

Title 15

BUILDINGS AND CONSTRUCTION¹

Chapters:

- 15.04 Uniform Codes Adopted**
- 15.08 Electrical Code**
- 15.12 Fire Code**
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- 15.20 Building Numbers**
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UNIFORM CODES ADOPTED

Chapter 15.04⁶

UNIFORM CODES ADOPTED²

Sections:

15.04.010	Codes adopted.
15.04.015	Applicability.
15.04.020	Violation—Penalty.
15.04.030	Permit issuance—Required license.
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15.04.010 Codes adopted.

The below listed codes or publications, copies of which are on file in the office of the city clerk and building official, are adopted by reference, and are declared applicable and in force in the city. Such adoption and application refer to all regulations and requirements contained therein, including issuance of permits and collection of fees. Revised editions of the organizational regulatory codes below shall be automatically adopted by the city on January 1st following the date on which the State of California, Department of Housing and Community Development, adopts said regulatory code unless amended by a resolution passed by the council of the city. Procedural or accessory codes which are not normally adopted by the state shall take the same year edition as the applicable regulatory code:

- A. Codes and publications published and sponsored by the International Conference of Building Officials: the Uniform Building Code and appendices; the Uniform Code for the Abatement of Dangerous Buildings; the Uniform Housing Code; the Uniform Administrative Code; building valuation data from the current edition of Building Standards.
- B. Codes published and sponsored by the International Association of Plumbing and Mechanical Officials: the Uniform Mechanical Code; the Uniform Plumbing Code.

- C. Codes published and sponsored by the state of California: The State Historical Building Code.
(Ord. 635 § 1, 1987: Ord. 617 § 1, 1986: Ord. 545 (part), 1980.)

15.04.015 Applicability.

The provisions of the adopted codes only as adopted or amended by the State of California Department of Housing and Community Development shall be applicable to all residential construction. The provisions of the adopted codes shall be applicable to all other construction unless superseded by specific state regulation. (Ord. 617 § 2, 1986.)

15.04.020 Violation—Penalty.

- A. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of the provisions of the codes named in Section 15.04.010.
- B. Any person, firm or corporation violating any of the provisions of the codes adopted by this chapter, shall be deemed guilty of a misdemeanor, and each such violator shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of said codes is committed, continued or permitted, and, upon conviction of any such violation, such violator shall be punished by a fine of not more than three hundred dollars or by imprisonment in the Tuolumne County Jail for not more than ninety days, or by both such fine and imprisonment.

(Ord. 545 (part), 1980.)

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15.04.030 Permit issuance—Required license.

No permit shall be issued to any person to do or cause to be done any construction work on commercial or industrial projects regulated by this title, except to a person holding a valid active California contractor's license and city business license, or to an owner of a building employing a licensed contractor, except when and as otherwise provided in this title. (Ord. 709 § 1, 1996.)

15.04.040 Building official.

For the purposes of this title and the codes adopted herein, the term "building official" shall mean the city building inspector, as appointed by the city council. (Ord. 749 § 1, 2001.)

Chapter 15.08

ELECTRICAL CODE⁷

Sections:

- 15.08.010 Adopted by reference.
- 15.08.015 Applicability.
- 15.08.030 General provisions.
- 15.08.040 Permit—Requirements.
- 15.08.050 Permit—Fees.
- 15.08.060 Inspection and certificate of approval.
- 15.08.070 Connection to installation—Conformance required.
- 15.08.080 Alterations and additions—Compliance with code.
- 15.08.090 Temporary service.
- 15.08.100 Administration and enforcement.
- 15.08.110 Violation—Penalty.

15.08.010 Adopted by reference.

That edition of the National Electrical Code sponsored by the National Fire Protection Association and adopted by the State of California, Department of Housing and Community Development, will also be adopted by the city on January 1st following the date adopted by the state. Copies will be on file in the office of the city clerk and building official. The city council may amend such code by resolution. Such adoption refers to all regulations and requirements contained therein, including issuance of permits and collection of fees. (Ord. 635 § 2, 1987; Ord. 617 § 3, 1986; Ord. 545 (part), 1980.)

15.08.015 Applicability.

The provisions of the National Electrical Code only as adopted or amended by the State of California Department of Housing and Community Development shall be applicable to all residential construction. Provisions of the adopted codes shall be applicable to all other construction unless superseded by specific state regulation. (Ord. 617 § 4, 1986.)

15.08.030 General provisions.

- A. All installations shall be in conformity with the provisions of the National Electrical Code and this chapter and with approved standards for safety to life and property.
- B. The requirements of the National Electrical Code and this chapter shall apply to all residential installations.
- C. All commercial and industrial installations shall comply with the requirements of the National Electrical Code, this chapter, and all other applicable codes.
- D. All electrical materials, devices, appliances, apparatus and equipment installed or used shall be in conformity with the provisions of the National Electrical Code, this chapter, and with approved standards for safety to life and property.

Listing or labelling, as conforming to the standards of the Underwriters' Laboratories, Inc., the National Bureau of Standards, shall be prima facie evidence of conformity with the approved standards for safety to life and property.

- E. Previously used material shall not be reused in any work without written approval, obtained in advance, from the building inspector.
- F. All single-family dwellings shall have a minimum of one hundred amperes rated capacity. All buildings, regardless of occupancy, shall have a single main disconnect, and meter located outside the building.
- G. A minimum of three duplex receptacles shall be required in any kitchen regardless of size. Every kitchen shall have an exhaust fan, or similar air circulating device, installed in the wall or ceiling, approximately above the cooking unit, connected with a duct to the outside air.
Exception: An electric range may have a recirculating-type hood.
- H. Dishwashers, washing machines, clothes dryers, ranges, ovens, waste disposals, motors over one-fourth horsepower, or any other fixed appliances, including unit heaters, drawing more than one thousand watts, shall be installed on a separate appliance branch circuit. Two or more such fixed devices totaling not more than three thousand five hundred watts may be installed on a single circuit of twenty amperes capacity.

(Ord. 545 (part), 1980.)

15.08.040 Permit—Requirements.

- A. No electrical wiring, devices, appliances, apparatus or equipment shall be installed within or on any building, structure or premises, nor shall any alteration or addition be made in any such existing electrical wiring, devices, appliances, apparatus or equipment without first securing a permit therefor from the city building inspector, except as stated in the following paragraphs:
1. No permit shall be required for the replacement of lamps or the connection of portable appliances to suitable receptacles which have been permanently installed.
 2. No permit shall be required for the installation, alteration or repair of electrical wiring, devices, appliances, apparatus or equipment installed by or for any public utility, municipal corporation or public district in the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence in the exercise of its function as a serving utility.
- B. The requirements of the National Electrical Code are specifically declared to govern and control the installation, alteration or repair of any electrical wiring, devices, appliances, apparatus or equipment in any building or structure owned or controlled by any private, public or quasi-public agency, except as to such electrical wiring as is specifically exempt under this section.

(Ord. 545 (part), 1980.)

15.08.050 Permit—Fees.

Electrical permit fees shall be in accordance with the adopted edition of the Uniform Administrative Code. (Ord. 617 § 5, 1986; Ord. 545 (part), 1980.)

15.08.060 Inspection and certificate of approval.

- A. Upon completion of the work which has been authorized by issuance of any permit, it shall be the duty of the person, firm, or corporation installing the same to notify the inspector, who shall inspect the installation within twenty-four hours, exclusive of Saturdays and holidays.
- B. Where the inspector finds the installation to be in conformity with the provisions of the National Electrical Code and this chapter, he shall issue and deliver to the person, firm or corporation making the installation, a certificate of approval, authorizing the use of the installation and connection to the source of supply, and shall immediately send written notice of such authorization to the electrical utility furnishing the electric service.
- C. If, upon inspection, the installation is not found to be fully in conformity with the provisions of the National Electrical Code and this chapter, the inspector shall notify in writing the person, firm or corporation making the installation, which said notice shall specify the defects which have been found to exist.
- D. All defects shall be corrected within ten days after inspection and notification, or within other reasonable time as permitted by the inspector.
- E. When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the said building inspector for cause.
- F. A preliminary certificate of approval may be issued authorizing the connection and use of certain specific portions of an incompleated installation. Such a certificate shall be revocable at the discretion of the building inspector.
- G. The inspector shall have the power to remove, or require the removal of, any obstruction that prevents proper inspection of any electrical wiring, devices, appliances, apparatus or equipment.

(Ord. 545 (part), 1980.)

15.08.070 Connection to installation—Conformance required.

It is unlawful for any person, firm or corporation to make connection from a source of electrical energy or to supply

electrical service to any electrical wiring, devices, appliances, apparatus or equipment for the installation of which a permit is required, unless such person, firm or corporation has obtained satisfactory evidence that such electrical wiring, devices, appliances, apparatus or equipment are in all respects in conformity with all applicable legal provisions. It is unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electrical service to any electrical wiring, devices, appliances, apparatus or equipment which has been disconnected or ordered by the building inspector to be discontinued until a certificate of approval has been issued by him authorizing the reconnection and use of such electrical wiring, devices, appliances, apparatus or equipment. The building inspector shall then immediately notify the service utility, in writing, of the issuance of such order to discontinue use. (Ord. 545 (part), 1980.)

15.08.080 Alterations and additions—Compliance with code.

Additions or extensions to, and alterations and renewals of, existing installations shall be made in compliance with the provisions of the National Electrical Code and this chapter. (Ord. 545 (part), 1980.)

15.08.090 Temporary service.

Temporary electrical service will be allowed, provided:

- A. An application is made on forms provided by the building department.

Exception: Temporary pole meeting G.O. 95.

- B. The application is signed by the owner or licensed contractor requesting power for his or her exclusive use.
- C. A temporary installation is provided meeting the requirements of Section 305 of the National Electrical Code.
- D. Prior to approving a permanent service, all the requirements of the National Electrical Code must be complied with.
- E. Temporary service will be allowed for construction purposes only, for a period not to exceed ninety days, provided:
1. Main service panel is installed on the building exterior

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- after the frame construction and inspection;
2. One or more grounded, waterproof receptacle outlets are installed in a conduit system on the exterior surface;
 3. No interior wiring is installed on the panelboard. All circuits shall be left outside the panel long enough to reach any breaker in the panel;
 4. An interior cover and rough electrical inspection shall be called for prior to the installation of any interior circuits in the panel. Interior cover material shall be on the job site.

At the end of ninety days, service will be discontinued, or approved as a permanent installation as required by subsection D of this section, and all electrical equipment must be installed, including pumps, heaters, fixed appliances or mobile home service equipment.

- F. No occupancy of the building will be allowed until after a final inspection.
- G. An extension of ninety days may be allowed, provided an inspection is made to determine compliance with this approval and a reinspection fee of ten dollars is paid to the building department.

(Ord. 545 (part), 1980.)

15.08.100 Administration and enforcement.

- A. It shall be the duty of the city building inspector, in this chapter called "building inspector," to enforce the provisions of the National Electrical Code and this chapter. He shall, on application, grant permits for the installation and alteration or installation or alteration of electrical wiring, devices, appliances, apparatus and equipment, and shall make all inspections of all new electrical installations and reinspection of all electrical installations.
- B. The building inspector shall have a right during reasonable hours to enter any building in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of the installation of electrical wiring, devices, appliances, apparatus and equipment contained therein, except that the inspector is not empowered to enter

any dwelling while the same is occupied as a dwelling without the consent of the occupant thereof. The building inspector is authorized to disconnect or order disconnections or order discontinuance of electrical service to any electrical wiring, devices, appliances, apparatus or equipment found to be dangerous to life or property because they are defective or defectively installed, until such wiring, devices, appliances, apparatus and equipment and their installation have been made safe and approved by the inspector.

- C. The building inspector may delegate any of these powers or duties to any of his assistants.

(Ord. 545 (part), 1980.)

15.08.110 Violation—Penalty.

It is unlawful for any person, firm or corporation to violate any of the provisions of the National Electrical Code and this chapter. Any person, firm or corporation violating any of the provisions of such code and chapter is guilty of a misdemeanor, and each such violator is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the National Electrical Code and this chapter is committed, continued or permitted, and, upon conviction of any such violation, such violator is punishable by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. (Ord. 545 (part), 1980.)

Chapter 15.12^s

FIRE CODE

Sections:

- 15.12.010 Adopted by reference.
- 15.12.030 Definitions.
- 15.12.040 Appeal to council.
- 15.12.050 Violation—Penalty.

15.12.010 Adopted by reference.

That edition of the Uniform Fire Code, sponsored by the International Conference of Building Officials and Western Fire Chief's Association, and adopted by the State Fire Marshal, will also be adopted by the city on January 1st following the date adopted by the state. Copies will be on file in the office of the city clerk and fire chief. The city council may amend such code by resolution. Such adoption refers to all regulations and requirements contained therein including the issuance of permits and collection of fees. (Ord. 635 § 3, 1988; Ord. 617 § 6, 1986; Ord. 545 (part), 1980.)

15.12.030 Definitions.

Wherever the following words or phrases are used in the Uniform Fire Code, they shall have the following meanings:

- A. "Chief of the Bureau of Fire Prevention" means the fire marshal.
 - B. "Corporation counsel" means the attorney for the city of Sonora.
 - C. "Municipality" means the city of Sonora, California.
- (Ord. 545 (part), 1980.)

15.12.040 Appeal to council.

Whenever the chief of the fire department disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the portions of the Uniform Fire Code adopted by this chapter do not apply or that the true intent and meaning of the said portions of the code, so adopted, have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council, within thirty days from the date of the decision appealed. Such appeal shall be in writing and explain in what particulars the appellant alleges such portions of the code do not apply, and in which respect such portions of the code have been misconstrued or wrongly interpreted. Such written appeal shall be filed with the city clerk, and placed by him on the next available agenda for hearing before the city council. (Ord. 545 (part), 1980.)

15.12.050 Violation—Penalty.

Any person who violates any of the provisions of the code adopted in this chapter or fails to comply therewith; or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed herein, is, severally for each and every violation and noncompliance, respectively, guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense. (Ord. 545 (part), 1980.)

Chapter 15.16

FIRE ZONES

Sections:

- 15.16.010** Fire district established.
- 15.16.020** Fire zone one.
- 15.16.030** Fire zone two.
- 15.16.040** Fire zone three.

15.16.010 Fire district established.

The entire city is declared to be and is established as a fire district. Said fire district shall be known and designated as fire zones one, two and three. (Ord. 166 § 2, 1940: Ord. 141 § 1, 1933.)

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15.16.020 Fire zone one.

Fire zone one is designated as follows: Block 35, of the city. (Ord. 440 § 1 (part), 1973: Ord. 166 § 3 (part), 1940: Ord. 141 § 2 (part), 1933.)

15.16.030 Fire zone two.

A. Fire zone two includes the following property:

Blocks 8, 9, 10, 11, 15, 16, 17, 21, 22, 23, 24, 31, 32, 33, 34, and 36; Lots 1 and 2 of Lot 9 as subdivided and

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Lots 10, 11 and 12 of Block 30; Lots 1 to 14, inclusive, of Block 51; Block 19 between Stewart and Shepherd Streets; Block 26 between Bradford Avenue and Lyons Street; Block 26 between Bradford Avenue and Jackson Street; Blocks 5, 6 and 7; all that portion of Block 30 lying one hundred fifty feet west of Washington Street between June Street and Lytton Street; all that portion of Block 30 bordered by Washington, Lytton and Olive Streets and the south city limits line; and all C (commercial) zones under the zoning ordinance as the same may be amended from time to time, and as now designated.

- B. All commercial zones in the city, that is to say all property designated as either C or CO in zoning, shall be designated as fire zone two.
- C. Any new construction in any commercial zone shall conform to fire zone two construction.
- D. Existing structures in commercial zones shall not be affected by the requirement of zone two construction until such time as any building or structure in said zone shall come within the provisions of the Uniform Building Code, Part 1, Chapter 1, Administrative section of the said code, and as the same may be amended by any later building code applicable thereto.

(Ord. 507, 1977; Ord. 440 § 1 (part), 1973; Ord. 166 § 3 (part), 1940; Ord. 141 § 2 (part), 1933.)

15.16.040 Fire zone three.

Fire zone three is designated and embraces the entire remainder of the city that is not covered in fire zones one and two. (Ord. 440 § 1 (part), 1973; Ord. 166 § 3 (part), 1940; Ord. 141 § 2 (part), 1933.)

Chapter 15.20

BUILDING NUMBERS

Sections:

- 15.20.010 Placement and size.
- 15.20.020 Placement required—Time limit.
- 15.20.030 House numbering system—Accordance with map.
- 15.20.040 House numbering system—Starting points.
- 15.20.050 House numbering system—Even and odd numbers.
- 15.20.060 Designation of numbers.
- 15.20.070 Violation—Penalty.

15.20.010 Placement and size.

- A. All entrances from public streets to buildings or separate apartments in buildings shall be numbered as provided in this chapter.
- B. The number of any entrance shall be placed upon, alongside or immediately above the entrance doorway visible from the street. Numbers displayed shall be a minimum height of three inches, shall not exceed a maximum height of one foot unless approved by the city council, and shall be of a contrasting color from the basic background. Where the entrance doorway is not visible from the street, such numbers shall be placed at the streetline near the driveway or entrance walkway in a position which will clearly identify the path of travel to the building entrance from the streets. The number shall correspond to the number assigned by the fire chief, or some other city official or citizen who may be appointed by a motion of the city council and authorized by them to assign such numbers in accordance with the system described in this chapter. (Ord. 611 § 1, 1985; Ord. 239 § 1, 1952.)

15.20.020 Placement required—Time limit.

Upon any building hereafter erected, the appropriate number to any entrance shall be placed in the proper position

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thereon within two weeks after the building to which it belongs has been completed. (Ord. 239 § 2, 1952.)

15.20.030 House numbering system—Accordance with map.

- A. Buildings or houses in the city shall be numbered in general accordance with the map of the city, dated July, 1952, and entitled "house numbering system, city of Sonora, California," and with the lot and parcel numbers shown in

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the copy of the block book of the city, in two volumes entitled "house numbers, city of Sonora."

- B. For those blocks, lots and parcels within the city which shall be subdivided after the ordinance codified in this chapter goes into effect, and for those streets and parcels not shown on referenced maps, the house numbers shall be assigned in general accordance with the provisions of Sections 15.20.040 through 15.20.060.

(Ord. 239 § 3, 1952.)

15.20.040 House numbering system—Starting points.

The starting point for the house numbering system of the city is the intersection of the centerlines of Washington and Jackson Streets. The centerline of Washington Street shall be known as the Washington Street base line; the centerline of Jackson Street shall, with the extension thereof in a westerly direction, be known as the Jackson Street base line.

The Jackson Street base line shall be the starting point for the numbering of all houses on streets parallel, or approximately parallel, to the Washington Street base line. Those streets or portions of streets, extending north from the Jackson Street base line shall have street names prefixed by the designation "north." Those streets or portions of streets extending south from the Jackson Street base line shall have street names prefixed by the designation "south."

The Washington Street base line shall be the starting point for the numbering of all houses on streets parallel, or approximately parallel, to the Jackson Street base line. Those streets or portions of streets extending east from the Washington Street base line shall have street names prefixed by the designation "east." Those streets or portions of streets extending west from the Washington Street base line shall have street names prefixed by the designation "west." (Ord. 239 § 4, 1952.)

15.20.050 House numbering system—Even and odd numbers.

On all streets, the numbers on the north side and the west side shall be even numbers, and the numbers on the south side

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and east side shall be odd numbers. (Ord. 239 § 5, 1952.)

15.20.060 Assignment of numbers.

One thousand numbers shall be assigned uniformly to each mile, starting with number one at the base lines. Numbering shall proceed outward from the respective base lines in each direction. For streets that do not start at the base lines, numbers shall be assigned in accordance with the actual distance, at right angles, to the appropriate base line. Numbers along curved streets, circles and diagonal streets, which are impractical to assign in general with the systems described in this chapter, shall be as determined by the city engineer with the approval of the city council. (Ord. 239 § 6, 1952.)

15.20.070 Violation—Penalty.

Any person, firm or corporation failing to comply with the provisions of this chapter in numbering or causing their respective building to be numbered is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed ten dollars. (Ord. 239 § 7, 1952.)

Chapter 15.24

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Sections:

- 15.24.010 Purpose.
- 15.24.020 Required.
- 15.24.030 Compliance required for building permit.
- 15.24.040 Violation—Penalty.

15.24.010 Purpose.

The provisions of this chapter are necessary for the safety and general welfare of persons using the public streets of the city; and for the protection of the motor vehicles of tenants or

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occupants of buildings mentioned in this chapter in overnight or longer storage; and to alleviate abuse of parking facilities on such streets by continuous storage and parking thereon by such tenants or occupants, where the facilities for other than temporary parking should be provided by the respective owners of the building facilities mentioned in this chapter. (Ord. 261 § 3, 1956.)

15.24.020 Required.

Any apartment house, multiple-unit family dwelling house, house court or autocourt hereafter established, constructed and occupied by the tenants thereof, in the city, shall provide, by the owner or owners thereof, adequate sheltered garage space, or storage space in the yard thereof out of the driveway to such garage or storage space, for the parking or housing of one automobile or motor vehicle for each apartment, multiple-unit family dwelling, house court unit, and autocourt unit, and each unit thereof, for such tenants or occupants thereof. (Ord. 261 § 1, 1956.)

15.24.030 Compliance required for building permit.

No building permit shall be issued for the erection, establishment or construction of any apartment house, multiple-unit family dwelling, house court or autocourt, in the city unless and until the requirements of Section 15.24.020 have been complied with. (Ord. 261 § 2, 1956.)

15.24.040 Violation—Penalty.

Any owner or person violating the provisions of this chapter is guilty of a misdemeanor, and each such person is guilty of a separate offense for each and every day or portion thereof during which any violation of the provisions of this chapter is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment. (Ord. 261 § 4, 1956.)

Chapter 15.28

SIGNS³

Sections:

- 15.28.010 Intent and purpose.
- 15.28.020 Definitions.
- 15.28.030 Permit—Exception.
- 15.28.040 Wind sign.
- 15.28.050 Animated sign.
- 15.28.060 Sound.
- 15.28.070 Flashing lights.
- 15.28.080 Window sign—Allowable area.
- 15.28.090 A-type and movable freestanding signs.
- 15.28.095 Vehicular signs.
- 15.28.100 Canopy sign—Allowable area.
- 15.28.110 Sign projecting over public property— Clearance.
- 15.28.120 Installation and wiring.
- 15.28.130 Application for permit.
- 15.28.135 Reserved.
- 15.28.140 Vacant parcel signs.
- 15.28.150 Exceptions.
- 15.28.160 Additionally prohibited signs and locations.
- 15.28.165 Additional sign requirements—Historic area.
- 15.28.170 Lighted sign—Intensity in zones R-1, R-2 and R-3.
- 15.28.180 Residential district provisions.
- 15.28.190 Freestanding sign.
- 15.28.200 Wall sign.
- 15.28.210 Projecting sign.

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- 15.28.220 Roof sign.
- 15.28.230 Special purpose signs.
- 15.28.240 Directory sign.

- 15.28.250 Construction project sign.
- 15.28.260 On-site directional sign.
- 15.28.270 House or business flag and banner.
- 15.28.280 Noncommercial signs.
- 15.28.290 Nameplate.
- 15.28.295 Historical marker.
- 15.28.300 Subdivision sign.
- 15.28.310 Special service sign.
- 15.28.311 Theater sign.
- 15.28.320 Combination of types permitted.
- 15.28.330 Classification by building department.
- 15.28.340 Construction and maintenance.
- 15.28.350 Nonconforming—Removal and amortization period.
- 15.28.360 Nonconforming—Record and notice.
- 15.28.370 Nonconforming—Subsequent to effective date.
- 15.28.380 Nonconforming—Abatement.
- 15.28.390 Nonconforming—Removal by building official.
- 15.28.400 Nonconforming—Modification to comply with chapter.
- 15.28.410 Nonconforming—Declaration of nuisance.
- 15.28.420 Abandoned sign—Abatement.
- 15.28.430 Unlawful sign—Abatement.
- 15.28.440 Exception procedure.
- 15.28.450 Appeal.
- 15.28.460 Violations—Penalty.

15.28.010 Intent and purpose.

It is the intent of this sign chapter to regulate, preserve and enhance the aesthetic, vehicle and pedestrian traffic safety and convenience, and environmental values of our residential neighborhoods and business districts, while at the same time providing for channels of communication to the public. It is also the city's intent to regulate on the basis of characteristic and proportion of signage. The city finds as to commercial signage that it is in the interest of

both aesthetics and traffic safety that sign information be kept to a minimum. The use of subordinate information in commercial signage such as telephone numbers, lists of products, pictures of products, etc., are discouraged, but may be permitted. Where subordinate information exists on commercial signage, the name or use of the business shall be the dominant message on the sign. Subordinate information on commercial signage will not be allowed which presents a traffic hazard. Noncommercial signs, which rights are constitutionally broader, are permitted unless expressly prohibited within this chapter. (Ord. 746 § 1 (part), 2000; Ord. 593 § 1 (part), 1984; Ord. 432 § 1, 1972.)

15.28.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. "A-type sign" means a movable sign, "A" shaped.
2. "Accessory sign," "business sign," or "on-premises sign" means any sign located on a place of business, enterprise, calling or property which is reasonably related to the products or services available to or within those premises.
3. American Flag. The term "sign" does not include the flag of the United States of American or the flag of the state of California, nor any support frame or standard which is used exclusively for display of any such flag. "American flag" also includes patriotic bunting.
4. "Anchor store" means having greater than twenty-five thousand square feet of gross leasable area.
5. "Animated sign" means a sign, or any device designed to attract attention by visual means through the movement or semblance of movement of the whole or any part of the sign.
6. Area of Sign. In computing maximum permissible sign area or display surface, all signs designed to be seen from off the premises upon which the sign is located, or proposed to be located,

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shall be included; provided, that only one face of a double face sign shall be included. The structure supporting a sign is not included in determining the sign. The area of a sign without a border shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message and computing the area thus enclosed.

7. "Awning" means any movable structure attached to a building and projecting over a thoroughfare or sidewalk.
8. "Building area" means the total gross square footage of floor area of building used for commercial, office, industrial or quasi-public activities.
9. "Building department" means the city building department administered by the community development director.
10. "Building line" means a line established by ordinance beyond which no building may extend.
11. "Building official" means the city building inspection department administered by the city building inspector.
12. "Combination sign" means any sign incorporating any combination of features of freestanding sign, sign tower, projecting building sign or roof sign.
13. "Commercial speech" means any message, the prevailing thrust of which is to propose a commercial transaction.
14. "Community directional sign" means a sign placed in the interest of ensuring traffic safety to locate community facilities, such as schools, churches, public facilities of the city, county, state or federal agencies, as examples.
15. "Curb line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer.
16. "Electric sign" means any sign containing electric wiring, but not including signs illuminated by an exterior light source.
17. "Erect" means to build, construct, attach, hang, place, suspend or affix. Such term also includes the painting of wall signs.

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18. "Flashing sign" means an illuminated sign in which the artificial light is not maintained in a stationary or constant intensity, including changeable message signs where the sign message or graphic is replaced/restored from one message or graphic to the next.
19. "Freestanding sign" means and includes any sign standing on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces.
20. "Frontage property" means the longest single, lineal dimension of a parcel of property abutting on a public street.
21. "Independent pad" means a separate building or pad in a shopping center located on the perimeter of the center adjacent to the streets or major access points, having single or multiple occupancies.
22. "Marquee" means a permanent, roofed structure attached to and supported by the building.
23. "Mini-anchor store" means having ten thousand one to twenty-five thousand square feet of gross leasable area.
24. "Mobile sign" or "vehicular sign" means a sign attached to or suspended from any type of vehicle.
25. "Nonaccessory sign" or "off-premises sign" means any sign located on a place of business, enterprise, calling or property which is not reasonably related to the products or services available to or within those premises.
26. "Noncommercial speech" means any message which is not determined to be commercial speech as defined herein.
27. "Nonconforming sign" means a sign which is validly installed under laws or ordinance in effect prior to the effective date of the ordinance codified in this chapter, but which is in conflict with the provisions of this chapter.
28. "Permanent sign" means any sign which is intended for continuous display for a period of time greater than thirty calendar days.
29. "Planning commission" means the planning commission of the city.

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30. "Projecting building sign" means a sign other than a wall sign which projects from and is supported by a wall or roof of a building, structure, or sign structure, and projects beyond the eaves of a building.
31. "Real property sign" means an accessory or on-premises sign placed on real property, having a size of four square feet or less.
32. "Roof sign" means a sign erected upon a roof or parapet of a building or structure and extending above the highest portion of the roof or parapet.
33. "Shopping center" means an integrated group of commercial establishments which is planned, developed and managed as a unit. This can include shops contained in one building or enclosed in a mall and also peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points. For the purposes of this chapter, shopping centers include, but are not necessarily limited to, the Foster Brothers Shopping Center, Sonora Plaza, Timberhills Center and the Crossroads.
34. "Shops tenant" means having zero to ten thousand square feet of gross leasable area.
35. "Sign" means any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product, designed to convey information visually and which is exposed to public view from an out-of-doors position. Included within this definition are various types of signs as defined by this chapter.
36. "Sign structure" means the supports, uprights, braces and framework of a sign.
37. "Temporary sign" means any sign which is intended for continuous display for a period of time of not more than thirty calendar days. Removal of a temporary sign after thirty days, only to then redisplay the sign for another thirty days, is inconsistent with the intent of this definition, and the sign would be considered a permanent sign.

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38. "Time and temperature device" means any mechanism that display only the time and/or temperature.
39. "Wall sign" means any sign attached to or erected against the wall, roof, or marquee of a building or structure, and not extending more than twelve inches beyond the eaves, building face, marquee or highest point on the roof.
40. "Window sign" means a sign maintained in or painted upon a window.
41. "Wind sign" means a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind.

(Ord. 759 § 1, 2005; Ord. 746 § 1 (part), 2000; Ord. 686 §§ 1, 2, 1993; Ord. 593 § 1 (part), 1984; Ord. 432 § 2, 1972.)⁴

15.28.030 Permit—Exception.

No person shall erect any permanent sign within the city without first obtaining a sign permit to do so from the building department, except that temporary signs as defined herein and special purpose signs set forth in Section 15.28.230 are not required to have permits, but shall meet all other requirements of this chapter. (Ord 746 § 1 (part), 2000; Ord. 593 § 2 (part)(A), 1972.)

15.28.040 Wind sign.

Wind signs shall be prohibited.
(Ord. 432 § 2(B), 1972.)

15.28.050 Animated sign.

Movement or semblance of movement signs shall be prohibited.
(Ord. 432 § 2(C), 1972.)

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15.28.060 Sound.

No sign shall be designed or used for the purpose of emitting sound. (Ord. 432 § 2(D), 1972.)

15.28.070 Flashing lights.

No flashing, scintillating or moving signs shall be permitted in any zone. Changeable message signs, as defined in subsection 15.28.020(18), shall not be permitted on properties with frontage on the following streets: N. and S. Washington Street, N. Highway 49, Stewart Street (south of Cowan), S. Shepherd Street (Jackson to Gold), Stockton Street, Mono Way (Restano to Hospital), Sonora Bypass (Stockton to Loop), Bradford Avenue, Linoberg Street, Green Street and all cross streets to the streets listed in this section. (Ord. 759 § 2, 2005; Ord. 432 § 2(E), 1972.)

15.28.080 Window sign—Allowable area.

A permanent sign, or combination of permanent signs painted on or attached to windows shall not exceed twenty-five percent of the window area and shall be considered part of the allowable sign area. (Ord. 432 § 2(F), 1972.)

15.28.090 A-type and movable freestanding signs.

A-type and movable freestanding signs are considered to be permanent signs, and shall require the issuance of a permit from the

building department. One such sign may be placed on each street frontage, provided all of the following conditions are met:

- A. The sign is not within a vehicular path of travel. If on a sidewalk, placement of the sign shall provide for a minimum width of passage of six feet;
- B. The sign is not over sixteen square feet in size nor over five feet in height;
- C. The sign is securely attached to the ground, a post or a wall to prevent overturning or movement;
- D. If the sign is placed on public property, insurance requirements of the city must be met.

(Ord. 686 § 3, 1993: Ord. 593 § 1 (part), 1984: Ord. 432 § 2(G), 1972.)

15.28.095 Vehicular signs.

Unless otherwise provided for in this code, no person shall park any vehicle on a public right-of-way or in a location on private property which is visible from a public right-of-way which is attached thereto or suspended therefrom any sign, except a sign painted directly upon, magnetically affixed to or permanently affixed to the body or other integral part of the vehicle. (Ord. 746 § 1 (part), 2000: Ord. 730, 1997: Ord. 593 § 1 (part), 1984.)

15.28.100 Canopy sign—Allowable area.

Signs painted on or affixed to canopies which are a part of a building shall be considered part of the total allowable area of wall signs for the wall from which the canopy projects, including hanging curtains. (Ord. 432 § 2(H), 1972.)

15.28.110 Sign projecting over public property—Clearance.

Wherever it is determined by the city that the projecting portions of the sign or sign structure will interfere with the use by the city of the public area into which such sign or sign structure projects,

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such sign shall have a minimum eight feet clearance from the ground and be subject to the provisions of Section 15.28.210B. (Ord. 593 § 1 (part), 1984; Ord. 432 § 2(I), 1972.)

15.28.120 Installation and wiring.

Signs shall be installed and wired pursuant to the uniform building codes adopted by, and in effect in, the city.⁵ (Ord. 432 § 2(J), 1972.)

15.28.130 Application for permit.

- A. An application for a permit for each sign shall be made to the building department on a form provided by the department.
- B. The permit fee for each application for each sign shall be based on the fees prescribed in the Uniform Building Code currently in effect and adopted by the city.
- C. The building department will issue the permit to the applicant upon determination that compliance with the requirements of this chapter have been met, and the prescribed permit fee has been paid.
- D. The building department will make the necessary inspection to ascertain that such sign or signs comply with the requirements of this chapter and applicable laws.

(Ord. 746 § 1 (part), 2000; Ord. 432 § 3, 1972.)

15.28.135 Reserved.

Editor's note—Ord. No. 791, § A.1, adopted May 3, 2010, repealed § 15.28.135, which pertained to permits and design review required and derived from Ord. 694, § 1, adopted in 1994 and Ord. 686, § 4, adopted in 1993.

15.28.140 Vacant parcel signs.

Nonaccessory or off-premises signs on vacant parcels are prohibited. (Ord. 746 § 1 (part), 2000; Ord. 593 § 1 (part), 1984; Ord. 432 § 4, 1972.)

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15.28.150 Exceptions.

Nothing in this chapter shall be construed to prohibit any sign prescribed or required by law; or any official automobile testing sign; or any sign used by a public agency or utility to protect the health, safety or welfare, or promote the convenience of the general public; or any traffic control device or warning sign; or any notice posted by any lawful officer. (Ord. 746 § 1 (part), 2000; Ord. 432 § 5, 1972.)

15.28.160 Additionally prohibited signs and locations.

- A. All signs shall comply with the following location requirements:
1. No sign shall be erected in such a manner that it will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic, excepting such signs placed by a public agency for control of traffic by vehicles or pedestrians.
 2. No sign shall be placed in any manner, or be maintained on any fence.
 3. No signs shall be affixed to trees or shrubs.
- B. Signs which rotate, move, flash, blink, or appear to do any of the foregoing, including changeable message signs as described in subsection 15.28.020(18), shall be prohibited unless required by law or utilized and operated by a proper governmental agency, or as provided by Section 15.28.070. This prohibition shall not apply to the following types of signs:
1. A sign changing so as to only show time and/or temperature;
 2. An on-the-premises barber pole not to exceed thirty inches in length, which shall be permitted to revolve only during business hours.
- C. Unless otherwise provided for by state law or this code, nonaccessory signs shall be prohibited.
(Ord. 759 § 3, 2005; Ord. 682 § 1, 1992; Ord. 593 § 1 (part), 1984; Ord. 432 § 6, 1972.)

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15.28.165 Additional sign requirements—Historic area.

In addition to the sign requirements of this chapter, the following considerations shall apply to signs proposed within the historic area as defined by Section 17.32.030 of this code.

- A. Purpose. The purpose of this section is to provide guidance to applicants in the design, construction, and placement of signs located in the historic area. It is intended that signs protect and enhance the historic atmosphere of the downtown commercial area. The general concepts and specific criteria detailed below will be the basis for city staff's action on said signs.
- B. General Concepts. The following general concepts are drawn from Preservation Brief 25 of the Technical Preservation Services, Heritage Preservation Services Division, National Park Service, and are to be followed when designing and constructing new signs in the historic area:
 1. Signs are everywhere. And everywhere they play an important role in human activity. They identify. They direct and decorate. They promote, inform, and advertise. Signs are essentially social. They name a human activity, and often identify who is doing it. Signs allow the owner to communicate with the reader, and the people inside a building to communicate with those outside of it.
 2. Signs should be viewed as part of an overall graphics program for the building upon which the sign is to be placed. They do not have to do all the "work" by themselves. The building's form, name, and outstanding features, both decorative and functional, also support the advertising function of a sign. Signs should work with the building, rather than against it.
 3. Signs should respect the size, scale and design of the building. Often features or details of the building will suggest a motif for new signs.

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4. Sign placement is important. New signs should not obscure significant features of the building.
 5. Signs should also respect neighboring buildings. They should not shadow or overpower adjacent structures.
 6. Sign materials should be compatible with those of the building. Materials characteristic of the building's period and style, used in contemporary designs, can form effective signs.
 7. Signs should be attached to the building carefully, both to prevent damage to historic fabric, and to ensure the safety of pedestrians.
- C. Specific Considerations. The following specific considerations are to be made when designing and constructing new signs in the historic area:
1. Signs within the historic area shall contribute to the historic atmosphere and design character of their setting. The planning commission may allow signs in the historic area when such signs are part of a unified design plan which furthers the purpose and general concepts of this section.
 2. Wood is the preferred material of construction, although other materials such as metal, foam board or shapes, or combinations of materials are permissible provided that, in the opinion of the planning commission, the general concepts are in compliance. Plastic is not an allowed material of construction in the historic area.
 3. Non-illuminated or exterior illuminated signs are permissible. Exterior illuminated backlit signs are permissible with a minimum opaque area of sixty-five percent of the sign face. Interior illuminated signs of any type or size are not allowed.
 4. Lighting for exterior illuminated signs shall be so arranged that it will not create a hazardous glare for pedestrians or vehicles in a public street or on any

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private premises. Each sign shall be designed so that illumination does not exceed ten candlepower at a distance of ten feet from the sign.

5. Temporary signs, as defined by this chapter, may be permitted upon the review and approval of the building department and shall be limited to one time only not to exceed thirty days. A single, thirty day extension may be granted by the building department if the applicant is timely pursuing development, processing, construction or installation of permanent signage.
6. Banner signs displayed as a temporary sign are acceptable provided they are approved by the above. Banner signs displayed as permanent signs, as defined by this chapter, shall not be allowed.
7. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet. The minimum horizontal distance between a sign and the curb line shall be two feet. The maximum projection over a public sidewalk shall be two-thirds the width or six feet, whichever is less.
8. The city staff shall provide to appropriate advisory agencies notification of an application for a sign permit in the historic area. Advisory agencies shall have ten days from the date on the notification to provide comment on the proposed sign. City staff will advise the applicant of any comments received, and work with the applicant on changes as determined to be appropriate consistent with the specific criteria. The city staff may then determine whether to issue the permit, issue with revisions, or deny the permit.

(Ord. 791, § B. 2, C. 3, 5-3-2010; Ord. 779, 12-3-2007; Ord. 746 § 1 (part), 2000; Ord. 694 § 2, 1994.)

15.28.170 Lighted sign—Intensity in zones R-1, R-2 and R-3.

Lighted signs in zones R-1, R-2, and R-3 shall not have intensity of more than seventy foot-lamberts. (Ord. 432 § 7, 1972.)

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15.28.180 Residential district provisions.

No sign shall be erected in any residential district except as provided in this section.

- A. Churches and quasi-public organizations may erect signs on the premises identifying the premises or announcing activities thereon.
- B. In all residential districts, signs may be erected identifying the property or building on which the sign is situated.

- C. Certain special purpose signs may be erected in residential districts in compliance with the provisions of Sections 15.28.230 through 15.28.310.
 - D. Except as otherwise provided in Sections 15.28.230 through 15.28.310, wall signs in residential districts shall be prohibited. Freestanding signs shall not exceed ten square feet.
 - E. In residential districts, there shall be no more than one free-standing sign for each frontage. No projecting or roof signs shall be erected in residential districts.
- (Ord. 593 § 1 (part), 1984: Ord. 432 § 8, 1972.)

15.28.190 Freestanding sign.

Except as otherwise provided in this chapter, every free-standing sign shall comply with the requirements of this section.

- A. Five Feet or Under. Freestanding signs five feet or less in height shall be permitted in all districts within the limitations set forth in this section.
 - 1. The maximum area of such signs in the C, CO, CG, PD and ML zones is thirty-two square feet; in the RE, R-1, R-2 and R-3 zones, ten square feet.
 - 2. Every sign shall be wholly on the owner's property and shall not be permitted on publicly used vehicular or pedestrian ways.
- B. Over Five Feet in Height. Freestanding signs over five feet in height shall be permitted only in C, CO, CG, ML and PD zones, and subject to the limitations set forth in this section.
 - 1. The maximum area of such signs shall be thirty-two square feet.
 - 2. Location. Freestanding signs may project over public property, or public vehicular or pedestrian easements or ways, a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade of the public property or easement or way immediately below as set forth in the following:
 - a. A clearance less than eight feet is not permitted;
 - b. For a clearance of eight feet, the maximum projection is one foot;
 - c. For a clearance of eight feet to fourteen feet, the

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- maximum projection is one foot plus six inches for each foot of clearance in excess of eight feet;
- d. For a clearance over fourteen feet, the maximum projection is four feet;
 - e. No sign shall project within two feet of the curb line.
3. The structural support for such signs shall be wholly on the owner's property. No freestanding sign shall exceed thirty-five feet in height.
- C. Number.
1. There may be one freestanding sign for each frontage. In the case of shopping centers and other multiple occupancies having a common frontage, the frontage shall be deemed to be that of the shopping center or commonly used parcel and not the frontage of the individual business or occupancy.
 2. For each frontage with street access, a shopping center may have one freestanding sign, not to exceed forty square feet, giving the common name of the center. In addition, the sign may incorporate area of up to fifteen hundredths of one percent of the gross leasable area of the center, but not to exceed three hundred square feet of sign area, to serve the needs of center tenants. Within said sign area may be placed any number or combination of tenants, as long as the individual tenant signs are no larger than thirty-two square feet, or smaller than sixteen square feet, in area. The minimum sign letter size is to be five inches. No tenants may have a separate freestanding sign unless that tenant is located on an independent pad. An independent pad may have one freestanding sign not to exceed thirty-two square feet in area and twelve feet in height. An independent pad may incorporate its sign on the shopping center sign in-lieu of a freestanding sign on the pad.

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D. Construction. Every freestanding sign shall be constructed wholly of metal, wood, fire-resistant plastic or other approved material.

(Ord. 754 § 2, 2002; Ord. 686 § 5, 1993; Ord. 593 § 1 (part), 1984; Ord. 432 § 9, 1972.)

15.28.200 Wall sign.

Every wall sign shall comply with the requirements of this section.

- A. Area.
1. The maximum wall sign area for each building frontage, in a C, CO, CG, ML or PD zone, shall not exceed twenty percent of the total frontage wall area, but not to exceed ninety square feet.
 2. The wall sign area allowed to separate occupancies in multiple story buildings will be in direct proportion to their part of the total wall area.
 3. One square foot of wall sign shall be allowed for each lineal foot of frontage of multiple business occupancies with individual entrances, in a single building, however, not to exceed a maximum of thirty square feet, but with a maximum of fifteen square feet being allowed for any occupancy less than fifteen lineal feet of frontage.
 4. In the case of shopping centers, for major anchor stores, the wall sign area allowed shall be no more than three percent of the total wall frontage area. All other provisions of this code for wall signs shall apply for shops building tenants and independent pads.
- B. Height. No part of any wall sign shall extend above the top level of the wall upon or in front of which it is situated. Any such sign which is suspended or projects over any public walkway or wall area shall have an overhead clearance of at least eight feet.
- C. Thickness or Projection. No wall sign, including any light box or other structural part, shall project more than twelve inches from the building face.
- D. Number. There may be any number of wall signs for each building frontage, but in no case shall the total wall sign area for each frontage exceed area limitations.

(Ord. 686 § 6, 1993; Ord. 593 § 1 (part), 1984; Ord. 468 § 1, 1974; Ord. 432 § 10, 1972.)

15.28.210 Projecting signs.

- A. Area. For projecting signs in C, CO, CG, ML or PD zones, the total allowable area of such sign shall not exceed thirty square feet.
- B. Height. No projecting sign shall extend above the top level of the wall upon or in front of which it is situated. In the case of buildings having sloping roofs, no such sign shall extend above the roof ridge. Any such sign which projects over public property shall have a clearance of eight feet above the ground, and a fourteen-foot clearance above vehicle-ways.
- C. Location. Projecting signs may project over public property, public vehicular or pedestrian easements or ways a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in subsection B2 of Section 15.28.190.

(Ord. 593 § 1 (part), 1984; Ord. 432 § 11, 1972.)

15.28.220 Roof signs.

Roof signs shall not be allowed in any zone. (Ord. 432 § 12, 1972.)

15.28.230 Special purpose signs.

In addition to any other permitted sign or signs, signs for the special purposes set forth in Sections 15.28.240 through 15.28.311 shall be permitted as provided therein. (Ord. 593 § 1 (part), 1984: Ord. 432 § 13(A)(1), 1972.)

15.28.240 Directory sign.

In all zones where group occupancies in office buildings are permitted, directory signs may be erected. To advance the city's interest in ensuring vehicle and pedestrian traffic safety and convenience, such signs may display the occupant names, particular profession or business, or room or suite number. Such signs may have an area of four square feet plus one square foot per name, in no event to exceed sixteen square feet. (Ord. 746 § 1 (part), 2000: Ord. 593 § 1 (part), 1984: Ord. 432 § 13(A)(1)(a), 1972.)

15.28.250 Construction project sign.

- A. Signs may be erected in conjunction with construction projects.
 - B. In all zones, such signs shall not exceed six square feet in area, and no freestanding sign shall exceed five feet in height.
 - C. All such signs shall be removed before a final release on the construction is given by the building official.
- (Ord. 746 § 1 (part), 2000: Ord. 432 § 13(A)(1)(b), 1972.)

15.28.260 On-site directional sign.

- A. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or onto private property and shall be located on the property to which they pertain.
- B. A maximum of two on-site directional signs per drive approach shall be allowed.

C. Such signs shall not exceed an area of six square feet.
(Ord. 746 § 1 (part), 2000; Ord. 593 § 1 (part), 1984; Ord. 432 § 13(A)(1)(c), 1972.)

15.28.270 House or business flag and banner.

Each separate business or residence may display, only in conjunction with the display of the United States flag, or in conjunction with the display of the United States flag and governmental flags, one house or business flag or banner; provided, however, that the United States flag and any other government flag shall be displayed in an approved manner, and that the house or business flag shall be displayed in a similar manner, and is not larger than the United States flag. (Ord. 746 § 1 (part), 2000; Ord. 432 § 13(A)(1)(d), 1972.)

15.28.280 Noncommercial signs.

Noncommercial signs may be erected in conformity with this chapter in all zones, on a temporary basis only. In each instance and under the same conditions to which this chapter permits any sign, a sign containing an ideological, political or other noncommercial message and constructed to the same physical dimensions and character shall be permitted. (Ord. 746 § 1 (part), 2000; Ord. 432 § 13(A)(1)(e), 1972.)

15.28.290 Nameplate.

One nameplate or marker shall be allowed for each dwelling unit, not to exceed one square foot in area. (Ord. 746 § 1 (part), 2000; Ord. 432 § 13(A)(1)(f), 1972.)

15.28.295 Historical marker.

A historical marker erected to commemorate the history of a building or structure, not larger than four square feet, is permitted in any zone. (Ord. 746 § 1 (part), 2000; Ord. 593 § 1 (part), 1984.)

15.28.300 Subdivision sign.

Approved subdivision signs may be erected under the following conditions:

- A. Not more than two such signs shall be allowed per subdivision unit.
- B. No such sign shall exceed ten square feet in area.
- C. No such sign shall be illuminated.
- D. Such signs shall be removed when all lots and houses in the subdivision have been sold.

(Ord. 746 § 1 (part), 2000; Ord. 432 § 13(A)(1)(g), 1972.)

15.28.310 Special service sign.

- A. In conjunction with drive-in businesses offering fuel, food or lodging, an additional sign area allowance not to exceed ten square feet shall be permitted for special services provided on site.
- B. In conjunction with businesses providing motor fuels for sale, an additional sign area allowance for pricing signs shall be sixteen square feet per side for each brand of fuel or "no brand," and each condition of sale available on the premises. The pricing signs may be placed as one separate freestanding sign for each street frontage, as an addition to an existing freestanding sign, or as permanent signs at the ends and each side of each pump island or aisle. In addition, a condition of sale sign no larger than six square feet may be placed at the ends and each side of each pump island or aisle which provides a different condition of sale from other pump islands or aisles. All pricing signs

placed under this section shall be mounted in accordance with all other provisions of this chapter. (Ord. 746 § 1 (part), 2000; Ord. 581, 1983; Ord. 432 § 13(A)(1)(h), 1972.)

15.28.311 Theater sign.

Changeable or electronic reader board area of not more than thirty-two square feet shall be permitted for each theater screen or stage. (Ord. 746 § 1 (part), 2000; Ord. 503, 1976.)

15.28.320 Combination of types permitted.

There may be permitted, for each place of business or occupancy, a combination of not more than two types of signs; freestanding, wall or projecting. (Ord. 432 § 14, 1972.)

15.28.330 Classification by building department.

Every sign erected or proposed to be erected shall be classified by the building department in accordance with the sign standards and criteria as defined by this chapter. (Ord. 746 § 1 (part), 2000; Ord. 432 § 15, 1972.)

15.28.340 Construction and maintenance.

A. The appropriate provisions of the building code in effect at time of construction shall apply to the construction of signs.

- B. Signs and sign structures shall be maintained at all times in a state of good repair.
- C. Without limiting the foregoing, no person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition, as determined by the building official.
- D. All signs and sign structures shall be constructed, installed or erected with more than a six-foot horizontal and a twelve-foot vertical clearance to energized electrical power lines.

(Ord. 432 § 16, 1972.)

15.28.350 Nonconforming—Removal and amortization period.

- A. It is the intent of Sections 15.28.350 through 15.28.410 to balance the benefit to the public with the loss to the owner in having a nonconforming sign(s) removed.
- B. Any sign which is nonconforming with the requirements of this chapter, either by use permit previously granted or by conformance to the existing sign regulations at the time initial permit for such sign was issued, shall either be removed or brought within the requirements of this chapter no later than July 1, 1984.

(Ord. 593 § 1 (part), 1984; Ord. 506, 1977; Ord. 432 § 17 (A)(1), 1972.)

15.28.360 Nonconforming—Record and notice.

- A. Within four years of the effective date of the ordinance codified in this chapter, the building official shall complete a list of the signs which as of that date do not conform to the provisions of this chapter, and file such list in his office. Upon any annexation to the city, a like list will be made.
- B. Within six months after said filing, the building official shall cause to be mailed, to the owners of property and the proprietor of premises on which nonconforming signs are located, notice of the existence of such nonconforming signs and the time within which the same must be made to conform to this chapter, or be abated.

- C. For purposes of such notification, the last known name and address of the owner of the property in question shall be used, as shown on the last equalized assessment roll of the county.
 - D. Notification to such owner of the property shall be deemed to be notification to the owner of the sign in question.
 - E. The mailing of such notice shall be made by registered or certified United States mail. The failure of the owner to receive the same shall in no way impair the effectiveness of the provisions of this chapter, or the validity of any proceedings taken thereunder for the abatement of any such sign.
- (Ord. 432 § 17(A)(2), 1972.)

15.28.370 Nonconforming—Subsequent to effective date.

- A. Any sign which became nonconforming subsequent to the effective date of adoption of Ordinance No. 432, either by reason of the annexation to the city of territory upon which the sign is located, or the amendment of this chapter to render such sign as nonconforming or otherwise, shall also be subject to the provisions thereof.
 - B. The period within which such sign must be abated as provided in subsection B of Section 15.28.350, shall commence to run on the effective date of such annexation or of such amendment, or the date upon which the sign otherwise becomes nonconforming, not to exceed five years.
- (Ord. 593 § 1 (part), 1984; Ord. 432 § 17(A)(3), 1972.)

15.28.380 Nonconforming—Abatement.

Nonconforming signs shall either be made to conform to the provisions of this chapter, or abated within the applicable period of time set forth in this chapter. In the event they are not so abated, the building official shall order the same abated by the owner of the property on which such sign is located, and/or any other person or corporation known to be responsible for the maintenance of such sign. (Ord. 432 § 17(A)(4), 1972.)

15.28.390 Nonconforming—Removal by building official.

- A. The building official may remove or cause the removal of any fixed permanent sign constructed, placed or maintained in violation of this chapter after ten days written notice to the owner of the sign. The notice shall consist of the receipt of a registered or certified written notice by the owner of the sign at his/her business address of record, which notice shall describe the sign and specify the violation involved, giving notice that it will be removed if the violation is not corrected within ten days, and also giving notice that any persons having interest in the sign may appeal the matter for a hearing by the city council by filing written request at the office of the city clerk within ten days of receipt of the notice. Where the owner of the sign or his/her address is unknown, the notice shall be sent to the owner of the property on which the sign is located. In the event of an appeal, the provisions of Section 15.28.450 shall apply.
1. Signs painted on buildings, walls or fences shall be abated by removal of the paint constituting the sign or by permanently painting over it in a way that the sign shall not thereafter be visible.
 2. The building official may remove or cause the removal of temporary or portable signs so constructed, placed or maintained in violation of this chapter, at the time the notice is given to the person in charge of the premises for which the sign is located.
- B. Signs removed by the building official pursuant to this chapter shall be stored for a period of at least twenty days, and if not claimed within such time, may be destroyed. Prior to the reclaiming of any sign, the owner shall pay a fee of twenty-five dollars to the city to defray a portion of the expense of removing, storing and handling the illegal sign.
- C. If a sign is removed in response to such notice and is later again placed or used in an illegal location or manner, the building official may remove the sign without further notice.

(Ord. 593 § 1 (part), 1984: Ord. 432 § 17(A)(5), 1972.)

15.28.400 Nonconforming—Modification to comply with chapter.

No nonconforming sign shall be in any manner altered, reconstructed or moved without being made to comply in all respects with the provisions of this chapter. (Ord. 432 § 17(A)(7), 1972.)

15.28.410 Nonconforming—Declaration of nuisance.

The city council determines that the public peace, safety, health and welfare require that all signs and advertising structures heretofore constructed or erected in violation of any ordinance of the city in effect at the time such sign was constructed or erected, are made subject to the provisions of this chapter, and shall comply and conform with such requirements in accordance with this chapter, and that all signs and advertising structures which shall not so conform and comply as required in this chapter, and all signs which shall hereafter be constructed or erected in violation of this chapter, shall be declared public nuisances, to be removed and abated in the manner provided by law. (Ord. 432 § 17(A)(6), 1972.)

15.28.420 Abandoned signs—Abatement.

- A. No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which has been abandoned. Any such sign shall be abated by the owner, the building official, or any other person, in a lawful manner.
- B. Any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, and any sign which was erected for an occupant or business unrelated to the present occupant or his business, and any sign which pertains to a time event, or purpose which no longer pertains, shall be presumed to have been abandoned. (Ord. 432 § 18, 1972.)

15.24.430 Unlawful sign—Abatement.

Whenever a sign is found to be erected or maintained in

violation of any provisions of this chapter or any other ordinance or law, the building official shall order that such sign be altered, repaired, reconstructed, demolished, or removed as may be appropriate to abate such condition. (Ord. 432 § 19, 1972.)

15.28.440 Exception procedure.

Where practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this chapter result from the strict application of this chapter, an exception may be granted pursuant to the following procedure:

- A. Written application for such exception shall be filed with the planning commission. A nonrefundable fee of twenty-five dollars shall accompany such application. Such application shall include all information necessary to adequately and properly apprise the planning commission of the alleged grounds, facts and circumstances existing which require any such exception. The applicant must set forth, and prove at any later hearing:
 1. The exception does not constitute a special privilege inconsistent with other properties in the vicinity and the same zone;
 2. The exception is not injurious to the neighborhood and is consistent with the intent of this chapter.
- B. Notice of hearing before the planning commission shall be given as prescribed by Section 15.28.450.
- C. The planning commission shall consider the application at its next regular meeting after such notice, and shall either grant its approval, or conditional approval, or deny such application. Any such hearing may be continued from time to time. The decision of the planning commission may be appealed to the city council pursuant to the provisions of Section 15.28.450.

(Ord. 593 § 1 (part), 1984; Ord. 432 § 20, 1972.)

15.28.450 Appeal.

Any decision of the building official or planning commission, as the case may be, excepting an initial application for an

exception as provided in Section 15.28.440, may be appealed to the city council by any person directly or adversely affected by any such decision, in accordance with the following procedure:

- A. The appeal shall be filed with the city clerk in writing, accompanied by a nonrefundable fee of twenty-five dollars within ten days after the date of the decision of such building official or planning commission. Such decision of the building official or planning commission, as the case may be, becomes final if such appeal is not filed within the time specified.
- B. The city clerk shall give notice of such appeal and of the time and place of hearing thereof by publication once in a newspaper of general circulation published in the city, and, by posting a copy of such notice in a conspicuous place on the property to which such sign or proposed sign related or is situated or is to be situated. Such publication and posting are to be completed not less than ten days before the date noticed for hearing. Any hearing on such appeal may be continued from time to time.

(Ord. 593 § 1 (part), 1984; Ord. 432 § 23, 1972.)

15.28.460 Violations--Penalty.

Any violation of this chapter is an infraction. (Ord. 615, 1985.)

SCHOOL IMPACT MITIGATION PROCEDURES

Chapter 15.32

SCHOOL IMPACT MITIGATION PROCEDURES

Sections:

15.32.010 Established.

15.32.010 Established.

Because adverse significant impacts are likely to occur to school districts as a result of new residential development within the city, unless a mechanism is provided to mitigate such impacts, the following procedure is established:

- A. If the board of trustees of any school district certifies to the city building department that new residential development will have a significant adverse impact on the school district's ability to provide its educational programs, then, as a condition precedent to the granting of a residential permit within the boundary of such district, the applicant shall pay to such district the sum per unit certified by the district to mitigate the adverse impact. Such sum may be certified to be an amount up to one hundred fifty dollars per bedroom.
- B. Such certification must be made after public hearing and must be based on findings supported by clear and convincing evidence.
- C. Any district certifying the need for an impact fee shall establish a special account for moneys received, which account may only be used to pay for improvements necessary to mitigate significant impacts of new residential developments. Such district must further agree that if either state funding proves sufficient to mitigate such impacts or moneys received are not expended within ten years of receipt, then that portion of the funds which is unused shall be refunded.
- D. The board of trustees of any school district so certifying must at least annually review whether conditions have changed such that significant adverse impacts will no longer result from new residential development. In such case, the district must so certify to the city and the fee will no longer be collected for permits in that district.

TITLE 15 FOOTNOTES

- E. Within one year after receipt by a school district of an apportionment pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the board of trustees of a school district receiving fees hereunder shall certify whether new residential development will still have a significant adverse impact on the ability of the school district to provide its educational programs.
(Ord. 583 § A, 1983.)

TITLE 15 FOOTNOTES

1. For statutory provisions authorizing cities to adopt codes and county ordinances by reference, see Gov. Code §§ 50022.1 – 50022.10.
2. For provisions regarding the Uniform Fire Code, see Chapter 15.12 of this code; for provisions regarding the Electrical Code, see Chapter 15.08 of this code.
3. For statutory provisions authorizing cities to regulate signs and billboards, see Gov. Code §§ 38774 and 65850; for further provisions regarding signs, see Chapter 17.44 of this code.
4. Editor's Note: Ordinance 432 was adopted with two sections numbered § 2. The first § 2 is codified at § 15.28.020; the second § 2 is codified at §§ 15.28.030 – 15.28.120.
5. For provisions regarding the adoption of Uniform Building Codes in effect, see Chapter 15.04 of this code.
6. Prior ordinance history: Ord. 501.
7. Prior ordinance history: Ord. 421 as amended by 480.
8. Prior ordinance history: Ords. 417 and 501.

- E. Within one year after receipt by a school district of an apportionment pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976, the board of trustees of a school district receiving fees hereunder shall certify whether new residential development will still have a significant adverse impact on the ability of the school district to provide its educational programs.
(Ord. 583 § A, 1983.)

Chapter 15.36

FLOODPLAIN MANAGEMENT PROCEDURES

Sections:

- 15.36.010 Statutory authorization.**
- 15.36.020 Findings of fact.**
- 15.36.030 Statement of purpose.**
- 15.36.040 Methods of reducing flood losses.**
- 15.36.050 Definitions.**
- 15.36.060 Lands to which this chapter applies.**
- 15.36.070 Basis for establishing the areas of special flood hazard.**
- 15.36.080 Compliance.**
- 15.36.090 Abrogation and greater restrictions.**
- 15.36.100 Interpretation.**
- 15.36.110 Warning and disclaimer of liability.**
- 15.36.120 Severability.**
- 15.36.130 Designation of the floodplain administrator.**
- 15.36.140 Duties and responsibilities of the floodplain administrator.**
- 15.36.150 Development permit.**
- 15.36.160 Appeals.**

FLOODPLAIN MANAGEMENT PROCEDURES

- 15.36.170 Standards of construction.**
- 15.36.180 Standards for utilities.**
- 15.36.190 Standards for subdivisions and other proposed development.**
- 15.36.200 Standards for manufactured homes.**
- 15.36.210 Standards for recreational vehicles.**
- 15.36.220 Floodways.**
- 15.36.230 Nature of variances.**
- 15.36.240 Conditions for variances.**
- 15.36.250 Appeal board.**

15.36.010 Statutory authorization.

The legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the 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 Sonora does hereby adopt the following floodplain management regulations.
(Ord. 784, § 1, 3-16-2009)

15.36.020 Findings of fact.

- A. The flood hazard areas of the City of Sonora are subject to periodic inundation which can 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. Flood losses can be caused by 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 contributes to flood losses.

(Ord. 784, § 1, 3-16-2009)

FLOODPLAIN MANAGEMENT PROCEDURES

15.36.030 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 legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are 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. 784, § 1, 3-16-2009)

15.36.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes regulations 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;

FLOODPLAIN MANAGEMENT PROCEDURES

- 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;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 784, § 1, 3-16-2009)

15.36.050 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.

"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.

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"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) 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".

"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 construc-

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tion 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 date of adoption of the ordinance codified in this chapter.

"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 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 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 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."

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"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" as related to Section 15.36.250(C) 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 will consider the fact that every newly constructed

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

"Hardship" as related to Section 15.36.250(C) of this chapter 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.

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"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.

"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).

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 base-

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ment area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

- a. The flood openings standard in section 15.36.170(C)(3);
- b. The anchoring standards in section 15.36.170(A);
- c. The construction materials and methods standards in section 15.36.170(B); and
- d. The standards for utilities in section 15.36.180

"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

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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, 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 date of adoption of the ordinance codified in this chapter, 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 date of adoption of the ordinance codified in this chapter.

"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.

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"Public safety and nuisance" as related to section 15.36.250(C) 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.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 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 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 the ordinance 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.

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"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."

FLOODPLAIN MANAGEMENT PROCEDURES

"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 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, 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. 784, § 1, 3-16-2009)

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15.36.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Sonora.

(Ord. 784, § 1, 3-16-2009)

15.36.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Tuolumne County, California and incorporated areas" dated January 25, 2008, with accompanying flood insurance rate maps (FIRM's) and flood boundary and floodway maps (FBFM's), dated January 25, 2008, as revised by said maps dated July 2, 2008, 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 by the floodplain administrator. The study, FIRM's and FBFM's are on file at city clerk's office, 94 N. Washington Street.

(Ord. 784, § 1, 3-16-2009)

15.36.080 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. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 784, § 1, 3-16-2009)

15.36.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where

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this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 784, § 1, 3-16-2009)

15.36.100 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 governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 784, § 1, 3-16-2009)

15.36.110 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, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 784, § 1, 3-16-2009)

15.36.120 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

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not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 784, § 1, 3-16-2009)

15.36.130 Designation of the floodplain administrator.

The community development director is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

(Ord. 784, § 1, 3-16-2009)

15.36.140 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:
 1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
 2. All other required state and federal permits have been obtained;
 3. The site is reasonably safe from flooding;
 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. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City of Sonora; and
 5. All letters of map revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on

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conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

- B. Development of Substantial Improvement and Substantial Damage Procedures.
 - 1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
 - 2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- C. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with section 15.36.070, 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 section 15.36.170 through section 15.36.220.

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

- D. 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

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- 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 LOMR's 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 (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
 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.
- E. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
 1. Certification required by section 15.36.170(C)(1) and section 15.36.200 (lowest floor elevations);

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2. Certification required by section 15.36.170(C)(2) (elevation or floodproofing of nonresidential structures);
 3. Certification required by section 15.36.170(C)(3) (wet floodproofing standard);
 4. Certification of elevation required by section 15.36.190(A)(3) (subdivisions and other proposed development standards);
 5. Certification required by section 15.36.220(B) (floodway encroachments); and
 6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- F. **Map Determination.** 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. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 15.36.160.
- G. **Remedial Action.** Take action to remedy violations of this chapter as specified in section 15.36.080.
- H. **Biennial Report.** Complete and submit biennial report to FEMA.
- I. **Planning.** Assure community's general plan is consistent with floodplain management objectives herein.
- J. **Nonconversion of Enclosed Areas Below the Lowest Floor.** 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

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without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;
2. Enter into a "Nonconversion Agreement for Construction Within Flood Hazard Areas" or equivalent with the City of Sonora. The agreement shall be recorded with the Tuolumne County Recorder as a deed restriction. The nonconversion agreement shall be in a form acceptable to the floodplain administrator and County Counsel; and
3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least seventy-two hours.

(Ord. 784, § 1, 3-16-2009)

15.36.150 Development permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in section 15.36.070. Application for a development permit shall be made on forms furnished by the City of Sonora. The applicant shall provide the following minimum information:

- A. Plans in duplicate, drawn to scale, showing:
 1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 2. Proposed locations of water supply, sanitary sewer, and other utilities;
 3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 4. Location of the regulatory floodway when applicable;

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5. Base flood elevation information as specified in section 15.36.070 or section 15.36.140(C);
 6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in section 15.36.170(C)(2) of this chapter and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in section 15.36.170(C)(2).
 - C. For a crawl-space foundation, location and total net area of foundation openings as required in section 15.36.170(C)(3) of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - E. All appropriate certifications listed in section 15.36.140(E) of this chapter.

(Ord. 784, § 1, 3-16-2009)

15.36.160 Appeals.

The city council of the City of Sonora 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. 784, § 1, 3-16-2009)

15.36.170 Standards of construction.

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

- A. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or

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lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- B. Construction materials and methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:
 - 1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
 - 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
 - 4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- C. Elevation and floodproofing.
 - 1. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
 - a. In AE, AH, A1-30 zones, elevated two feet above the base flood elevation.
 - b. In an AO zone, elevated above the highest adjacent grade to a height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified.

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- c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated two feet above the base flood elevation; as determined under section 15.36.140(C).

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

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with section 15.36.170(C)(1) or:
 - a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under section 15.36.170(C)(1), 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 civil engineer or architect that the standards of section 15.36.170(C)(2)(a. and b) are satisfied. Such certification shall be provided to the floodplain administrator.
3. Flood openings. All new construction and substantial improvements of structures 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

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forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For non-engineered openings:
 1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade;
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 - b. Be certified by a registered civil engineer or architect.
4. Manufactured homes.
 - a. See section 15.36.200.
 5. Garages and low cost accessory structures.
 - a. Attached garages.
 1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See section 15.36.170(C)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See section 15.36.170(B).
 2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

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- b. Detached garages and accessory structures.
 1. "Accessory structures" used solely for parking (two car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in section 15.36.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - a) Use of the accessory structure must be limited to parking or limited storage;
 - b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - e) The accessory structure must comply with floodplain encroachment provisions in section 15.36.220; and
 - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with section 15.36.170(C)(3).
 2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in section 15.36.170.
5. Crawlspace construction. This subsection applies to buildings with crawl spaces up to two feet below grade.

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Belowgrade 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
- c. Exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
- d. 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;
- e. 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
- f. 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.

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- g. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - 1. The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure three of Technical Bulletin 11-01;
 - 2. 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 three of Technical Bulletin 11-01) at any point;
 - 3. 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
 - 4. 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. 784, § 1, 3-16-2009)

15.36.180 Standards for utilities.

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

(Ord. 784, § 1, 3-16-2009)

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15.36.190 Standards for subdivisions and other proposed development.

- A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is the lesser, shall:
 - 1. Identify the Special flood hazard areas (SFHA) and base flood elevations (BFE).
 - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - 3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:
 - a. Lowest floor elevation.
 - b. Pad elevation.
 - c. Lowest adjacent grade.
 - B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
 - C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.
- (Ord. 784, § 1, 3-16-2009)

15.36.200 Standards for manufactured homes.

- A. All manufactured homes that are placed or substantially improved, 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

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home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within zones A1-30, AH, and AE on the community's flood insurance rate map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet 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 Section 15.36.200(A) 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 at least two feet above the base flood elevation; 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 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 land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

(Ord. 784, § 1, 3-16-2009)

15.36.210 Standards for recreational vehicles.

- A. All recreational vehicles placed in zones A1-30, AH, and AE will either:
 1. Be on the site for fewer than one hundred eighty consecutive days; or

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2. 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
3. Meet the permit requirements of Section 15.36.150 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.36.200(A).

(Ord. 784, § 1, 3-16-2009)

15.36.220 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Sonora.
- B. Within an adopted regulatory floodway, the City of Sonora shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If Section 15.36.220(A) and (B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 15.36.170 through Section 15.36.200.

(Ord. 784, § 1, 3-16-2009)

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15.36.230 Nature of variances.

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

The variance criteria set forth in this section of the ordinance 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 to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term 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. 784, § 1, 3-16-2009)

15.36.240 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

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procedures of this chapter 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" (as defined in Section 15.36.050 of this chapter) 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 need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.
- E. 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 administra-

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tor in the Office of the Tuolumne County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

- F. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(Ord. 784, § 1, 3-16-2009)

15.36.250 Appeal board.

- 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:
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 flood waters expected at the site; and

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- B. 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.
- C. 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" 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 (see "public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.
- D. 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 Section 15.36.250(A) through (D) 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.
- E. Upon consideration of the factors of Section 15.36.240(A) and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. 784, § 1, 3-16-2009)

TITLE 15 FOOTNOTES

- 1. For statutory provisions authorizing cities to adopt codes and county ordinances by reference, see Gov. Code §§ 50022.1 - 50022.10.
- 2. For provisions regarding the Uniform Fire Code, see Chapter 15.12 of this code; for provisions regarding the Electrical Code, see Chapter 15.08 of this code.

TITLE 15 FOOTNOTES

3. For statutory provisions authorizing cities to regulate signs and billboards, see Gov. Code §§ 38774 and 65850; for further provisions regarding signs, see Chapter 17.44 of this code.
4. Editor's Note: Ordinance 432 was adopted with two sections numbered § 2. The first § 2 is codified at § 15.28.020; the second § 2 is codified at §§ 15.28.030 — 15.28.120.
5. For provisions regarding the adoption of Uniform Building Codes in effect, see Chapter 15.04 of this code.
6. Prior ordinance history: Ord. 501.
7. Prior ordinance history: Ord. 421 as amended by 480.
8. Prior ordinance history: Ord. 417 and 501.