Title 14
BUILDINGS AND CONSTRUCTION

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Chapter 14.02
BUILDING CODE

Sections:

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14.02.010 Title.

This chapter shall be known and cited as the “Folsom Building Code.” (Ord. 1137 § 2 (part), 2010)

14.02.015 Definitions.

For purpose of this chapter, the following terms shall have the meaning set forth in this section:

“Building codes” or “code” shall mean the Folsom construction codes and each and every ordinance codified therein as adopted by the city council of the city of Folsom by ordinance, including, but not limited to, the Folsom Building Code, the Folsom Residential Code, the Folsom Electrical Code, the Folsom Mechanical Code, the Folsom Plumbing Code, the Folsom Energy Code, the Folsom Fire Code, the Folsom Green Standards Building Code (CALGreen), the Folsom Referenced Standards Code, the Folsom Property Maintenance Code, the Folsom Historical Building Code and the Folsom Swimming Pool, Spa and Hot Tub Code. This shall also apply to references to the “uniform codes” found within the Folsom Municipal Code. (Ord. 1137 § 2 (part), 2010)

14.02.020 Authority having jurisdiction.

The chief building official of the city is designated to be the authority having jurisdiction of the Folsom construction codes. The chief building official shall administer, enforce, and render interpretations of all the provisions of this code and the referenced technical codes. The terms “administrative authority,” “authority having jurisdiction,” and “city” are to be considered synonymous with the terms “building official,” “department of building safety” and “building department” as they appear in the code or the technical codes. The city council shall budget and appropriate such city funds for the division of building safety as it may deem necessary for the proper operation of the division. (Ord. 1137 § 2 (part), 2010)

14.02.030 Purpose.

The purpose of the Folsom Building Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction, and certain equipment specifically regulated herein, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.02.040 Adoption by reference.
Subject to the additions, amendments, or deletions set forth in Section 14.02.050, the California Building Code, 2010 Edition, based on the 2009 International Building Code, including Appendix Chapters H, J, and K, published as Parts 1 and 2, Title 24, C.C.R., published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Building Code and any and all amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

14.02.045 Right of entry.
The code enforcement officer, the fire chief, the chief building official, or their designees shall be authorized to enter upon private property or public property as provided for in Section 1.09.025 to enforce the provisions of this title, or for the purpose of making any inspection, reinspection or test of any work performed pursuant to this title. (Ord. 1137 § 2 (part), 2010)

14.02.050 Additions, amendments, or deletions to Folsom Building Code.
The Folsom Building Code is amended as follows:

CHAPTER 1, DIVISION II

A. Section 101.1 Title—Insert the words “City of Folsom” as the name of jurisdiction. This shall apply to any of the adopted codes wherever the name of the jurisdiction is to be inserted.

B. Section 101.2 Scope—Delete the words “California Building Code” and insert, in lieu thereof, the words “Folsom Residential Building Code.”

C. Section 101.4 Referenced codes—Delete in its entirety and revised to read as follows:

> 101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each reference. If another code is referenced elsewhere in this Code and has not been adopted, then that section shall be considered invalid. Where there is a conflict between the

administrative requirements in this Code and those in other adopted technical codes, the more restrictive requirements shall apply.

Exception: Administrative requirements in the City of Folsom Fire Code.

Any references to the International Residential Code, Residential Code for One- and Two-family Dwellings, or California Residential Code shall be deleted and the words “Folsom Residential Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the National Electrical Code or California Electrical Code shall be deleted and the words “Folsom Electrical Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Fuel Gas Code shall be deleted and the words “Folsom Plumbing Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Plumbing Code or California Plumbing Code shall be deleted and the words “Folsom Plumbing Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Mechanical Code or California Mechanical Code shall be deleted and the words “Folsom Mechanical Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Property Maintenance Code shall be deleted and the words “Folsom Property Maintenance Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Fire Code or California Fire Code shall be deleted and the words “Folsom Fire Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Zoning Code shall be deleted and the words “Folsom Zoning Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Energy Conservation Code shall be deleted and the words “Folsom Energy Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the California Historical Building Code shall be deleted and the words “Folsom Historical Building Code adopted by the City of Folsom and amended from time to time” shall be inserted in lieu thereof.

Any references to the International Existing Building Code or International Private Sewage Disposal Code shall be deleted.

101.4.1 Electrical. The provisions of the Electrical Code adopted by the City of

Folsom and amended from time to time shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.2 Plumbing and Gas. The provisions of the Plumbing Code adopted by the City of Folsom and amended from time to time shall apply to the installation alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all applicable aspects of a medical gas system. The provisions shall also apply to the installation of gas piping from the point of delivery, gas appliances and related accessories.

101.4.3 Mechanical. The provisions of the Mechanical Code adopted by the City of Folsom and amended from time to time shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.4.4 Property maintenance. The provisions of the Property Maintenance Code adopted by the City of Folsom and amended from time to time shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety, hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures and shall be enforced along with the requirements of Title 8, “Health, Sanitation and Welfare,” of the Folsom Municipal Code. Where there is a conflict between Title 8 of the Folsom Municipal Code and the Folsom Property Maintenance Code, the more restrictive shall apply.

101.4.5 Fire prevention. The provisions of the Fire Code adopted by the City of Folsom and amended from time to time shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire or explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 California Energy Code and California Green Building Standards Code. The provisions of the California Energy Code and California Green Building Standards Code adopted by the City of Folsom shall apply to all matters governing the sustainable and energy efficiency design and construction of those structures regulated by the Folsom Construction Codes as adopted by the City of Folsom.

101.4.7 California Historical Building Code. The provisions of the California Historical Building Code adopted by the City of Folsom are intended to facilitate, by means of alternative solutions, the restoration of change of occupancy so as to preserve their original or restored architectural elements

and features, to encourage energy conservation, disabled access and a cost-effective approach to preservation, and to provide for the safety of the building occupants of those structures regulated by the Folsom Construction Codes as adopted by the City of Folsom.

D. Section 105.3.1 Action on application—Add a new paragraph at the end to read: “No new or additional permits shall be issued to any property or person who has any outstanding violations of this Code or any other code of this jurisdiction.”

E. Section 105.3.2 Time limit of application—Amend to read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for a period not to exceed 90 calendar days. The extension shall be requested in writing and justifiable cause demonstrated.

F. Section 105.5 Expiration—Amend to read as follows:

Every permit issued shall become invalid unless the work authorized by such permit is commenced and required inspections are requested by the permittee and approved by the Building Official within 180 calendar days after its issuance, or if more than 180 calendar days elapses between approval of required inspections. The Building Official shall be authorized to grant one extension of time for a period not to exceed 180 calendar days. The extension shall be requested in writing and justifiable cause demonstrated. Permits shall not be extended more than once and all requests for extensions shall be in writing. In order to renew action on a permit after expiration, a new full permit fee shall be paid based on the current fee schedule adopted by the City. If action on an expired permit also requires an additional plan review, a full plan review shall be paid based on the current fee schedule adopted by the City.

All building permits shall expire two years after the issuance date. The permit may be extended once for a period not exceeding 180 calendar days beyond this period if the work authorized by the permit is being diligently pursued but only upon written request by the permittee. Review of the request and granting of an approved time extension beyond two years shall be made by the Building Official and any additional fees shall be paid based on the current fee schedule as adopted by the City.

G. Section 108.3 Building Permit Valuations—Amend to read as follows:

108.3 Building Permit Valuations. The applicant for a permit for a new building or structure or additions to an existing building or structure shall provide an estimated permit value at time of application. The value to be used in computing the building permit and building plan review fees shall be, including labor, the total of all construction work for which the permit is being issued, as well as grading, roofing, siding, electrical, plumbing, gas, heating, air

conditioning, elevators, fire extinguishing systems, permanent mechanical equipment and systems as well as any other items which will require plan review and/or inspection. When permitted work includes an alteration to an existing structure, or includes work outside of the standard calculated fee areas determined by square footage cost tables, the applicant shall provide legitimate actual/contracted project costs to establish the additional non-calculated valuation of the total permitted project. Value for donated and/or discounted materials and labor shall be established at typical market rates. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official.

Exceptions: Cost of land, finish materials such as paint, wallpaper, tile, flooring, interior paneling, except those finish materials requiring fire resistive qualities, counters, counter tops, cabinets, and appliances such as dishwashers, stoves, ovens and microwaves. In addition, the Building Official is authorized to omit the cost of electrical fixtures and plumbing fixtures such as garbage disposals, sinks, lavatories and water closets where their removal or replacement does not require inspection. These exceptions shall not include the replacement of any concealed electrical, plumbing, gas, ventilation or other mechanical systems required to operate these appliances or the exposed or concealed extension of any of these systems.

Final building permit valuation shall be set by the Building Official.

H. Section 109.1 Payment of fees—Add an additional paragraph to read as follows:

When submittal documents are incomplete or revised so as to require additional plan review after the second review, final review, or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate as set forth by resolution of the City Council.

I. Section 109.4 Work commencing before permit issuance—Add an additional sentence to read as follows:

The minimum investigative fee for commencing work before permit issuance shall be equal to and in addition to the amount of the permit fee as set forth by resolution of the City Council for the first offense and twice the amount as the permit fee for second and subsequent offenses. The payment of such investigative fee shall not exempt any person from compliance with other provisions of this Code, the technical codes, or from any penalty prescribed by law.

J. Section 109.6 Refunds—Amend to read as follows:

Refunds. The Building Official shall be permitted to authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The Building Official shall be permitted to authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The Building Official shall be permitted to authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The Building Official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than 90 calendar days after the date of fee payment. Under no circumstances shall there be a refund of either fee if the plan review or building permit has expired.

K. Section 110 Inspections—Add additional section to read as follows:

Section 110.7 Reinspections is added as follows:

110.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when any of the following conditions exist:

1. Such portion of work for which inspection is called is not completely ready.

2. Previous written corrections have not been made.

3. The job address is not clearly posted and visible from the street or the front of the building.

4. The inspector has no access to the work to be inspected.

5. The approved plans are not readily available to the inspector.

6. The building permit, application, appropriate documents, or any previous correction notice(s) are not available at the job site.

7. Deviating from the approved plans requiring further approval of the Building Official.

This section shall not be interpreted as requiring reinspection fees the first time an inspection is not approved for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the project is completely ready for such inspection or when plans and/or permit documents are not available to the inspector at the site where the inspection is to be performed.

To obtain a reinspection, the applicant shall first pay the reinspection fee in accordance with resolution adopted by the City Council.

In instances where reinspection fees have been assessed, no additional

inspection of the work will be performed until the reinspection fees have been paid.

L. Section 111.1 Use and occupancy—Amend to read as follows:

No building or structure shall be used, occupied, or furnished in whole or in part, and no change in the existing occupancy classification of a building or structure or portion thereof be made until the Building Official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

M. Section 111.3—Add a second paragraph to read as follows:

Temporary occupancy may occur only upon application for a Temporary Certificate of Occupancy and the clearance for the connection of the gas and electrical utilities is granted and payment is made for the additional inspections remaining to grant final approval for occupancy of the entire building. In the event the building is not completed and ready for final inspection in the time prescribed by the Building Official or if the building is occupied prior to receiving a Certificate of Occupancy, the Building Official shall be authorized to cause the building to be vacated and the utilities disconnected until such time as the building is completed, final inspections are conducted and a Certificate of Occupancy is issued as set forth above.

N. Section 1612.3—Insert the words “City of Folsom” as the jurisdiction name and “January 6, 1982” as the date of issuance. (Ord. 1137 § 2 (part), 2010)

14.02.055 Violations—Nuisance.
Any violation of any code as adopted and amended by ordinance shall be, and the same is declared to be, unlawful and a public nuisance. (Ord. 1137 § 2 (part), 2010)

14.02.060 Enforcement.
Unless otherwise set forth in this title, the chief building official or his/her designee shall enforce the provisions of this title pursuant to the provisions of Chapters 1.08 through 1.10, inclusive. (Ord. 1137 § 2 (part), 2010)

14.02.070 Penalties.
The following penalties shall apply to any violation of a provision of this title, unless a different penalty is otherwise established by the city council and specifically set forth by ordinance:

A. A violation of any provision of this title shall be an administrative violation as defined in Section 1.08.020. In addition to enforcement by any procedure set forth in Chapters 1.08 through 1.10, inclusive, any violation of this title shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars, or

by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.

C. In addition to the criminal penalty set forth in subsection A of this section, based upon the standards for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of any provision of this title shall be deemed a Level E violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A)(5). (Ord. 1137 § 2 (part), 2010)

14.02.080 Enforcement procedures.

A. Prior to the suspension, revocation, or denial of any license or permit, or the assessment of any fee, penalty, or charge, or the commencement of any other enforcement action pursuant to this title, the director of the community development department shall follow the procedures as set forth in Sections 1.09.020 through 1.09.048, inclusive. The rights to judicial review set forth in Sections 1.09.050 through 1.09.052, inclusive, shall apply.

B. A notice to correct or stop order shall be served in accordance with the provisions of Section 1.09.023.

1. Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns the failure to apply for and/or obtain a valid permit, the time allowed for application for a permit shall be no less than seven calendar days and no more than thirty calendar days. A stop order shall accompany the notice to correct, and shall remain in effect pending the review of and decision on any permit application.

2. Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns: (a) the failure to comply with conditions placed on a permit or other entitlement issued by the city, or (b) a violation of any provision of this title, the time allowed to correct the violation shall be a minimum of twenty-four hours and a maximum of ninety calendar days, depending upon the type of action that will be necessary to correct the violation. If the violation creates a potential risk of harm to persons or property, a stop order may accompany the notice to correct, and shall remain in effect until the violation has been remedied to the satisfaction of the director of the community development department.

C. If the director of the community development department determines that there has been a good faith effort to correct the violation(s) set forth in a notice to correct, the director may extend the deadline for compliance for a reasonable period of time. Any such extension shall be memorialized in writing and copy shall be sent by first class mail to all responsible persons.

D. A notice of administrative violation may be issued pursuant to the procedures established in Section 1.09.024. (Ord. 1137 § 2 (part), 2010)

14.02.085 Conflicts.

In the event of any conflict between this code and any law, rule or regulation of the federal or state government, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this code. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.04
RESIDENTIAL CODE

Sections:

14.04.010 Title.
14.04.020 Authority having jurisdiction.
14.04.030 Purpose.
14.04.040 Adoption by reference.
14.04.050 Additions, amendments, or deletions to Folsom Residential Code.

14.04.010 Title.
This chapter shall be known and cited as the “Folsom Residential Code.” (Ord. 1137 § 2 (part), 2010)

14.04.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Residential Code. The chief building official shall administer, enforce, and render interpretations of all the provisions of the Folsom Residential Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.04.030 Purpose.
The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction, and certain equipment specifically regulated herein, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.04.040 Adoption by reference.
Subject to the additions, amendments, or deletions set forth in Section 14.04.050, the California Residential Code, 2010 Edition, based on the 2009 International Residential Code for One- and Two-Family Dwellings, including Appendix Chapter I, published as Part 2.5, Title 24, C.C.R., published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Residential Code, and any amendments thereto, shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

14.04.050 Additions, amendments, or deletions to Folsom Residential Code.
The Folsom Residential Code is amended as follows:

A. Section R101.1 Title—Insert the words “City of Folsom” as the name of jurisdiction. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.08
ELECTRICAL CODE

Sections:

14.08.010 Title.
14.08.020 Authority having jurisdiction.
14.08.030 Purpose.
14.08.040 Adoption by reference.

14.08.010 Title.
This chapter shall be known and cited as the “Folsom Electrical Code.” (Ord. 1137 § 2 (part), 2010)

14.08.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Electrical Code. The chief building official shall administer, enforce, and render interpretations of the provisions of the Folsom Electrical Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.08.030 Purpose.
The purpose of the Folsom Electrical Code is to provide minimum standards to safeguard life or limb, health, property and public welfare and to protect against hazards that may arise from the use of electricity by regulating and controlling the design, construction, and installation, quality of materials, location and operation of electrical equipment, wiring and systems, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.08.040 Adoption by reference.
The California Electrical Code, 2010 Edition, based on the 2008 National Electrical Code, published as Part 3, Title 24, C.C.R., published by the National Fire Protection Agency, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Electrical Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.12
PLUMBING CODE

Sections:

14.12.010 Title.
14.12.020 Authority having jurisdiction.
14.12.030 Purpose.
14.12.040 Adoption by reference.
14.12.050 Additions, amendments, or deletions to Folsom Plumbing Code.

14.12.010 Title.
This chapter shall be known and cited as the “Folsom Plumbing Code.” (Ord. 1137 § 2 (part), 2010)

14.12.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Plumbing Code. The chief building official shall administer, enforce, and render interpretations of the provisions of the Folsom Plumbing Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.12.030 Purpose.
The purpose of the Folsom Plumbing Code is to provide minimum standards to safeguard life or limb, health, property and public welfare, and to protect against hazards that may arise from the use of plumbing and fuel gas piping and systems by regulating and controlling the design, construction, installation, quality of materials, location and operation of plumbing and fuel gas systems within the city, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.12.040 Adoption by reference.
Subject to the additions, amendments, or deletions set forth in Section 14.12.050, the California Plumbing Code, 2010 Edition, based on the 2009 Uniform Plumbing Code, including Appendix Chapters A, B, D, G, I and L, published as Part 5, Title 24, C.C.R., published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Plumbing Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

14.12.050 Additions, amendments, or deletions to Folsom Plumbing Code.
The Folsom Plumbing Code is amended as follows:

A. Section 103.4 Fees.

1. 103.4.1 Permit Fees—Delete “Table 1-1” and insert, in lieu thereof, the words “adopted by resolution by the Folsom City Council.”

2. 103.4.2 Plan Review Fees—Delete “shown in Table 1-1” and insert, in lieu thereof, the words “as adopted by resolution by the Folsom City Council.”

B. Table 1-1 Plumbing Permit Fees—Delete in its entirety. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.16
MECHANICAL CODE

Sections:

14.16.010 Title.
14.16.020 Authority having jurisdiction.
14.16.030 Purpose.
14.16.040 Adoption by reference.
14.16.050 Additions, amendments, or deletions to Folsom Mechanical Code.

14.16.010 Title.
This chapter shall be known and cited as the “Folsom Mechanical Code.” (Ord. 1137 § 2 (part), 2010)

14.16.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Mechanical Code. The chief building official shall administer, enforce, and render interpretations of the provisions of the Folsom Mechanical Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.16.030 Purpose.
The purpose of the Folsom Mechanical Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the city, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.16.040 Adoption by reference.
Subject to the additions, amendments, or deletions set forth in Section 14.16.050, the California Mechanical Code, 2010 Edition, based on the 2009 Uniform Mechanical Code, including Appendix Chapters A and D, published as Part 4, Title 24, C.C.R., published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Mechanical Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

14.16.050 Additions, amendments, or deletions to Folsom Mechanical Code.
The Folsom Mechanical Code is amended as follows:

A. Section 115.0 Fees.

1. 115.1 General—Delete “Table 1-1” and insert, in lieu thereof, the words “adopted by resolution by the Folsom City Council.”

2. 115.2 Permit Fees—Delete “set forth in Table 1-1” and insert, in lieu thereof, the words “adopted by resolution by the Folsom City Council.”

3. 115.3 Plan Review Fees—Delete “shown in Table 1-1” and insert, in lieu thereof, the words “as adopted by resolution by the Folsom City Council.”

B. Table 1-1 Mechanical Permit Fees—Delete in its entirety. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.19
ENERGY CODE

Sections:

14.19.010 Title.
14.19.020 Authority having jurisdiction.
14.19.030 Purpose.
14.19.040 Adoption by reference.

14.19.010 Title.
This chapter shall be known and cited as the “Folsom Energy Code.” (Ord. 1137 § 2 (part), 2010)

14.19.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Energy Code. The chief building official shall administer, enforce, and render interpretations of the provisions of the Folsom Energy Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.19.030 Purpose.
The purpose of the Folsom Energy Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of energy and energy systems within the city, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.19.040 Adoption by reference.
The California Energy Code, 2010 Edition, published as Part 6, Title 24, C.C.R., published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Energy Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.20
GREEN BUILDING STANDARDS CODE

Sections:

14.20.010 Title.
14.20.020 Authority having jurisdiction.
14.20.030 Purpose.
14.20.040 Adoption by reference.

14.20.010 Title.
This chapter shall be known and cited as the “Folsom Green Building Standards Code.” (Ord. 1137 § 2 (part), 2010)

14.20.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Green Building Standards Code. The chief building official shall administer, enforce, and render interpretations of all the provisions of the Folsom Green Building Standards Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.20.030 Purpose.
The purpose of the Folsom Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.20.040 Adoption by reference.
The California Green Building Standards Code (CALGreen Code), 2010 Edition, excluding Appendix Chapters A4 and A5, published as Part 11, Title 24, C.C.R., is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Green Building Standards Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.22
HISTORICAL BUILDING CODE

Sections:

14.22.010 Title.
14.22.020 Authority having jurisdiction.
14.22.030 Purpose.
14.22.040 Adoption by reference.

14.22.010 Title.
This chapter shall be known and cited as the “Folsom Historical Building Code.” (Ord. 1137 § 2 (part), 2010)

14.22.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Historical Building Code. The chief building official shall administer, enforce, and render interpretations of the provisions of the Folsom Historical Building Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.22.030 Purpose.
The purpose of the Folsom Historical Building Code is to provide building regulations for the rehabilitation, preservation, restoration (including related reconstruction), of relocation of buildings or structures designated as historic buildings. Such building regulations are intended to facilitate, by means of alternative solutions, the restoration of change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation, disabled access and a cost-effective approach to preservation, and to provide for the safety of the building occupants. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.22.040 Adoption by reference.
The California Historical Building Code, 2010 Edition, published as Part 8, Title 24, C.C.R., is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Historical Building Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.23
PROPERTY MAINTENANCE CODE

Sections:

14.23.010 Title.
14.23.020 Authority having jurisdiction.
14.23.030 Purpose.
14.23.040 Adoption by reference.
14.23.050 Additions, amendments, or deletions to Folsom Property Maintenance Code.

14.23.010 Title.
This chapter shall be known and cited as the “Folsom Property Maintenance Code.” (Ord. 1137 § 2 (part), 2010)

14.23.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Property Maintenance Code. The chief building official shall administer, enforce, and render interpretations of all the provisions of the Folsom Property Maintenance Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.23.030 Purpose.
The purpose of the Folsom Property Maintenance Code is to provide minimum standards to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises, and to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. The Folsom Property Maintenance Code is not to be construed to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by its terms. (Ord. 1137 § 2 (part), 2010)

14.23.040 Adoption by reference.
Subject to the additions, amendments, or deletions set forth in Section 14.23.050, based on the 2009 International Property Maintenance Code, published by the International Code Council, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Property Maintenance Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

14.23.050 Additions, amendments, or deletions to Folsom Property Maintenance Code.
The Folsom Property Maintenance Code is amended as follows:

A. Section 101.1 Title—Insert the words “City of Folsom” as the name of jurisdiction.

B. Section 102.10 Other laws—Add one additional sentence to read as follows: “Whenever the requirements of this code conflict with Title 8, ‘Health, Sanitation and Welfare’ in the Folsom Municipal Code, the more restrictive requirements shall govern.”

C. Section 103.5 Fee—Remove the words “indicated in the following schedule” and insert, in lieu thereof, the following: “adopted by resolution by the city council.”

D. Section 112.4 Failure to comply—Remove the words “of not less than [AMOUNT] dollars or more than [AMOUNT] dollars” and insert, in lieu thereof, the following: “as established in Title 14, Chapter 14.02, Sections 14.02.070 and 14.02.080 of the Folsom Municipal Code.”

E. Section 302.4 Weeds—Delete this section in its entirety.

F. Section 304.14 Insect screens—Insert the dates “January 1 to December 31.”

G. Section 602.3 Heat supply—Insert the dates “November 1 to May 1.”

H. Section 602.4 Occupiable work spaces—Insert the dates “November 1 to May 1.” (Ord. 1137 § 2 (part), 2010)

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Chapter 14.26
REFERENCED STANDARDS CODE

Sections:

14.26.010 Title.
14.26.020 Authority having jurisdiction.
14.26.030 Purpose.
14.26.040 Adoption by reference.

14.26.010 Title.

This chapter shall be known and cited as the “Folsom Referenced Standards Code.” (Ord. 1137 § 2 (part), 2010)

14.26.020 Authority having jurisdiction.

The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Referenced Standards Code. The chief building official shall administer, enforce, and render interpretations of all the provisions of Folsom Referenced Standards Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.26.030 Purpose.

The purpose of this code is to provide procedures for administration and enforcement of the provisions of the Folsom construction codes and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.26.040 Adoption by reference.

The California Referenced Standards Code, 2010 Edition, published as Part 12, Title 24, C.C.R., is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Referenced Standards Code and any amendments thereto shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

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Chapter 14.28
SWIMMING POOL, SPA AND HOT TUB CODE

Sections:

14.28.010 Title.
14.28.020 Authority having jurisdiction.
14.28.030 Purpose.
14.28.040 Adoption by reference.
14.28.050 Additions, amendments, or deletions to Folsom Swimming Pool, Spa and Hot Tub Code.

14.28.010 Title.
This chapter shall be known and cited as the “Folsom Swimming Pool, Spa and Hot Tub Code.” (Ord. 1137 § 2 (part), 2010)

14.28.020 Authority having jurisdiction.
The chief building official of the city is designated to be the authority having jurisdiction of the Folsom Swimming Pool, Spa and Hot Tub Code. The chief building official shall administer, enforce, and render interpretations of all the provisions of Folsom Swimming Pool, Spa and Hot Tub Code and the other referenced technical codes. (Ord. 1137 § 2 (part), 2010)

14.28.030 Purpose.
The purpose of the Folsom Swimming Pool, Spa and Hot Tub Code is to provide minimum requirements and standards for the protection of the public health, safety and welfare by regulating the design, erection, installation, alteration, addition, repair, relocation, replacement, maintenance or use of any swimming pool, spa or hot tub plumbing system except as otherwise provided for in this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code. (Ord. 1137 § 2 (part), 2010)

14.28.040 Adoption by reference.
Subject to the additions, amendments, or deletions set forth in Section 14.28.050, the Uniform Swimming Pool, Spa and Hot Tub Code, 2009 Edition, as published by the International Association of Plumbing and Mechanical Officials, is adopted and made part of this title as though fully set forth herein to provide technical requirements and the procedures for administration and enforcement of the provisions of the Folsom construction codes. One copy of the Folsom Swimming Pool, Spa and Hot Tub Code, and any amendments thereto, shall be kept on file in the community development department and shall be available for use and examination by the public. (Ord. 1137 § 2 (part), 2010)

14.28.050 Additions, amendments, or deletions to Folsom Swimming Pool, Spa and Hot Tub Code.
The Folsom Swimming Pool, Spa and Hot Tub Code is amended as follows:

A. Section 101.4.1.4 Conflicts Between Codes—Revise to read as follows:

When the requirements within the jurisdiction of this code conflict with the requirements of the Folsom Plumbing Code, Folsom Mechanical Code or Section 3109 of the Folsom Building Code, this code shall prevail. Any requirements of the State of California Health and Safety Code which may be more restrictive shall also apply.

B. Section 103.2 Application for Permit.

1. 103.2.1 Application—Revise to read as follows:

Before any person commences with construction of a structure intended for swimming, recreational bathing or wading, including the installation of any plumbing, filter system, circulating pump, chlorinating or emptying system for any swimming pool, hot tub or spa, an application accompanied by engineered wet stamped/signed plans and specifications shall be submitted, a fee shall be paid and a permit shall be obtained from the City. Every such application and submittal shall include the information required in sections 103.2.1.1 through 103.2.2.

C. Section 103.4 Fees.

1. 103.4.1 Permit Fees—Delete “Table 1-1” and insert, in lieu thereof, the words “adopted by resolution by the Folsom City Council.”

2. 103.4.2 Plan Review Fees—Delete “shown in Table 1-1” and insert, in lieu thereof, the words “as adopted by resolution by the Folsom City Council.”

D. Table 1-1 Swimming Pool, Spa and Hot Tub Permit Fees—Delete in its entirety.

E. Section 221.0 in Chapter 2, Definitions.

1. Amend the definition of Swimming Pool to read as follows:

Swimming Pool—A swimming pool, hot tub or spa shall be any structure intended for swimming, recreational bathing or wading that contains water over eighteen inches deep. This includes in-ground, above-ground and on-ground pools, hot tubs, spas and fixed-in-place wading pools. Fish ponds or shallow decorative pools shall be exempt except where the Chief Building Official, in individual cases, deems it a public nuisance and/or dangerous to the public health, safety and welfare.

F. Chapter 3 General Requirements—Section 313.4—Add the following sentence at the end of the section:

Unless specifically permitted in writing by the Authority Having Jurisdiction, no wastewater shall be discharged into any storm sewer or on any adjacent property, waterway or public way.

G. Chapter 3 General Requirements—Add the following sections:

324.0 Barriers, Locations and Excavation Spoils

324.1 Barriers

All swimming pools, spas and hot tubs shall be provided with a barrier. The top of the barrier shall be at least sixty (60) inches above the highest adjacent grade or improved area measured on the side of the barrier that faces away from the pool and extending at least thirty-six (36) inches horizontally away from the barrier. The Building Official shall be authorized to accept an equivalent form of protection when the full thirty-six inches cannot be obtained due to adjacent terrain not in control of the pool owner. Openings in the barrier shall not allow the passage of a four-inch sphere. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier that faces away from the pool. When the grade is a paved or solid surface, the bottom of the barrier may be increased to a maximum of four inches. Maximum mesh size for chain-link fences shall be no more than one and three-fourths inches. The wire shall not be less than nine-gauge. Gates and fencing shall not be constructed in a manner that either intentionally or unintentionally provides hand or foot holes for climbing. Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool area and shall be self-closing and have a self-latching device. Self-latching device heights shall be located no less than sixty (60) inches above grade. Gates other than pedestrian access gates shall have a self-closing device. Double width gates which are not the sole means of ingress or egress from the pool area shall not be required to be self-closing but shall be closed and suitably locked at all times when not in use. All doors accessing a swimming pool shall be equipped with an approved alarm.

324.2 Locations

Swimming pools shall be constructed only at the side or in the rear of the principal building or any lot and shall not be constructed in that portion of the property which is the front setback or front yard of any lot. No portion of a swimming pool shall be constructed in any public utility easement, drainage easement or utility right-of-way. All public utility easements and rights-of-way shall be noted on plans during the permitting process. Any new or proposed retaining walls and their elevations shall also be accurately shown along with any pertinent contour lines that may affect the construction of the pool.

There shall be a distance of at least four feet between the water’s edge of the pool and any side or rear property line and at least five feet between the water’s edge of the pool and any other building or structure.

Exception: Fences

Any pool walls constructed within four (4) feet of any easement shall be constructed to resist any hydrostatic pressure without support from the

adjacent soils. In no circumstances shall any part of a pool extend into any easement.

324.3 Excavation Spoils

Prior to the time of issuance of any pool permit, the permittee shall designate a location at which the excavation spoils will be delivered. If the spoils are to remain on site, a grading permit must be obtained prior to issuance of the pool permit. If the spoils are to be transported off site, a letter designating the location, signed by the owner of said land authorizing the deposition of spoils, shall be provided prior to issuance of a pool permit. If the spoils are to be transported to a landfill, the dump tickets must be provided prior to or at the time of the initial inspection. Failure to provide dump tickets will result in an additional charge, payable to the City of Folsom, prior to any inspection and equal to an amount that would be charged for the disposal of a like quantity of spoils at the Sacramento County landfill.

(Ord. 1137 § 2 (part), 2010)

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Chapter 14.29
GRADING

Sections:

14.29.100 Short title.
14.29.110 Purpose.
14.29.120 Definitions.
14.29.130 Scope.
14.29.140 Administration.
14.29.150 Validity and severability.
14.29.160 Fees.
14.29.170 Exemptions.
14.29.180 Transfer of responsibility for certification.
14.29.190 Uniform Building Code superseded.
14.29.200 Grading permits.
14.29.201 Excavation.
14.29.202 Fill.
14.29.203 Earth-filled dams.
14.29.204 Gravel extraction.
14.29.210 Appeals.
14.29.220 Hazards.
14.29.230 Amendment to permit.
14.29.240 Extension of time.
14.29.250 Transfer of permit.
14.29.260 Grading permit requirements.
14.29.261 Application.
14.29.262 Plans and specifications.
14.29.263 Issuance.
14.29.300 Grading standards.
14.29.301 Grading standards—Cuts and fills minimum.
14.29.302 Grading standards—Cut slopes.
14.29.303 Grading standards—Fills.
14.29.310 Setbacks.
14.29.320 Drainage and terracing.
14.29.321 Drainage plan content.
14.29.322 Storm drainage system standards.
14.29.330 Erosion control.
14.29.400 Grading inspection.
14.29.410 Suspension and revocation of permit.
14.29.420 Security.
14.29.430 Enforcement and penalty.

14.29.100 Short title.

This chapter shall be known as the “Grading Ordinance” of the city and may be so cited. (Ord. 415 § 1 (part), 1981)

14.29.110 Purpose.
This chapter establishes standards for the preparation of sites and construction activities to protect the health, safety and general welfare of those working or living on or near the site by protecting against unwarranted or unsafe grading, drainage works or other aspects of site development as follows:

1. To establish standards and procedures for grading and excavation so as to minimize hazards to life and limb, protect against erosion, maintain the natural environment, and protect the safety, use and stability of public rights-of-way and drain-age channels;

2. To assure that projects approved under this chapter will be free from harmful effects of runoff, including inundation and erosion, and that neighboring and downstream properties will be protected from drainage problems resulting from new development;

3. To assure proper restoration of vegetation and soil systems disturbed by grading or fill activities authorized under this chapter. It is intended through this chapter to maintain an attractive and healthy landscape and to control against dust and erosion and their consequent effects on soil structure and water quality. (Ord. 415 § 1 (part), 1981)

14.29.120 Definitions.
The definitions as stated in the glossary of the Erosion and Sediments Control Handbook maintained by the department of public works shall apply to the interpretation and enforcement of this chapter. (Ord. 415 § 1 (part), 1981)

14.29.130 Scope.
This chapter sets forth rules and regulations to control excavation, grading and earthwork construction including fills and embankments, establishes the administrative procedure for issuance of permits, and provides for approval of plans and inspection of grading construction. (Ord. 415 § 1 (part), 1981)

14.29.140 Administration.
The public works department is designated the department responsible for the administration of this chapter. (Ord. 415 § 1 (part), 1981)

14.29.150 Validity and severability.
If any part of this chapter is found not valid, the remainder of this chapter shall remain in effect. (Ord. 415 § 1 (part), 1981)

14.29.160 Fees.
A schedule of fees may be established by resolution of the city council for all costs incurred in the processing of any grading application. Such fees shall cover the full costs of review, approvals, inspections, certification of compliance, or other determinations or actions necessitated by the permit application. A separate and distinct fee may be set by the city council by resolution for the cost of appeals filed pursuant to this chapter. (Ord. 415 § 1 (part), 1981)

14.29.170 Exemptions.

A grading permit is not required if the proposed work consists of the following activities and such activities will not endanger adjacent property, cause increased erosion, sedimentation and rate of water runoff, divert or impair the flow of water within a water course or cause a public nuisance. All development activities exempted from the grading permit requirement shall be carried out in a manner consistent with the design principles and standards set out herein to assure that the potential for erosion of any project is minimized.

A grading permit is not required for the following:

1. Excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structures;

2. Excavation for cemetery graves;

3. Excavation when all of the following conditions are met:

   a. The quantity is fifty cubic yards or less,

   b. The depth is three feet or less,

   c. The slope of the cut face is two feet horizontal to one foot vertical or less;

4. Fill when all of the following conditions are met:

   a. The quantity is fifty cubic yards or less placed on ground sloping twenty percent or less,

   b. The height is three feet or less,

   c. The slope of the fill embankment face is two feet horizontal to one foot vertical or less,

   d. The existing drainage patterns are not altered;

5. Minor agricultural land leveling when the change in elevation is three feet or less;

6. Clearing vegetation when all of the following conditions are met:

   a. The slope of the ground is twenty percent or less,

   b. The area to be cleared is one acre or less;

7. Grading in refuse disposal areas and sanitary landfills;

8. Trenches for public utilities, unless encroachment permits are otherwise necessary. (Ord. 415 § 1 (part), 1981)

14.29.180 Transfer of responsibility for certification.
If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for certification upon completion of the work. (Ord. 415 § 1 (part), 1981)

14.29.190 Uniform building code superseded.
If there is any inconsistency between the provisions of this chapter and Chapter 70 of the Uniform Building Code as adopted by the city, the provisions of this chapter shall control. (Ord. 415 § 1 (part), 1981)

14.29.200 Grading permits.
Unless exempted under Section 14.29.170, a grading permit is required from the public works director prior to the initiation of any grading, excavation, fill or dredging activities included under Section 14.29.201 or Section 14.29.202. (Ord. 415 § 1 (part), 1981)

14.29.201 Excavation.
A grading permit is required for any excavations that:

1. Disturbs more than five thousand square feet in surface area or more than eight hundred cubic yards total cut area; or

2. Disturbs more than two thousand five hundred square feet in surface area or more than four hundred cubic yards total cut area in a flood hazard or erosion hazard area;

3. Is more than two feet deep; or

4. Creates a cut slope more than five feet high and steeper than two horizontal to one vertical. (Ord. 415 § 1 (part), 1981)

14.29.202 Fill.
A grading permit is required for any fill that:

1. Exceeds fifty cubic yards on any one lot; or

2. Exceeds twenty-five cubic yards on any one lot in a flood hazard or erosion hazard area; or

3. Has an unsupported height more than five feet; or

4. Is more than one foot deep and is placed on natural terrain with a slope steeper than two horizontal to one vertical; or

5. Is more than three feet deep and is intended to support structures;

6. Obstructs a natural or manmade drainage course which carries a significant amount of storm runoff to the extent that increased erosion and siltation will occur.

(Ord. 415 § 1 (part), 1981)

14.29.203 Earth-filled dams.
For the purpose of creating ponds or catching stormwater, earth-filled dams require a grading permit. Such requirement may be waived on a case-by-case basis by the public works director where the following conditions exist:

1. The proposed dam will not create a hazard to private property and improvements;

2. The proposed dam will not drastically affect existing drainage patterns or create erosion hazards. (Ord. 415 § 1 (part), 1981)

14.29.204 Gravel extraction.
Grading in areas of mining, quarrying, excavating, processing and stockpiling of rock, sand, gravel, aggregate or clay shall be conducted in accordance with a mining and reclamation plan prepared in accordance with the laws of the state of California and any ordinances of this city enacted pursuant thereto and shall conform to the provisions of this chapter. (Ord. 415 § l (part), 1981)

14.29.210 Appeals.
The decision of the public works director upon applications for permits under this chapter shall be in writing and a copy of such decision shall be served upon the applicant, in person or by first class mail, postage prepaid. Any other person who files a written request therefor with the public works director shall also receive a copy of such decision.

If the applicant or any other person is dissatisfied with any determination made by the public works director, he may appeal in writing to the city council stating the reasons for his dissatisfaction with the determination of the public works director. The appeal must be filed within 10 days of the decision by the public works director. The appeal shall be filed with the clerk of the city council and the council shall hear the appeal within sixty days after the date of the filing of the appeal. Written notice shall be given to the public works director, the appellant and all other persons requesting the same, specifying the place, date and time of hearing the appeal. (Ord. 415 § 1 (part), 1981)

14.29.220 Hazards.
Existing Hazards. Whenever the public works director determines that any existing excavation or embankment or fill on private property, to include the exceptions listed in Section 14.29.170 has become a hazard to life or limb, endangers property or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment or fill is located, or other person or agent in control of said property or project, upon receipt of notice in writing from the public works director, shall within the period specified therein repair or eliminate such excavation, embankment or fill so as to eliminate the hazard and be in conformance with the requirements of this chapter. The public works director may issue special or conditional permits and/or require performance bonds or other forms of security in accordance with Section 14.29.420 to ensure compliance with the intent of this section. (Ord. 415 § 1 (part), 1981)

14.29.230 Amendment to permit.
All changes in the plans, grades, timing or extent of work shall be submitted to the director of public works for written approval and incorporation into the permit before any change in the work is commenced. The director of public works may amend the permit to approve such changes if appropriate, or may deny approval of such changes.

Failure to obtain prior approval for any change in the work shall be cause for the suspension of the permit until approval is obtained, and may result in the revocation of the permit if such changes are deemed to be hazardous to adjoining properties or to the public at large. (Ord. 415 § 1 (part), 1981)

14.29.240 Extension of time.
Each permit shall be valid for a period of one year from the date of issuance unless noted otherwise on the permit. The date the permit expires shall be noted on the permit.

1. The permittee may, before the expiration of the permit, apply for an extension of time in which to complete the work in a reasonable and expeditious manner.

2. Extensions of time may be granted by the director of public works for a period or periods not exceeding a total of one year.

3. Denial of an extension of time shall not preclude the right of the permittee to apply for a new permit for the remaining balance of the work.

4. Written consent of the surety to any extension of time must be furnished before the approval of the extension becomes effective, unless the security consists of a cash deposit.

5. Every permit issued by the public works director under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty days. Permits may be granted an extension of time where the public works director finds that unusual circumstances warrant such an extension of time and will not create a hazard or nuisance.

6. Before any work can be recommenced, if a permit has expired, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further, that such suspension or abandonment has not exceeded one year. (Ord. 415 § 1 (part), 1981)

14.29.250 Transfer of permit.
The transfer of a permit from the permittee to another person shall be subject to the written approval of the director of public works. The person to whom the permit is being transferred shall agree in writing to such modifications as may be required, and shall furnish the required security before transfer of the permit will be approved. (Ord. 415 § 1 (part), 1981)

14.29.260 Grading permit requirements.
Except as exempted in Section 14.29.170, no person shall do any grading without first obtaining a grading permit from the public works director. A separate permit shall be required for each site and may cover both excavations and fills. Subdivisions on which all grading is performed as a unit shall be considered a single site. (Ord. 415 § 1 (part), 1981)

14.29.261 Application.
To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose by the public works director. Every application shall include the following:

1. The name, address and telephone number of the applicant;

2. The names, addresses, and the telephone numbers of all property owners other than the applicant;

3. The names, addresses, and telephone numbers of any and all contractors or persons actually doing the work, and the work that each will be doing;

4. The name, address, telephone number and registration number of the party responsible for preparing the grading plan;

5. The name, address and telephone number of the party responsible for preparing the erosion and sediment control plan;

6. The name, address and telephone number and registration number of the registered civil engineer responsible for the preparation of the soils and engineering report, if required;

7. Identify and describe the work to be covered by the permit for which application is made;

8. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address or similar description that will readily identify and definitely locate the proposed building or work;

9. Indicate the use or occupancy for which the proposed work is intended;

10. Be accompanied by plans and specifications as required in Section 14.29.263;

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

12. State the estimated quantity of work involved;

13. State the estimated starting and completion dates;

14. Give such other information as reasonably may be required by public works director. (Ord. 415 § 1 (part), 1981)

14.29.262 Plans and specifications.

A. Minor Grading. A minor grading plan is to be submitted where the grading includes less than five thousand cubic yards total of cut and fill where the public works director has determined that a grading project is of a minor nature due to the absence of:

1. Steep slopes (greater than or equal to fifteen percent);

2. Location in a geologic study area or flood hazard area;

3. Potential damage to structures on or adjacent to the subject site;

4. Potential blockage of drainage channels;

5. Potential impairment of significant natural vegetation, biological habitats, public views or other sensitive natural resources.

B. A minor grading plan is to consist of the following as determined by the public works director, provided that information submitted with any required plot plan, site plan, or development plan may also be used to fulfill those submittal requirements:

1. General vicinity map;

2. Property limits of the site;

3. Generalized existing contours and drainage channels including those areas of the subject site and adjoining properties that will be affected by the disturbance either directly or through drainage alterations;

4. Location of any buildings or structures that are within fifty feet of the area which may be affected by the proposed grading operation,

5. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction.

C. Engineered Grading. An engineered grading plan is to be submitted for any grading in excess of five thousand cubic yards or where the public works director has determined that a grading project should be engineered, based on the presence of:

1. Steep slopes;

2. Located in an erosion hazard area or a flood hazard area;

3. Potential damage to structures on the subject site or adjacent properties;

4. Potential impairment of natural vegetation, biological habitats, public views, or other sensitive resources.

D. Where it is determined by the public works director that, due to terrain, soil characteristics, grading design, etc., engineered grading plans will serve no benefit with respect to effecting a safe and adequate grading operation, such engineered grading

plan requirements may be waived.

E. An engineered grading plan is to be drawn to scale and is to be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter. Two sets of plans and specifications are to be prepared and signed by a civil engineer and are to include the following information as determined by the public works director:

1. General vicinity map;

2. Property limits of the subject site;

3. Details of terrain and area drainage and accurate contours of existing ground at intervals determined by the public works director;

4. Location of any buildings or structures that are within fifty feet of the area which may be affected by the proposed grading operations;

5. Limiting dimensions, elevations of finished contours to be achieved by the grading, and proposed drainage channels and related construction;

6. Specifications covering construction and material requirements;

7. Soil engineering report to include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading;

8. Engineering geology report to include a description of the site, conclusions and recommendations regarding the effect of geologic conditions and recommendations covering the adequacy of sites to be developed by the proposed grading;

9. A statement indicating methods to mitigate any conditions whereby the public works director may require an engineered grading plan such as steep slopes, location in a geologic study area or flood hazard area, potential damage to structures on the subject site or adjacent property, potential impairment of natural vegetation, habitat, public view or other sensitive resources;

10. Drainage plan if not included in any of the above;

11. Erosion control plan and/or recommendation for mitigating measures. (Ord. 415 § 1 (part), 1981)

14.29.263 Issuance.

A. The application, plans and specification filed by an applicant for a permit shall be checked by the public works director. Such plans may be reviewed by other departments of the city to check compliance with the laws and ordinances under their jurisdiction. If the public works director is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this chapter and other

pertinent laws and ordinances and that the fee specified in Section 14.29.160 has been paid, the public works director shall issue a permit therefor to the applicant.

When the public works director issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications “APPROVED.” Such approved plans and specifications shall not be changed, modified, or altered without authorization from the public works director; and all work shall be done in accordance with the approved plans. The public works director may require that grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued.

B. Coordination of Grading Plans. The public works director may require inspection and testing by an approved testing agency or the public works department, and he is responsible for coordination of the parties to all grading activities including the civil engineer, soils engineer, engineering geologist, public works department, other city departments where required, the grading contractor, and the testing agency.

C. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the public works director for a period of not less than ninety days from date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work site at all times during which the work authorized thereby is in progress.

D. The issuance of a permit based upon plans and specifications shall not prevent the public works director from thereafter requiring the correction of errors in said plans and specifications or from preventing building operations being carried on thereunder when in violation of this chapter or of any other ordinance of the city.

E. Upon completion of the rough grading and/or final grading for any engineered gradings, the public works director may require submission of an as-graded grading plan and soil and geologic grading reports.

F. The applicant is to notify the public works director when the grading operation is ready for final inspection. Final approval will not be given until all work has been completed in accordance with the final approved grading plan including installation of all drainage facilities and their protection devices and all revegetation and erosion control measures as required. (Ord. 415 § 1 (part), 1981)

14.29.300 Grading standards.
Excavations and fills are to be conducted in accordance with the standards set out in Section 14.29.301 through Section 14.29.303. (Ord. 415 § 1 (part), 1981)

14.29.301 Grading standards—Cuts and fills minimum.
Cuts and fills are to be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate residential yard area or outdoor storage or sales area incidental to a nonresidential use. Adequate graded storage and sales area is to be limited to not more than twenty percent of gross floor area. (Ord. 415 § 1 (part), 1981)

14.29.302 Grading standards—Cut slopes.
Cut slopes are to be no steeper than two horizontal to one vertical or fifty percent except where certified by a registered civil engineer as to stability and/or approved by the public works director. (Ord. 415 § 1 (part), 1981)

14.29.303 Grading standards—Fills.
Fills are to be subject to the following standards, provided that the public works director may exempt minor fills that are not intended to support structures unless otherwise recommended in an approved soil engineering report:

1. Fill slopes may not be constructed on natural slopes steeper than two to one or as determined by the public works director.

2. The ground surface is to be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials, scarifying to provide a bond with the new fill, and, where slopes are steeper than two to one and the height is greater than five feet, benching into sound bedrock or other competent materials as determined by the public works director.

3. The bench under the toe of a fill on a slope steeper than two to one is to be at least ten feet wide. The area beyond the toe of a fill is to be sloped for sheet overflow or a paved drain provided. Where fill is to be placed over a cut, the bench under the toe of a fill is to be at least ten feet wide, but the cut must be made before placing any fill and approved by the soils engineer (or public works director for minor grading) as a suitable foundation for fill. Unsuitable soil is soil which is not competent to support other soil or fill, to support structures, or to perform satisfactorily the other functions for which the soil is intended.

4. Detrimental amounts of organic material may not be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than twelve inches is to be buried or placed in fills, except that the public works director may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions also apply in such case:

   a. Prior to issuance of a grading permit, potential rock disposal areas are to be delineated on the grading plan if required;

   b. Rock sizes greater than twelve inches in maximum dimension are to be below grade, measured vertically at a distance determined by the public works director;

   c. Rocks are to be placed so as to assure filling of all voids with fines.

5. All fills for building pads and roads are to be compacted to a minimum of ninety percent of maximum density as determined by the public works director. Fill density will be determined by the public works director.

6. Drainage and terracing is to be provided and the area above fill slopes and the

surfaces of terraces are to be graded and paved as required in Section 14.29.320. (Ord. 415 § 1 (part), 1981)

14.29.310 Setbacks.
Setbacks for cuts and fills are to be as follows:

1. The tops of cuts and toes of fill slopes are to be set back from the outer boundaries of the permit area including slope right areas and easements in accordance with Figure No. 1 and Table No. 1 attached to the ordinance codified in this chapter.

2. Setbacks between graded slopes and structures are to be provided in accordance with Figure No. 2 attached to the ordinance codified in this chapter. (Ord. 415 § 1 (part), 1981)

14.29.320 Drainage and terracing.
Drainage facilities and terracing are to conform to the following unless otherwise indicated on the approved grading plan:

1. Terraces at least six feet in width are to be established at not more than thirty-foot-in-height intervals on all cut or fill slopes to control surface drainage and debris except that, where only one terrace is required, it is to be a mid-height. For cut slopes greater than sixty feet and up to one hundred twenty feet in height are to be twelve feet in width. Terraces on cut or fill slopes greater than one hundred twenty feet in height are to be designed by the civil engineer and approved by the public works director. Suitable access is to be provided to permit proper cleaning and maintenance.

2. Swales or ditches on terraces are to have a minimum gradient of five percent paved with reinforced concrete not less than three inches in thickness or an approved equal paving. They are to have a minimum paved width of five feet.

3. A single run of swale or ditch may not collect runoff from a tributary area exceeding thirteen thousand five hundred square feet (projected) without discharging into a down drain without approval of the public works director.

4. Cut and fill slopes are to be provided with subsurface drainage as determined necessary by the public works director based upon the soils engineer report or in accordance with a drainage and/or erosion control plan prepared pursuant to this chapter. Check dams, cribbing, rip-rap, or other devices or methods are to be employed to control erosion and provide safety.

5. All drainage facilities are to be designed to carry waters to the nearest practical drainage way approved by the public works director as a safe place to deposit such waters. Erosion of ground in the area of discharge is to be prevented by installation of nonerosive down drains or other devices.

6. Building pads are to have a drainage gradient of two percent toward the street or in an underground conduit. The approved drainage facilities may be one percent if approved by the public works director and all of the following conditions exist

throughout the permit area:

a. No proposed fills are greater than ten feet in maximum depth;

b. No proposed finish cut or fill slope faces have a vertical height in excess of ten feet;

c. No existing slope faces, which have a slope face steeper than ten horizontally to one vertically, have a vertical height in excess of ten feet.

7. Paved interceptor drains are to be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than forty feet measured horizontally or as approved by the public works director. Interceptor drains are to be paved with a minimum of three inches of reinforced concrete or approved equal. They are to have a minimum depth of twelve inches and a minimum paved width of thirty inches measured horizontally across the drain. The slope of such drain is to be approved by the public works director.

Grading, dredging or diking may not alter any intermittent or perennial stream as shown on any USGS seven and one-half minute map, except as permitted through approval of a streambed alteration permit from the California Department of Fish and Game issued under Section 1601 or 1602 of the Fish and Game Code.

Contours of finished surfaces are to be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Borders of cut slopes and fills are to be rounded off to a minimum radius of 5 feet so as to blend with the natural terrain. (Ord. 415 § 1 (part), 1981)

14.29.321 Drainage plan content.
Drainage plans are to be accurately and neatly drawn to include the following as determined by the public works director:

1. Flow of surface water onto and off the site;

2. Existing and finished contours at intervals determined by the public works director;

3. Building and road elevations, existing and proposed;

4. Existing and proposed drainage channels including drainage swales, ditches and berms;

5. Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels including sumps, basins, channels, culverts, ponds, storm drains and drop inlets;

6. Estimates of existing and increased runoff resulting from the proposed improvements if required. (Ord. 415 § 1 (part), 1981)

14.29.322 Storm drainage system standards.

Drainage facilities are to be adequate to assure that the development will not result in stormwater runoff that could cause flooding, ponding, soil erosion, sediment production, and sediment pollution. The following standards also apply:

1. Site development is to be accomplished wherever possible in a manner that will maximize percolation and infiltration of precipitation into the ground and will minimize direct surface runoff into adjoining streets, water courses, or properties.

2. In general, the release rate of stormwater from all parts of the subject site after development should not exceed the stormwater runoff rate from the area in its previous undeveloped state for all intensities and durations of rainfall. The carrying capacity of the channels immediately downstream is to be considered in determining the permitted amount of the stormwater release.

3. All drainage facilities are to be designed to carry stormwaters to the nearest stable channel or natural drainage way with adequate capacity to carry the flow. If drainage facilities discharge onto natural ground, the applicant is to provide a method to reduce the velocity of flow in order to prevent erosion or other harmful effects to the subject site or other adjoining properties. (Ord. 415 § 1 (part), 1981)

14.29.330 Erosion control.

A. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where it is determined by the public works director that cut slopes are not subject to erosion due to erosion-resistant character of the materials, such protection may be omitted.

B. Erosion control plan content. With any minor or engineered grading plan, an erosion control plan may be required to be submitted including the following items:

1. Protective measures to be taken during construction such as hydromulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces and/or sediment traps in order to prevent erosion by surface or ground water of the cut faces of excavations or of the sloping surfaces of fills;

2. Permanent methods of revegetation following completion of proposed grading or improvements;

3. Approximate sequence and timing of grading and construction increments and/or subsequent revegetation and/or landscaping work.

C. Revegetation standards.

1. Permanent revegetation or landscaping, if required, is to be commenced on the construction site as soon as practical and in no case exceeding twelve months after achieving final grades and utility implacements. Whenever practical, land is to be developed in increments of workable size which can be completed during a single construction season; erosion control measures are to be coordinated with the sequence of grading or improvements.

2. Grading equipment is to be confined to area immediately adjacent to areas of disturbance as indicated by the plan approved by the public works director.

3. All surfaces disturbed by vegetation removal, grading, haul roads, or other activity of construction which alters the natural vegetative cover are to be prepared for expedient revegetation or otherwise maintained to control erosion unless covered with impervious or other improved surfaces pursuant to approved plans within thirty days of following the completion of grading, or removal of vegetation if no grading was involved. Erosion control described in the Erosion and Sediment Control Handbook, May 1978, may be used as a guide.

4. Topsoil removed from the surface in preparation for grading and construction is to be stored whenever possible on or near the site and protected from erosion while grading operations are underway; provided, that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil is to be restored to exposed cut and fill embankments or building pads so as to provide a suitable base for seeding and planting.

5. Acceptable methods of revegetation include straw-mulching, hydro-mulching or planting of mixture specified by public works director. Other methods of revegetation may be approved by the public works director where equivalent protection is provided.

6. All revegetation and landscaping are to be conducted within suitable growing periods. Native plant material are specifically encouraged in order to reduce irrigation demands.

7. For all grading or improvements to be conducted during the rainy season, a sedimentation control plan is to be submitted including, where necessary, temporary sedimentation basins. Sedimentation control facilities are to be installed in conjunction with initial grading operations and maintained throughout the construction period to remove sediments from runoff waters during development.

8. Permanent sediment catchment basins or other types of sediment retention facilities are required wherever necessary to prevent discharge of sediment into stream channels. Accumulated sediment is to be inspected and removed for disposal according to a regular maintenance schedule.

9. The planting or seeding of vegetative protection must be effective. If the vegetation does not grow and offer proper protection, it must be replanted or reseeded.

10. The maintenance of vegetative protection on graded slopes shall be the responsibility of the permittee and shall be guaranteed until the vegetation is well established or is officially assumed by another party approved by the public works director. (Ord. 415 § 1 (part), 1981)

14.29.400 Grading inspection.

A. General. All grading operations for which a permit is required shall be subject to inspection by the public works director. When required by the public works director, special inspection of grading operations and special testing shall be performed in accordance with the provisions of this chapter.

B. Engineered Grading Requirements. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and certification of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the public works director. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work.

Soil engineering and engineering geology reports may be required as specified in Section 14.29.262. During grading all necessary reports, compaction data, and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and public works director by the soil engineer and the engineering geologist. The engineering geologist's area of responsibility shall include, but need not be limited to professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters and the need for sub-drains or other ground water drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis. The public works director shall inspect the project at the various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

C. Regular Grading Requirements. The public works director may require inspection and testing by an approved testing agency, the expense of which shall be borne by the applicant. The testing agency's responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill and the compaction of fills.

When the public works director has cause to believe that geologic factors may be involved, the grading operation will be required to conform to engineered grading requirements at no expense to the city. (Ord. 415 § 1 (part), 1981)

14.29.410 Suspension and revocation of permit.

A. A grading permit shall be suspended or revoked by the public works director, unless exempted by said director, if:

1. Conditions at the site vary appreciably from those shown on the approved plans;

2. Construction does not conform to the approved grading plan, final erosion and sediment control plan, time schedules, or conditions of the grading permit;

3. The site is left in a condition hazardous to the public or to the adjacent properties, and permittee does not comply with reasonable requirements to correct said conditions;

4. The permittee does not comply with reasonable requirements to safeguard the workmen, the public or other persons acting in a lawful manner;

5. The permittee, in connection with the operations for which the permit was issued, fails to operate his equipment properly on public roads; or allows material to encroach, obstruct, or be deposited within a public road right-of-way or within a drainage channel in a manner not authorized by said permit; or causes unauthorized obstruction or diversion of drainage channels;

6. The permittee fails to have a qualified inspector, working under the supervision of a registered civil engineer, on the site during operations when so required by the permit or fails to have the work under proper supervision at all times;

7. Emergency conditions exist on the site which constitute a threat to health, safety or public welfare.

B. Prior to the suspension or revocation of a permit, the public works director shall give to the permit holder written notice of intention to suspend or revoke the permit, which notice shall specify the grounds for such intended action and the time and place for the holding of a conference between the public works director and the permit holder and/or their authorized representatives to review the grounds for the proposed action. Notice of the proposed action shall be given to the permit holder at least forty-eight hours, but not more than seventy-two hours before the time set for the conference, if given by personal service, and at least ninety-six hours, but not more than one hundred twenty hours before the time set for the conference, if given by first class mail. Weekends and holidays shall not be counted in determining the time for the giving of notice and the holding of the conference. With the consent of the permit holder the time periods provided for herein may be shortened or extended.

Upon receipt of the notice of intended suspension or revocation, the permit holder shall cease all work in connection with the permit, with the exception of work necessary to correct any condition or perform any work cited in the notice of proposed action as a ground for suspension and/or revocation and work of an emergency nature.

Within twenty-four hours following the conclusion of the conference, the public works director shall render his written decision, either revoking the permit, suspending the permit, or authorizing the permit holder to proceed with the work. Such action may be with or without conditions. The decision shall be served upon the permit holder by personal service or first class mail, postage prepaid, within twenty-four hours after the rendition of the decision.

If the permit holder is dissatisfied by the decision of the public works director, he may appeal to the city council. Said appeal shall be filed, noticed, and acted upon within the same time and in the same manner as an appeal under Section 14.29.210.

C. If the permittee fails to correct said objectionable or emergency conditions, the city may cause the work necessary to correct said conditions to be done, and the city may take action against the permittee's security to cover the cost of performing the work.

D. Any permit which has been suspended may be either reinstated or revoked by the public works director. (Ord. 415 § 1 (part), 1981)

14.29.420 Security.
In all cases, the application for engineered grading permit shall be accompanied by a performance bond or other form of security acceptable to the public works director, posted by the applicant. A bond may also be required along with the application for a minor grading permit if deemed necessary by the public works director. The amount of the bond or security shall be the full cost of the installed erosion and sediment control measures and for the maintenance of such facilities. The bond shall be held until the erosion and sediment control measures have performed satisfactorily for a period of one year following completion of development or until such measures are permanently stabilized as provided for in this chapter. The bond may be used to provide for the installation and maintenance of the control measures if not done by the applicant and sediment runoff is occurring as a result. (Ord. 415 § 1 (part), 1981)

14.29.430 Enforcement and penalty.
A. It shall be the duty of the public works director and other authorized employees of the city, to enforce the provisions of this chapter. No oversight or dereliction on the part of the public works director, or any authorized assistants of any official, or employee of the city vested with the duty or authority to issue permits, shall legalize, authorize, waive or excuse the violation of any provision of this chapter.

B. In the administration and enforcement of this chapter, any duly authorized official or employee of the city shall have authority to enter upon the premises for the purposes of investigation and inspection; provided, however, that the above referred to right of entry shall be exercised only during the daylight hours. No person shall refuse to permit such inspection.

C. In the event any person, firm or corporation shall perform any work in violation of this chapter or any permit issued pursuant thereto, or fail or refuse to perform any work required by this chapter or any permit issued pursuant thereto, the same is declared to be a public nuisance and at the direction of the city council, the city attorney is authorized to bring and prosecute an action in a court of competent jurisdiction to enjoin the performance of such work or, if such work has been accomplished, from maintaining the same.

D. The violation of this chapter is an infraction and shall be punishable by:

1. A fine not exceeding fifty dollars for a first violation;

2. A fine not exceeding one hundred dollars for a second violation within one year;

3. A fine not exceeding two hundred fifty dollars for each additional violation within one year. (Ord. 415 § 1 (part), 1981)

This page of the Folsom Municipal Code is current through Ordinance 1157, passed March 13, 2012.
Disclaimer: The City Clerk's Office has the official version of the Folsom Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 14.30
RESIDENTIAL UNITS IN IMPACTED SCHOOL AREAS

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14.30.010 Authority.
This chapter is adopted pursuant to the provisions of Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7 of the Government Code. (Ord. 497 § 1 (part), 1983)

14.30.020 Definitions.
For the purposes of this chapter, the following definitions shall apply:

1. “Affected school district” means a school district which contains an impacted school.

2. “Attendance area of an impacted school” means the attendance area for an impacted school as defined by the governing board of the district involved.

3. “City council” means the city council of the city of Folsom.

4. “Certificate of mitigation” means a written notification from an affected school district indicating that a binding agreement or other form of mitigation has been agreed to by the district and a developer.

5. “Conditions of overcrowding” means the same as “impacted school” as defined in this chapter.

6. “Declaration of continued impaction” means the resolution the governing board of a school district submits to the city council that a condition of overcrowding continues to exist in designated attendance areas within such district.

7. “Developer” means the person, firm, corporation, partnership or association

seeking to develop land within the attendance area of an impacted school.

8. “Director” means the planning director of the city.

9. “District” means school district.

10. “Dwelling unit” means one or more rooms in a dwelling, apartment house or apartment hotel designed for or occupied by one for living or sleeping purposes and having only one kitchen and separate toilet facilities. Dwelling unit also includes a mobilehome, either on a permanent foundation or within a mobilehome park.

11. “Governing board” means the district governing board which has a school attendance area within the city.

12. “Impacted school” means an existing or proposed school whose total enrollment, including enrollment from proposed development, exceeds its rated capacity.

13. “Interim facilities” shall be limited to the following:

a. Temporary classrooms not constructed with permanent foundations and defined as structures containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction of pupils by a teacher in a school;

b. Temporary classroom toilet facilities not constructed with permanent foundations;

c. Reasonable site preparation and installation of temporary classrooms.

14. “Mitigation” means that relief or abatement negotiated between and agreed to by the affected school district and the developer.

15. “Mobile home park” means an area or tract of land where mobile home sites are rented, leased or sold or held out for rent, lease or sale to accommodate mobilehomes used for human habitation on a permanent basis. “Mobilehome site” is a portion of a mobilehome park designated or used for the occupancy of one mobilehome.

16. “Residential development” means a project containing residential dwellings, including mobile homes of one or more units, or a subdivision of land for the purpose of constructing one or more residential dwelling units.

17. “Rated capacity” means that capacity determined by the governing board of a school district to be the maximum acceptable enrollment in a school facility based on the governing board’s policies and programs.

18. “Reasonable methods for mitigating conditions of overcrowding” include, but are not limited to, agreements between a subdivider and the affected school district whereby temporary-use buildings will be leased to the school district or temporary-

use buildings owned by the school district will be used and the dedication of land.

19. “Schedule of mitigation” means a program developed by the governing board of a district which sets forth in detail mitigation measures deemed appropriate by the governing board. (Ord. 497 § 1 (part), 1983)

14.30.030 Findings.
The city council finds and declares as follows:

1. Adequate school facilities should be available for children residing in new residential developments.

2. Public and private residential developments may require the expansion of existing public schools or the construction of new public school facilities.

3. In certain areas of the city, funds are not available for school districts to construct new classroom facilities when new development occurs, resulting in conditions of overcrowding in certain school attendance areas.

4. New housing developments frequently cause conditions of overcrowding in existing school facilities which cannot be alleviated in a reasonable period of time without mitigation programs as provided in this chapter.

5. The San Juan Unified School District has made a finding supported by clear and convincing evidence that conditions of overcrowding exist within the attendance areas of the following schools within the city which will impair the normal functioning of educational programs and that no feasible method of reducing the condition exists: Orangevale Elementary School and Pasteur Intermediate School.

6. The Folsom Cordova Unified School District has made a finding supported by clear and convincing evidence that conditions of overcrowding exist within the attendance areas of the following schools within the city which will impair the normal functioning of educational programs and that no feasible method of reducing such condition exists: Theodore Judah Elementary School, Blanche Sprentz Elementary School and Folsom Junior High School.

7. The city council concurs in the finding of San Juan Unified School District and Folsom Cordova Unified School District and determines that the provisions of this chapter are necessary to finance interim school facilities within the attendance areas until such time as conditions of overcrowding no longer exist. (Ord. 497 § 1 (part), 1983)

14.30.040 Application of chapter.
Except as provided in Section 14.30.050, neither a building permit for the construction of a dwelling unit nor a hookup permit for installation and hookup of a mobile home shall be issued within the attendance area of an impacted school until the fees provided for in Section 14.30.060 have been paid or the affected school district has notified the city that the district and the developer have agreed upon “reasonable methods for mitigating conditions of overcrowding.” (Ord. 497 § 1 (part), 1983)

14.30.050 Exemptions.
The provisions of this chapter shall not apply in the following instances:

A. To the issuance of hookup permits for mobile home sites which have previously paid a school impact fee. The city shall maintain records showing the mobile home sites from which fees have been collected;

B. To a residential development for which a certificate of mitigation has been issued. (Ord. 584 § 1, 1986: Ord. 497 § 1 (part), 1983)

14.30.060 School impact fees.
School impact fees shall be established from time to time by resolution of the city council and shall be reviewed annually in connection with the declaration of continued impaction pursuant to Section 14.30.090.

The fees shall be paid directly to the affected school district prior to the issuance of a building or hookup permit. The district shall furnish to the developer a written receipt setting forth the lots or parcels upon which fees have been paid and the attendance area within which such lots are situated. (Ord. 497 § 1 (part), 1983)

14.30.070 Schedule of use of fees.
Prior to the disbursement of any fees, each affected school district shall submit to the city a schedule specifying the following:

1. Identification of the existing or proposed school sites upon which interim facilities are to be placed;

2. A description of the interim facilities to be placed thereon;

3. The times when such facilities will be available.

The affected school district may from time to time modify the schedule by submitting a modified schedule, containing the reasons for such modification. (Ord. 497 § 1 (part), 1983)

14.30.080 Accounting for fees.
Each affected district receiving funds pursuant to this chapter shall maintain a separate account for the fees received and shall file an annual report with the city council of the city, setting forth the amount of funds expended for interim facilities and the balance in the account. The report shall be filed on or before October 15th of each year covering the transactions in the account through June 30th of the year. (Ord. 497 § 1 (part), 1983)

14.30.090 Declaration of continued impaction.
A. On or before June 10th of each year, commencing June 10, 1984, each affected district shall file a declaration of continued impaction with the city, which shall be in the form of a resolution of its governing board. The resolution shall include findings supported by clear and convincing evidence that conditions of overcrowding continue to exist in one or more attendance areas within the district which impairs the normal function of educational programs, including the reasons such conditions exist. The

findings shall further provide that all reasonable methods of reducing the conditions of over-crowding have been evaluated and feasible method of reducing such conditions exist. Feasible methods to reduce conditions of overcrowding shall include:

1. Temporary buildings;
2. Busing;
3. Double sessions;
4. Extended day programs;
5. Year-round school attendance;
6. Open enrollment;
7. School boundary realignments;
8. Elimination of low-priority uses;
9. Holding an election to increase the tax rate.

B. The district, at the time of filing a declaration of continued impaction, shall also submit a program of mitigation proposed for each impacted school whose attendance area lies within the city, which includes a recommendation for fees to be charged to provide interim facilities for the ensuing year.

C. If the city council concurs in the findings that conditions of overcrowding continue to exist and that reasonable methods of mitigating conditions of overcrowding have been undertaken, the provisions of this chapter shall remain in effect, or shall continue as modified by the city. If the city council finds that overcrowding conditions no longer exist within any attendance area or that feasible methods of reducing overcrowding within an attendance area have not been employed, the city shall cease to collect school impact fees within such attendance area. (Ord. 497 § 1 (part), 1983)

14.30.100 General plan consistency.
Interim school facilities constructed from school impact fees and/or land dedicated pursuant to a certificate of mitigation shall be consistent with the city general plan and the elements thereof. (Ord. 497 § 1 (part), 1983)

14.30.110 Termination.
Unless there is a finding as authorized by Government Code Section 65979, the city shall cease to impose school impact fees for any affected district one year after receipt by such district of an apportionment pursuant to the Leroy F. Greene State School Building Lease Purchase Law of 1976 (Chapter 22—commencing with Section 17700 of Part 10 of the Education Code)

Any fees collected or land dedicated after the receipt of the construction apportionment and not used to avoid overcrowding shall be returned to the person who paid the fee or made the land dedication. (Ord. 497 § 1 (part), 1983)

14.30.120 Notice of intention to offer subdivided lands.
Each developer of land within an attendance area where it has been determined that overcrowding exists shall include in any notice of intention filed pursuant to Business and Professional Code Section 11010 a statement to that effect. (Ord. 497 § 1 (part), 1983)

14.30.130 Limitation of actions.
Notwithstanding any provisions to the contrary in this code, any court action or proceeding to attack, set aside, void, or annul any decision, act or determination by the city council concerning any matter provided for in this chapter shall not be maintained unless such action, or proceeding is commenced within thirty days after the date such determination or decision becomes final. (Ord. 497 § 1 (part), 1983)

14.30.140 Sunset provision.
The provisions of this chapter shall expire and shall not be effective after June 30, 1989. (Ord. 580 § 1, 1986: Ord. 497 § 1 (part), 1983)

This page of the Folsom Municipal Code is current through Ordinance 1157, passed March 13, 2012.
Disclaimer: The City Clerk's Office has the official version of the Folsom Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 14.32
FLOOD DAMAGE PREVENTION

Sections:

14.32.010 Statutory authorization, findings of fact, purpose and objectives.
14.32.020 Definitions.
14.32.030 General provisions.
14.32.040 Administration.
14.32.050 Provisions for flood hazard reduction.
14.32.060 Variance procedures.

14.32.010 Statutory authorization, findings of fact, purpose and objectives.

A. Statutory Authorization. The California Constitution, Article XI, Section 5, grants charter cities the power to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council does hereby adopt this chapter.

B. Findings of Fact.

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

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

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

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood-control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

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

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

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

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

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

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

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

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

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

5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 882 § 2 (part), 1998)

14.32.020 Definitions.

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

“Accessory use” means a use 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 are subject to flash flooding, high velocity flows debris flows, erosion, sediment movement and deposition and channel migration.

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

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter or a request for a variance.

Area of special flood hazard. See “Special flood hazard area.”

“Base flood” means the flood having a 1 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.

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

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material, which are not part of the structural support of the building and which are so designed as to break away under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by an appropriately California licensed civil engineer or architect and shall meet the following conditions:

a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

b. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See “Structure.”

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Encroachment” means the advance of infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of 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 street, and either final site grading or the pouring of concrete).

“Flood, flooding or flood water” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; and/or

b. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood boundary and floodway map (FBFM)” means the official map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

“Flood hazard boundary map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood insurance rate map (FIRM)” means the official map on which the Federal 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 FIRM, the flood boundary 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 also “Flooding.”

“Floodplain administrator” means the individual appointed to administer and enforce this chapter.

“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 regulation 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.

“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 14.32.060, Variance procedures, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly

constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Governing body” is the city council for the city of Folsom.

“Hardship” as related to Section 14.32.060, Variance procedures, of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The city requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardships alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

c. Individually listed on the state or city inventory of historic places.

“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 accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition). An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided it conforms to applicable nonelevation design requirements, but not limited to:

a. The wet floodproofing standards in Section 14.32.050(A)(3)(c) of this chapter;

b. The anchoring standards in Section 14.32.050(A)(1) of this chapter;

c. The construction materials and methods standards in Section 14.32.050(A)(2) of this chapter;

d. The standards for utilities in Section 14.32.050(B) of this chapter.

For residential structures, all subgrade enclosed areas are prohibited within the designated flood hazard area, as they are considered to be basements (see “Basement” definition). This prohibition includes below-grade garages and storage areas.

“Manufactured home” means a structure, transportable in 1 or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected 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 2 or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s flood insurance rate map are referenced.

“Mudslide” (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of usually heavy or sustained rain.

“Mudslide (i.e., mudflow) prone area” means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

“New construction” means structures for which the “start of construction” commenced on or after the effective date 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 effective date 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.”

“Public safety and nuisance” as related to Section 14.32.060, Variance procedures, 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:

a. Built on a single chassis;

b. Four hundred square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light-duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory floodway” 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 1 foot.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of 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” means a designated AO or AH Zone (area of shallow flooding) 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.

“Special flood hazard area (SFHA)” means an area having a special flood and shown on an FHBM or FIRM as Zone A, A1-A30, and/or A99.

“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, placement, or other improvement was within

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

“Structure” means a walled and roofed building that is principally aboveground; this includes a gas or liquid storage tank or manufactured home.

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

“Substantial improvement” means any repair, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 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:

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

b. Any alteration for improvement 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, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographical feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 882 § 2 (part), 1998)

14.32.030 General provisions.

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

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA), the flood insurance study (FIS) dated July 6, 1981, and accompanying flood insurance rate maps (FIRMs) and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. The 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 by the floodplain administrator. This study and FIRMs are on file at Folsom City Hall, 50 Natoma Street, Folsom.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations.

1. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an administrative violation as defined in Section 1.08.020 of the Folsom Municipal Code.

2. Each of the sanctions for administrative violations identified in Section 1.09.013 of the Folsom Municipal Code shall be available for enforcement of the provisions of this chapter.

3. Based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014 of the Folsom Municipal Code, a violation of a provision of this chapter shall be deemed a Level E violation, as that term is described in Section 1.09.012 of the Folsom Municipal Code. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012, Levels of administrative violations, of the Folsom Municipal Code.

4. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

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

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

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

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

G. Severability. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any portion there of other than the section so declared to be unconstitutional or invalid. (Ord. 882 § 2 (part), 1998)

14.32.040 Administration.

A. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection B of Section 14.32.030. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically the following information is required:

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

2. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, if required in Section 14.32.050(A)(3)(c) of this chapter;

3. Certification by a California registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 14.32.050(A)(3)(b); and

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

B. Designation of the Floodplain Administrator. The director of planning, inspections and permitting is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator shall include, but not limited to:

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

a. The permit requirements of this chapter have been satisfied and that all other required state and federal permits have been obtained;

b. The site is reasonably safe from flooding;

c. The proposed development adversely affects the flood-carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than 1 foot at any point.

2. Review and Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 14.32.030(B), Basis for establishing the areas of special flood hazard, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 14.32.050 of this chapter.

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

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

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

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

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

a. The certified elevation required in Section 14.32.050(A)(3)(a) (lowest floor elevations);

b. The flood proofing certification required in Section 14.32.050(A)(3)(b) (elevation or floodproofing);

c. The certified elevation required in Section 14.32.050(C)(3)(c) (wet floodproofing);

d. The certified elevation required in Section 14.32.050(C)(2) (subdivision standards);

e. The certified elevation required in Section 14.32.050(E)(1) (floodway encroachments).

5. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and the 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 14.32.060 of this chapter.

6. Remedial Action. Take action to remedy violations of this chapter as specified in Section 14.32.030(C) of this chapter.

D. Appeals. The planning commission of the city of Folsom, 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. Such appeal shall be filed within 10 calendar days of the decision rendered by the floodplain administrator. (Ord. 882 § 2 (part), 1998)

14.32.050 Provisions for flood hazard reduction.

A. Standards of Construction. In all areas of special flood hazards the following standards are required:

1. Anchoring.

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

b. All manufactured homes shall meet the anchoring standards of Section 14.32.050(D).

2. Construction Materials and Methods. All new construction and substantial improvements shall be constructed:

a. With materials and utility equipment resistant to flood damage;

b. Using methods and practices that minimize flood damage;

c. With electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

d. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit to floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of 2 openings having total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one 1 foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Elevation and flood proofing. (See Section 14.32.020 definitions for “basement,” “lowest floor,” “new construction,” “substantial damage” and “substantial improvement.”)

a. Residential construction, new or substantial improvement, shall have the lowest floor, including basement, elevated at least 2 feet above the base flood elevation as determined by this community. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a California registered professional engineer or land surveyor and verified by the chief building official for the city to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

b. Nonresidential construction, new or substantial improvements, shall either meet the standards in subsection (A)(3)(a) of this section or together with attendant utility and sanitary facilities:

i. Be floodproofed below the elevation recommended in subsection (A)(3)(a) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;

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

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

c. All new construction and substantial improvement with fully enclosed areas below the lowest flow (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood-water. Designs for meeting this requirement must meet or exceed the following minimum criteria:

i. Be certified by a California registered professional engineer or architect; or

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

d. Manufactured homes shall meet the above standards and also the standards for manufactured home parks or subdivisions. (See subsection D of this section).

B. Standards For Utilities.

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

discharge from systems into floodwaters;

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

C. Standards For Subdivisions.

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

2. All final subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood, the final pad elevation shall be certified by a California registered professional engineer or land surveyor and provided to the floodplain administrator.

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

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

5. All subdivisions shall provide adequate drainage to reduce exposure to flood damage.

D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved, within Zones A and A1-A30 on the community's flood insurance rate maps, on sites located outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision or in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet above the base flood elevation and securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

2. All manufactured homes that are placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A or A1-A30 on the communities flood insurance rate maps that are not subject to provisions of Section 14.32.050(D)(1) will be securely fastened to an adequately anchored foundation system to resist flotation collapse, and lateral movement and be elevated so that either the lower floor of the manufactured home is 2 feet above the base flood elevation or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

E. Standards for Recreational Vehicles. All recreational vehicles placed on sites within Zones A or A1-30 on the communities flood insurance rate maps will either be on the site

for fewer than 180 consecutive days, and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions) or meets the permit requirements of Section 14.32.040 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 14.32.050(D)(1) of this chapter.

F. Floodways. Located within areas of special flood hazard established in subsection B of Section 14.32.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

2. If subsection (F)(1) of this section is satisfied, all new construction, substantial improvement and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 14.32.050, Provisions for flood hazard reduction;

3. If no floodway is identified, then a setback of 20 feet from the bank(s) of the watercourse will be established, where encroachment will be prohibited. (Ord. 882 § 2 (part), 1998)

14.32.060 Variance procedures.

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

B. Appeal Board. In passing upon requests for variances, the planning commission for the city of Folsom shall consider all technical evaluations, all relevant factors, standards

specified in other sections of this chapter, and the:

1. Danger that material 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. Availability of alternative locations for the proposed use which are not subject to flooding;

6. Compatibility of the proposed use with existing and anticipated development;

7. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8. Safety access to the property in time of flood for ordinary and emergency vehicles;

9. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and

10. 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. Granting of Variance. 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 at or below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

2. Such construction at or below the base flood level increases the risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

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

E. Conditions for Variances.

1. Generally, variances may be issued for new construction, substantial improvement and other proposed new development to be erected on a lot of 1/2

acre or less in size contiguous to and surrounded by lots with existing structures constructed at or below the base flood level, providing that the procedures of Sections 14.32.040 and 14.32.050 of this chapter have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 14.32.020 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.

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

4. 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 planning commission 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 planning commission believes will both provide relief and preserve the integrity of this chapter.

5. Variances shall only be issued upon a:

a. Showing of good and sufficient cause;

b. Determination that failure to grant the variance would result in exceptional “hardship” (as defined in Section 14.32.030 of this chapter) to the applicant; and

c. Determine that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create a nuisance (as defined in Section 14.32.020 of this chapter; see “Public safety and nuisance”), cause fraud or victimization (as defined in Section 14.32.020 of this chapter) of the public, or conflict with existing local laws or ordinances.

6. 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 14.32.060(E)(1) through 14.32.060(E)(5) 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.

7. Upon consideration of the factors of Section 14.32.060(B) and the purposes of this chapter, the planning commission may attach such conditions to the granting of

variances as it deems necessary to further the purposes of this chapter. (Ord. 882 § 2 (part), 1998)

This page of the Folsom Municipal Code is current through Ordinance 1157, passed March 13, 2012.
Disclaimer: The City Clerk's Office has the official version of the Folsom Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 14.33
HILLSIDE DEVELOPMENT STANDARDS

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14.33.100 Short title.
This chapter shall be known as the hillside development standards ordinance of the city of Folsom and may be so cited. (Ord. 798 § 2 (part), 1994)

14.33.110 Purpose.
The purpose of this chapter is to promote public safety and general welfare; to protect property against losses from erosion, ground movement and flooding; to protect significant natural features; and to provide for functional and visually pleasing development of the city's hillsides by establishing procedures and standards for the siting and design of physical improvements and site grading. The specific purposes of the hillside development standards are to:

A. Ensure development patterns that preserve and protect the natural forms and features of hillside areas including swales, canyons, knolls, ridgelines, rock outcrops, riparian and other wildlife habitats, streambeds, vernal ponds, other water features, woodlands and significant trees;

B. Locate and design physical improvements, including streets and other infrastructure, to minimize the need for earth movement and avoid or minimize the amount and impacts of grading;

C. Foster development patterns to avoid or minimize the risks from erosion, fires, floods, landslides and other safety hazards;

D. Ensure safe movement of automobiles, pedestrians and emergency vehicles and equipment to and from hillside areas with a minimum of grading;

E. Encourage development patterns that avoid or minimize the cost to the city of installing and maintaining public infrastructure, including park and recreation facilities;

F. Allow flexibility in the design of development projects in hillside areas to preserve significant open spaces and concentrate development in parts of properties where environmental and visual impacts would be the least severe;

G. Establish design standards for physical improvements in hillside areas to ensure that they are compatible with the natural environment, contiguous lands and preservation of views to and from hillside areas;

H. Establish responsibilities of the community development department and public works department to administer the hillside development standards. (Ord. 798 § 2 (part), 1994)

14.33.120 Definitions.
Unless otherwise apparent from the context, the following definitions shall govern the use of terms in this chapter:

“Building site” means the land area occupied or capable of being covered by any structures permissible under Title 17 of this code.

“City” means the city of Folsom.

“Community development department” means the community development director or his or her delegate.

“Driveway” means any vehicular connection between a road or street and adjacent property.

“Excavation” means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, dredged, quarried, uncovered, removed, displaced, relocated or bulldozed, and includes the conditions resulting therefrom.

“Fill” means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by a person to a new location, and includes the conditions resulting therefrom.

“Grade” means the vertical location of the ground surface.

“Grading” means any excavating or filling or combination thereof.

“Grading permit” means and includes an approved grading plan.

“Heritage oak” is as defined in Chapter 12.16 of this code (Tree Preservation).

“Hillside areas” means those areas within the incorporated boundaries of the city identified as “hillside areas” on Exhibit “A,” “hillside areas map,” of the hillside development standards ordinance, codified in this chapter. Exhibit “A” is on file in the city clerk’s office.

“Hillside lots” or “hillside parcels” means all parcels or lots which are located within “hillside areas” as defined in this chapter.

“Impervious surface” means concrete, asphalt, bricks, paving stones, swimming pools, roofs and similar features that significantly inhibit or prevent the percolation of water into the ground. Impervious surfaces do not include wood decks that are suspended over otherwise uncovered ground. Further, impervious surfaces do not include impervious surfaces beneath roof overhangs when the roof overhangs are counted as impervious surfaces.

“Padded building site” or “terraced building site” means a building site created by cutting into a hillslope and filling above the existing ground to obtain a flat area to accommodate a building foundation and other site improvements.

“Parcel” or “lot” means a unit of land of record as defined in Title 16 (Subdivisions) of this code.

“Pre-grading” means grading prior to issuance of a valid grading permit.

“Protected tree” or “protected trees” means a tree or trees as defined and regulated in Chapter 12.16 (Tree Preservation) of this code.

“Public works department” means the public works director or his or her delegate.

“Residential street” means local or tertiary streets and street ends, and does not include arterial or collector streets as defined in the general plan.

“Site” means a lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

“Slope” means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. The percent of any given slope is calculated by dividing the vertical distance by the horizontal distance.

“Subdivision grading plans” means grading improvement plans submitted pursuant to Chapters 16.36 (Improvements) and 16.20 (Final Subdivision Maps—Five or More Parcels) prior to approval of a final subdivision map or grading plans necessary for approval of a parcel map pursuant to Chapter 16.24 (Parcel Maps—Four or Less Parcels). (Ord. 798 § 2 (part), 1994)

14.33.130 Scope.

A. Except as provided for below, the provisions of this chapter shall apply to the creation and development of new lots in hillside areas and to the development of existing lots in hillside areas which are of record with the Sacramento County recorder. The provisions of this chapter shall apply to all proposed tentative subdivision maps, parcel maps, subdivision improvement plans and grading permits in hillside area.

B. This chapter is in addition to, and not a substitute for, Chapter 14.29 (Grading) of this code. Except as specified in this chapter, all grading in hillside areas shall be conducted in accord with the standards, procedures and application requirements contained in Chapter 14.29 (Grading) of this code and this chapter. Further, the subdivision provisions set forth in this chapter are in addition to the requirements contained in Title 16 (Subdivisions) of this code. (Ord. 798 § 2 (part), 1994)

14.33.140 Interpretation.
The following provisions shall apply in administering and interpreting the hillside development standards:

A. The guiding principle for all grading in hillside areas is to do the least grading necessary to allow reasonable development of the property in conformity with the purposes of this chapter.

B. Hillsides can be developed without destroying the natural topography, trees, wetlands and scenic quality of the land if the subdivision of land is sensitive to the topography and natural forms.

C. In the event of inconsistency between the hillside development standards and other city ordinances, the most restrictive shall apply.

D. All site development and construction in a hillside area shall be consistent with required mitigation measures in any applicable certified environmental impact report (EIR). (Ord. 798 § 2 (part), 1994)

14.33.150 Grading plans.
A. Grading Permit Required. Unless exempted by Section 14.29.170 (Grading Permit Exemptions) or this section, no grading or pregrading shall take place in hillside areas unless a permit is issued pursuant to this chapter.

B. Exemptions.

1. Unless an engineered grading plan is required for grading pursuant to subsection D of this section, the provisions of this chapter shall not apply to alterations or additions to existing structures on parcels in hillside areas.

2. Legal parcels of record in residential zoning districts which are less than 1 acre in area shall be exempt from the requirements of a grading permit pursuant to this section and Section 14.33.160 of this chapter if the parcel has improvements installed or under construction pursuant to approved subdivision improvement plans, or if municipal bonds which are secured by the parcel have been sold by the city.

3. Legal parcels of record in commercial or industrial zoning districts shall be exempt from the requirements of a grading permit pursuant to this section and Section 14.33.160 of this chapter if a planned development permit has been approved for development of the parcel. The planned development permit, where appropriate, may be conditioned to comply with the standards for a grading permit pursuant to this chapter.

4. If strict application of 1 or more of the design standards set forth herein would render an existing parcel unreasonably difficult to utilize, that standard or standards may be modified or waived at the discretion of the community development department, or the public works department, the planning commission or city council, depending on which body has authority over the application. Any

modification or waiver shall be rendered in a written decision.

C. Procedures for Grading Permits. Grading permits in hillside areas shall be processed pursuant to this subsection 14.33.150C.

1. Information required pursuant to Section 14.29-.262 of this code shall be provided to the community development department, or if the proposed grading comes within the criteria of subsection D of this section, the information for engineered grading plans pursuant to subsection E of this section shall also be submitted.

2. After review and recommendation by the community development department to the public works department, a grading plan may be approved pursuant to the procedures and standards of Chapter 14.29 without otherwise following the requirements of this chapter. Notwithstanding the foregoing, where the community development department finds that the proposed grading raises significant environmental issues or the public works department finds that the proposed grading raises significant engineering issues, either department may require that the standards pursuant to this chapter be followed as part of the grading permit approval.

3. A grading plan approved pursuant to this section shall constitute a grading permit.

D. Engineered Grading Plans for Hillside Areas. Engineered grading plans shall be submitted with all applications for permits to grade in hillside areas when any of the conditions set forth below pertain. All engineered grading plans shall be prepared by a state of California licensed engineer. Engineered grading plans for hillside areas shall be prepared pursuant to subsection E of this section.

1. The total volume of cut and fill will exceed 500 cubic yards.

2. Grading will require the removal of 1 or more protected trees.

3. The public works department determines that the proposed grading raises significant engineering issues or the community development department determines that the proposed grading raises significant environmental issues.

E. Contents of Engineered Grading Plans. Engineered grading plans required pursuant to subsection (D)(2) of this section shall, in addition to the information listed in Section 14.29.262E of this code, include the following:

1. Horizontal scales no smaller than 1 inch = 40 feet and elevations referenced to an established point, date and name of preparer;

2. Existing and finished grade contours at 1-foot intervals where slopes are under 20 percent, and 2-foot intervals where slopes are over 20 percent. Ninety percent of all contours shall be accurate to within one-half the contour interval. Contours should continue onto adjacent property for a minimum of 100 feet or far enough to demonstrate to the satisfaction of the public works department, drainage

relationships and topographic continuity between the site being graded and adjacent properties;

3. Profiles and cross-sections sufficient to show the relationship of existing and proposed structures to existing and proposed contours;

4. Location and drip lines of all existing protected trees. Trees planned for removal shall be clearly labeled;

5. Locations of all existing and proposed drainageways and facilities including detailed specifications for handling drainage, minimizing erosion and sedimentation, and using existing natural site drainage to the maximum extent possible;

6. Final landscaping plans prepared pursuant to Section 14.33.190B.

F. Geology Report Peer Review. An engineering geologist certified by the state of California and/or a geotechnical engineer licensed by the state of California shall be retained by the city, and paid for by the applicant, to review the engineering geology report and soil engineering report submitted with the engineered grading plan. Requirements for preparation of such reports are contained in Section 14.29.262 of this code. The report requirements of this Section 14.33.150F may be waived at the discretion of the public works department if it is determined that sufficient, previously approved data exists to support an evaluation and approval of the proposed grading plan.

G. On-Site Monitoring. The public works department shall take such actions as necessary to ensure that the proposed grading, and any conditions of approval, are strictly enforced. The public works department may retain, when necessary, a qualified civil engineer registered by the state of California, and require payment by the applicant, for full-time on-site monitoring of all grading operations to ensure that the conditions of the grading permit are strictly followed. Monitoring reports shall be kept on file in the public works department for public review. (Ord. 798 § 2 (part), 1994)

14.33.160 Standards.

The following standards apply to all grading permits approved pursuant to this chapter.

A. Height of Cuts and Fills. The heights of cut and fill slopes shall be kept to the minimum necessary and shall be no higher than 15 feet unless specifically approved by the public works department. Retaining walls may be used when necessary to reduce the height of cuts and fills. When retaining walls are used, the wall material shall be selected to blend with the natural conditions of the site.

B. Padded Building Sites. In general, foundations shall conform with the natural landforms of the site. Padded or terraced building sites shall only be permitted where the public works department finds that the land plan and engineering applications provide for access and building envelopes which conform with the existing topography of the site.

C. Stream Setbacks. Grading near intermittent and perennial natural streams shall be subject to approval of the public works department. For the purposes of this subsection, minimum setbacks shall be as determined by the appropriate regulatory agencies such as the Department of Fish and Game and the Army Corps of Engineers, or as

established in an approved environmental document. Larger setbacks may be required by the public works department to protect against flooding, preserve water quality or protect wildlife habitats.

D. Design Standards. As applicable, grading shall conform with the design standards set forth in this chapter at Sections 14.33.180 and 14.33.190. (Ord. 798 § 2 (part), 1994)

14.33.170 Subdivisions in hillside areas.

A. Preliminary Grading Plans for Tentative Subdivision and Parcel Maps. A preliminary grading plan shall be submitted with a tentative subdivision or parcel map application for all proposed subdivisions in hillside areas. The preliminary grading plan shall include the following:

1. An exhibit or exhibits showing existing and proposed contours of property, existing and proposed evaluations at all lot corners, and grades of proposed streets and drainage facilities. Existing and proposed contours shall be drawn at 2-foot intervals where slopes are under 20 percent, and 5-foot intervals where slopes are 20 percent or greater. Where necessary to properly show flatter portions of the land, half interval contours shall be inserted and drawn in a manner to make them easily distinguishable from the whole interval contours. Ninety percent of all contours shall be accurate within one-half contour interval. Contours should continue onto adjacent property for a minimum of 100 feet or far enough to demonstrate to the satisfaction of the public works department, drainage relationships and topographic continuity between the site being graded and adjacent properties. The public works department may require different contour intervals when deemed necessary to adequately portray topographic conditions. In cases where the effective use of lands to be subdivided necessitates extensive cuts and fills for streets, the proposed grading shall be clearly shown by means of both contour lines and supplementary cross-sections through such cuts and fills. The person preparing the tentative map shall indicate the source of the topographical information. In addition to the above, a diagram shall be provided that clearly identifies all proposed retaining walls and all cuts and fills that exceed 10 feet in height;

2. Location of existing and proposed property lines;

3. Location and widths of the streets and ways in the proposed subdivision;

4. Location, and outline to scale of existing and proposed building sites, driveways and driveway grades; the plan shall also identify all existing fences, retaining walls, and other structures with an indication of whether or not they are to remain or be removed. Distances between existing buildings, and buildings and existing property lines shall also be shown;

5. Approximate location of areas subject to inundation or flooding, lakes or marshes, defined wetlands, and the location, width and direction of tow of all watercourses;

6. An evaluation of potential hydrologic, geologic and seismic hazards by a geologist registered by the state of California or an engineering geologist certified by

the state of California;

7. The outline of groves of trees and the location of all individual trees with a trunk diameter of 12 inches or greater standing within the boundaries of the subdivision, and other vegetative cover, except that individual trees need not be shown when they lie within areas shown as groves within proposed open space or conservation easements or other areas not to be developed, subject to approval of the community development department;

8. Preliminary landscaping plans prepared pursuant to Section 14.33.190B;

9. Such additional information as may be required by the community development department to ensure compliance with the provisions of this chapter.

B. Planning Commission Review. Preliminary grading plans for grading in hillside areas submitted as part of a tentative subdivision or parcel map application shall be reviewed by the planning commission according to the following procedures:

1. The preliminary grading plans required by subsection A of this section for hillside lots in residentially zoned districts shall comply with the standards of Section 14.33.160 (Grading Standards) and Section 14.33.180 (Residential Subdivisions).

2. The public works department and the community development department shall review the preliminary grading plans, request additional information if needed, refer the plans to other staff members and consultants for comment as deemed necessary, and forward recommendations to the planning commission.

3. The planning commission shall hold a noticed public hearing on the plans application, which may be held at the same time as the hearing on the tentative subdivision or parcel map.

4. The planning commission shall approve, approve with conditions or deny the preliminary grading plans. The following findings shall be made in approving the preliminary grading plans:

a. The proposed grading is the minimum necessary to allow use of the site; and

b. The proposed grading will not significantly increase erosion or flooding, degrade riparian habitats or endanger the stability of the site or any adjacent properties; and

c. The proposed grading, when completed, will be visually compatible with surrounding land; and

d. The proposed grading preserves protected trees as defined in Chapter 12.16 on the site to the extent possible; and

e. The proposed grading is consistent, where appropriate, with an approved CEQA document.

5. Subdivision grading plans shall be processed as follows:

a. Subdivision grading plans being processed prior to or with a final subdivision map or final parcel map shall be reviewed by the public works and community development departments for conformity with the approved preliminary grading plans. The public works and community development departments shall submit a report to the planning commission prior to approving the subdivision grading plans.

b. The planning commission shall review the report and submit its comments to the city engineer within the time limits provided in the Subdivision Map Act.

6. Subdivision grading plans approved pursuant to this section for tentative subdivision or parcel maps shall be treated as a final grading permit. (Ord. 798 § 2 (part), 1994)

14.33.180 Design standards for residential subdivisions.
All applications for proposed residential subdivisions in hillside areas shall be subject to standards for new lots, residential streets, and building sites as set forth in subsections A, B, and C of this section.

A. Standards for New Residential Subdivision Lots.

1. Suitability of Lots for Purpose. All subdivisions shall be designed to take into account the natural qualities of the site, including steepness of terrain, location of watercourses, periodic flooding, earth movement, size, shape and other physical conditions. These elements shall be accommodated while ensuring that the sites can be developed in conformance with the height, bulk, setback and other site development limitations of Title 17 (Zoning) and/or any adopted specific plan.

2. Lot Size. The minimum area and dimensions of all lots shall conform to the requirements of Title 17 (Zoning) for the district in which the subdivision is located, or such modifications of the lot area and dimensions as may have been approved as part of a specific plan or planned development permit. Where difficult terrain or other unusual conditions exist, the planning commission may require larger or smaller lots to accomplish the purposes set forth in this chapter. Small lots may be clustered to maximize the opportunity to preserve the natural beauty, terrain and tree cover while still allowing the density permitted by Title 17 or an adopted specific plan.

3. Lot Depth. The average depth of any lot in hillside areas shall not exceed 3 times its width, unless a waiver from this requirement is granted by the planning commission.

4. Lot Lines. Lot lines shall be placed to create usable building sites, permit accommodation of sites to the natural terrain and vegetation, and to afford access to the building site with a minimum of grading. To the extent possible, lot lines shall be placed so as to be compatible with contours. Where existing or proposed slopes or embankments are located between lots, the property line shall be located at the top

of the slope or embankment.

5. Lot Slope. No lots shall be created in hillside areas unless they have building sites with existing slopes of twenty percent or less, except when the planning commission finds that steeper lots are necessary to comply with the provisions of Title 17 (Zoning) and/or any adopted specific plan that the purposes of this chapter can be met by allowing lots with steeper building sites.

6. Lot Coverage. The total amount of impervious surface, including buildings and paving, shall not exceed sixty percent of any lot in a hillside area. This limitation may be waived by the planning commission if it finds that the proposed design will be consistent with the purposes of this chapter.

7. Access to Streets. The following shall apply to construction of access to streets in hillside areas:

a. No lots shall be created unless they have at least forty feet of frontage on a public or private street meeting the minimum requirements of Title 16 (Subdivisions) of this code for pavement and right-of-way widths, and other public improvements.

b. Lots, other than corner lots, shall not have access to more than one street.

c. On any lot intended for residential occupancy it shall be possible to provide safe vehicular access via a private driveway, conforming to the other standards of this chapter, from the street on which the lot faces to a garage, or parking site on the lot in a location conforming with the requirements of Title 17 (Zoning). The alignment of the driveway shall not traverse slopes in excess of twenty percent. Further, no cut or fill for driveway construction shall exceed six feet in depth or height. The planning commission may allow these limits to be exceeded based on a finding that proposed design solutions will mitigate environmental and engineering problems.

d. No private driveway shall have a grade exceeding fifteen percent. The planning commission may allow grades up to twenty percent based on the finding that the steeper grade will result in better overall development of the site consistent with the purposes of this chapter. In any case there shall be sufficient level space in front of any garage to allow for safe parking of vehicles. Furthermore, the vertical curve transition from the street to the driveway shall be designed to the satisfaction of the public works department.

e. A maximum of four lots may share a single driveway, if the access design is recommended by both the public works department and fire department and approved by the planning commission.

B. Standards for New Residential Streets—Subdivisions. The following shall apply to construction of new residential streets for proposed subdivisions in hillside areas:

1. Alignment. The road pattern shall be designed to minimize grading by aligning roads and residential streets along natural ridges or valleys and existing contours.

2. Road Width. The public works department may authorize rights-of-way and paved road widths narrower than required by the provisions of Title 16 (Subdivisions) to minimize grading when the city engineer finds narrower roads can safely handle the expected volume of traffic and the fire department finds that the narrower roads will not adversely impact access for emergency vehicles and equipment.

3. Cul-de-Sacs. Cul-de-sacs shall not exceed five hundred feet in length; provided, however, that where turnouts or turnarounds are provided to the satisfaction of the fire department and the department finds adequate fire protection is possible, cul-de-sacs may be increased to one thousand feet in length. The cul-de-sac termination shall be as set forth in the Title 16 (Subdivisions) of this code. The planning commission may require the subdivider to improve and dedicate to the city, emergency escape routes including right-of-way and improvements from the ends of cul-de-sacs.

4. Long and Straight Streets. Long, straight residential streets, conducive to high speed traffic and/or requiring excessive grading, shall be avoided.

5. Grades. Grades of streets shall not be greater than twelve and one-half percent, except that the planning commission upon recommendation of the public works department may authorize grades up to fifteen percent for short portions of the street and when such grades do not adversely impact access, including emergency equipment and vehicle access, to adjacent properties in conformity with the driveway access standards of this chapter. All breaks in vertical alignment shall be as determined by the public works department according to standards of Title 16 (Subdivisions).

6. Parking. After review and recommendation of the public works department and community development department, and where approved by the planning commission, parking bays may be substituted for on-street curbside parking.

7. Sidewalks. The requirement for paved sidewalks may be waived in favor of pedestrian paths to reduce the need for grading and reduce the amount of impervious surface.

8. Street Lighting. Street lighting shall be directionally shaded to reduce off-site fugitive light and glare. Streetlight standards shall not exceed thirty feet in height unless approved by the public works and community development departments.

C. Standards for Residential Building Sites—Subdivisions. The following shall apply to creation of new residential building sites for proposed subdivisions in hillside areas:

1. Protection of Ridgelines. Whenever possible, building sites shall be created that allow for rooftops to be lower in elevation than any adjacent ridgelines.

2. Waterway Setbacks. All development projects shall provide adequate building setbacks from intermittent and perennial natural streams. These setbacks shall be as determined by the applicable requirements of the appropriate regulatory

agencies such as the Department of Fish and Game and the Army Corps of Engineers, or as established in an EIR which has been certified for the project area. Grading near intermittent and perennial natural streams shall be subject to approval. Larger setbacks may be required to protect against flooding preserve water quality or protect wildlife habitats.

3. Emergency Access. Emergency access shall be provided to each building site. No building shall be more than one hundred fifty feet from an area where emergency equipment access is provided. (Ord. 798 § 2 (part), 1994)

14.33.190 Design standards for development in hillside areas.
All applications for approval of new construction in hillside areas shall be subject to design review under Chapter 17.06 of this code. Such applications shall comply with the standards in this section as well as those in Chapter 17.06 of this code. Further, they shall comply with any design guidelines established by the city council for hillside areas.

A. Standards for New Residential Buildings.

1. Rooflines. The rooflines of structures should be below the height of the existing tree canopy, to the extent feasible.

2. Protection of Ridgelines. Whenever possible, structures shall be built with rooftops lower in elevation than any adjacent ridgelines. A specific setback from the ridge may be required to protect the ridgeline viewshed.

3. Materials and Colors. Materials and colors that blend with the natural landscape shall be used for all construction in hillside areas.

4. Nonreflective Materials. Except for window surfaces, the use of polished or reflecting exterior building materials and finishes shall be avoided. Further, windows with highly reflective treatments should be avoided and windows should be located so as to avoid highly reflective sun orientations to adjacent properties.

5. Fire-Resistant Roof Materials. In hillside areas, all roofs shall be of Class A roof materials.

6. Decks and Deck Supports. On downhill sites, decks should be located and designed to avoid tall and highly visible supports. Further, exposed areas under decks should be screened with lattice, or similar treatments composed of fire-resistant materials.

B. Standards and Procedures for Landscaping Plans. All proposed subdivisions and grading permits must comply with this section.

1. Preliminary Landscaping Plan. A preliminary landscaping plan shall be submitted to the community development department together with any tentative subdivision or parcel map application for parcels in hillside areas. The preliminary landscaping plan shall show:

a. How existing trees, plants and rock outcrops are incorporated into the

landscaping design;

b. The location, type and size of all trees and plants to be added;

c. Specification for irrigation and maintenance of landscaping on public lands;

d. The location and design of landscape buffers which shall be established along all major collector, arterial and higher-capacity roads;

e. The location and type of fencing, walls or other landscape structures. In hillside developments with natural rock outcroppings, the city encourages use of the rocks that must be moved to accommodate development in walls or other landscape features.

2. Final Landscaping Plan. Where a preliminary landscaping plan is required pursuant to subsection (B)(1) of this section, a final landscaping plan shall be submitted to the community development department prior to building permit issuance. The final landscaping plan shall be in substantial conformance with the preliminary landscaping plan.

3. Grading Permit Requirements. Where an engineered grading plan for a grading permit is required pursuant to Section 14.33.150(D), a final landscaping plan, which includes all the information required for a preliminary landscaping plan together with other information as required by the community development department, may be required with an engineered grading plan. The final landscaping plan shall be approved, conditionally approved or denied by the community development department.

4. Use of Native Plants. Whenever practical, native landscaping materials shall be used for street trees, parks and other areas within hillside area developments. The community development department will maintain a list of plants considered native to the hillside areas.

5. Heritage Oaks. Landscaping and irrigation around heritage oaks shall be consistent with Chapter 12.16 (Tree Preservation).

6. Exterior Lighting. Exterior lighting shall be the minimum necessary to provide for safety for pedestrians and other nonvehicular uses around the primary building on the site. Landscaping shall be used to reduce long-range visibility of night lighting. (Ord. 1109 § 4, 2008: Ord. 798 § 2 (part), 1994)

14.33.200 Appeals.

Any decision of the community development department may be appealed to the planning commission at any time within ten days after the decision of the community development department is rendered. Any decision of the planning commission or the public works department may be appealed to the city council at any time within ten days after the decision of the planning commission or the public works department is rendered. Except for an appeal pursuant to Section 14.33.210(B) of this chapter, all appeals shall be made in accordance with the procedures of Section 17.60.070 (Use Permit Appeal Procedure) of this code. (Ord. 798 § 2 (part), 1994)

14.33.210 Enforcement and penalty.

A. In the administration and enforcement of this chapter, any duly authorized official or employee of the city shall have authority to enter upon a premises for the purposes of investigation and inspection; provided, however, that the above-referred-to right of entry shall be exercised only during the daylight hours.

B. A grading permit issued pursuant to this chapter may be suspended or revoked by the director of public works where any of the conditions described in Section 14.29.410 (A) exist. The provisions and procedures of subsections B, C and D of Section 14.29.410 shall apply to this section 14.33.210(B).

C. In the event any person, firm or corporation performs any work in violation of this chapter or any development permit issued pursuant thereto, or fails or refuses to perform any work required by this chapter or any permit issued pursuant thereto, the same is declared to be a public nuisance, and at the discretion of the city council the city attorney is authorized to bring and prosecute an action in a court of competent jurisdiction to enjoin the performance of such work or, if such work has been accomplished, from maintaining the same.

D. Any person, firm or corporation who violates any of the provisions of this chapter or fails to comply with any development permit issued hereunder shall be guilty of a misdemeanor and shall be punishable pursuant to Chapter 1.09 of this code. Each day, or portion thereof, during which violation continues shall be deemed to be a separate offense. (Ord. 798 § 2 (part), 1994).

This page of the Folsom Municipal Code is current through Ordinance 1157, passed March 13, 2012.
Disclaimer: The City Clerk's Office has the official version of the Folsom Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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