 15.32.130 through 15.32.220 of this chapter have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 15.32.050) 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 necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city council of the city of Arvin need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council of the city of Arvin believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 15.32.050) to the applicant; and
3. 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 (as defined in Section 15.32.050 - see "Public safety or nuisance"), cause fraud or victimization (as defined in Section 15.32.050) 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 subsections A through E 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 factors of Section 15.32.240(A) and the purposes of this chapter, the city council of the city of Arvin may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 327 §1(part), 2002).

## Chapter 15.36

### WATER CONSERVATION

#### Sections:

- 15.36.010 Interior plumbing.
- 15.36.020 Retrofit of existing commercial uses.
- 15.36.030 Landscaping.
- 15.36.040 Prohibition on waste.

#### 15.36.010 Interior plumbing.

All interior plumbing for new construction shall meet, and continue to meet, these minimum requirements:

- A. Toilet shall use not more than 1.6 gallons of water per flush;
- B. Shower heads shall use not more than 1.6 gallons of water per minute;
- C. Kitchen and lavatory faucets shall use not more than 2.5 gallons of water per minute;
- D. Hot water pipes shall be thermally insulated;
- E. Multiple shower and lavatory installations within nonresidential facilities shall be equipped with self-closing valves, except where necessary to protect the public health and safety.

F. The manufacturer's name and model of each type of water saving fixture to be utilized shall be supplied to the building department before installation. (Ord. 91-245 (part), 1991).

#### 15.36.020 Retrofit of existing commercial uses.

All nonresidential water users within the city, including existing commercial, and industrial uses, that undergo expansion or remodeling shall retrofit all shower and washbasin faucet plumbing fixtures which are installed, but which do not meet low water-use plumbing fixture standards, with shower head with a maximum flow capacity of 1.6 gallons per minute (gpm), and washbasin faucets with aerators which limit the flow rate to a maximum of 2.5 gpm. Further, all toilets which exceed 2.6 gallons per flush shall be retrofitted with toilet water use reduction devices capable of reducing flow by at least 1.0 gallon per flush. The city shall defer the retrofit requirement of this section for any plumbing fixture for

which present technology is not available to cause the required flow reduction, such as in flushometer-style toilet fixtures, or where retrofitting is not otherwise feasible. When feasible, retrofit shall be required at time technology becomes available. (Ord. 91-245 (part), 1991).

15.36.030 Landscaping.

For services other than single-family residences, applicants shall submit landscape and irrigation plans for review by the city. Said new landscape shall meet, and continue to meet, these following minimum requirements:

A. Turf areas shall be limited to the lesser of twenty-five percent of the total developed landscape or fifteen percent of the total project area in services irrigated with potable water. In landscapes irrigated with reclaimed water, turf areas shall be limited to not more than forty percent of the total landscaped area. The city, in conjunction with the district, may waive this requirement if sufficient evidence is presented documenting the functional need for additional turf (e.g. parks).

B. Other high-water use plant materials (e.g., annual beds, containers) and water features (e.g., ornamental pools, fountains) shall be limited to not more than ten percent of the total developed landscape area.

C. Turf and other high-water use plant materials are prohibited in median strips, parking islands, and areas that cannot be irrigated efficiently (e.g., narrow strips, beds with sharply curved perimeters).

D. All other plantings shall be composed of low-water use plant materials (as found in the city's, or district's, low-water use plant list, or other qualified sources), used in appropriate applications with respect to exposure, slope, soil and other site specific criteria. The city, at its sole discretion, may waive this requirement if sufficient evidence is presented that the site is not suitable for such plants.

E. All landscaped areas shall be irrigated by an automatic irrigation system designed or approved by a registered landscape architect or other irrigation professional. Plans shall include calculated precipitation rates for each valve circuit, which shall be compatible with soil texture.

Irrigation system requirements include:

1. Electric controller with repeat start time and multiple program potential, set for night and/or early morning irrigation;
2. Automatic rain shut-off valve for each controller;
3. Low precipitation rate sprinkler heads in areas of slopes exceeding ten percent (10%);
4. Efficient sprinkler head layout and system design for minimum runoff and overspray onto nonlandscaped areas;
5. Sprinkler operation time shall be from twelve (12:00) midnight to four (4:00) a.m. Duration of operation shall be no more than fifteen (15) minutes per station;
6. Check valves for low-head drainage, where elevation differential between heads may cause runoff;
7. Matched precipitation rates within each valve circuit;
8. Separate valves for the following:
  - a. Turf areas;
  - b. Plant materials with similar water needs;
  - c. Exposure variations; and
  - d. Slope variations, where appropriate;
9. Drip irrigation, where appropriate.
- F. Site preparation shall be suitable to encourage healthy growing conditions for low-water use plant materials, including:
  1. Scarifying of existing soil to minimum depth of six (6) inches;
  2. Amendment of existing soil with organic materials at a minimum rate of five (5) cubic yards per one thousand (1000) square feet or as otherwise recommended by soil analysis; and
  3. Mulching of nonturf areas with a minimum two (2) inches of organic materials.

The city will consider and may allow the substitution of well-designed conservation alternatives or innovations which may equally reduce water consumption for any of these requirements. (Ord. 91-245 (part), 1991).

#### 15.36.040 Prohibition on waste.

No water user shall waste any water supplied through the distribution facilities of the Arvin community services district. The following uses of water constitute "waste" as used in this chapter:

A. The watering of grass, lawns, ground-cover, shrubbery, open ground, crops and trees, including agricultural irrigation, in a manner or to an extent which allows substantial amounts of excess water to run off the area being watered. Every water user is deemed to have under his control at all times his water distribution lines and facilities and to know the manner and extent of his water use and excess run-off;

B. The washing of sidewalks, walkways, driveways, parking lots and all other hard-surfaced areas by direct hosing, except such as may be necessary to dispose of flammable or otherwise dangerous liquids or substances or otherwise necessary to prevent or eliminate matters dangerous to the public health and safety;

C. The washing of motor vehicles with a hose that is not fitted with an automatic shut-off device;

D. The escape of water through breaks or leaks within the water user's plumbing or distribution system or any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of eight (8) hours after the water user discovers such leak or break, whichever occurs first, is a reasonable time within which to correct such leak or break;

E. The use of water by governmental entities or agencies for:

1. Routine water system flushing for normal maintenance,
2. Routine sewer system flushing for normal maintenance, and
3. Fire personnel training, except as approved in writing by the city;

F. The watering of grass, lawns ground-cover, shrubbery and open ground within any portions of the city between the hours of ten (10:00) a.m. and four (4:00) p.m. daily.

G. Nothing in this chapter precludes existing residents from also complying with this chapter. (Ord. 91-245 (part), 1991).