Title 16

BUILDINGS AND CONSTRUCTION

Chapters:

16.04	ADMINISTRATION
16.06	RESIDENTIAL CODE
16.07	GREEN CODE
16.08	BUILDING CODE
16.09	HOUSING CODE
16.10	DANGEROUS BUILDINGS CODE
16.11	MECHANICAL CODE
16.12	PLUMBING CODE
16.16	ELECTRICAL CODE
16.17	STRENGTHENING OF UNREINFORCED MASONRY BUILDINGS
16.18	FLOOD HAZARD AREAS AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM
16.19	SWIMMING POOL BARRIERS
16.20	BUILDING MOVING REGULATIONS
16.22	SOLAR STREAMLINED PERMITTING PROCESS
16.23	ELECTRIC VEHICLE CHARGING STATION STREAMLINED PERMITTING PROCESS
16.24	HOUSE NUMBERING
16.32	FIRE PREVENTION
16.36	PUBLIC-SAFETY RADIO AMPLIFICATION SYSTEM
16.40	THREATENED AND ENDANGERED SPECIES PRESERVATION DEVELOPMENT FEES
16.44	REGIONAL PARKS AND RESERVE PARKS DEVELOPMENT FEE
16.48	OVERLOOK PARKWAY CROSSING OF THE ALESSANDRO ARROYO DEVELOPMENT FEE
16.52	DEVELOPMENT FEES FOR FIRE STATIONS
16.56	SCHOOL DEVELOPMENT FEE
16.60	LOCAL PARK DEVELOPMENT FEES
16.64	TRAFFIC SIGNAL AND RAILROAD SIGNAL MITIGATION FEES AND TRANSPORTATION IMPACT FEES
16.68	TRANSPORTATION UNIFORM MITIGATION FEE
16.72	WESTERN RIVERSIDE MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE PROGRAM
16.76	TRAILS DEVELOPMENT FEE

Chapter 16.04

ADMINISTRATION

Sections:

16.04.010 Purpose and Intent.
16.04.020 Scope.
16.04.110 Building Official.
16.04.210 Authority to condemn building service equipment.
16.04.215 Authority to disconnect utilities.
16.04.220 Connection after disconnect.
16.04.230 Administrative Hearing Officer.
16.04.310 Expiration of permits.
16.04.330 Transferability of permits.
16.04.335 Expiration of plan review.
16.04.365 After hours plan review and inspections.
16.04.372 Permit and plan review fees.
16.04.374 Permit investigation fees.
16.04.380 Plan review fee refund.
16.04.390 Permit fees refund.
16.04.400 Other refunds.
16.04.460 Compliance.
16.04.490 Temporary use of utilities.
16.04.510 Violations.
16.04.520 Criminal Enforcement.
16.04.530 Administrative Enforcement.
16.04.540 Summary Abatement.
16.04.550 Right of Appeal.
16.04.560 Administrative Citation Appeal Process.
16.04.570 Administrative Civil Penalties Appeal Process.
16.04.580 Disabled Access Determination Appeal Process.
16.04.590 Appeal Process for Other Administrative Actions.

Section 16.04.010 Purpose and Intent.

The purpose of Chapters 16.04 through 16.20 is to provide minimum standards to safeguard public health, safety and general welfare by regulating the design, construction, quality of materials, use and occupancy, location and maintenance of buildings, equipment, appliances, structures and grading within the City; the electrical, plumbing, heating, comfort cooling and certain other equipment specifically regulated herein; and the moving of buildings within, into, from and through the City and to provide safety to firefighters and emergency responders during emergency operations. Consistent with this purpose, the provisions of this Code are intended and always have been intended to confer a benefit on the community as a whole and are not intended to establish a duty of care toward any particular person. (Ord. 7357 §2, 2016; Ord. 3495 §1 (part), 1968; prior code §9.101)

Section 16.04.020 Scope.

The provisions of Chapters 16.04 through 16.20 shall apply to the erection, construction, enlargement, alteration, installation, reconstruction, repair, movement, improvement, connection, conversion, demolition, and use of any building, structure or premises, or portion thereof, and grading within the City. The provisions of this Code shall not apply to work located primarily in a public way other than pedestrian protection structures required by Chapter 33; public

utility towers and poles; equipment not specifically regulated in this Code; hydraulic flood control structures; work exempted by Section 105.2; or minor work of negligible hazard to life specifically exempted by the Building Official. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in Chapter 4 of Title 24 Part 10, the California Existing Buildings Code.

Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. (Ord. 7357 §3, 2016; Ord. 5552 §2, 1987; Ord. 5259 §1, 1985; Ord. 3495 §1 (part), 1968; prior code §9.102)

Section 16.04.110 Building Official.

Whenever the terms “Building Official,” “building inspector,” “plumbing inspector,” “electrical inspector,” “mechanical inspector,” “administrative authority,” “plan reviewer” or “electrical safety engineer” are used in Chapters 16.04 through 16.20 or any other ordinance of the City, including this Code, each means the Building Official, or his/her designee. (Ord. 7357 §5, 2016; Ord. 6844 §22, 2006; Ord. 4853 §8, 1980; Ord. 3844 §1(1), 1971; Ord. 3495 §1 (part), 1968; prior code §9.106)

Section 16.04.210 Authority to condemn building service equipment.

Whenever the Building Official ascertains that any building service equipment regulated in Chapters 16.04 through 16.20 has become hazardous to life, health, property, or has become insanitary, he shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice shall fix a reasonable time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a twenty-four-hour written notice of such disconnection and causes therefor shall be given to the owner as shown on the assessment roll and occupant of such building, structure or premises; provided, however, that in cases of immediate danger to life or property, such disconnection may be made immediately without such notice. (Ord. 4853 §13, 1980; Ord. 3495 §1 (part), 1968; prior code §9.108 (part))

Section 16.04.215 Authority to disconnect utilities.

The Building Official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by Chapters 16.04 through 16.20 in case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall have the authority to order disconnection of any utility service or energy supplied to the building, structure or building service equipment when he ascertains that the building service equipment or any portion thereof has become hazardous to life, health or property or has become insanitary. The Building Official shall immediately notify the service utility in writing of the issuance of such order to discontinue use. (Ord. 4853 §14, 1980)

Section 16.04.220 Connection after Disconnect.

No person shall make connections from energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered disconnected by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

When any building service equipment is maintained in violation of Chapters 16.04 through 16.20 and in violation of any notice issued pursuant to the provisions of this chapter, the Building Official may institute any appropriate action to prevent, restrain or correct or abate the violation.

(Ord. 7357 §6, 2016; Ord. 4853 §15, 1980; Ord. 4146 §1 (part), 1974; Ord. 3495 §1 (part), 1968; prior code §9.108 (part))

Section 16.04.230 Administrative Hearing Officer.

The City Council finds that providing an Administrative Hearing Officer to hear administrative proceedings and appeals as set forth in this Chapter is equivalent to proceedings provided under the State Housing Law (California Health & Safety Code Sections 17910, et seq.) for the purposes intended by the State Housing Law.

Where the Board of Appeals or the Housing Authority and Appeals Board may be mentioned in Chapters 16.04 through 16.20, such terms shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. (Ord. 6844 §23, 2006; Ord. 6462§ 12, 1999; Ord. 5259 §4, 1985; Ord. 4853 §16, 1980; Ord. 3495 §1 (part), 1968; Prior code § .109)

Section 16.04.310 Expiration of permits.

Except as otherwise specified, every permit issued by the Building Official under the provisions of Chapters 16.04 through 16.20 shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of permit issuance, or if the work authorized by such permit is suspended, abandoned, or without progress at any time after the work is commenced for a period of one hundred eighty days. Progress, shall further be defined as obtaining one or more successful inspections required in accordance with Section 110 of this Code. Prior to a permit's expiration and upon a showing of good cause by the permit holder in writing, the Building Official may issue one or more extensions for periods not to exceed one hundred eighty calendar days.

A permit for demolition, however, shall expire by limitation and become null and void if the work authorized by the permit is not completed within ninety days from the date of permit issuance or on the sixtieth day after work is commenced, whichever comes sooner.

If a permit was issued in order to bring an un-permitted building, structure or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance or regulation, the Building Official is authorized to establish predetermined time frames upon which the permit shall expire by limitation and become null and void. With good cause, the Building Official may extend the validity of such permit one time for a period not exceeding one hundred eighty days beyond the initial limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit.

Before any work may recommence following the expiration of a permit, a "reactivation" permit shall be first obtained. The fee shall be one-half the amount required for a new permit for such work, provided no changes have been or will be made to the original plans and specifications for such work; provided further, that such suspension or abandonment has not extended beyond the adoption of a new code cycle; and that only one such "reactivation" permit may be issued at one-half fee for such work. Upon the issuance of a "reactivation" permit, the Building Official may allow the applicant to commence or recommence such work from the last successful inspection of record under the original permit. Except as specifically provided for herein, in order to recommence work on a permit after expiration thereof, the permit holder shall obtain a new permit and pay the full fee therefor. (Ord. 7357§ 7, 2016; Ord. 5259 § 8, 1985; Ord. 4853 § 21, 1980; Ord. 4604 §1 (part), 1978; Ord. 4146 §1 (part), 1974; Ord. 3495 §1 (part), 1968; prior code §9.112 (part))

Section 16.04.330 Transferability of permits.

Any permit issued by the Building Official under the provisions of Chapters 16.04 through 16.20 may be transferred to another person, firm or corporation subject to all requirements of state law and the original issuance, and upon payment of a fee as may be established by the City Council. (Ord. 7357 §8, 2016; Ord. 4853 §22, 1980; Ord. 4604 §1 (part), 1978)

Section 16.04.335 Expiration of plan review applications.

An application for plan review for which no permit is issued within one year following the date of such paid application shall expire as of the three hundred sixty-fifth day, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official if said plans and data cannot be reasonably retained. The Building Official may issue one or more extensions of time for periods not to exceed one hundred eighty days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken; provided, however, the applicant must pay a plan review fee of one-half the original such fee.

No application shall be extended beyond seven hundred twenty days after the original plan review submittal date. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. (Ord. 7357 §9, 2016; Ord. 6116 §1, 1994; Ord. 5389 §1, 1986; Ord. 4853 §23, 1980)

Section 16.04.365 Afterhours plan review and inspections.

At the discretion of the Building Official, the Building and Safety Division may perform inspections or complete plan reviews during other than normal working hours upon the request of an applicant. The charge for afterhours plan review or inspection services shall be two and one-half times the hourly wage rate of the plan reviewer or inspector providing the service, or as otherwise set by resolution of the City Council. Such service for each hour or any portion thereof, shall be in addition to any other fees that may have been paid or are due. Afterhours inspection requests require a minimum two hour service charge. (Ord. 7357 §10, 2016; Ord. 4604 §1 (part), 1978; Ord. 4146 §1 (part), 1974)

Section 16.04.372 Permit and plan review fees.

The fee for each permit and for plan review shall be as set by resolution of the City Council. Payment under protest for all or any portion of these fees shall not be accepted. Where a permit fee is based on value or valuation, the determination of value or valuation shall be made by the Building Official. The value to be used in computing such fee shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. (Ord. 4853 §27, 1980)

Section 16.04.374 Permit investigation fees.

Whenever work has commenced without the benefit of a permit as required by the provisions of this code, the Building Official may authorize a special investigation prior to the issuance of the permit. A fee shall be collected for each permit so investigated and prior to permit issuance. The investigation fee may be equal to the cost of the required permit or as otherwise set by resolution of the City Council. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code or from any other penalty prescribed by law. (Ord. 7357 §11, 2016)

Section 16.04.380 Plan review fee refund.

Plan review fees shall be refundable provided the checking of the plans has not been started. A portion of the plan review fee may be refunded when the Building Official determines that less than three-fourths of the checking has been completed. The fee for processing such refunds shall be as established by resolution of the City Council. This fee shall be deducted from any moneys being refunded. No refund shall be made without first receiving a request in writing therefor from the person paying the fee, together with authorization in writing from the owner of the project. (Ord. 4853 §28, 1980; Ord. 3495 §1 (part), 1968; prior code §9.114 (part))

Section 16.04.390 Permit fees refund.

Permit fees shall be refundable provided the permit has not expired and provided no inspections have been made in connection therewith. The fee for processing such refund shall be as established by resolution of the City Council. The fee shall be deducted from any moneys being refunded. No refund shall be made without first receiving a request therefor in writing from the person paying the fee, together with authorization in writing from the owner of the project. (Ord. 4853 §29, 1980; Ord. 3495 §1 (part), 1968; prior code §9.114 (part))

Section 16.04.400 Other refunds.

A. Fees for Services. Fees imposed by this title for inspections or other services, except for those specifically listed elsewhere in this chapter, shall be refundable provided the inspection or service in connection therewith has not been performed. The fee for processing such refund shall be the same as that established pursuant to Section 16.04.390 above. No refund shall be made without first receiving a request therefor in writing from the person paying the fee. Such request for refund shall be received not more than one hundred eighty days from the date of payment of the fee.

B. Development Fees. Development fees imposed by and paid to the City in conjunction with, and as a condition precedent to, the issuance of a permit may be refunded provided the work authorized by the permit has not been performed, and the permit therefor has expired or otherwise been terminated. A fee as may be established by resolution of the City Council shall be paid for the processing of any such refund. No refund shall be made without first receiving a request therefor in writing from the person paying the fee together with authorization in writing from the owner of the project or other evidence to establish that the applicant for the refund is legally entitled thereto. (Ord. 5259 §11, 1985)

Section 16.04.460 Compliance.

No person shall use or occupy any building or structure, or any portion thereof including the building service equipment, for which a permit is required without first obtaining the permits, inspections, and approvals required by Chapters 16.04 through 16.32, inclusive. No person shall use or occupy any building or structure, or any portion thereof, for which a certificate of occupancy is required by this chapter without first obtaining, posting and keeping posted a certificate of occupancy as required by the provisions of this chapter. No person shall suspend or abandon any grading work prior to completion of the work unless the site is made reasonably safe and stable. No person in possession of or in charge of a site on which grading work has been performed shall fail to maintain any slope faces, whether cut or fill, in a stable condition nor shall such person fail to control and maintain water drainage on or from the site in an approved manner. (Ord. 4906 §2, 1981; Ord. 3495 §1 (part), 1968; prior code §9.115 (part))

Section 16.04.490 Temporary use of utilities.

A. The Building Official may permit, at his discretion, the temporary use of gas or electrical energy, before final approval of the building, structure or work being performed, whenever unnecessary hardship would otherwise result, and inspection can effectively be made after the commencement of the temporary use.

B. The Building Official shall place those restrictions upon temporary use as necessary to insure safety, to facilitate inspection and to secure compliance with all provisions of Chapters 16.04 through 16.20 and of any other chapter of the City, including any and all provisions of this code.

C. No temporary use of gas or electrical energy shall be permitted in any case where a hazard to life or property would be created.

D. The temporary use of gas or electrical energy may be ordered discontinued and the supply ordered disconnected upon written notice.

E. Nothing contained in this section shall be considered to permit or authorize the occupancy or use of any building or structure prior to the issuance of a certificate of occupancy. (Ord. 3495 §1 (part), 1968; prior code §9.116)

Section 16.04.510 Violations.

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, use, occupy or maintain any building, structure, equipment, or portion thereof in the City or cause the same to be done contrary to or in violation of any provision of this Title or any provisions of the building code, residential code, green code, housing code, mechanical code, plumbing code, electrical code, dangerous buildings abatement code, and fire code (hereinafter referred to as the "adopted codes"), as such codes have been adopted in this Title or as they may be duly amended, or any other applicable law or ordinance. (Ord. 7357 §12, 2016; Ord. 6844 §24, 2006; Ord. 6262 §20, 1996; Ord. 5551 §10, 1987; Ord. 5259 §16, 1985; Ord. 4853 §45, 1980; Ord. 4192 §1, 1975; Ord. 3495 §1 (part), 1968; Prior code §9.110)

Section 16.04.520 Criminal Enforcement.

A. A violation of any of the provisions of this Title or any provisions of the adopted codes as such have been adopted by reference in this Title or the failure to comply with any of the mandatory requirements of this Title including the codes adopted by reference therein shall constitute a misdemeanor; except that notwithstanding any other provisions of this Code, any such violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor or infraction shall be punished according to Section 1.01.110 of this Code.

B. Any day or portion thereof any violation of this Title or the provisions of the adopted codes is committed, continued or permitted shall constitute a new and separate offense and shall be punished, upon conviction, in accordance with Section 1.01.110 of this Code.

C. The Building Official, the Code Enforcement Manager, and their inspectors, deputies, enforcement officers, and any other designees, shall have and are vested with the authority to issue a notice to appear to any person who violates the provisions of Chapters 16.04 through 16.24 in the manner provided by Section 836.5 of the California Penal Code. The Fire Chief, the Fire Marshal, Battalion Chiefs, the Fire Captains and the members of the Fire Prevention Bureau shall have and are vested with the authority to arrest or issue a notice to appear to any person who violates the provisions of Chapter 16.32 in the manner provided by Section 836.5 of the California Penal Code. The Fire Chief, the Fire Marshal, Battalion Chiefs, the Fire Captains and the members of the Fire Prevention Bureau shall have and are vested with the authority to issue notices of standing and parking violations for any infraction violation of the provisions of Chapter 16.32 of this Title in the manner provided by Section 40200(a) of the California Vehicle Code. (Ord. 6844 §25, 2006)

Section 16.04.530 Administrative Enforcement.

As an alternative to criminal prosecution, the provisions of each chapter of this Title may be enforced through the administrative code enforcement remedies set forth in Chapter 1.17 of this Code, or through a notice and order or other administrative proceeding authorized under this Code. (Ord. 6844 §26, 2006)

Section 16.04.540 Summary Abatement.

In addition to the remedies provided in this Chapter, any condition caused or permitted to exist in violation of any provisions of this Title or the codes adopted by reference therein, which present an immediate threat to public health or safety, shall be deemed a public nuisance and may be summarily abated by the City pursuant to the provisions set forth in Chapter 6.15. (Ord. 6844 §26, 2006)

Section 16.04.550 Right of Appeal.

Every administrative action or proceeding initiated pursuant to this Title is subject to appeal according to the procedures set forth herein. The appeal process will vary depending on the remedy used to enforce this Code. (Ord. 6844 §26, 2006)

Section 16.04.560 Administrative Citation Appeal Process.

The appeal process for administrative citations issued for violation of any provision of this Title is set forth in Section 1.17.150 of this Code. (Ord. 6844 §26, 2006)

Section 16.04.570 Administrative Civil Penalties Appeal Process.

A. An Administrative Civil Penalties Notice and Order may be issued for violation of any provision of any chapter of this Title. The mere issuance of an Administrative Civil Penalties Notice and Order is not directly appealable.

B. A failure to comply with the Administrative Civil Penalties Notice and Order will result in a hearing before an Administrative Hearing Officer. The hearing may result in an Administrative Civil Penalties Enforcement Order.

C. The appeal process for an Administrative Civil Penalties Enforcement Order is judicial review of that order as set forth in Section 1.17.400 of this Code. (Ord. 6844 §26, 2006)

Section 16.04.580 Disabled Access Determination Appeal Process.

The appeal process for a disabled access determination initiated pursuant to the building code, adopted by Chapter 16.08 of this Code, is set forth in Section 2.40.030. (Ord. 6844 §26, 2006)

Section 16.04.590 Appeal Process for Other Administrative Actions.

The appeal process for any notice and order, other than an Administrative Civil Penalties Notice and Order, issued for any violation of any provision of the housing code, adopted by Chapter 16.09 of this Code, or for any violation of any provision of the dangerous building abatement code, adopted by Chapter 16.10 of this Code, is set forth herein.

A. Standing to Appeal. An appeal may be filed by any person having record title or legal interest in a parcel of real property that is the subject of such notice and order or any person identified therein as a “Responsible Party” as defined in Section 1.17.010 of this Code.

B. Request for hearing.

1. Any person having standing to appeal under this section may appeal the notice and order by completing a request for hearing form and returning it to the Code Enforcement Division of the Community Development Department within thirty (30) calendar days of the mailing or issue date appearing on the notice and order, whichever is later.

2. A request for hearing form may be obtained from the Code Enforcement Division.

3. Only upon receipt of a request for hearing form that has been properly completed and timely submitted shall the Code Enforcement Division schedule the date, time, and place of hearing before an Administrative Hearing Officer. The Code Enforcement Division shall provide written notice of the date, time, and place of hearing by regular, first-class mail only to the address listed in the request form submitted by the person requesting the hearing. (Ord. 6844 §26, 2006)

Chapter 16.06

RESIDENTIAL CODE

Sections:

16.06.010 Reference to Residential Code.
16.06.020 California Residential Code adopted -- Filed with City Clerk.
16.06.030 Sections deleted and not adopted.

Section 16.06.010 Reference to Residential Code.

This chapter shall be known as the "Residential Code" and may be cited as such. Whenever in this code or any ordinance of the City the phrases "International Residential Code" or "California Residential Code" appears, such phrases shall be deemed and construed to refer to or apply to this chapter in conjunction with Chapter 16.04. (Ord. 7357 §13, 2016; Ord. 7103 §2, 2010)

Section 16.06.020 California Residential Code adopted--Filed with City Clerk.

The California Residential Code, 2016 Edition, including appendices and any related errata, and any amendments thereto by the State of California in the 2016 Edition of Title 24 of the California Code of Regulations, promulgated by the International Code Council, which regulates the construction, alteration, movement, enlargement, replacement, repair, equipment, use, and occupancy, location, maintenance, removal and demolition of every detached one-and-two family dwelling, townhouse not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto, is adopted and by this reference is made a part of this code with the force and effect as though set out herein in full, with the exception of those parts expressly excepted and deleted or as amended by this chapter. One copy of the California Residential Code with the amendments thereto by the State of California, which has been certified as a true copy, is on file and open to public inspection in the Office of the City Clerk. (Ord. 7357 §14, 2016; Ord. 7237 §1, 2013; Ord. 7103 §2, 2010)

Section 16.06.030 Sections deleted and not adopted.

The chapters, sections, paragraphs, and parts of the California Residential Code which are excepted, deleted, and not adopted are:

1. Chapter 1, Division II Sections R108, R110.3, R111, R112;
2. Appendix A, B, C, D, E, F, G;
3. Appendix I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W. (Ord. 7357 §15, 2016; Ord. 7237 §2, 2013; Ord. 7103 §2, 2010)

Chapter 16.07

GREEN CODE

Sections:

16.07.010 Reference to Green Code.
16.07.020 California Green Building Standards Code adopted -- Filed with City Clerk.
16.07.030 Sections deleted and not adopted.

Section 16.07.010 Reference to Green Code.

This chapter shall be known as the “Green Code” and may be cited as such. Whenever in this code or any ordinance of the City the phrases “California Green Building Standards Code” or “California Green Code” or “CAL Green Code” appear, such phrases shall be deemed and construed to refer to or apply to this chapter in conjunction with Chapter 16.04. (Ord. 7103 §3, 2010)

Section 16.07.020 California Green Building Standards Code adopted--Filed with City Clerk.

The California Green Building Standards Code, 2016 Edition, including any related errata, and any amendments thereto by the State of California in the 2016 Edition of Title 24 of the California Code of Regulations, which regulates the planning, design, operation, use and occupancy of every newly constructed building or structure is adopted and by this reference is made a part of this code with the force and effect as though set out herein in full, with the exception of those parts expressly excepted and deleted or as amended by this chapter. One copy of the California Green Building Standards Code with the amendments thereto by the State of California, which has been certified as a true copy, is on file and open to public inspection in the Office of the City Clerk. (Ord. 7357 §16, 2016; Ord. 7237 §3, 2013; Ord. 7103 §3, 2010)

Section 16.07.030 Sections deleted and not adopted.

The chapters, sections, paragraphs and parts of the California Green Building Standards Code which are excepted, deleted and not adopted are:

1. Appendix A4, A5 and A6.1. (Ord. 7357 §17, 2016; Ord. 7103 §3, 2010)

Chapter 16.08

BUILDING CODE

Sections:

16.08.010 Reference to Building Code.
16.08.020 California Building Code adopted--Filed with City Clerk.
16.08.030 Sections deleted and not adopted.
16.08.040 Chapter 1, Division II Section 105.1 amended--Permits.
16.08.135 Section 107.3.1 amended--Approval of construction documents.
16.08.145 Section 903 amended--Automatic sprinkler systems.
16.08.175 Exterior noise insulation standards.
16.08.185 Geologic investigation required.
16.08.205 Safety Assessment Placards.

Section 16.08.010 Reference to Building Code.

This chapter shall be known as the "Building Code" and may be cited as such. Whenever in this code or any ordinance of the City the phrases "International Building Code" or "California Building Code" appear, such phrases shall be deemed and construed to refer to or apply to this chapter in conjunction with Chapter 16.04." (Ord. 7357 §19, 2016; Ord. 6971 §2, 2007; Ord. 4146 §2 (part), 1974)

Section 16.08.020 California Building Code adopted--Filed with City Clerk.

The California Building Code, 2016 Edition, consisting of two volumes, including appendices and any related errata, and any amendments thereto by the State of California in the 2016 Edition of Title 24 of the California Code of Regulations, promulgated by the International Code Council, which regulates the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and other structures, is adopted and by this reference is made a part of this code with the force and effect as though set out herein in full, with the exception of those parts expressly excepted and deleted or as amended by this chapter. One copy of the California Building Code with the amendments thereto by the State of California, which has been certified as a true copy, is on file and open to public inspection in the Office of the City Clerk. (Ord. 7357 §20, 2016; Ord. 7237 §5, 2013; Ord. 7103 §5, 2010; Ord. 6971 §3, 2007; Ord. 6634 §2, 2002; Ord. 6472 §3, 1999; Ord. 6253 §2, 1995; Ord. 5996 §3, 1992; Ord. 5830 §1, 1990; Ord. 5552 §7, 1987; Ord. 5259 §17, 1985; Ord. 4853 §46, 1980; Ord. 4604 §2 (part), 1978; Ord. 4192 §2 (part), 1975; Ord. 4146 §2 (part), 1974)

Section 16.08.030 Sections deleted and not adopted.

The chapters, sections, paragraphs and parts of the California Building Code which are excepted, deleted and not adopted are:

1. Chapter 1, Division II Sections 101.4.4, 105.3.2, 105.5, 109, 112, 113;
2. Appendix A;
3. Appendix B;
4. Appendix D, E, and F;
5. Appendix H; and
6. Appendix K, L, M. (Ord. 7357 §21, 2016; Ord. 7237 §6, 2013; Ord. 7103 §6, 2010; Ord. 6971 §4, 2007; Ord. 6634 §3, 2002; Ord. 6472 §4, 1999; Ord. 6253 §3, 1995: Ord. 6180 §1, 1994: Ord. 6121 §2, 1994; Ord. 6083 §1, 1993; Ord. 5996 §4, 1992; Ord. 5830 §2, 1990; Ord. 5552 §8,

1987; Ord. 5259 §18, 1985; Ord. 4853 §47, 1980; Ord. 4604 §2 (part), 1978; Ord. 4146 §2 (part), 1974)

Section 16.08.040 Chapter 1, Division II Section 105.1 amended--Permits.

Chapter 1, Division II Section 105 of the California Building Code is hereby amended by amending Section 105.1 entitled required by adding to the end of such section the following exceptions:

Exceptions: Exceptions to issuance of a permit are:

1. A permit shall not be issued for work on property within an area which may be unsafe for such work and, because of the hazards, there is no way in which the work can be done so that it will be safe;

2. A permit may be withheld or denied if the Building Official finds there are existing on site violations of the provisions of Chapter 16.04 through 16.20 or of any other ordinance of the City, including any and all provisions of this code and including without limitation the provisions of the zoning regulations. (Ord. 7103 §7, 2010; Ord. 6971 §5, 2007; Ord. 6260 §1, 1996)

Section 16.08.135 Section 107.3.1 amended – Approval of construction documents.

Section 107.3.1 of the California Building Code is hereby amended to read as follows: Section 107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved for code compliance in writing or by stamp. One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative. (Ord. 7357 §22, 2016; Ord. 7237 §7, 2013)

Section 16.08.145 Section 903 amended--Automatic sprinkler systems.

Section 903.2 of the California Building Code is hereby amended in its entirety to read as follows:

(A) Section 903.2 Where Required. An automatic fire extinguishing system shall be installed and maintained in operable condition in the buildings and locations as set forth in this section. For special provisions on hazardous chemicals, magnesium and calcium carbide, see the Fire Code.

(B) **All New Buildings**. An automatic sprinkler system shall be installed and maintained in operable condition in all new buildings. All systems shall conform to the National Fire Protection Association Standards 13, 13D and 13R and the Riverside Fire Department Standards and Policies.

EXCEPTIONS:

1. Buildings less than 1,000 square feet in floor area, other than Group R-1, Group R-2, Group R-3, and Group R-4 occupancies, unless specifically required by other provisions of the California Building Code.

2. Group U occupancy buildings accessory to Group R-3 occupancies other than additional R-1, R-2, R-3 or R-4 occupancies.

3. Group S occupancies, less than 5,000 square feet in floor area, that are accessory to uses such as golf courses, tree nurseries, parks, farms, etc. Administrative and clerical office use areas may not exceed 25 percent of the floor area of the major use. Additionally, the site must be zoned RE, HR, RA, RA-2, RA-5 or RC.

4. Structures that have no occupant load as determined by the Building Official.

5. Swimming pools, spas gazebos, shade structures or other open-air structures that meet California Building Code requirements for separation.

6. Structures which do not require building permits.

7. Mausoleums, crypts, and similar structures.

8. Agricultural buildings as defined in the California Building Code, Appendix C.

9. Structures and buildings designed exclusively to shelter or protect equipment such as pump houses, substations, and similar structures.

10. Aircraft hangars, pursuant to California Fire Code section 914.8.3

11. Temporary modular construction offices.

12. Group R occupancies for which a fire station development fee as set forth in Chapter 16.52 has been paid prior to March 1, 1993 or Group R occupancies situated within a community facilities district or an assessment district formed prior to March 1, 1993 when said district has agreed to pay for a proportionate share for construction of a fire station to serve the area of the district.

(C) **Existing Buildings**. Buildings in existence prior to March 1, 1993 or buildings for Group R, Division 3 and Group U occupancies for which plans were submitted and plan check fees paid to the City prior to March 1, 1993 shall be exempt from the requirements of this section.

EXCEPTIONS:

1. Pursuant to California Building Code, Section 903 in its entirety.

(D) **Conflict**. Where in any case, there are conflicting provisions between the California Building Code as adopted by the City and this section, the more restrictive shall govern.

(E) **Standards**. All automatic fire sprinkler systems required by this section shall comply with N.F.P.A. 13, 13D and 13R. (Ord. 7357 §23, 2016; Ord. 7237 §8, 2013; Ord. 7103 §8, 2010; Ord. 6971 §6, 2007; Ord. 6634 §5, 2002; Ord. 6472 §6, 1999; Ord. 6260 §2, 1996: Ord. 6253 §8, 1995: Ord. 6019 §1, 1992; Ord. 5996 §10, 1992; Ord. 5964 §1, 1991; Ord. 5830 §8, 1990; Ord. 5259 §24, 1985)

Section 16.08.175 Exterior noise insulation standards.

A. The purpose of this section is to establish uniform minimum noise insulation performance standards to protect persons within new hotels, motels, apartment houses, and all other dwellings including detached single-family dwellings from the effects of excessive exterior noise, including but not limited to hearing loss or impairment and persistent interference with speech and sleep.

B. The following provisions of this section apply to new hotels, motels, apartment houses and all other dwellings including detached single-family dwellings:

1. Location and Orientation. Consistent with land use standards, residential structures located in noise critical areas, such as proximity to the select system of County roads and City streets (as specified in Section 186.4 of the State Streets and Highways Code), railroads, rapid transit lines, airports or industrial areas shall be designed to prevent the intrusion of exterior noises beyond prescribed levels with all exterior doors and windows in the closed position. Proper design shall include, but shall not be limited to orientation of the residential structure, setbacks, shielding and sound insulation of the building itself.

2. Interior Levels. Interior day-night average sound levels (Ldn) with windows closed, attributable to exterior sources shall not exceed an Ldn of forty-five decibels (dBA) in any habitable room.

3. Airport Noise Source. Residential structures to be located within an Ldn contour of sixty dBA or higher require an acoustical analysis showing that the structure has been designed to limit intruding noise to the allowable interior noise levels prescribed in this subsection. The Ldn contour shall be determined in accordance with Ldn noise levels anticipated by the Riverside general plan or by more current Ldn contour maps developed for governmental agencies and deemed acceptable by the Planning Director.

4. Vehicular and Industrial Noise Sources. Residential buildings or structures to be located within Ldn contours of sixty dBA or higher from the select system of County roads and City streets (as specified in Section 186.4 of the State Streets and Highways Code), freeways, State highways, railroads, rapid transit lines and industrial noise sources shall require an acoustical analysis showing that the proposed building has been designed to limit intruding noise to the allowable interior noise levels prescribed in this subsection. The Ldn contour shall be determined in

accordance with Ldn noise levels anticipated by the Riverside general plan or by more current Ldn contour maps developed for governmental agencies and deemed acceptable by the Planning Director. Exception: Railroads, where there are no nighttime (ten p.m. to seven a.m.) railway operations and where daytime (seven a.m. to ten p.m.) railway operations do not exceed four per day.

5. Compliance. Evidence of compliance shall consist of submittal of an acoustical analysis report, prepared under the supervision of a person experienced in the field of acoustical engineering, with the application for building permit. The report shall show topographical relationship of noise sources and dwelling site, identification of noise sources and their characteristics, predicted noise spectra at the exterior of the proposed dwelling structure considering present and future land usage, basis for the prediction (measured or obtained from published data), noise attenuation measures to be applied, and an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met. If interior allowable noise levels are met by requiring that windows be inoperable or closed, the design for the structure must also specify the means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment.

6. Field Testing. When inspection indicates that the construction is not in accordance with the approved design, field testing may be required. Interior noise measurements shall be taken under conditions of typical maximum exterior noise levels within legal limits. A test report showing compliance or noncompliance with prescribed interior allowable levels shall be submitted to the Building Official.

Where a complaint as to noncompliance with this section requires a field test to resolve the complaint, the complainant shall post a bond or adequate funds in escrow for the cost of said testing. Such costs shall be chargeable to the complainant when such field tests show that compliance with these regulations is in fact present. If such tests show noncompliance, then such testing costs shall be borne by the owner or builder.

C. Exception. Based upon a determination that the exterior noise standards established in this section would not be exceeded within certain specified areas of the City, the provisions of subsection B of this section requiring the submittal of an acoustical analysis report for the application of a detached single-family dwelling shall not be required for the following area within the City subject to compliance with State law: the Casa Blanca redevelopment project area encompassing the area generally bounded by the Riverside Freeway on the north, Victoria Avenue on the south, Mary Street and Washington Street on the east, and a line six hundred feet west of Jefferson Street on the west. (Ord. 7357 §24, 2016; Ord. 6472 §7, 1999; Ord. 4716 §1, 1979; Ord. 4512 §1, 1978; Ord. 4318 §1, 1976; Ord. 4168 §1, 1974)

Section 16.08.185 Geologic investigation required.

As a prerequisite to the issuance of any building permit, a complete geological investigation shall be conducted by an appropriately licensed design professional for any property identified as being subject to the potential of liquefaction or within a seismic hazard zone in accordance with this code. The geological investigation shall identify the specific liquefaction potential or other seismic hazard at the subject property and prescribe mitigating measures to eliminate or substantially reduce the possibility of structural failure. Said analysis shall be subject to approval by the Building Official and all prescribed mitigating measures shall be incorporated into building plans submitted for permits.

EXCEPTIONS:

1. A compliant geological investigation from an adjacent property within 1,000 feet of the subject property may be used when approved by the Building Official, if it conforms to all the requirements of this code.

2. The Building Official is authorized to establish a policy exempting minor structures from geological investigations. (Ord. 7357 §25, 2016; Ord. 4930 §1, 1981)

Section 16.08.205 Safety Assessment Placards.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

A. Application of Provisions.

1. The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Riverside. The City Council may extend the provisions as necessary.

B. Definitions.

1. Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

C. Placards.

1. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures.

(a) INSPECTED - Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

(b) RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

(c) UNSAFE - Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

2. The name of the jurisdiction shall be permanently affixed to each placard.

3. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section. (Ord. 6971 §9, 2007)

Chapter 16.09

HOUSING CODE

Sections:

16.09.010 Reference to Housing Code.
16.09.020 Uniform Housing Code adopted--Filed with City Clerk.
16.09.030 Section 203 deleted.
16.09.035 Section 201.4 added-Deputies.
16.09.080 Section 1607 amended-Payment.
16.09.100 Additional requirement-Caretaker-Notice.

Section 16.09.010 Reference to Housing Code.

This chapter shall be known as the "Housing Code" and may be cited as such. Whenever in this code or any ordinance of the City the phrases "Uniform Housing Code" or "Housing Code" appear, such phrases shall be deemed and construed to refer or apply to this chapter in conjunction with Chapter 16.04. (Ord. 4146 §3 (part), 1974)

Section 16.09.020 Uniform Housing Code adopted--Filed with City Clerk.

The Uniform Housing Code, 1997 Edition, and any related errata, and any amendments thereto by the State of California in Title 25 of the California Code of Regulations, promulgated by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, which regulates the occupancy, equipment, use, height, area and maintenance of buildings and premises, is adopted and by this reference is made a part of this code with the force and effect as though set out herein in full with the exception of those parts expressly excepted and deleted or as amended by this chapter. One copy of the Uniform Housing Code, which has been certified as a true copy, is on file and open to public inspection in the office of the City Clerk. (Ord. 6472 §8, 1999; Ord. 6253 §11, 1995: Ord. 5996 §13, 1992; Ord. 5830 §11, 1990; Ord. 5552 §11, 1987; Ord. 5259 §25, 1985; Ord. 4853 §55, 1980; Ord. 4604 §4 (part), 1978; Ord. 4192 §2 (part), 1975; Ord. 4146 §3 (part), 1974)

Section 16.09.030 Section 203 deleted-Right of appeal.

Section 203 and Chapter 12 of the Uniform Housing Code are excepted, deleted and not adopted. The administrative enforcement of this Chapter is subject to the right of appeal to an Administrative Hearing Officer, pursuant to the procedures set forth in Section 16.04.550. (Ord. 6844 §28, 2006; Ord. 6634 §6, 2002; Ord. 6472 §9, 1999; Ord. 6253 §12, 1995: Ord. 5996 §14, 1992; Ord. 5830 §12, 1990; Ord. 5259 §26, 1985; Ord. 5101 §1, 1983; Ord. 4853 §56, 1980; Ord. 4604 §4 (part), 1978; Ord. 4146 §3 (part), 1974)

Section 16.09.035 Section 201.4 added-Deputies.

Section 201 of the Uniform Housing Code is amended by adding thereto a new Section 201.4 to read as follows:

Section 201.4 **Deputies.** In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the provisions of the Uniform Housing Code. (Ord. 6253 §13, 1995: Ord. 5996 §15, 1992)

Section 16.09.080 Section 1607 amended-Payment.

Section 1607 of the Uniform Housing Code is amended to read as follows:

The City Council in its discretion may determine that assessment shall be payable in not to

exceed five equal annual installments. The Council's determination to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the assessment. (Ord. 6253 §15, 1995: Ord. 5996 §18, 1992; Ord. 5830 §16, 1990; Ord. 4146 §3 (part), 1974)

Section 16.09.100 Additional requirement-Caretaker-Notice.

In addition to the requirements of the Uniform Housing Code, the following shall be required:

A. Caretaker. A janitor, housekeeper or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are sixteen or more apartments and of every hotel in which there are twelve or more guest rooms, in the event that the owner of any such apartment house or hotel does not reside upon the premises.

B. Notice. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than sixteen apartments, a notice stating the owner's name and address or telephone number, or the name and address or telephone number of his agent in charge of the apartment house, shall be posted in a conspicuous place on the premises. (Ord. 4853 §59, 1980; Ord. 4146 §3 (part), 1974)

Chapter 16.10

DANGEROUS BUILDINGS CODE

Sections:

16.10.010 Reference to Dangerous Buildings Code.
16.10.020 Uniform Code for the Abatement of Dangerous Buildings adopted--Filed with the City Clerk.
16.10.030 Section 205 deleted.
16.10.040 Section 201.4 added-Deputies.
16.10.050 Section 302 amended.
16.10.065 Section 401.2 amended-Notice and order.
16.10.070 Section 501 amended.
16.10.080 Section 601 amended.
16.10.090 Section 602 amended.
16.10.100 Section 603 deleted.
16.10.110 Section 604 amended.
16.10.120 Section 605 deleted-Decision of Administrative Hearing Officer.
16.10.130 Section 701 amended.
16.10.140 Chapter 9 deleted.

Section 16.10.010 Reference to Dangerous Buildings Code.

This chapter shall be known as the "Dangerous Buildings Code" and may be cited as such. Whenever in this Code or any ordinance of the City the phrases "Uniform Code for the Abatement of Dangerous Buildings" or "Dangerous Buildings Code" appear, such phrases shall be deemed and construed to refer or apply to this chapter in conjunction with Chapter 16.04. (Ord. 4146 §3 (part), 1974)

Section 16.10.020 Uniform Code for the Abatement of Dangerous Buildings adopted--Filed with the City Clerk.

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, and any related errata, promulgated by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, which regulates the enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use and maintenance of buildings and other structures, is adopted and by this reference is made a part of this code with the force and effect as though set out herein in full with the exception of those parts expressly excepted and deleted or as amended by this chapter. One copy of the Uniform Code for the Abatement of Dangerous Buildings, which has been certified as a true copy, is on file and open to public inspection in the office of the City Clerk. (Ord. 6472 §10, 1999; Ord. 6253 §16, 1995: Ord. 5996 §19, 1992; Ord. 5830 §17, 1990; Ord. 5552 §14, 1987; Ord. 5259 §28, 1985; Ord. 4853 §60, 1980; Ord. 4604 §5 (part), 1978; Ord. 4192 §2 (part), 1975; Ord. 4146 §3 (part), 1974)

Section 16.10.030 Section 205 deleted.

Section 205 and Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings is excepted, deleted and not adopted. (Ord. 6844 §30, 2006; Ord. 6634 §7, 2002; Ord. 6253 §17, 1995: Ord. 5996 §20, 1992; Ord. 5830 §18, 1990; Ord. 5101 §3, 1983; Ord. 4853 §61, 1980; Ord. 4604 §5 (part), 1978; Ord. 4192 §2 (part), 1975; Ord. 4146 §3 (part), 1974)

Section 16.10.040 Section 201.4 added-Deputies.

Section 201 of the Uniform Code for the Abatement of Dangerous Buildings is amended by adding thereto a new subsection 201.4 to read as follows:

201.4 Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the provisions of the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 6253 §18, 1995: Ord. 5996 §21, 1992)

Section 16.10.050 Section 302 amended.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Community Development Director, the Building Official or the Code Enforcement Manager, or their designees, to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. (Ord. 6844 §31, 2006)

Section 16.10.065 Section 401.2 amended-Notice and order.

Paragraph 5 of Section 401.2 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

5. Statements advising (i) that any person having any record, title or legal interest in the building may appeal from the notice and order in accordance with Riverside Municipal Code Section 16.04.590., and (ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. (Ord. 6857 §1, 2006; Ord. 6634 §8, 2002; Ord. 6462 §13, 1999; Ord. 6253 §19, 1995: Ord. 5996 §23, 1992; Ord. 5830 §20, 1990; Ord. 5259 §29, 1985; Ord. 4853 §64, 1980; Ord. 4146 §3 (part), 1974)

Section 16.10.070 Section 501 amended.

Wherever the board of appeals may be mentioned in Sections 501.1, 501.2, and 501.3, such term shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. (Ord. 6844 §31, 2006)

Section 16.10.080 Section 601 amended.

Wherever the board of appeals or hearing examiner may be mentioned in Section 601, such terms shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. (Ord. 6844 §31, 2006; Ord. 6253 §20, 1995; Ord. 5996 §25, 1992; Ord. 5830 §22, 1990; Ord. 4146 §3 (part), 1974)

Section 16.10.090 Section 602 amended.

Wherever the board of appeals may be mentioned in Sections 501.1, 501.2, and 501.3, such term shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. (Ord. 6844 §31, 2006)

Section 16.10.100 Section 603 deleted.

Section 603 is excepted, deleted and not adopted. (Ord. 6844 §31, 2006)

Section 16.10.110 Section 604 amended.

Wherever the board of appeals may be mentioned in Section 604, such term shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. (Ord. 6844 §31, 2006)

Section 16.10.120 Section 605 deleted-Decision of Administrative Hearing Officer.

Section 605 is excepted, deleted and not adopted. The Administrative Hearing Officer shall render his/her decision pursuant to the provisions of Chapter 1.17 of this Code. (Ord. 6844 §31, 2006)

Section 16.10.130 Section 701 amended.

Wherever the board of appeals may be mentioned in Section 701, such term shall mean an Administrative Hearing Officer as established in Chapter 1.17 of this Code. (Ord. 6844 §31, 2006)

Section 16.10.140 Chapter 9 deleted.

Chapter 9 is excepted, deleted and not adopted. The recovery of the cost of repair or demolition of any substandard or dangerous building shall be handled in the same manner as recovery of costs incurred for abatement of public nuisances as set forth in Chapter 6.15 of this Code. (Ord. 6844 §31, 2006)

Chapter 16.11

MECHANICAL CODE

Sections:

16.11.010 Reference to Mechanical Code.
16.11.020 California Mechanical Code adopted--Filed with City Clerk.
16.11.030 Chapter 1, Division II Sections 108, 113.4, 114, and Table 114.1 deleted.

Section 16.11.010 Reference to Mechanical Code.

This chapter shall be known as the "Mechanical Code" and may be cited as such. Whenever in this code or any ordinance of the City the phrases “Uniform Mechanical Code” or "California Mechanical Code" appear, such phrases shall be deemed and construed to refer or apply to this chapter in conjunction with Chapter 16.04. (Ord. 7357 §28; 2016; Ord. 6971 §11, 2007; Ord. 4146 §3 (part), 1974)

Section 16.11.020 California Mechanical Code adopted--Filed with City Clerk.

The California Mechanical Code, 2016 Edition, including appendices, and any related errata, and any amendments thereto by the State of California promulgated by the International Association of Plumbing and Mechanical Officials, which regulates the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any equipment as defined herein, is adopted and by this reference is made a part of this code with the force and effect as though set out herein in full with the exception of those parts expressly excepted and deleted or amended by this chapter. One copy of the California Mechanical Code, which has been certified as a true copy, is on file and open to public inspection in the Office of the City Clerk. (Ord. 7357 §29; 2016; Ord. 7237 §10, 2013; Ord. 7103 §11, 2010; Ord. 6971 §12, 2007; Ord. 6634 §9, 2002; Ord. 6472 §11, 1999; Ord. 6253 §21, 1995: Ord. 5996 §26, 1992; Ord. 5830 §23, 1990; Ord. 5552 §15, 1987; Ord. 5259 §30, 1985; Ord. 4853 §65, 1980; Ord. 4604 §7 (part), 1978; Ord. 4192 §2 (part), 1975; Ord. 4146 §3 (part), 1974)

Section 16.11.030 Chapter 1, Division II Sections, 108, 113.4, 114, and Table 114.1 deleted.

The chapters, sections, paragraphs and parts of the California Mechanical Code which are excepted, deleted and not adopted are:

1. Chapter 1, Division II Sections, 104.3.3, 104.4.3, 104.4.4, 104.5, 106, 107, and Table 104.5. (Ord. 7357 § 30, 2016; Ord. 7237 §11, 2013; Ord. 7103 §12, 2010; Ord. 6971 §13, 2007; Ord. 6634 §10, 2002; Ord. 6253 §22, 1995: Ord. 5996 §27, 1992; Ord. 5830 §24, 1990; Ord. 4853 §66, 1980; Ord. 4604 §7 (part), 1978; Ord. 4194 §2 (part), 1975; Ord. 4146 §3 (part), 1974)

Chapter 16.12

PLUMBING CODE

Sections:

16.12.010 References to Plumbing Code.
16.12.020 California Plumbing Code adopted--Filed with City Clerk.
16.12.030 Sections deleted and not adopted.

Section 16.12.010 References to Plumbing Code.

This chapter shall be known as the Plumbing Code and may be cited as such. Whenever in this code or any ordinance of the City, the phrases “Uniform Plumbing Code” or "California Plumbing Code" or "Uniform Plumbing Code" appear such phrases shall be deemed and construed to refer and apply to this chapter in conjunction with Chapter 16.04. (Ord. 7357 §32, 2016; Ord. 6971 §15; 2007; Ord. 4906 §3, 1981; Ord. 4145 §1 (part), 1974)

Section 16.12.020 California Plumbing Code adopted--Filed with City Clerk.

The California Plumbing Code, 2016 Edition, including appendices and any related errata, and any amendments thereto by the State of California promulgated by the International Association of Plumbing and Mechanical Officials, which regulates the design, construction, installation, quality of materials, location, operation, equipment and maintenance of plumbing systems, is adopted and by this reference is made a part of this code with the same force and effect as though set out in this chapter in full, with the exception of those parts expressly excepted, deleted or as amended by this chapter. One copy of the California Plumbing Code, which has been certified as a true copy is on file and open to public inspection in the office of the City Clerk. (Ord. 7357 §33; 2016; Ord. 7237 §13, 2013; Ord. 7103 §14, 2010; Ord. 6971 §16; 2007; Ord. 6634 §12, 2002; Ord. 6472 §13, 1999; Ord. 6253 §24, 1995: Ord. 5996 §29, 1992; Ord. 5830 §26, 1990; Ord. 5552 §17, 1987; Ord. 5259 §31, 1985; Ord. 4947 §1, 1981; Ord. 4906 §4, 1981; Ord. 4605 §1 (part), 1978; Ord. 4192 §4 (part), 1975; Ord. 4145 §1 (part), 1974)

Section 16.12.030 Chapter 1, Division II Sections 103.3.3, 103.4, and Table 103.4 deleted.

The chapters, sections, paragraphs and parts of the California Plumbing Code which are excepted, deleted and not adopted are:

1. Chapter 1, Division II Sections 104.3.3, 104.4.3, 104.4.4, 104.5, 106, 107 and Table 104.5. (Ord. 7357 §34, 2016; Ord. 7237 §14, 2013; Ord. 7103 §15, 2010; Ord. 6971 §17; 2007; Ord. 6634 §13, 2002; Ord. 6253 §25, 1995: Ord. 5996 §30, 1992; Ord. 5830 §27, 1990; Ord. 5552 §18, 1987; Ord. 5259 §32, 1985; Ord. 4947 §2, 1981; Ord. 4906 §5, 1981; Ord. 4605 §1 (part), 1978; Ord. 4192 §4 (part), 1975; Ord. 4145 §1 (part), 1974)

Chapter 16.16

ELECTRICAL CODE

Sections:

16.16.010 References to Electrical Code.
16.16.020 California Electrical Code adopted--Filed with City Clerk.
16.16.051 Inspections.

Section 16.16.010 References to Electrical Code.

This chapter shall be known as the Electrical Code and may be cited as such. Whenever in this code, or any ordinance of the City, the phrases "National Electrical Code" or "California Electrical Code" appear, such phrases shall be deemed and construed to refer and apply to this chapter in conjunction with Chapter 16.04. (Ord. 7357 §36, 2016; Ord. 7103 § 16, 2010; Ord. 3910 §1, 1972; Ord. 3595 §1 (part), 1969)

Section 16.16.020 California Electrical Code adopted--Filed with City Clerk.

The California Electrical Code, 2016 Edition, and any related errata, and any amendments thereto by the State of California, copyrighted by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, which regulates the erection, construction, demolition, equipment, use and maintenance of electrical systems, is adopted and by this reference is made a part of this Code with the same force and effect as though set out in this Chapter in full, with the exception of those parts expressly excepted, deleted or as amended by this Chapter. One copy of the California Electrical Code, which has been certified as a true copy is on file and open to public inspection in the Office of the City Clerk. (Ord. 7357 §37, 2016; Ord. 7237 §15, 2013; Ord. 7103 §17, 2010; Ord. 6971 §18; 2007; Ord. 6816 §1, 2005, Ord. 6634 §14, 2002; Ord. 6472 §14, 1999; Ord. 6253 §28, 1995: Ord. 5967 §1, 1991; Ord. 5580 §1, 1987; Ord. 5266 §1, 1985; Ord. 5123 §1, 1983; Ord. 4652 §1 (part), 1979; Ord. 4243 § 1(part), 1975; Ord. 3910 §2, 1972; Ord. 3595 §1 (part), 1969)

Section 16.16.051 Inspections.

All electrical wiring and equipment for which a permit is required shall be inspected and approved by the Building Official before being concealed, energized or used. All fees required by this code shall be paid by the applicant prior to the energizing or use of such wiring or equipment.

No serving agency shall supply, or cause or permit to be supplied, electrical energy to any electrical wiring until the wiring has been inspected and approved. Nothing in this section shall prohibit the temporary use of electrical energy when and as specifically approved by the Building Official.

Nothing in this section shall prohibit the inspection of any electrical installation even though no permit is required therefor.

Whenever any work regulated by this chapter, or any portion thereof, is ready for inspection, the Building Official shall be notified that same is ready for inspection. The notice shall be given not less than twenty-four hours before any such inspection is desired. (Ord. 7357 §38, 2016; Ord. 5967 §9, 1991; Ord. 4604 §8, 1978)

Chapter 16.17

STRENGTHENING OF UNREINFORCED MASONRY BUILDINGS

Sections:

16.17.010 Purpose.
16.17.020 Scope.
16.17.025 Definitions.
16.17.030 Symbols and notations.
16.17.035 General requirements
16.17.040 Material requirements.
16.17.045 Quality control.
16.17.050 Allowable design values
16.17.055 Analysis and design.
16.17.060 Detailed system design requirements.
16.17.065 Administrative provisions.

Section 16.17.010 Purpose.

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

The provisions of this chapter are intended as minimum standards for structural seismic resistance and established primarily to reduce the risk of life loss or injury. Compliance with these provisions will not necessarily prevent loss of life or injury, or prevent earthquake damage to rehabilitated buildings. (Ord. 5921 §1, 1991)

Section 16.17.020 Scope.

The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. Except as provided herein, all other provisions of the Building Code shall apply.

Exceptions:

1. Detached one- or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.
2. Wood framed structures two stories or less in height supported by unreinforced masonry foundation walls of less than thirty inches in height.
3. This chapter shall not apply to "Essential facilities" and "Hazardous facilities" as defined in Table No. 23-K of the Building Code.
4. Buildings such as warehouses, mausoleums, crypts, or other similar structures where human occupancy is low and infrequent as determined by the Building Official.

This chapter does not require alteration of existing electrical, plumbing, mechanical or fire safety systems unless they are removed or altered during the seismic retrofit process. (Ord. 5921 §1, 1991)

Section 16.17.025 Definitions.

For the purpose of this chapter, the applicable definitions in the Building Code shall also apply.

"Collar joint" is the vertical space between adjacent wythes and may contain mortar.

"Crosswall" is a wall that meets the requirements of Section 16.17.055(D)(3).

"Crosswall shear capacity" is the length of the crosswall times the allowable shear value, v_cLo.

"Diaphragm edge" is the intersection of the horizontal diaphragm and a shear wall.

"Diaphragm shear capacity" is the depth of the diaphragm times the allowable shear value, $v_U D$.

"Flexible diaphragm" is a diaphragm of wood construction or other construction of similar flexibility.

"Normal wall" is a wall perpendicular to the direction of seismic forces.

"Open front" is an exterior building wall plane on one side only without vertical elements of the lateral force resisting system in one or more stories.

"Pointing" is the partial reconstruction of the bed joints of an unreinforced masonry wall as defined in UBC Standard No. 24-42.

"Unreinforced masonry (URM) wall" is a masonry wall in which the area of reinforcing steel is less than twenty-five percent of the minimum required by the Building Code for reinforced masonry.

"Unreinforced masonry bearing wall" is a URM wall which provides the vertical support for a floor or roof for which the total superimposed load exceeds one hundred pounds per linear foot of wall.

"Warehouse" is a building used exclusively for the purpose of storage of goods, where due to such use, human occupancy is low and infrequent. Such buildings may require the posting of a sign identifying the structures approved use and specifying maximum occupancy levels.

"Yield story drift" is the lateral displacement of one level relative to the level above or below at which yield stress is first developed in a frame member. (Ord. 5921 §1, 1991)

Section 16.17.030 Symbols and notations.

For the purpose of this chapter, the applicable symbols and notations in the Building Code shall also apply.

A = area of unreinforced masonry pier, square inches.

A_b = total area of the bed joints above and below the test specimen for each in-place shear test.

C_p = numerical coefficient as specified in Section 2312(g) and given in Table No. 23-P of the Building Code and Table No. A-1-A of this chapter.

D = in-plane width dimension of pier, inches, or depth of diaphragm, feet.

DCR = demand-capacity ratio specified in Section 16.17.055(D)(3)(a), Exception (B)(iii).

F_{WX} = force applied to a wall at level x, pounds.

H = least clear height of opening on either side of pier, inches.

h/t = height-to-thickness ratio of URM wall. Height, h, is measured between wall anchorage levels and/or slab-on-grade.

L = span of diaphragm between shear walls, or span between shear wall and open front, feet.

L_O = length of crosswall, feet.

L_i = effective diaphragm span for an open front building specified in Section 16.17.055(D)(8)(a), feet.

P_D = superimposed dead load at the top of the pier under consideration, pounds.

P_{D+L} = actual dead plus live load in place at the time of testing, pounds.

P_W = weight of wall, pounds.

V_a = $V_a A$, the allowable shear in any URM pier, pounds.

V_{cb} = total shear capacity of crosswalls in the direction of analysis immediately below the diaphragm level being investigated, å$v_C L_O$, pounds.

V_{ca} = total shear capacity of crosswalls in the direction of analysis immediately

above the diaphragm level being investigated, $åv_CL_O$, pounds.

V_r = pier rocking shear capacity of any URM wall or wall pier, pounds.

V_{WX} = total shear force resisted by a shear wall at the level under consideration, pounds.

V_p = shear force assigned to a pier on the basis of its relative shear rigidity, pounds.

Vs = shear force assigned to a spandrel on the basis of the shear forces in the adjacent wall piers and tributary dead plus live loads.

V_{test} = load in pounds at incipient cracking for each in-place masonry shear test per UBC Standard No. 24-40, pounds.

v_a = allowable shear stress for unreinforced masonry, psi.

v_c = allowable shear value for a crosswall sheathed with any of the materials given in Tables No. A-1-C or A-1-D, pounds per foot.

v_t = mortar shear strength as specified in Section 16.17.040(C)(2)(d)

v_{to} = mortar shear test values as specified in Section 16.17.040(C)(2)(d).

v_u = allowable shear value for a diaphragm sheathed with any of the materials given in Tables No. A-1-C or A-1-D, pounds per foot.

$åv_uD$ = sum of diaphragm shear capacities of both ends of the diaphragm.

$ååv_uD$ = for diaphragms coupled with crosswalls, $ååv_uD$ includes the sum of shear capacities of both ends of diaphragms coupled at and above the level under consideration.

W_d = total dead load tributary to a diaphragm, pounds.

$åW_d$ = total dead load tributary to all of the diaphragms at and above the level under consideration, pounds.

W_W = total dead load of an unreinforced masonry wall above the level under consideration or above an open front of a building, pounds.

W_{WX} = dead load of a URM wall assigned to Level x halfway above and below the level under consideration. (Ord. 5921 §1, 1991)

Section 16.17.035 General requirements

A. General. All buildings shall have a seismic resisting system conforming with Section 2303(b) of the Building Code, except as modified by this chapter.

B. Alterations and Repairs. Alterations and repairs required to meet the provisions of this chapter shall comply with all other applicable requirements of the Building Code unless specifically provided for in this chapter.

C. Requirements for Plans. The following construction information shall be included in the plans required by this chapter:

1. Dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing members and sheathing materials. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned or drawn to scale on the plans.

2. Dimensioned wall elevations showing openings, piers, wall classes as defined in Section 16.17.040(C)(2)(f), thicknesses, heights, wall shear test locations, and cracks or damaged portions requiring repairs. The general condition of the mortar joints and if and where the joints require pointing. Where the exterior face is veneer, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported.

3. The type of interior wall and ceiling surfaces.

4. The extent and type of existing wall anchorage to floors and roof when used in the design.

5. The extent and type of parapet corrections which were previously performed, if any.

6. Repair details, if any, of cracked or damaged unreinforced masonry walls required to resist forces specified in this chapter.

7. All other plans, sections, and details necessary to delineate required retrofit construction including those items in Section 16.17.060. (Ord. 5921 §1, 1991)

Section 16.17.040 Material requirements.

A. General. All materials permitted by this chapter, including their appropriate allowable design values and those existing configurations of materials specified herein, may be utilized to meet the requirements of this chapter.

B. Existing Materials. All existing materials utilized as part of the required vertical load carrying or lateral force-resisting system shall be in sound condition or shall be repaired or removed and replaced with new materials.

C. Existing Unreinforced Masonry.

1. General. All unreinforced masonry walls utilized to carry vertical loads or seismic forces parallel and perpendicular to the wall plane shall be tested as specified in this subsection. All masonry that does not meet the minimum standards established by this chapter shall be removed and replaced with new materials or alternatively shall have its structural functions replaced with new materials and shall be anchored to supporting elements.

2. Mortar.

a. Tests. The quality of mortar in all masonry walls shall be determined by performing in-place shear tests in accordance with U.B.C. Standard No. 24-40. Alternative methods of testing may be approved by the Building Official for masonry walls other than brick.

b. Location of tests. The shear tests shall be taken at locations representative of the mortar conditions throughout the entire building, taking into account variations in workmanship at different building height levels, variations in weathering of the exterior surfaces, and variations in the condition of the interior surfaces due to deterioration caused by leaks and condensation of water and/or by the deleterious effects of other substances contained within the building. The exact test location shall be determined at the building site by the engineer in responsible charge of the structural design work. An accurate record of all such tests and their location in the building shall be recorded and these results shall be submitted to the Building Department for approval as part of the structural analysis.

c. Number of tests. The minimum number of tests per class shall be as follows:

i. At each of both the first and top stories, not less than two tests per wall or line of wall elements providing a common line of resistance to lateral forces.

ii. At each of all other stories, not less than one test per wall or line of wall elements providing a common line of resistance to lateral forces.

iii. In any case, not less than one test per 1,500 square feet of wall surface nor less than a total of eight tests.

d. Minimum quality mortar.

i. Mortar shear test values, vto, in psi shall be obtained for each in-place shear test in accordance with the following equation:

$$v_{to} = (V_{test} - P_{D+L})/A_b \text{.....(A1-1)}$$

ii. Individual unreinforced masonry walls with v_{to} consistently less than thirty psi shall be entirely pointed prior to retesting.

iii. The mortar shear strength, v_t, is the value in psi that is exceeded by eighty percent of all of the mortar shear test values, v_{to}.

iv. Unreinforced masonry with mortar shear strength, v_t, less than thirty psi shall be removed or pointed and retested.

e. Collar joints. The collar joints shall be inspected at the test locations during each in-place shear test, and estimates of the percentage of the surfaces of adjacent wythes which are

covered with mortar shall be reported along with the results of the in-place shear tests.

f. Unreinforced masonry classes. All existing unreinforced masonry shall be categorized into one or more classes based on shear strength, quality of construction, State of repair, deterioration and weathering. A class shall be characterized by the allowable masonry shear stress determined in accordance with Section 16.17.050 (B). Class shall be defined for whole walls, not for small areas of masonry within a wall.

g. Pointing. All deteriorated mortar joints in unreinforced masonry walls shall be pointed according to U.B.C. Standard No. 24-42. Nothing shall prevent pointing with mortar of all the masonry wall joints before the tests are made, except as required in Section 16.17.045 (A). (Ord. 5921 §1, 1991)

Section 16.17.045 Quality control.

A. Pointing. All preparation and mortar pointing shall be performed with special inspection.

Exception: At the discretion of the Building Official, incidental pointing may be performed without special inspection.

B. Masonry Shear Tests. In-place masonry shear tests shall comply with UBC Standard No. 24-40.

C. Existing Wall Anchors. Existing wall anchors utilized as all or part of the required tension anchors shall be tested in pullout according to UBC Standard No. 24-41. The minimum number of anchors tested shall be four per floor, with two tests at walls with joists framing into the wall and two tests at walls with joists parallel to the wall, but not less than ten percent of the total number of existing tension anchors at each level.

D. New Bolts. One-fourth of all new shear bolts and combined tension and shear bolts in unreinforced masonry walls shall be tested according to UBC Standard No. 24-41.

Exception: Special inspection in accordance with the Building Code may be provided during installation in lieu of testing. (Ord. 5921 §1, 1991)

Section 16.17.050 Allowable design values

A. Allowable Values.

1. Allowable values for existing materials are given in Table No. A-1-C and for new materials in Table No. A-1-D.

2. Allowable values not specified in this chapter shall be as specified elsewhere in the Building Code. Allowable values not specified in this chapter for dead load plus seismic load may be increased thirty-three percent. Allowable values not specified in this chapter for existing building elements with a combination of dead load plus floor live load plus seismic load may be increased seventy percent.

B. Masonry Shear. The allowable unreinforced masonry shear stress, va, shall be determined for each masonry class from the following equation:

$v_a = 0.1v_{to} + 0.15P_D/A$.....(A1-2)

The mortar shear test value, v_{to}, shall be determined in accordance with Section 16.17.040 2(d) and not exceed one hundred psi for the determination of v_a.

The one-third increase in allowable values in Section 2303(d) of the Building Code is not allowed for v_a.

C. Masonry Compression. Where any increase in dead plus live compression stress occurs, the allowable compression stress in unreinforced masonry shall not exceed one hundred psi. The one-third increase in allowable stress in Section 2303(d) of the Building Code is allowed.

D. Masonry Tension. Unreinforced masonry shall be assumed as having no tensile capacity.

E. Existing Tension Anchors. The allowable resistance values of the existing anchors shall be forty percent of the average of the tension tests of existing anchors having the same wall thickness and joist orientation. The one-third increase in allowable stress in Section 2303(d) of the

Building Code is not allowed for existing tension anchors.

F. Foundations. For existing foundations new total dead load may be increased over existing dead load by 25 percent. New total dead load plus live load plus seismic forces may be increased over existing dead load plus live load by fifty percent. Higher values may be justified only in conjunction with a geotechnical investigation. (Ord. 5921 §1, 1991)

Section 16.17.055 Analysis and design.

A. General. Except as modified herein, the analysis and design relating to the structural alteration of existing buildings shall be in accordance with the Building Code.

The elements of buildings required to be analyzed by this chapter shall be as specified in Table No. A-1-H.

B. Selection of Procedure. Buildings shall be analyzed by the general procedure of Section 16.17.055(C) which is based on Chapter 23 of the Building Code or, when applicable, buildings may be analyzed by the Special Procedure of Section 16.17.055(D).

C. General Procedure.

1. Minimum design lateral forces. Buildings shall be analyzed to resist minimum lateral forces assumed to act non-concurrently in the direction of each of the main axis of the structure in accordance with the following:

V=IKCSW.....(A1-3)

The value of IKCS need not exceed the values set forth in the Table No. A1-I based on the applicable rating classification of the building.

TABLE A1-I
HORIZONTAL FORCE FACTORS
BASED ON RATING CLASSIFICATION

RATING CLASSIFICATION	IKCS
I	0.186
II	0.133
III & IV	0.100

2. Lateral forces on elements of structures. Parts or portions of structures shall be analyzed as required in Chapter 23 of the Building Code but need not be more than the value from the following equation:

Fp = ICp SWp.

For the purpose of this subsection, the product of "IS" need not exceed the values set forth in the attached Table A1-J. The value of Cp need not exceed the values set forth in the attached Table A1-K.

a. Exceptions:

i. Unreinforced masonry walls for which height-to-thickness ratios do not exceed ratios set forth in Table No. A-1-B need not be analyzed for out-of plane loading. Unreinforced masonry walls which exceed the allowable h/t ratios of Table No. A-1-B shall be braced according to Section 16.17.060(E).

ii. Parapets complying with Section 16.17.060(F) need not be analyzed for out-of-plane loading.

3. Shear walls (in-plane loading). Shear walls shall comply with Section 16.17.055(E).

D. Special Procedure.

1. Limits for the application of Section 16.17.055(E). The Special Procedure of this subsection may only be applied to buildings with the following characteristics:

a. Flexible diaphragms at all levels above the base of structure.

b. A maximum of six stories above the base of the building.

c. The vertical elements of the lateral force-resisting system shall consist predominantly of masonry or concrete shear walls.

d. New vertical elements of the lateral force-resisting system consisting of steel-braced frames or special moment-resisting frames shall have a maximum overall height-to-length ratio of 1-1/2 to 1. (See Section 2312 of the Building Code.)

e. Except for single-story buildings with an open front on one side only, a minimum of two lines of vertical elements of the lateral force-resisting system parallel to each axis of the building. (See Section 16.17.055(D)(8) for open front buildings.)

2. Lateral forces on elements of structures. With the exception of the diaphragm provisions in Section 16.17.055(D), elements of structures shall comply with Section 16.17.055(C)(2).

3. Crosswalls. Crosswalls shall meet the requirements of this subsection.

a. Crosswall definition. A crosswall is a wood-framed wall sheathed with any of the materials described in Tables No. A-1-C or A-1-D. Spacing of crosswalls shall not exceed forty feet on center measured perpendicular to the direction of consideration, and shall be placed in each story of the building. Crosswalls shall extend the full story height between diaphragms.

i. Exceptions:

(A) Crosswalls need not be provided at all levels in accordance with Section 16.17.055(D)(4)(b)(iv).

(B) Existing crosswalls need not be continuous below a wood diaphragm at or within four feet of grade provided:

(i) Shear connections and anchorage requirements of Section 16.17.055(D)(5) are satisfied at all edges of the diaphragm.

(ii) Crosswalls with total shear capacity of 0.20Wd interconnect the diaphragm to the foundation.

(iii) The demand capacity ratio of the diaphragm between the crosswalls that are continuous to their foundations shall be calculated as:

$$DCR = [0.33W_d + V_{ca}]/2v_uD \text{.....(A1-4)}$$

and DCR shall not exceed 2.5.

b. Crosswall shear capacity. Within any forty feet measured along the span of the diaphragm, the sum of the crosswall shear capacities shall be at least thirty percent of the diaphragm shear capacity of the strongest diaphragm at or above the level under consideration.

c. Existing crosswalls. Existing crosswalls shall have a length-to-height ratio between openings of not less than 1.5. Existing crosswall connections to diaphragms need not be investigated as long as the crosswall extends to the framing of the diaphragm above and below.

d. New crosswalls. New crosswall connections to the diaphragm shall develop the crosswall shear capacity. New crosswalls shall have the capacity to resist an overturning moment equal to the crosswall shear capacity times the story height. Crosswall overturning moments need not be cumulative over more than two stories.

e. Other crosswall systems. Other systems, such as special moment-resisting frames, may be used as crosswalls provided that the yield story drift does not exceed one inch in any story.

4. Wood diaphragms.

a. Acceptable diaphragm span. A diaphragm is acceptable if the point (L,DCR) on Figure No. A-1-1, falls within Regions 1, 2, or 3.

b. Demand-capacity ratios. Demand-capacity ratios shall be calculated for the diaphragm at any level according to the following formulas:

i. For a diaphragm without qualifying crosswalls at levels immediately above or below:

$$DCR = 0.83Z\ W_d/åv_uD \text{.....(A1-5)}$$

ii. For a diaphragm in a single-story building with qualifying crosswalls:

$$DCR = 0.83ZW_d/(åv_uD + v_{cb}) \text{.....(A1-6)}$$

iii. For diaphragms in a multi-story building with qualifying crosswalls in all levels:

$$DCR = 0.83ZåW_d/(ååv_uD + v_{cb}) \text{.....(A1-7)}$$

DCR shall be calculated at each level for the set of diaphragms at and above the level under consideration. In addition, roof diaphragm shall also meet the requirements of Formula (A1-6).

iv. For a roof diaphragm and the diaphragm directly below if coupled by crosswalls:

$$DCR = 0.83Z\text{å}W_d/\text{åå}v_uD \quad \text{.....(A1-8)}$$

c. Chords. An analysis for diaphragm flexure need not be made and chords need not be provided.

d. Collectors. An analysis of diaphragm collector forces shall be made for the transfer of diaphragm edge shears into vertical elements of the lateral force resisting system. Collector forces may be resisted by new or existing elements.

e. Diaphragm openings.

i. Diaphragm forces at corners of openings shall be investigated and shall be developed into the diaphragm by new or existing materials.

ii. In addition to the demand capacity ratios of Section 16.17.055(D)(4)(b), the demand capacity ratio of the portion of the diaphragm adjacent to an opening shall be calculated using the opening dimension as the span.

iii. Where an opening occurs in the end quarter of the diaphragm span vuD for the demand capacity ratio, calculation shall be based on the net depth of the diaphragm.

5. Diaphragm shear transfer. Diaphragms shall be connected to shear walls with connections capable of developing a minimum force given by the lesser of the following formulas:

$$V = 0.50ZC_pW_d \quad \text{.....(A1-9)}$$

using the Cp values in Table No. A-1-A, or

$$V = v_uD \quad \text{.....(A1-10)}$$

6. Shear walls (in-plane loading)--special procedure.

a. Wall story force. The wall story force distributed to a shear wall at any diaphragm level shall be the lesser value calculated as:

i. For buildings without crosswalls,

$$F_{wx} = 0.33Z(W_{wx}+W_d/2) \quad \text{.....(A1-11)}$$

but need not exceed

$$F_{wx} = 0.33ZW_{wx} + v_uD \quad \text{.....(A1-12)}$$

ii. For buildings with crosswalls in all levels:

$$F_{wx} = 0.25Z(W_{wx}+W_d/2) \quad \text{.....(A1-13)}$$

but need not exceed

$$F_{wx} = 0.25Z[W_{wx} + \text{å}W_d(v_uD/\text{åå}v_uD)] \quad \text{.....(A1-14)}$$

and need not exceed

$$F_{wx} = 0.25ZW_{wx} + v_uD \quad \text{.....(A1-15)}$$

b. Wall story shear. The wall story shear shall be the sum of the wall story forces at and above the level of consideration:

$$V_{wx} = \text{å}F_{wx} \quad \text{.....(A1-16)}$$

c. Shear wall analysis. Shear walls shall comply with Section 16.17.055(E).

d. Moment frames. Moment frames used in place of shear walls shall be designed as required in Chapter 23 of the Building Code except that the forces shall be as specified in Section 16.17.055(D)(6)(a) and the interstory drift ratio shall be limited to 0.005, except as further limited in Section 16.17.055(E)(3)(b).

7. Out-of-plane forces--unreinforced masonry walls.

a. Allowable unreinforced masonry wall height-to-thickness ratios. The provisions of Section 16.17.055(C)(2) are applicable except that the allowable height-to-thickness ratios given in Table No. A1-B shall be determined from Figure A1-1 as follows:

i. In Region 1, height-to-thickness ratios for buildings with crosswalls may be used if qualifying crosswalls are present in all stories.

ii. In Region 2, height-to-thickness ratios for buildings with crosswalls may be used whether or not qualifying crosswalls are present.

iii. In Region 3, height-to-thickness ratios for all other buildings shall be used whether or not qualifying crosswalls are present.

b. Walls with diaphragm in different regions. When diaphragms above and below the wall under consideration have DCRs in different regions of Figure A1-1, the lesser height-to-thickness ratio shall be used.

8. Buildings with open fronts. A building with an open front on one side shall have crosswalls parallel to the open front and shall be designed by the following procedure:

a. Effective diaphragm span, Li, for use in Figure No. A1-1 shall be determined in accordance with the following formula:

$L_i = 2[(W_w/W_d) \times L + L]$.....(A1-17)

b. Diaphragm demand/capacity ratio shall be calculated as:

$DCR = 0.83Z(W_d + W_u)/[(v_u D) + V_c]$.....(A1-18)

E. Analysis of Vertical Elements of the Lateral Force-Resisting System. Applicable to both general procedure and special procedure buildings.

1. Existing unreinforced masonry walls.

a. Flexural rigidity. Flexural components of deflection may be neglected in determining the rigidity of an unreinforced masonry wall.

b. Shear walls with openings. Wall piers shall be analyzed according to the following procedure:

i. For any pier,

(A) The pier shear capacity shall be calculated as:

$V_a = v_a Dt$.....(A1-19)

(B) The pier rocking shear capacity shall be calculated as:

$V_r = 0.5P_D D/H$.....(A1-20)

ii. The wall piers at any level are acceptable if they comply with one of the following modes of behavior:

(A) Rocking controlled mode. When the pier rocking shear capacity is less than the pier shear capacity, i.e. $V_r < V_a$ for each pier in a level, forces in the wall at that level, V_{wx}, shall be distributed to each pier, V_p, in proportion to $P_D D/H$.

For the wall at that level:

$V_{wx} < \text{å}V_r$.....(A1-21)

(B) Shear controlled mode. Where the pier shear capacity is less than the pier rocking capacity, i.e. $V_a < V_r$ in at least one pier in a level, forces in the wall at that level, V_{wx}, shall be distributed to each pier, V_p, in proportion to D/H.

For each pier at that level:

$V_p <= V_a$.....(A1-22)

and

$V_p <= V_r$.....(A1-23)

If $V_p <= V_a$ for each pier and $V_p > V_r$ for one or more piers, such piers shall be omitted from the analysis, and the procedure shall be repeated for the remaining piers, unless the wall is strengthened and reanalyzed.

iii. Masonry pier tension stress. Unreinforced masonry wall piers need not be analyzed for tension stress.

c. Shear walls without openings. Shear walls without openings shall be analyzed as for walls with openings except that V_r shall be calculated as follows:

$V_r = (0.50P_D + 0.25P_W)D/H$.....(A1-24)

2. Plywood sheathed shear walls. Plywood sheathed shear walls may be used to resist

lateral loads for buildings with flexible diaphragms analyzed according to provisions of Section 16.17.055(C). Plywood sheathed shear walls may not be used to share lateral loads with other materials along the same line of resistance.

3. Combinations of vertical elements.

a. Lateral force distribution. Lateral forces shall be distributed among the vertical resisting elements in proportion to their relative rigidities except that moment frames shall comply with Section 16.17.055(E)(3)(b).

b. Moment-resisting frames. A moment frame shall not be used with an unreinforced masonry wall in a single line of resistance unless the wall has piers that are capable of sustaining rocking in accordance with Section 16.17.055(E)(1)(b) and the frames are designed to carry one hundred percent of the lateral forces and the interstory drift ratio shall be limited to 0.005. (Ord. 5921 § 1, 1991)

Section 16.17.060 Detailed system design requirements.

A. Wall anchorage.

1. Anchor locations. All unreinforced masonry walls shall be anchored at the roof and floor levels as required in Section 16.17.055(C)(2). Ceilings with substantial rigidity and abutting masonry walls shall be connected to walls with tension bolts at a maximum anchor spacing of six feet. Ceiling systems with substantial mass shall be braced at the ceiling perimeter to the roof or floor diaphragms.

2. Anchor requirements. Anchors shall be tension bolts through the wall as specified in Table No. A1-D, or by an approved equivalent at a maximum anchor spacing of six feet. All existing wall anchors shall be secured to the joists to develop the required forces. The Building Official may require testing to verify the adequacy of the embedded ends of existing wall anchors.

3. Minimum wall anchorage. Anchorage of masonry walls to each floor or roof shall resist a minimum force determined by Section 2312(g)2 of the Building Code or two hundred pounds per linear foot, whichever is greater, acting normal to the wall at the level of the floor or roof. Existing wall anchors, installed under previous permits, must meet or must be upgraded to meet the requirements of this chapter.

4. Anchors at corners. At the roof and all floor levels, both shear and tension anchors shall be provided within two feet horizontally from the inside of the corners of the walls.

5. Anchors with limited access. When access to the exterior face of the masonry wall is prevented by proximity of an existing building, wall anchors conforming to Item 5 in Table No. A1-D may be used.

B. Diaphragm Shear Transfer. Shear bolts shall have a maximum bolt spacing of six feet.

C. Collectors. Collector elements shall be provided which are capable of transferring the seismic forces originating in other portions of the building to the element providing the resistance to those forces.

D. Ties and Continuity. Ties and continuity shall conform to Section 2313(h)2E of the Building Code.

E. Wall Bracing.

1. General. Where a wall height-to-thickness ratio exceeds the specified limits, the wall may be laterally supported by vertical bracing members per Section 16.17.060(E)(2) or by reducing the wall height by bracing per Section 16.17.060(E)(3).

2. Vertical Bracing Members. Vertical bracing members shall be attached to floor and roof construction for their design loads independently of required wall anchors. Horizontal spacing of vertical bracing members shall not exceed one-half the unsupported height of the wall nor ten feet. Deflection of such bracing members at design loads shall not exceed one-tenth of the wall thickness.

3. Intermediate Wall Bracing. The wall height may be reduced by bracing elements connected to the floor or roof. Horizontal spacing of the bracing elements and wall anchors shall be as required by design but shall not exceed six feet on center. Bracing elements shall be detailed to

minimize the horizontal displacement of the wall by the vertical displacement of the floor or roof.

F. Parapets. Parapets and exterior wall appendages not conforming to this chapter shall be removed, or stabilized or braced to ensure that the parapets and appendages remain in their original position.

The maximum height of an unbraced unreinforced masonry parapet above the lower of either the level of tension anchors or roof sheathing, shall not exceed one and one-half times the thickness of the parapet wall. Parapet height may be a maximum of two and one-half times its thickness in other than Seismic Zone No. 3 and 4. If the required parapet height exceeds this maximum height, a bracing system designed for the force factors specified in Table No. 23-P of the Building Code for walls shall support the top of the parapet. Parapet corrective work must be performed in conjunction with the installation of tension roof anchors.

The minimum height of a parapet above the wall anchor shall be twelve inches.

EXCEPTION: If a reinforced concrete beam is provided at the top of the wall, the minimum height above the wall anchor may be six inches.

G. Veneer.

1. Unreinforced masonry walls which carry no design loads other than their own weight may be considered as veneer if they are adequately anchored to new supporting elements.

2. Veneer shall be anchored with approved anchor ties, conforming to the required design capacity specified in the Building Code and placed at a maximum spacing of twenty-four inches with a maximum supported area of two square feet.

EXCEPTION: Existing veneer anchor ties may be acceptable provided the ties are in good condition and conform to the following minimum size, maximum spacing and material requirements.

Existing veneer anchor ties shall be corrugated galvanized iron strips not less than one inch in width, eight inches in length and one-sixteenth inch in thickness or equal and shall be located and laid in every alternate course in the vertical height of the wall at a spacing not to exceed seventeen inches on centers horizontally. As an alternate, such ties may be laid in every fourth course vertically at a spacing not to exceed nine inches on centers horizontally.

3. The location and condition of existing veneer anchor ties shall be verified as follows:

a. An approved testing laboratory shall verify the location and spacing of the ties and shall submit a report to the Building Official for approval as a part of the structural analysis.

b. The veneer in a selected area shall be removed to expose a representative sample of ties (not less than four) for inspection by the Building Official.

H. Truss and Beam Supports. Where trusses and beams other than rafters or joists are supported on masonry, independent secondary columns shall be installed to support vertical loads of the roof or floor members. The loads shall be transmitted down to adequate support.

EXCEPTION: Secondary supports are not required in Seismic Zone Nos. 1, 2A and 2B.

I. Adjacent Buildings.

1. Where elements of adjacent buildings do not have a separation of at least five inches, the allowable height-to-thickness ratios for buildings with crosswalls per Table No. A1-B shall not be used in the direction of consideration.

2. Where buildings do not have a separation of at least five inches and the diaphragm levels of the adjoining structures differ by more than one and one-half times the wall thickness, supplemental vertical gravity load carrying members shall be added to support the loads normally carried by the wall and such members shall not be attached to the wall. The loads shall be transmitted down to the foundation. (Ord. 5921 § 1, 1991)

Section 16.17.065 Administrative provisions.

A. Definitions. For the purposes of this chapter, the applicable definitions in the Building Code shall also apply.

"High-risk building" is any building, other than an essential or hazardous building, having an occupant load of one hunderd occupants or more as determined by Section 3302(a) of the Building

Code.

EXCEPTION: A high-risk building shall not include the following:

1. Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than forty feet apart in each story. Crosswalls shall be full-story height with a minimum length of one and one-half times the story height.

2. Any building used for its intended purpose, as determined by the Building Official, for less than twenty hours per week.

"Low-risk building" is any building, other than an essential or hazardous building, having an occupant load as determined by Section 3302(a) of the Building Code of less than twenty occupants.

"Medium-risk building" is any building, not classified as a high-risk building or an essential or hazardous building, having an occupant load as determined by Section 3302(a) of the Building Code of twenty occupants or more.

B. Rating Classifications. The rating classifications identified in Table No. A1-E are hereby established and each building within the scope of this chapter shall be placed in one such rating classification by the Building Official. The total occupant load of the entire building as determined by Section 3302(a) of the Building Code shall be used to determine the rating classification.

EXCEPTION: For purposes of this chapter, portions of buildings constructed to act independently when resisting seismic forces, and have required exits with independent travel paths, may be placed in separate rating classifications.

C. Compliance Requirements.

1. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the State to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

2. The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the Building Official for review within the Stated time limits:

a. Within three hundred sixty days after service of the order, a structural analysis, which is subject to approval by the Building Official, and which shall demonstrate that the building meets the minimum requirements of this chapter; or

b. Within three hundred sixty days after service of the order, the structural analysis and plans for structural alterations of the building to comply with this chapter; or

c. Within one hundred eighty days after service of the order, plans for the installation of wall anchors in accordance with the requirements specified in Section 16.17.060; or

d. Within three hundred sixty days after service of the order, plans for the demolition of the building;

e. Applications for demolition of qualified historical buildings shall be reviewed in accordance with the Cultural Resources Ordinance, Title 20 of the Municipal Code.

3. After plans are submitted and approved by the Building Official, the owner shall obtain a building permit and then commence and complete the required construction or demolition within the time limits set forth in Table No. A1-F. These time limits shall begin to run from the date the order is served in accordance with Section 16.17.065(E)(2), except that the time limit to commence structural alteration or demolition shall begin to run from the date the building permit is issued.

4. Owners complying with Paragraphs 2c and 2e of this subsection are also required to comply with Paragraphs 2b and 2d of this subsection provided, however, that the three hundred sixty-day period provided for in Paragraphs 2b or 2d and the time limits for obtaining a building permit and to complete structural alterations or building demolition set forth in Table A1-F shall be extended in accordance with Table No. A1-G. Each such extended time limit shall begin to run from the date the order is served in accordance with Section 16.17.065(E), except that the time limit to commence structural alterations or demolition shall begin to run from the date the building

permit is issued.

Owners not complying with Paragraphs 2C and 2E of this subsection shall comply with Paragraphs 2B or 2D within the time limits shown in Table A1-F. Buildings not complying shall be declared hazardous and be vacated and abated in accordance with City ordinances.

D. Special Requirements for Historic Buildings.

1. Plans for seismic upgrading of qualified historical buildings shall be reviewed by the Cultural Heritage Board. The basis of review shall be the Design Guidelines and the Secretary of the Interior's Standards and with the following requirements:

a. Features of architectural or historic significance shall be retained and reattached, braced, or stabilized, as required.

b. In-wall anchors shall be used on historic buildings instead of through-wall anchors, especially on the principal facade. Through-wall anchors on other facades may be permitted, provided that their locations and treatment are approved by the Cultural Heritage Board or its staff.

c. Closure of historic openings on the principal facade shall not be permitted and shall be discouraged on secondary facades. If closure of such openings on secondary facades is unavoidable, the materials used shall be compatible with the existing exterior materials of the secondary facade wall.

d. Historic parapets shall be braced rather than removed.

e. Historic architectural veneer posing a safety hazard shall be stabilized and reanchored to the building.

2. The purpose and intent of the plan review and guidelines shall be to minimize the effects of seismic strengthening on the exterior appearance of the building.

3. In the case of a qualified historical building, plans showing proposed test and core locations shall be submitted for review and approval by the Cultural Heritage Board or its staff in order to minimize the effect on the exterior appearance of the building. Repairs after testing shall match original adjacent existing.

4. This chapter does not require alteration of existing electrical, plumbing, mechanical or fire-safety systems.

E. Administration.

1. Order--Service.

a. The Building Official shall, in accordance with the priorities set forth in Table No. A1-G, issue an order as provided in this section to the owner of each building within the scope of this chapter.

b. Prior to the service of an order as set forth in Table No. A1-G, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the Building Official to be within the scope of this chapter. The bulletin may contain information the Building Official deems appropriate. The bulletin may be issued by mail or in person.

2. Order--Priority of Service. Priorities for the service of the order for buildings within the scope of this chapter shall be in accordance with the rating classification as shown on Table No. A1-G. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The minimum time period prior to the service of the order as shown on Table No. A1-G shall be measured from the effective date of this chapter. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the normal service date for such building set forth in this chapter.

3. Order--Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall

specify the rating classification of the building and shall be accompanied by a copy of Section 16.17.065(C), which sets forth the owner's alternatives and time limits for compliance.

4. Appeal from Order. The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this chapter to the Board of Appeals established by Section 204 of the Building Code. Such appeal shall be filed with the Board within sixty days from the service date of the order described in Section 16.17.065(E)(3). Any such appeal shall be decided by the Board no later than ninety days after writing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other Building Official pursuant to this chapter shall be made in accordance with the procedures established in Sections 105 and 106 of the Building Code.

5. Recordation. At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the office of the County Recorder a certificate stating that the subject building is within the scope of the chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.

If the building is either demolished, found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the Building Official shall file with the office of the County Recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

6. Enforcement. If the owner in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this chapter within any of the time limits set forth in Section 16.17.065(C), the Building Official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 203 of the Building Code.

7. Should the City fail to enact a financial incentives program to facilitate the herein ordinance on or before December 31, 1991, the time provisions requiring compliance shall be tolled from December 31, 1991, until such time as a financial incentives program approved by the City Council is adopted. (Ord. 5921 § 1, 1991)

TABLE NO. A1-A
HORIZONTAL FORCE FACTOR Cp

CONFIGURATION OF MATERIALS	Cp
Roofs with straight or diagonal sheathing and roofing applied directly to the sheathing, or floors with straight tongue and groove sheathing.	0.5
Diaphragms with double or multiple layers of boards with edges offset and blocked plywood systems.	0.75

TABLE NO. A1-B
ALLOWABLE VALUE OF HEIGHT-THICKNESS RATIO OF
UNREINFORCED MASONRY WALLS

Wall Types	Seismic Zone 2B and 3 Buildings	Seismic Zone 4 Buildings With Crosswalls	Seismic Zone 4 All Other Buildings
Walls of one-story buildings	16	16[2,3]	13
First-story wall of multi-story building	18	16	15
Walls in top story of multi-story buildings	14	14[2,3]	9
All other walls	16	16	13

[1]Applies to the Special Procedures of Section A109(d) only. See Section A109(d)7 for other restrictions.

[2]This value of height-to-thickness ratio may be used only where mortar shear tests in accordance with Section A103 establish a tested mortar shear strength, v_t, of not less than 100 psi or where the tested mortar shear strength, v_t, is not less than 60 psi and a visual examination of the collar joint indicates not less that 50 percent mortar coverage.

[3]Where a visual examination of the collar joint indicates not less than 50 percent mortar coverage and the tested mortar shear strength, v_t, when established in accordance with Section A103 is greater than 30 psi but less than 60 psi, the allowable height-to-thickness ratio may be determined by linear interpolation between the larger and smaller ratios in direct proportion to the tested mortar shear strength, v_t.

TABLE NO. A1-C
ALLOWABLE VALUES FOR EXISTING MATERIALS

EXISTING MATERIALS OR CONFIGURATIONS OF MATERIALS[1]	ALLOWABLE VALUES
1. HORIZONTAL DIAPHRAGMS[4]	
a. Roofs with straight sheathing and roofing applied directly to the sheathing.	100 lbs. per foot for seismic shear
b. Roofs with diagonal sheathing and roofing applied directly to the sheathing.	250 lbs. per foot for seismic shear
c. Floors with straight tongue-and-groove sheathing.	100 lbs. per foot for seismic shear

TABLE NO. A1-C
ALLOWABLE VALUES FOR EXISTING MATERIALS (Cont.)

EXISTING MATERIALS OR CONFIGURATIONS OF MATERIALS[1]	ALLOWABLE VALUES
d. Floors with straight sheathing and finished wood flooring with board edges offset or perpendicular.	500 lbs. per foot for seismic shear
e. Floors with diagonal sheathing and finished wood flooring.	600 lbs. per foot for seismic shear
2. CROSSWALLS[2,4]	
a. Plaster on wood or metal lath.	Per side: 200 lbs. per foot for seismic shear
b. Plaster on gypsum lath.	175 lbs. per foot for seismic shear
c. Gypsum wall board, unblocked edges.	75 lbs. per foot for seismic shear
d. Gypsum wall board, blocked edges.	125 lbs. per foot for seismic shear
3. EXISTING FOOTINGS, WOOD FRAMING, STRUCTURAL STEEL, AND REINFORCED STEEL	
a. Plain concrete footings.	f'c = 1,500 psi unless otherwise shown by tests.
b. Douglas fir wood.	Allowable stress same as No. 1 D.F.[3]
c. Reinforcing steel.	f_t = 18,000 lbs. per square inch maximum.[3]
d. Structural steel.	f_t = 20,000 lbs. per square inch maximum.[3]

[1]Material must be sound and in good condition.

[2]Shear values of these materials may be combined, except the total combined value shall not exceed 300 lbs. per foot.

[3]Stresses given may be increased for combinations of loads as specified in Section A108.

[4]A one-third increase in allowable stress is not allowed.

TABLE NO. A1-D [4]
ALLOWABLE VALUES OF NEW MATERIALS USED
IN CONJUNCTION WITH EXISTING CONSTRUCTION

NEW MATERIALS OR CONFIGURATIONS OF MATERIALS	ALLOWABLE VALUES[4]
1. HORIZONTAL DIAPHRAGMS	
Plywood sheathing applied directly over existing straight sheathing with ends of plywood sheets bearing on joists or rafters and edges of plywood located on center of individual sheathing boards.	225 lbs. per foot
2. CROSSWALLS	
a. Plywood sheathing applied directly over wood studs. No value shall be given to plywood applied over existing plaster or wood sheathing.	1.33 times the value specified in Table No. 25-K-1 Uniform Building Code for shear walls.
b. Drywall or plaster applied directly over wood studs.	100 percent of the values in Table No. 47-I of the Uniform Building Code.
c. Drywall or plaster applied to sheathing over existing wood studs.	50 percent of the values plywood specified in Table No. 47-I of the Uniform Building Code.
4. TENSION BOLTS	
Bolts extending entirely through unreinforced masonry walls secured with bearing plates on far side of a 3 wythe minimum wall with at least 30 square inches of area.[2,3]	1800 lbs. per bolt 900 lbs. for 2 wythe walls
5. SHEAR BOLTS	
Bolts embedded a minimum of 8 inches into unreinforced masonry walls. Bolts shall be centered in 2 1/2-inch-diameter hole with the dry-pack or non-shrink grout around circumference of bolt.[1,3]	133 percent of the values for plain masonry specified for solid masonry in Tables No. 24-E of Uniform Building Code. No values larger than those given for 3/4-inch bolts shall be used.
6. COMBINED TENSION AND SHEAR BOLTS	
a. Through Bolts - Combined Shear and Tension	
Bolts meeting the above requirements for tension bolts and shear bolts.[1,2,3]	Tension: Same as for tension bolts Shear: Same as for shear bolts

TABLE NO. A1-D [4]
ALLOWABLE VALUES OF NEW MATERIALS USED
IN CONJUNCTION WITH EXISTING CONSTRUCTION
(continued)

NEW MATERIALS OR CONFIGURATIONS OF MATERIALS	ALLOWABLE VALUES[4]
b. Embedded Bolts - Combined Shear and Tension	
Bolts extending to the exterior face of the wall with a 2 1/2-inch round plate under the head and drilled at an angle of 22 1/2 degrees to the horizontal. Installed as specified for shear bolts.[1,2,3]	Tension: Same as for tension bolts Shear: Same as for shear bolts
7. INFILLED WALLS	
Reinforced masonry infilled openings in existing unreinforced masonry walls. Provide keys or dowels to match reinforcing.	Same as values specified for unreinforced masonry walls.
8. REINFORCED MASONRY	
Masonry piers and walls reinforced per Chapter 24.	Same as values specified in Section 2409.
9. REINFORCED CONCRETE	
Concrete footings, walls and piers reinforced as specified in Chapter 26 of the Uniform Building Code and designed for tributary loads.	Same as values specified in Chapter 26 of the Uniform Building Code.

[1]Bolts to be tested as specified in Section A107.

[2]Bolts to be 1/2-inch minimum in diameter.

[3]Drilling for bolts and dowels shall be done with an electric rotary drill. Impact tools shall not be used for drilling holes or tightening anchors and shear bolt nuts.

[4]A one-third increase in allowable stress is not allowed.

TABLE NO. A1-E
RATING CLASSIFICATIONS

TYPE OF BUILDING	CLASSIFICATION
Essential Building	I
Hazardous Building	I
High-Risk Building	II
Medium-Risk Building	III
Low-Risk Building	IV

TABLE NO. A1-F
TIME LIMITS FOR COMPLIANCE

Required Action By Owner	Obtain Building Permit Within	Commence Construction Within	Complete Construction Within
Structural Alterations or Building Demolition	1 year[1]	180 days[2]	3 years
Wall Anchors	180 days[1]	270 days[2]	1 year

[1]Measured from date of service of order.
[2]Measured from date of building permit issuance.

TABLE A1-G
EXTENSIONS OF TIME AND SERVICE PRIORITIES

Rating Classification	Occupant Load	Extension of Time if Wall Anchors are Installed	Periods for Service of Order
I (Highest Priority)	N/A	N/A	N/A
II-A	300 or more	---	360 days
II-B	100 to 299	1 year	540 days
III-A	100 or more	1 year	2 years
III-B	More than 50 but Less than 100	1 year	3 years
III-C	More than 19 but Less than 51	1 year	4 years
IV (Lowest Priority)	Less than 20	1 year	5 years

TABLE NO. A1-H
ELEMENTS REGULATED BY THIS CHAPTER

	SEISMIC ZONE				
BUILDING ELEMENTS	1	2A	2B	3	4
Parapets	M	M	M	M	M
Walls, Anchorage	M	M	M	M	M
Walls, h/t Ratios			M	M	M
Walls, In-place Shear			M	M	M
Diaphragms, Shear Transfer			M	M	M
Diaphragms, Demand-Capacity Ratios[1]				M	M

[1]Applies only to buildings designed according to the Special Procedures of Section A109(d).

TABLE NO. A1-I
HORIZONTAL FORCE FACTORS BASED
ON RATING CLASSIFICATION

RATING CLASSIFICATION	IKCS
I	0.186
II	0.133
III & IV	0.100

TABLE NO. A1-J
HORIZONTAL FORCE FACTORS “IS”
FOR PARTS OR PORTIONS OF STRUCTURES

RATING CLASSIFICATION	IS
I	1.50
II	1.00
III & IV	0.75

TABLE NO. A1-K
HORIZONTAL FORCE FACTOR C_ FOR PARTS OR PORTIONS OF BUILDINGS OR OTHER STRUCTURES

Part or Portion of Buildings	Direction of Force	Value of C_
Exterior bearing and non-bearing walls; interior bearing walls and partitions; interior nonbearing walls and partitions over 10 feet in height; masonry fences over 6 feet in height.	Normal-to-flat surface	0.20
Cantilever parapet and other cantilever walls, except retaining walls.	Normal-to-flat surface	1.00
Exterior and interior ornamentations and appendages.	Any direction	1.00
When connected to or a part of a building tower, tank, towers and tanks plus contents, racks over 8 feet 3 inches in height plus contents, chimneys, smokestacks and penthouses.	Any direction	0.20
When connected to or a part of a building: Rigid and rigidly mounted equipment and machinery not required for continued operation of essential occupancies.	Any horizontal direction	0.20
Tanks plus effective contents resting on the ground.	Any direction	0.12
Floors and roofs acting as diaphragms.	In the plane of the diaphragm	0.12
Prefabricated structural elements, other than walls, with force applied at center of gravity of assembly.	Any horizontal direction	0.30
Connections for exterior panels or elements.	Any direction	2.00

NOTES for Table No. A1-K

See Section 9608(b) for use of C_.

When located in the upper portion of any building with a ratio of 5 to 1 or greater, the value shall be increased by 50 percent.

For flexible and flexibly mounted equipment and machinery, the appropriate values for C_ shall be determined with consideration given to both the dynamic properties of the equipment and machinery and to the building or structure in which it is placed.

The W_ for storage racks shall be the weight of the racks plus contents. The value of C_ for racks over two storage support levels in height shall be 0.16 for the levels below the top two levels.

The design of the equipment and machinery and their anchorage is an integral part of the design and specification of such equipment and machinery. The structure to which the equipment or machinery is mounted shall be capable of resisting the anchorage forces (see also Section 2312(k)).

Floor and roofs acting as diaphragms shall be designed for a minimum force resulting from a C_ of .12 applied to W_ unless a greater force results from the distribution of lateral forces in accordance with Section 2312(e).

UNIFORM BUILDING CODE STANDARD NO. 24-40
IN-PLACE MASONRY SHEAR TESTS

See Appendix Chapter 1, Uniform Code for Building Conservation

The bed joints of the outer wythe of the masonry shall be tested in shear by laterally displacing a single brick relative to the adjacent bricks in the same wythe. The head joint opposite the loaded end of the test brick shall be carefully excavated and cleared. The brick adjacent to the loaded end of the test brick shall be carefully removed by sawing or drilling and excavating to provide space for a hydraulic ram and steel loading blocks. Steel blocks, the size of the end of the brick, shall be used on each end of the ram to distribute the load to the brick. The blocks shall not contact the mortar joints. The load shall be applied horizontally, in the plane of the wythe, until either a crack can be seen or slip occurs. The strength of the mortar shall be calculated by dividing the load at the first crack or movement of the test brick by the nominal gross area of the sum of the two bed joints.

UNIFORM BUILDING CODE STANDARD NO. 24-41
TESTS OF ANCHORS IN UNREINFORCED MASONRY WALLS

See Appendix Chapter 1, Uniform Code for Building Conservation

Existing Anchors

The test apparatus shall be supported on the masonry wall at a minimum distance of the wall thickness from the anchor tested. Existing wall anchors shall be given a preload of 300 pounds prior to establishing a datum for recording elongation. The tension test load reported shall be recorded at 1/8-inch relative movement of the anchor and the adjacent masonry surface. Results of all tests shall be reported. The report shall include the test results as related to the wall thickness and joist orientation.

Combined Shear and Tension Bolts

Combined shear and tension bolts embedded in unreinforced masonry walls shall be tested using a torque calibrated wrench to the following minimum torques:

1/2-inch-diameter bolts--40 foot lbs.

5/8-inch-diameter bolts--50 foot lbs.

3/4-inch-diameter bolts--60 foot lbs.

All nuts shall be installed over malleable iron or plate washers when bearing on wood and heavy cut washers when bearing on steel.

UNIFORM BUILDING CODE STANDARD NO. 24-42
POINTING OF UNREINFORCED MASONRY WALLS

See Appendix Chapter 1, Uniform Code for Building Conservation

POINTING

The old mortar should be cut out, by means of a toothing chisel or a special painter's grinder, to a uniform depth of 3/4", or until sound mortar is reached. Care must be taken not to damage the brick edges. All dust and debris must be removed from the joint by brushing, blowing air or rinsing with water.

Mortar mix shall be Type "S" proportions as called for in the construction specifications. The tuck-pointing mortar should be pre-hydrated to reduce excessive shrinkage. The proper pre-hydration process is as follows:

All dry ingredients should be thoroughly mixed. Only enough clean water should be added to the dry mix to produce a damp, workable consistency which will retain its shape when formed into a ball. The mortar should stand in this dampened condition for one to one and one-half hours.

The joints to be tuck-pointed should be dampened, but to ensure a good bond, the brickwork must absorb all surface water. Water should be added to the pre-hydrated mortar to bring it to a workable consistency (somewhat drier than conventional mortar). The mortar should be packed tightly into the joints in thin layers (1/4" maximum). Each layer should become "thumbprint hard" before applying the next layer. The joints should be tooled to match the original profile after the last layer of mortar is "thumbprint hard."

RELAYING OF BRICK

Replacement bricks must match the originals with respect to size, color, and texture where exposed. A tuck-pointing toothing chisel should be used to cut out the mortar which surrounds the affected units. Power driven impact tools are not allowed. Once the units are removed, all of the old mortar shall be carefully chiseled out and all dust and debris shall be swept out with a brush.

If used brick is to be relayed, it shall be cleaned of all old mortar. The brick surfaces in the wall shall be dampened before new units are placed, but the masonry should absorb all surface moisture to ensure a good bond. The appropriate surfaces of the surrounding brickwork and the replacement brick should be buttered with mortar. The replacement brick should be centered in the opening and pressed into position. The excess mortar should be removed with a trowel. Pointing around the replacement brick will help to ensure full head and bed joints. When the mortar becomes "thumbprint hard," the joints shall be tooled to match the original profile.

Chapter 16.18

FLOOD HAZARD AREAS AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM

Sections:

16.18.010 Findings of fact.
16.18.015 Purpose.
16.18.020 Methods of reducing flood losses.
16.18.025 Definitions.
16.18.030 Applicability.
16.18.035 Compliance.
16.18.040 Interpretation.
16.18.045 Permit Review.
16.18.050 Development of Substantial Improvement and Substantial Damage Procedure.
16.18.055 Review, Use and Development of Other Base Flood Data.
16.18.060 Notification of Other Agencies.
16.18.065 Documentation of Floodplain Development.
16.18.070 Map Determination.
16.18.075 Remedial Action.
16.18.080 Biennial Report.
16.18.085 Planning.
16.18.090 Development Permits.
16.18.095 Appeals.
16.18.100 Standards of Construction.
16.18.105 Standards for Utilities.
16.18.110 Standards for Subdivisions and Other Proposed Development.
16.18.115 Standards for Manufactured Homes.
16.18.120 Standards for Recreational Vehicles.
16.18.125 Floodways.
16.18.130 Floodplain variances.
16.18.135 Floodplain Variances, Considerations and Findings.
16.18.140 Conditions for Floodplain variances.
16.18.145 Warning and disclaimer of liability.
16.18.150 Severability.

Section 16.18.010 Findings of fact.

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

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988)

Section 16.18.015 Purpose.

This chapter is adopted pursuant to the requirements of the National Flood Insurance Program, 42 USC 4001 et seq., including all regulations adopted pursuant thereto, and

supplements the regulations previously adopted and codified in this code. The purpose of this chapter is to promote and protect the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

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

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

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

H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988; Ord. 5039 §1, 1982)

Section 16.18.020 Methods of reducing flood losses.

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

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

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

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

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

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988)

Section 16.18.025 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application. These definitions are for the purpose of this chapter, and are specific to this chapter, except as explicitly stated otherwise.

"A zone" see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or

2. A small, low cost shed for limited storage, less than 150 square feet and $1,500 in value.

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

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

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" See "Special flood hazard area."

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

“Base flood elevation” (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

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

"Building" see "Structure".

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. “Development Permit” means a permit issued by the City of Riverside for any Development as defined in Title 19, Article X of this Code.

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

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before 1983.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows);.

"Flood Insurance Rate Map (FIRM)" means the official map on which Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by FEMA that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

"Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the community official designated by title to administer, implement, and enforce the floodplain management regulations, including granting or denying floodplain variances. The City Engineer is the Floodplain Administrator for the City of Riverside.

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

"Floodplain management regulations" means this chapter and other zoning chapters, subdivision regulations, building codes, health regulations, special purpose chapters (such as grading and erosion control) and other application of police power which control development in flood prone areas. This term describes Federal, State or local regulations in any combination

thereof which provide standards for preventing and reducing flood loss and damage.

"Floodplain 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.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

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

"Fraud and victimization" means that the Floodplain variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Hardship" means the exceptional hardship that would result from a failure to grant the requested Floodplain variance. The City Council requires that the Floodplain variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a Floodplain 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 so defined in Title 20 of this Code, or that is:

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

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

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

"Levee" means a man made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

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

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

a. The flood openings standard in Section 16.18.100.C.4;

b. The anchoring standards in Section 16.18.100.A;

c. The construction materials and methods standards in Section 16.18.100.B; and

d. The standards for utilities in Section 16.18.105.

2. For residential structures, all subgrade enclosed areas are prohibited 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 one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

“Market value” is determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. See Section 16.18.050.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after 1983, 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 1983.

"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."

“Person” means an individual, firm, partnership, association or corporation, or an agent of the aforementioned, or this State or its agencies or political subdivisions.

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" means that the granting of a Floodplain variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Remedy a violation” means 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 chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

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

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

"Special Flood Hazard Area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

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

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means either:

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as “repetitive loss.”

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

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988; Ord. 5039 §2, 1982)

Section 16.18.030 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Riverside. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for City of Riverside" and accompanying Flood Insurance Rate Maps (FIRMs) dated August 2, 1996, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The FIS, FIRMs and any other studies are on file at the City of Riverside, Public Works Department, 3900 Main Street, Riverside, CA 92522. (Ord. 6997 §§5, 6, 2008; Ord. 6369 §1, 1997; Ord. 6181 §1, 1994: Ord. 5640 §1, 1988; Ord. 5039 §3, 1982)

Section 16.18.035 Compliance.

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

B. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988; Ord. 5039 §4, 1982)

Section 16.18.040 Interpretation.

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

A. Considered as minimum requirements;

B. Liberally construed in favor of the City of Riverside; and

C. Deemed neither to limit nor repeal any other powers granted under State statutes. (Ord. 6997 §§ 5, 6, 2008; Ord. 5640 §1, 1988)

Section 16.18.045 Permit Review.

The Floodplain Administrator or designee shall review all development permits to determine:

A. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

B. All other required State and Federal permits have been obtained;

C. The site is reasonably safe from flooding;

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

E. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

F. No permit or approval for development in any area of special flood hazards will be granted until the Floodplain Administrator or designee has determined that the provisions of this chapter have been met. When the information required or the procedures involved in the processing of such application or permit is not sufficient to address the matters required by this chapter, such additional information as reasonably required by the Floodplain Administrator shall be filed by the applicant prior to the processing of the application. Such additional information shall include the following: proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; proposed elevation in relation to mean sea level to which any structure will be floodproofed; all required certifications; and description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988; Ord. 5039 §5, 1982)

Section 16.18.050 Development of Substantial Improvement and Substantial Damage Procedures.

The Floodplain Administrator or designee shall develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage.

A. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

B. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence.

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

The Floodplain Administrator or designee shall assure procedures are coordinated with other departments/divisions and implemented by community staff. (Ord. 6997 §§ 5, 6, 2008; Ord. 5640 § 1, 1988; Ord. 5039 § 6, 1982)

Section 16.18.055 Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 16.18.030, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Sections 16.18.100 through 16.18.120. Any such information shall be submitted to the City Council for adoption. In the Floodplain Administrator or designee's discretion, a base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995. (Ord. 6997 §§5, 6, 2008)

Section 16.18.060 Notification of Other Agencies.

A. Notification of other agencies is necessary so that upon confirmation of physical

changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

B. When undertaking or approving the alteration or relocation of a watercourse, the Floodplain Administrator or designee shall:

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

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

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

C. If physical alterations cause Base Flood Elevation changes:

1. Within 6 months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

2. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

D. Upon changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988; Ord. 5039 §9, 1982)

Section 16.18.065 Documentation of Floodplain Development.

The Floodplain Administrator or designee shall obtain, maintain for public inspection, and make available as needed the following:

1. Certification required by Section 16.18.100.C.1 and Section 16.18.110 (lowest floor elevations);

2. Certification required by Section 16.18.100.C.2 (elevation or floodproofing of nonresidential structures);

3. Certification required by Section 16.18.100.C.4 (wet floodproofing standard);

4. Certification of elevation required by Section 16.18.110.A.3 (subdivisions and other proposed development standards);

5. Certification required by Section 16.18.125 (floodway encroachments); and

6. A record of all Floodplain variance actions, including justification for their issuance, and report such Floodplain variances issued in its biennial report submitted to FEMA. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988)

Section 16.18.070 Map Determination.

Where there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator or designee shall interpret the exact location of the special flood hazard area boundaries. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16.18.080. (Ord. 6997 §§5, 6, 2008; Ord. 5039 §7, 1982)

Section 16.18.075 Remedial Action.

The Floodplain Administrator or designee may take action to remedy violations of this Chapter as specified in Section 16.18.035. (Ord. 6997 §§5, 6, 2008; Ord. 5039 §11, 1982)

Section 16.18.080 Biennial Report.

The Floodplain Administrator or designee shall complete and submit Biennial Report to FEMA. (Ord. 6997 §§ 5, 6, 2008)

Section 16.18.085 Planning.

The Floodplain Administrator or designee shall assure community's General Plan is consistent with floodplain management objectives herein. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988; Ord. 5039 §12, 1982)

Section 16.18.090 Development Permits.

Application for a development permit, including manufactured homes, within any area of special flood hazard established in Section 16.18.030 shall be made on forms furnished by the City of Riverside. The applicant shall provide the following minimum information:

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

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

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 16.18.030 or Section 16.18.055;

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

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 16.18.100.C.2 of this chapter and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 16.18.100.C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 16.18.100.C.4 of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.

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

E. All appropriate certifications listed in Section 16.18.065 of this chapter. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988; Ord. 5039 §13, 1982)

Section 16.18.095 Appeals.

An aggrieved applicant may appeal any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. Such appeal shall be made in accordance with the procedures set forth in Section 2.40.030 of the Riverside Municipal Code. (Ord. 6997 §§5, 6, 2008; Ord. 5640 §1, 1988)

Section 16.18.100 Standards of Construction.

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

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

B. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials**,** and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage;

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

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction. Upon the completion of the structure pad, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community inspector to be properly elevated. Such certification and verification shall be filed by the Public Works Department. All new construction or substantial improvements of residential structures shall have the lowest floor, including basements:

a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.

b. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.

c. In an A Zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 16.18.055.

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 16.18.100.C.1 or:

a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 16.18.100.C.1, so that the structure is watertight with walls substantially impermeable to the passage of water;

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

c. Be certified by a registered civil engineer or architect that the standards of Section 16.18.100.C.2.a & b are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Garages and low-cost accessory structures.

a. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 16.18.100.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 16.18.100.B.

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

c. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 16.18.025, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

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

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

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

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

5. The accessory structure must comply with floodplain encroachment provisions in Section 16.18.125; and

6. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 16.18.100.C.4.

d. Detached garages and accessory structures not meeting the above standards must

be constructed in accordance with all applicable standards in Section 16.18.100.

4. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered civil engineer or architect, or meet the following minimum criteria:

a. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one foot above grade;

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

d. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter. (Ord. 6997 §§5, 6, 2008)

Section 16.18.105 Standards for Utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 6997 §§5, 6, 2008)

Section 16.18.110 Standards for Subdivisions and Other Proposed Development.

A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the as-built lowest floor elevation, pad elevation, and lowest adjacent grade information for each structure, certified by a registered civil engineer or licensed land surveyor, shall be provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator.

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

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

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 6997 §§5, 6, 2008)

Section 16.18.115 Standards for Manufactured Homes.

A. All manufactured homes within FIRM Zones A1-30, AH, and AE, that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing

manufactured home park or subdivision within FIRM Zones A1-30, AH, and AE that are not subject to the provisions of subsection A above will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

C. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator. (Ord. 6997 §§5, 6, 2008)

Section 16.18.120 Standards for Recreational Vehicles.

A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 16.18.090 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 16.18.110.A. (Ord. 6997 §§5, 6, 2008)

Section 16.18.125 Floodways.

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

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Riverside.

B. Within an adopted regulatory floodway, the City of Riverside shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 6997 §§5, 6, 2008)

Section 16.18.130 Floodplain variances.

Floodplain variances under this chapter are for floodplain management purposes only, and are different from the variances in Title 19 of this Code. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a Floodplain variance.

The need to prevent flood damage is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that Floodplain variances from the flood elevation or from other requirements in the flood chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if Floodplain variances are strictly limited. Floodplain variances are specific to property and are not personal in nature. (Ord. 6997 §§5, 6, 2008)

Section 16.18.135 Floodplain Variances, Considerations and Findings.

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

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Findings. The Floodplain Administrator, Planning Commission or the City Council may approve a floodplain variance or Designee if it makes all of the following findings. Failure to make all of the required findings shall require denial of the floodplain variance:

1. The property has 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;
2. The characteristics are unique to the property and not typical of other property in the vicinity and under the identical FIRM zone;
3. The unique characteristics pertain to the land itself, not to the structure, its inhabitants, or the property owners; and
4. Granting of a Floodplain variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause “fraud and victimization” of the public, or conflict with existing local laws or chapters. (Ord. 6997 §§5, 6, 2008)

Section 16.18.140 Conditions for Floodplain variances.

A. Generally, Floodplain variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 16.18.045 through 16.18.125 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the Floodplain variance increases.

B. Floodplain variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the Floodplain variance is the minimum necessary to preserve the historic character and design of the structure.

C. Upon consideration of the factors of Subsection A and the purposes of this Chapter, the City of Riverside may attach such conditions to the granting of Floodplain variances as it deems necessary to further the purposes of this chapter.

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

E. Floodplain variances shall only be issued upon a determination that the Floodplain 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 Floodplain variances to an elevation requirement, this means the City of Riverside need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City of Riverside believes will both provide relief and preserve the integrity of the local chapter.

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

1. The issuance of a Floodplain variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County of Riverside Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

G. The Floodplain Administrator will maintain a record of all Floodplain variance actions, including justification for their issuance, and report such Floodplain variances issued in its biennial report submitted to the Federal Emergency Management Agency. (Ord. 6997 §§5, 6, 2008)

Section 16.18.145 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Riverside, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 6997 §§5, 6, 2008)

Section 16.18.150 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 6997 §§5, 6, 2008)

Chapter 16.19

SWIMMING POOL BARRIERS

Sections:

16.19.010 Purpose.
16.19.020 Barrier requirement.
16.19.030 Barrier requirement modifications.
16.19.040 Inspection approval.
16.19.050 Liability.
16.19.060 Appeals.

Section 16.19.010 Purpose.

The purpose of this chapter is to protect the public health, safety and welfare by requiring swimming pools, spas and similar facilities eighteen inches or more in depth designed for wading, swimming or other recreational purposes located on any premise within the City to be enclosed in the manner prescribed herein. (Ord. 6415 §1, 1997; Ord. 6393 §44, 1997; Ord. 6180 §2 (part), 1994; Ord. 6130 §1 (part), 1994; Ord. 5882 §1 (part), 1990; Ord. 3719 §1 (part), 1970)

Section 16.19.020 Barrier requirement.

Every person in possession of land within the City, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool, spa or similar facility, which whether above or below grade exceeds in depth the limitations hereinafter set forth, shall meet the following requirements:

A. On or after January 1, 1998. Any such swimming pool, spa or similar facility, any part of which is eighteen inches or more in depth, constructed, installed or placed on said premises on or after January 1, 1998 (excepting one constructed, installed or placed on said premises in accordance with the provisions of Subsection B of this section pursuant to a still valid permit issued by the City prior to January 1, 1998), shall be surrounded by a substantial barrier not less than five feet in height, which barrier shall meet the following minimum requirements and which barrier shall thereafter be maintained following construction, installation or placement so as to meet the following minimum requirements:

1. The top of the barrier shall be at least sixty inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four inches when the grade is a solid impenetrable surface, such as a concrete deck. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance

between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be a one and one-fourth inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches. The wire shall not be less than eleven gauge.

7. Where the barrier is composed of diagonal members such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths inches.

8. Access gates shall comply with the requirements of Subdivisions 1 through 7 of this subsection and shall be equipped to accommodate a locking device. Pedestrian-access gates shall be self-closing, have a self-latching device, and open away from the swimming pool. Gates other than pedestrian access gates and gates more than five feet in width shall have a self-latching device and be equipped with lockable hardware, such as a padlock, and shall remain locked at all times when not in use. Where the release mechanism of the self-latching device is located less than sixty inches above grade, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no opening greater than one-half-inch within eighteen inches of the release mechanism.

9. Habitable portions of buildings shall be equipped with approved exit alarms on those doors providing direct access to the pool or those doors shall be equipped with self-closing and self-latching devices with a release mechanism placed no closer than fifty-four inches above the floor. Other doors providing direct access to the swimming pool, such as doors from the garage, shall be equipped with a self-closing, self-latching device with a release mechanism placed no closer than fifty-four inches above the floor.

10. Where an above ground pool structure is used as a barrier or where the barrier is mounted on the top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subdivisions 1 through 9 of this subsection. When the ladder or steps is secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter sphere.

11. Existing fences surrounding property at the pool area which are at least seventy-two inches above grade, measured on the side of the barrier which faces away from the swimming pool, has a maximum vertical clearance between grade and the bottom of the barrier of two inches, or four inches when the grade is a solid impenetrable surface such as a concrete deck, and has no openings that will allow the passage of a four-inch-diameter sphere, are permitted. Gates and doors opening into such enclosures shall comply with Section 16.19.020(A)(8) and (9).

12. A spa or hot tub with a locking safety cover which complies with the American Society for Testing and Materials-Emergency Performance Specification (ASTM-ES 13-89) shall not be required to provide other barriers. Where a locking safety cover is not provided, the spa or hot tub shall comply with the requirements of this chapter.

13. A swimming pool equipped with an approved pool cover meeting all the performance standards of the American Society for Testing and Materials specification ASTM-F1346-89 shall not be required to comply with Subdivisions 1 through 11 of this subsection.

B. From January 1, 1995 through December 31, 1997. Any swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on any premises within the City between January 1, 1995 and December 31, 1997, or on or after January 1, 1998 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a substantial barrier not less than four feet in height which meets the following minimum requirements:

1. The top of the barrier shall be at least forty-eight inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the

barrier which faces away from the swimming pool. The maximum vertical clearance at the bottom of the barrier may be increased to four inches when the grade is a solid impenetrable surface, such as a concrete deck. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be a one and one-fourth inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches. The wire shall not be less than eleven gauge.

7. Where the barrier is composed of diagonal members such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths inches.

8. Access gates shall comply with the requirements of Subdivisions 1 through 7 of this subsection and shall be equipped to accommodate a locking device. Pedestrian-access gates shall be self-closing and have a self-latching device. Gates other than pedestrian access gates and gates more than five feet in width shall have a self-latching device and be equipped with lockable hardware, such as a padlock, and shall remain locked at all times when not in use. Where the release mechanism of the self-latching device is located less than fifty-four inches above grade, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no opening greater than one-half inch within eighteen inches of the release mechanism.

9. All gates or doors opening through such enclosures shall at all times be equipped with a self-closing and self-latching device, not less than fifty-four inches above grade. The self-closing and self-latching device shall be designed to keep and be capable of maintaining said gate or door in a closed position at all times when not in actual use, except that the door of any dwelling occupied by human beings which forms a part of the enclosure need not be so equipped. Pedestrian doors leading from the garage to the pool area shall be self-closing and shall have a self-latching device mounted not less than fifty-four inches above the floor.

10. Where an above ground pool structure is used as a barrier or where the barrier is mounted on the top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subdivisions 1 through 9 of this subsection. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter sphere.

11. Existing fences surrounding property at the pool area which are at least sixty inches above grade, measured on the side of the barrier which faces away from the swimming pool, has a maximum vertical clearance between grade and the bottom of the barrier of two inches, or four inches when the grade is a solid impenetrable surface such as a concrete deck, and has no openings that will allow the passage of a four-inch-diameter sphere, are permitted. Gates and

doors opening into such enclosures shall comply with Section 16.19.020(B)(8) and (9).

12. A spa or hot tub with a locking safety cover which complies with the ASTM Standard F 1346-91 shall not be required to provide other barriers. Where a locking safety cover is not provided, the spa or hot tub shall comply with the requirements of this chapter.

C. From February 1, 1994 to December 31, 1994. Any such swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on said premises, excepting a Group R, Division 3 Occupancy, during the period February 1, 1994 through December 31, 1994, or on or after January 1, 1995 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a substantial barrier not less than four feet in height, which barrier shall meet the following minimum requirements:

1. The top of the barrier shall be at least forty-eight inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be a one and one-fourth inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-fourths inches. The wire shall not be less than nine gauge.

7. Where the barrier is composed of diagonal members such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-fourths inches.

8. Access gates shall comply with the requirements of Subdivisions 1 through 7 of this subsection and shall be equipped to accommodate a locking device. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate, and the gate and barrier shall have no opening greater than one-half inch within eighteen inches of the release mechanism.

9. Where a wall of a building serves as part of the barrier, doors with direct access to the pool through that wall shall be equipped with self-closing doors with self-latching devices mounted fifty-four inches above the floor. Doors requiring panic hardware shall not be permitted to open directly into the pool area unless provided with special alarms or features acceptable to the Building Official.

10. Where an above ground pool structure is used as a barrier or where the barrier is mounted on the top of the pool structure, and the means of access is a ladder or steps, then the

ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier which meets the requirements of Subdivisions 1 through 9 of this subsection. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter sphere.

D. From February 1, 1994 to December 31, 1994. Any swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on premises with a Group R, Division 3 Occupancy, during the period February 1, 1994 to December 31, 1994, or on or after January 1, 1995 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it complies with the requirements of Division III of Appendix Chapter 12 of the 1991 Edition of the Uniform Building Code as promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, and as adopted by the California Building Standards Commission, relating to barriers for swimming pools, spas and hot tubs, which Division III is hereby incorporated by reference as though set out herein in full. One copy of said Uniform Building Code including therein Division III of Appendix Chapter 12, which has been certified as a true copy, is on file and open to public inspection in the office of the City Clerk.

E. From January 1, 1991 to January 31, 1994. Any swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed on the premises on or after January 1, 1991 to January 31, 1994, or on or after February 1, 1994 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a substantial fence, wall or other structure not less than five feet in height, which structure shall be constructed so as not to have openings, gaps, ledges or other means by which toe or handholds would be made available for climbing or scaling, except as hereinafter described in this subsection:

1. The top of the barrier shall be at least five feet above grade measured on the side of the fence which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above ground pool, the barrier may be at ground level or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum clearance between the top of the pool structure and the bottom of the barrier shall be two inches.

2. Openings in the barrier shall not allow passage of a four-inch diameter sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-fourths inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-fourths inches in width.

6. Maximum mesh size for chain link fences shall be one-inch square unless the fence is provided with slats fastened at the top or the bottom.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and one-half inches.

8. All gates or doors opening through such enclosures shall at all times be equipped with a self-closing and self-latching device, not less than fifty-four inches above grade. The self-closing and self-latching device shall be designed to keep and be capable of maintaining said gate or door

in a closed position at all times when not in actual use, except that the door of any dwelling occupied by human beings which forms a part of the enclosure need not be so equipped. Pedestrian doors leading from the garage to the pool area shall be self-closing and shall have a self-latching device mounted not less than fifty-four inches above the floor. Gates more than five feet in width and not intended for pedestrian access to the pool area shall be securely locked, bolted or otherwise secured to discourage pedestrian use.

F. Prior to January 1, 1991. Any such swimming pool, spa or similar facility, any part of which is two feet or more in depth, constructed, installed or placed before January 1, 1991, or on or after January 1, 1991 pursuant to a still valid permit issued by the City prior to said date, shall be maintained so that it is surrounded by a fence, wall, or other similar structure not less than four feet in height and having no opening therein (other than door or gates as hereinafter provided) larger than fifty square inches; except when chain link fencing is used, the opening shall not be more than four and one-half square inches, except a rectangular opening having no horizontal dimension exceeding four inches may have a greater area. All gates or doors opening through such enclosures shall at all times be equipped with a self-closing and self-latching device, not less than forty-two inches above grade. The self-closing and self-latching device shall be designed to keep and be capable of maintaining said gate or door in a closed position at all times when not in actual use, except that the door of any dwelling occupied by human beings which forms a part of the enclosure need not be so equipped. Pedestrian doors leading from the garage to the pool area shall be self-closing and shall have a self-latching device mounted not less than fifty-four inches above the floor. Gates more than five feet in width and not intended for pedestrian access to the pool area shall be securely locked, bolted or otherwise secured to discourage pedestrian use. (Ord. 6421 §§1, 2, 1997; Ord. 6415 §2, 1997; Ord. 6393 §44, 1997; Ord. 6180 §2 (part), 1994; Ord. 6130 §1 (part), 1994; Ord. 5882 §1 (part), 1990; Ord. 3719 §1 (part), 1970)

Section 16.19.030 Barrier requirement modifications.

The Building Official may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gate or latches, or the necessity therefor, provided the protection as sought under this chapter is not reduced thereby. The Building Official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described in this chapter. (Ord. 6393 §44, 1997; Ord. 6180 §2 (part), 1994; Ord. 6130 §1 (part), 1994; Ord. 5882 §1 (part), 1990; Ord. 3719 §1 (part), 1970)

Section 16.19.040 Inspection approval.

All plans hereafter submitted to the Building and Safety Division for pools to be constructed shall clearly indicate compliance with codes, ordinances and regulations then in effect where health, safety and welfare are involved. Preplaster inspection shall be required, at which time all requirements of Sections 16.36.010 and 16.36.020 of this code shall be installed to the satisfaction of the inspector before permission is granted for the plastering and filling of said pool. (Ord. 6393 §44, 1997; Ord. 6180 §2 (part), 1994; Ord. 6130 §1 (part), 1994; Ord. 5882 §1 (part), 1990; Ord. 3719 §1 (part), 1970)

Section 16.19.050 Liability.

The provisions of this chapter shall not be construed to relieve or lessen the responsibility of any party owning, operating, controlling or installing any swimming pool or similar facility for damages to persons or property caused by any defect therein, nor shall liability be relieved by reason of the inspection authorized in this chapter, nor shall it be construed to lessen or waive other restrictions as may be imposed by federal, State, County or other authority having jurisdiction (Ord. 6393 §44, 1997; Ord. 6180 §2 (part), 1994; Ord. 6130 §1 (part), 1994; Ord. 5882 §1 (part), 1990; Ord. 3719 §1 (part), 1970)

Section 16.19.060 Appeals.

The determination and ruling of the Building Official pursuant to this chapter are declared a proper subject of appeal to the Planning Commission. (Ord. 6462 §14, 1999; Ord. 6393 §44, 1997; Ord. 6180 §2 (part), 1994; Ord. 6130 §1 (part), 1994; Ord. 5882 §1 (part), 1990; Ord. 3719 §1 (part), 1970)

Chapter 16.20

BUILDING MOVING REGULATIONS

Sections:

16.20.010 References to Building Moving and Demolition Code.
16.20.020 Portions of buildings deemed separate buildings.
16.20.030 Through the City--Permit required.
16.20.040 From the City--Permit required.
16.20.050 Into the City--Permit required.
16.20.060 Within the City--Permit required.
16.20.070 Exceptions to permits being required.
16.20.080 Appeal, building moving and preapplication inspection fees.
16.20.120 Building demolition permit fee.
16.20.130 Building demolition permit generally.
16.20.140 Building moving permit generally.
16.20.150 Preapplication inspection generally.
16.20.160 Information on building moving application.
16.20.170 Notification to adjacent property owners.
16.20.180 Approval or denial of permit.
16.20.190 Appeal generally.
16.20.200 Hearing on appeal.
16.20.210 Disposition of appeal.
16.20.220 Special conditions.
16.20.230 Bonds and insurance.

Section 16.20.010 References to Building Moving and Demolition Code.

This chapter shall be known as the "Building Moving and Demolition Code" and may be cited as such. Whenever in this Code or any ordinance of the City the phrases "Building Moving Code" or Building Demolition Code" appear, such phrases shall be deemed and construed to refer and apply to this chapter in conjunction with Chapter 16.04. (Ord. 3495 §3 (part), 1968; prior code §9.301)

Section 16.20.020 Portions of buildings deemed separate buildings.

Portions of a building which are moved on different days shall be deemed to be separate buildings for the purposes of building moving permits only. (Ord. 3495 §3 (part), 1968; prior code §9.302 (part))

Section 16.20.030 Through the City--Permit required.

It is unlawful for any person to move a building through the City without first obtaining a building moving permit. (Ord. 3495 §3 (part), 1968; prior code §9.302 (part))

Section 16.20.040 From the City--Permit required.

It is unlawful for any person to move a building out of the City without first obtaining a building demolition permit and a building moving permit. (Ord. 3495 §3 (part), 1968; prior code §9.302 (part))

Section 16.20.050 Into the City--Permit required.

It is unlawful for any person to move a building into the City without first obtaining approval of a building moving application, obtaining a building moving permit, and the permits necessary to establish the building at the new location. (Ord. 3495 §3 (part), 1968; prior code §9.302 (part))

Section 16.20.060 Within the City--Permit required.

It is unlawful for any person to move a building within the City without first obtaining approval of a building moving permit, and the permits necessary to establish the building at the new location. (Ord. 3495 §3 (part), 1968; prior code §9.302 (part))

Section 16.20.070 Exceptions to permits being required.

The Building Official may waive portions of the requirements of this chapter when the building to be moved does not move upon, along or across a public street or alley; when the building is to be moved on a truck in compliance with the load, weight and size provisions of the Vehicle Code; or when no buildings or structures owned by other than the applicant are located within four hundred fifty feet of the proposed location of the building. (Ord. 4166 §1, 1974; Ord. 4137 §2, 1974; Ord. 3495 §3 (part), 1968; prior code §9.302 (part))

Section 16.20.080 Appeal, building moving and preapplication inspection fees.

The fees for appeals, building moving permits and preapplication inspections shall be set by resolution of the City Council. (Ord. 4137 §3, 1974; Ord. 3495 §3 (part), 1968; prior code § 9.303 (part))

Section 16.20.120 Building demolition permit fee.

The fee for a building demolition shall be based on the valuation of the building or work and as set forth in Section 107.2, Permit Fees, of SECTION 107, FEES, of the Uniform Building Code (Chapter 16.08). (Ord. 6393 §43, 1997; Ord. 3495 §3 (part), 1968; prior code §9.303 (part))

Section 16.20.130 Building demolition permit generally.

Prior to starting demolition work on any building or structure all required pedestrian protection structures shall be in place, any required bonds and insurance shall be posted, all utility companies shall be notified in writing of the intention to demolish or remove the building or structure, and all necessary permits shall be obtained. Work under a building demolition permit shall not be considered completed until the sewer has been properly capped at the property line; all underground tanks, septic tanks and cesspools have been pumped out and either properly filled or removed; all basements, pools, sumps or other depressions which may be hazardous in any way have been properly filled or protected; all concrete, weeds, debris, stones or other loose material has been removed from the site; and any remaining portions of the structure have been cleaned and made structurally and aesthetically acceptable. Work under a building demolition permit shall not be suspended or abandoned. If such work is suspended or abandoned, the materials shall be considered "waste matter" as defined in Chapter 16.32 of this code and may be abated as such. (Ord. 3495 §3 (part), 1968; prior code §9.304 (part))

Section 16.20.140 Building moving permit generally.

Prior to moving a building or structure upon, along or across any public street, sidewalk, easement, alley or other public place all necessary permits shall be obtained, all necessary bonds and insurance shall be posted and certificates shall be presented showing that arrangements have been made with the police department, Fire Department, Park Department and the owners of the utilities and installations for the protection of streets, trees, utilities and other installations along the proposed route of travel. Such permit shall be valid only for the date indicated on the permit. (Ord. 3495 §3 (part), 1968; prior code §9.304 (part))

Section 16.20.150 Preapplication inspection generally.

Each building for which a building moving application is required shall be subject to inspection by the Building Official before the application is approved or denied. The following inspections shall be made:

A. The building shall be inspected to determine its character, age, condition and degree of

conformity with current codes; and

B. The site onto which the building is to be moved shall be inspected to determine the age, character and condition of surrounding buildings and structures.

Following the inspection, the Building Official may approve the building for moving, may approve the building for moving provided certain alterations or additions are made, or may disapprove the building for moving. The applicant or his agent shall be notified of the decision. The notification shall include conditions for approval or reasons for disapproval. The Building Official shall disapprove the building for moving if any regulations of the City would preclude such a move, or if the building is or will be an unsafe building as defined by Chapters 16.04 through 16.20, or if the value of the property in the proposed location would be depreciated by the move, or the public health or welfare would be otherwise endangered by the move. (Ord. 3495 §3 (part), 1968; prior code §9.305)

Section 16.20.160 Information on building moving application.

In addition to the information required in Sections 16.04.240 and 16.04.270, the following shall be submitted with each building moving application: Detailed statements of the exceptions to the provisions of Chapters 16.04 through 16.20 which may be requested by the applicant; a certificate of inspection by a licensed termite control operator; the names and addresses of the owners of all lots or parcels of ground any portion of which lies within a distance of four hundred fifty feet from the approximate center of the building at its proposed location, as such names appear upon the latest available assessment roll or are otherwise known to the applicant; such other information as may be required by the Building Official or by minute order of the City Council. (Ord. 4166 §2, 1974; Ord. 4137 §4, 1974; Ord. 3495 §3 (part), 1968; prior code §9.306 (part))

Section 16.20.170 Notification to adjacent property owners.

The Building Official shall notify the property owners on the list accompanying the application of the filing thereof and that they may object thereto. Objections to be considered shall be in writing and shall be filed not more than ten days following the date of notification. The notification shall be accompanied by a return addressed prepaid postcard providing space for a yes or no answer to the question of objecting to the application, a signature and space for setting forth reasons for an objection. (Ord. 4166 §3, 1974)

Section 16.20.180 Approval or denial of permit.

The Building Official shall give full consideration to all valid objections received in connection with a building moving application. The applicant shall be notified of the decision to approve or deny the application and reasons for denial shall be stated. Persons submitting valid objections shall be notified of an approval together with the reasons for approval. No building moving application shall be issued until the time for filing appeals has expired. (Ord. 4166 §4, 1974)

Section 16.20.190 Appeal generally.

Any person or group of persons aggrieved by the decision of the Building Official to approve or deny a building moving application may appeal such decision to the City Council. Such appeal shall be in writing, shall be filed with the Building Official within five days from the date of the decision, shall contain the names and addresses of the appellants, and shall contain the application number and name of the person making the application. Upon receiving an appeal, the Building Official shall forthwith send the notice of appeal, a copy of the building moving application and any written objections thereto to the City Clerk. (Ord. 4166 §5, 1974)

Section 16.20.200 Hearing on appeal.

Upon receipt of the notice of appeal, the City Clerk shall set the matter for hearing before the City Council not less than ten days nor more than thirty-five days after the date of filing the

notice. The hearing shall be held at a regular meeting or at an adjourned regular meeting of the City Council.

Written notices setting forth the time and place of such hearing shall be mailed to the applicant, appellant and all persons objecting to the application. Such notices of hearing shall be mailed not less than ten days prior to the date of the hearing. (Ord. 4166 §6, 1974)

Section 16.20.210 Disposition of appeal.

At the time and place of hearing, the City Council shall consider the application and the objections thereto and shall hear such other evidence as may be presented. Petitions shall not be considered as evidence. The City Council shall, after considering all evidence presented, deny the appeal, sustain the appeal, or sustain the appeal with conditions as it may deem proper. (Ord. 4166 §7, 1974)

Section 16.20.220 Special conditions.

Regardless of any other provisions of Chapters 16.04 through 16.20, the following special conditions shall apply to work connected with moving or moved buildings.

A. Preapplication Inspection. If a building which has had a preinspection is not moved within ninety days of the date of the application, a reinspection shall be made. The fee for a reinspection shall be the fee for the original inspection. A preapplication inspection shall apply to one building and one proposed location only. The fee for investigating an alternate proposed location shall be set by resolution of the City Council.

B. Building Moving Application. If the building for which a building moving application is approved is not moved within one year, the application shall be void and no longer approved.

C. Moved Buildings. When a building is moved onto a site within the City, the footing shall be installed within thirty days of the date of arrival on the site and the building shall be lowered onto the footing within sixty days of the date of arrival at the site. Any building or work not complying with the time limits set forth in this subsection may be declared a dangerous building and may be abated as such. (Ord. 4137 §5, 1974; Ord. 3495 §3 (part), 1968; prior code §9.308)

Section 16.20.230 Bonds and insurance.

In addition to other bonds, deposits or insurance that may be required, the following shall be deposited with the Building Official prior to the issuance of a building moving permit:

A. A faithful performance bond payable to the City in an amount equal to not less than one hundred percent of the estimated cost of preparing the moved building for occupancy, including but not limited to all necessary termite control and repair work, or a demolition bond payable to the City in an amount equal to not less than one hundred percent of the estimated cost of demolishing and removing all materials from the site, including but not limited to all footings and other works that may have been installed, when the permit is for moving a building into or within the City;

B. A bond payable to the City in the amount of two thousand five hundred dollars to secure payment of damage to any street, tree, utility or installation caused by such moving;

C. A rider to the contractor's liability and property damage insurance policy naming the City as a co-insured.

The filing of either or both bonds required by this section may be waived by the Building Official if other adequate bonds or cash deposits have been provided. (Ord. 4604 §9, 1978; Ord. 3495 §3 (part), 1968; prior code §9.309)

Chapter 16.22

SOLAR STREAMLINED PERMITTING PROCESS

Sections:

16.22.010 Purpose.
16.22.020 Applicability.
16.22.030 Definitions.
16.22.040 Solar Energy Systems Requirements.
16.22.050 Duties of the Building and Safety Division.
16.22.060 Permit Review and Inspection Requirements.

Section 16.22.010 Purpose.

The purpose of this ordinance is to create an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. (Ord. 7297 §2, 2015)

Section 16.22.020 Applicability.

a. This chapter applies to the permitting of all small residential rooftop solar energy systems in the City.

b. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this ordinance are not subject to the requirements of this ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require a new permit. (Ord. 7297 §2, 2015)

Section 16.22.030 Definitions.

a. For the purpose of this Chapter, words and terms shall be defined as set forth in this Section. Where terms are not defined in this Code and are defined in other codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinary accepted meanings such as the context implies.

b. A “Solar Energy System” means either of the following:

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

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

c. A “Small Residential Rooftop Solar Energy System” means all of the following:

i. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

ii. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of Riverside and all state and City of Riverside health and safety standards.

iii. A solar energy system that is installed on the roof of a single or duplex family dwelling.

iv. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Riverside.

d. A “Kilowatt Thermal” shall mean:

i. A unit of measurement to approximate the amount of energy produced by solar thermal collector. Each square meter of collector space equals 0.7 kilowatt-thermal.

e. "Electronic Submittal" means the utilization of the following:

i. Any computer based electronic plan review software program maintained, operated, and utilized by the City. (Ord. 7297 §2, 2015)

Section 16.22.040 Solar Energy System Requirements.

a. All solar energy systems shall meet all applicable health and safety standards and the requirements imposed by the state and the City, local fire department, and utility director.

b. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

c. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 7297 §2, 2015)

Section 16.22.050 Duties of the Building and Safety Division.

a. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City website.

b. Electronic submittal of the required permit application and documents through City utilized computer based software shall be made available to all small residential rooftop solar energy system permit applicants.

c. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

d. The Building and Safety Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

e. The small residential rooftop solar system permit process, standard plan(s), and checklist shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. (Ord. 7297 §2, 2015)

Section 16.22.060 Permit Review and Inspection Requirements.

a. Prior to submitting a permit application, the Applicant shall:

i. Verify, through the use of standard engineering evaluation techniques, that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the installation and the maintenance thereof; and

ii. Verify, using standard electrical inspection techniques, that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

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

b. Only one inspection shall be required and performed by the Building and Safety Division for small residential rooftop solar energy systems eligible for expedited permit review. The inspection shall be done in a timely manner.

c. If a small residential rooftop solar energy system fails inspection, a subsequent

inspection is authorized but need not conform to the requirements of this ordinance. (Ord. 7297 §2, 2015)

Chapter 16.23

ELECTRIC VEHICLE CHARGING STATION STREAMLINED PERMITTING PROCESS

Sections:

16.23.010 Purpose.
16.23.020 Applicability.
16.23.030 Definitions.
16.23.040 Requirements.
16.23.050 Application and Documents.
16.23.060 Permit Review Requirements.
16.23.070 Fees.

Section 16.23.010 Purpose.

The purpose of this ordinance is to create an expedited, streamlined electric vehicle charging station permitting process that complies with Government Code section 65850.7 to achieve timely and cost-effective installations of electric vehicle charging stations. (Ord. 7348 §1, 2016)

Section 16.23.020 Applicability.

a. This chapter applies to the permitting of all electric vehicle charging stations in the City.

b. Electric vehicle charging stations legally established or permitted prior to the effective date of this ordinance are not subject to the requirements of this ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station in such a way as to require a new permit. (Ord. 7348 §1, 2016)

Section 16.23.030 Definitions.

a. For the purpose of this Chapter, words and terms shall be defined as set forth in this Section. Where terms are not defined in this Code and are defined in other codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinary accepted meanings such as the context implies.

b. An “Electric Vehicle Charging Station” means the following:

i. Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

c. “Electronic Submittal” means the utilization of the following:

i. Any computer based electronic plan review software maintained, operated, and utilized by the City while receiving applications through the internet.

d. “Specific Adverse Impact” means the following:

i. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete. (Ord. 7348 §1, 2016)

Section 16.23.040 Requirements.

a. All electric vehicle charging stations shall meet all applicable health and safety standards and the requirements imposed by the state and the City, local fire department and utility director.

b. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 7348 §1, 2016)

Section 16.23.050 Application and Documents.

a. All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the publicly accessible City website.

b. Electronic submittal of the required permit application and documents through City utilized computer based software shall be made available to all electric vehicle charging station permit applicants.

c. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

d. The Building and Safety Division shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

e. The Building and Safety Division may refer to the recommendation contained in the most current version of the Plug-In Electric vehicle Infrastructure Permitting Checklist and the Zero-Emissions Vehicles in California: Community Readiness Guidebook published by the Governor's Office of Planning and Research, when adopting the electric vehicle charging permit process and checklist. (Ord. 7348 §1, 2016)

Section 16.23.060 Permit Review Requirements.

a. The Building Official shall implement an administrative review process to expedite approval of electric vehicle charging stations. Where the application meets the requirements of the approved checklist and standards and there are no specific, adverse impacts upon public health or safety, the Building and Safety Division shall complete the building permit approval process, which is nondiscretionary. Review of the application for electric vehicle charging stations shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.

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

c. The Building Official may require an applicant to apply for a Special Use Permit if the official finds, based on substantial evidence, that the Electric Vehicle Charging Station could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the City Planning Commission in accordance with the procedures in Chapter 19.680.

d. If a Use Permit is required, the City may only deny such application if it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the City Planning Commission in accordance with the procedures in Chapter 19.680.

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

f. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. (Ord. 7348 §1, 2016)

Section 16.23.070 Fees.

The City Council may establish by resolution fees that shall be charged for permits issued under this chapter. (Ord. 7348 §1, 2016)

Chapter 16.24

HOUSE NUMBERING

Sections:

16.24.010 Uniform system adopted.
16.24.020 Required.
16.24.030 Size and type.

Section 16.24.010 Uniform system adopted.

For the promotion of the safety, convenience, comfort, peace, order and general welfare of the City, a uniform system of house numbers, which shall supersede all existing house numbers, is adopted and established in the City, as set forth and contained in that certain map entitled "Index of Block Numbers in the City of Riverside, California," and those certain sixty-three sectional maps entitled "House Numbers in the City of Riverside, California," all on file in the office of the City Engineer, all of which are adopted as the system of house numbers in the City and by reference made a part of this chapter. (Prior code §28.21)

Section 16.24.020 Required.

Every person owning, controlling, occupying or using any house, store, storeroom or building situated on premises fronting on any street, avenue or other public way or place in the City shall procure, place, attach and maintain in a conspicuous place on the street front of every such house, store, storeroom or building and on, over or near each and every door or entry thereto facing on any street, avenue or other public way or place, the number assigned thereto by this chapter. (Prior code §28.22)

Section 16.24.030 Size and type.

All numbers placed and maintained pursuant to Section 16.24.020 shall be of such size and type and be so placed as to be easily visible and legible from the center of the street, avenue or other public way or place upon which such premises front and shall be not less than three-and-one-half inches in height; provided, that numbers embossed, stamped or painted on a plate of contrasting color may be not less than two-and-one-half inches in height. (Prior code §28.23)

Chapter 16.32

FIRE PREVENTION

Section 16.32.010 Reference to Fire Code.
Section 16.32.020 International Fire Code Adopted - Filed with City Clerk.
Section 16.32.030 Sections deleted and not adopted.
Section 16.32.035 Section 103.4 amended - Liability.
Section 16.32.040 Section 104.1.1 added - Citations.
Section 16.32.045 Section 104.1.2 added - Fire Prevention Bureau Enforcement Powers.
Section 16.32.050 Section 104.3 added - Right of Entry.
Section 16.32.055 Section 104.3.1 added - Warrants.
Section 16.32.060 Section 104.8 added Modifications.
Section 16.32.065 Section 104.9 added - Alternative Materials and Methods.
Section 16.32.070 Section 104.9.1 added - Research Reports.
Section 16.32.075 Section 104.9.2 added - Tests.
Section 16.32.080 Section 104.10.1 added - Assistance from other Agencies.
Section 16.32.085 Section 104.11 added - Authority at Fires and other Emergencies.
Section 16.32.090 Section 104.11.1 added - Barricades.
Section 16.32.095 Section 104.11.2 added - Obstructing Operations.
Section 16.32.100 Section 104.11.3 added - Systems and Devices.
Section 16.32.105 Section 104.12 added - Cost Recovery.
Section 16.32.110 Section 105.2.3 added - Time Limitation.
Section 16.32.115 Section 105.3.1 added - Expiration.
Section 16.32.120 Section 105.3.2 added - Extensions.
Section 16.32.125 Section 105.6.10 added - Covered and Open Mall Buildings.
Section 16.32.130 Section 105.6.17 amended - Flammable and Combustible Liquids.
Section 16.32.135 Section 105.6.21 amended - Hazardous Materials.
Section 16.32.140 Section 105.6.24 amended - Hot Works Operations.
Section 16.32.145 Section 105.6.32 added - Open Burning.
Section 16.32.150 Section 105.6.34 added- Open Flames and Candles.
Section 16.32.155 Section 105.6.50 added - Christmas Tree and Pumpkin Sales Lots.
Section 16.32.160 Section 105.7.17 added - Standpipe Systems.
Section 16.32.165 Section 105.7.18 added - Temporary Membrane Structures and Tents.
Section 16.32.170 Section 108 amended - Board of Appeals.
Section 16.32.175 Section 109.3.4 added - Unauthorized Tampering.
Section 16.32.180 Section 109.4 amended - Violation Penalties.
Section 16.32.185 Section 109.4.1 added - Abate of Violation.
Section 16.32.190 Section 111.4 amended - Failure to Comply.
Section 16.32.195 Section 112 added - Authority to Disconnect Utilities.
Section 16.32.200 Section 113.1 added - Fees.
Section 16.32.205 Section 113.2 added – Schedule of Permit Fees.
Section 16.32.210 Section 113.2.1 added - Afterhours Plan Review and Inspections.
Section 16.32.215 Section 113.3 added - Work Commencing before Permit Issuance.
Section 16.32.220 Section 305.2.1 amended - Hot Ashes and Spontaneous Ignition Sources.
Section 16.32.225 Section 307.1 added - Open Burning, Recreational Fires and Portable Outdoor Fireplaces.
Section 16.32.230 Section 307.1.1 added - Prohibited Open Burning.
Section 16.32.235 Section 307.2 added - Permit Required.
Section 16.32.240 Section 307.2.1 added - Authorization.
Section 16.32.245 Section 307.3 added - Extinguishment Authority.

Section 16.32.250 Section 307.4 added - Location.
Section 16.32.255 Section 307.4.1 added - Bonfires.
Section 16.32.260 Section 307.4.2 added - Recreational Fires.
Section 16.32.265 Section 307.4.3 added - Portable Outdoor Fireplaces.
Section 16.32.270 Section 307.5 added - Attendance.
Section 16.32.275 Section 308.1.6.3 added - Sky Lanterns.
Section 16.32.280 Section 503.3 amended - Markings.
Section 16.32.285 Section 503.4 amended- Obstruction of Fire Apparatus Access Roads.
Section 16.32.290 Section 503.4.2 added - Emergency Fire Lane.
Section 16.32.295 Section 503.6 amended - Security Gates.
Section 16.32.300 Section 506.1 amended - Where Required.
Section 16.32.305 Section 506.3 added - Automatic Infrared Gate System.
Section 16.32.310 Section 507.1 amended - Required Water Supply.
Section 16.32.315 Section 507.5.1 amended - Where Required.
Section 16.32.320 Section 507.5.5 amended - Clear Space around Hydrants.
Section 16.32.325 Section 507.5.7 added - Hydrant Identification.
Section 16.32.330 Section 510.6.4 added - Emergency Responder Radio Coverage.
Section 16.32.335 Section 903.2 amended - Where Required.
Section 16.32.340 Section 907.6.6 added - Monitoring.
Section 16.32.345 Section 912.2.1 amended – Visible Location.
Section 16.32.350 Section 912.5 added – Fire Appliance Signage.
Section 16.32.355 Section 912.8 added - Fire Department Connection.
Section 16.32.360 Chapter 25 amended - Fruit and Crop Ripening.
Section 16.32.365 Section 4906.4 added - Designation of Very High Fire Hazard Severity Zones (VHFHS).
Section 16.32.370 Section 5601.1.1 amended - Manufacturing.
Section 16.32.375 Section 5601.1.3 amended - Fireworks.
Section 16.32.380 Finding and Declaration.
Section 16.32.385 Severability.
Section 16.32.390 Hazardous Materials Clean-up Cost Recovery.

Section 16.32.010 Reference to Fire Code.

This chapter shall be known as the "Fire Code" and may be cited as such. Whenever in this code or any ordinance of the City the phrases "California Fire Code" or "Fire Code" appear, such phrases shall be deemed and construed to refer to or apply to this Chapter. The addition of the word "standards" to such phrases shall limit the reference and application of such phrases to the "California Fire Code Standards." (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 6964 §2, 2007; Ord. 5259 §36, 1985; Ord. 4147 §1 (part), 1974)

Section 16.32.020 International Fire Code Adopted - Filed with City Clerk.

The 2015 International Fire Code as amended by the California State Fire Marshal, also known as the 2016 California Fire Code ("this Code"), including Appendices Chapter 4, B, C, E, F, G, I, M, and N which prescribes regulations consistent with nationally recognized good practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises, is adopted and by this reference is made a part of this Code with the force and effect as though set out herein in full, with the exception of the parts expressly excepted and deleted or as amended by this Chapter. One copy of this Code has been certified as a true copy, is on file and open to public inspection in the Office of the City Clerk. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §2, 2010; Ord. 7000 §2, 2008; Ord. 6964 §3, 2007; Ord. 6633 §1, 2002; Ord. 6473 §2, 1999; Ord. 6262 §1, 1996: Ord. 6031 §1, 1993; Ord. 5803 §1, 1990; Ord. 5551 §1, 1987;

Ord. 5259 §37, 1985; Ord. 4854 §1, 1980; Ord. 4589 §1 (part), 1978; Ord. 4192 §5 (part), 1975; Ord. 4147 §1 (part), 1974)

Section 16.32.030 Sections deleted and not adopted.

The chapters, sections, paragraphs, and parts of the California Fire Code which are excepted, deleted and not adopted are:

1. Part 2, Division II, Sections 103.2, 105.6.1, 105.6.3, 105.6.4, 105.6.6, 105.6.7, 105.6.8, 105.6.9, Table 105.6.9, 105.6.11, 105.6.12, 105.6.13, 105.6.16, 105.6.25, 105.6.26, 105.6.28, 105.6.33, 105.6.48. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.035 Section 103.4 amended - Liability.

Section 103.4 is amended in its entirety to read as follows:

This Code shall not be construed to hold the public entity or any officer or employee responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein provided or by reason of the approval or disapproval of any equipment or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

The expense of securing any emergency which is the result of a violation of this code is a charge against the person whose violation of this code caused the emergency.

Damages caused by and expenses incurred by the Fire Department for securing such emergency shall constitute a debt of such person and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §3, 2010; Ord. 6964 §5, 2007; Ord. 6262 §3, 1996: Ord. 6031 §3, 1993; Ord. 4854 §3, 1980; Ord. 4589 §1 (part), 1978; Ord. 4147 §1 (part), 1974)

Section 16.32.040 Section 104.1.1 added - Citations.

Section 104.1 is amended by adding Section 104.1.1 to read as follows:

The fire code official and his or her designee are authorized to issue a citation to persons operating or maintaining an occupancy, premises, or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §4, 2010)

Section 16.32.045 Section 104.1.2 added - Fire Prevention Bureau Enforcement Powers.

Section 104.1 is amended by adding Section 104.1.2 to read as follows:

The fire code official and his or her designees have authority to enforce the terms of this Chapter to the extent afforded by law. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §5, 2010)

Section 16.32.050 Section 104.3 added - Right of Entry.

Section 104.3 is added in its entirety to read as follows:

Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7077 §2, 2010)

Section 16.32.055 Section 104.3.1 added - Warrants.

Section 104.3.1 is added in its entirety to read as follows:

Where the fire code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire code official for the purpose of inspection and examination pursuant to this code. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.060 Section 104.8 added - Modifications.

Section 104.8 is added in its entirety to read as follows:

Where there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modifications in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.065 Section 104.9 added - Alternative Materials and Methods.

Section 104.9 is added in its entirety to read as follows:

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternative material or method of construction where the fire code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the fire code official shall respond in writing, stating the reasons why the alternative was not approved. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §10, 2010; Ord. 6964 §9, 2007; Ord. 6473 §3, 1999; Ord. 6262 §8, 1996: Ord. 6031 § 7, 1993; Ord. 5803 § 6, 1990; Ord. 5551 § 4, 1987)

Section 16.32.070 Section 104.9.1 added - Research Reports.

Section 104.9.1 is added in its entirety to read as follows:

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.075 Section 104.9.2 added -Tests.

Section 104.9.2 is added in its entirety to read as follows:

Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the fire code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the fire code official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the fire code official for the period required for retention of public records. (Ord. 7358 §2, 2016)

Section 16.32.080 Section 104.10.1 added - Assistance from other Agencies.

Section 104.10.1 is added in its entirety to read as follows:

Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or enforcement when requested to do so. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §13, 2010; Ord. 7000 §5, 2008)

Section 16.32.085 Section 104.11 added - Authority at Fires and other Emergencies.

Section 104.11 is added in its entirety to read as follows:

The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.090 Section 104.11.1 added - Barricades.

Section 104.11.1 is added in its entirety to read as follows:

The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.095 Section 104.11.2 added - Obstructing Operations.

Section 104.11.2 is added in its entirety to read as follows:

Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7000 §1, 2008; Ord. 6964 §14, 2007; Ord. 6262 §16, 1996: Ord. 6031 §15, 1993; Ord. 5803 §11, 1990; Ord. 4854 §12, 1980; Ord. 4589 §1 (part), 1978; Ord. 4147 §1 (part), 1974)

Section 16.32.100 Section 104.11.3 added - Systems and Devices.

Section 104.11.3 is added in its entirety to read as follows:

Persons shall not render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §15, 2010; Ord. 7000 §1, 2008; Ord. 6964 §15, 2007)

Section 16.32.105 Section 104.12 added - Cost Recovery.

Section 104.12 is amended by adding Section 104.12 to read as follows:

To the extent consistent with state law, the City may obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the fire department to protect the public from criminal or negligent activities, and from fire or hazardous substances. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §6, 2010)

Section 16.32.110 Section 105.2.3 added - Time Limitation.

Section 105.2.3 is added in its entirety to read as follows:

An application for a permit for any proposed work or operation shall be deemed to have

been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued, except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. (Ord. 7358 §2, 2016)

Section 16.32.115 Section 105.3.1 added - Expiration.

Section 105.3.1 is added in its entirety to read as follows:

An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued. (Ord. 7358 §2, 2016)

Section 16.32.120 Section 105.3.2 added - Extensions.

Section 105.3.2 is added in its entirety to read as follows:

A permittee holding an unexpired permit shall have the right to apply for an extension of time within which the permittee will commence work under that permit where work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated. (Ord. 7358 §2, 2016)

Section 16.32.125 Section 105.6.10 added - Covered and Open Mall Buildings.

Section 105.6.10 is added in its entirety to read as follows:

An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall. (Ord. 7358 §2, 2016)

Section 16.32.130 Section 105.6.17 amended - Flammable and Combustible Liquids.

Section 105.6.17 is amended in its entirety to read as follows:

An operational permit is required for:

1. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above ground flammable or combustible liquid tank.
2. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
3. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial industrial, governmental or manufacturing establishments. (Ord. 7358 §2, 2016)

Section 16.32.135 Section 105.6.21 amended - Hazardous Materials.

Section 105.6.21 is amended in its entirety to read as follows:

An operation permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts pursuant to Riverside Municipal Code, Chapter

9.48. (Ord. 7358 §2, 2016

Section 16.32.140 Section 105.6.24 amended - Hot Work Operations.

Section 105.6.24 is amended in its entirety to read as follows:

An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

EXCEPTION: Work that is conducted under a construction permit. (Ord. 7358 §2, 2016)

Section 16.32.145 Section 105.6.32 added - Open Burning.

Section 105.6.32 is added in its entirety to read as follows:

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. (Ord. 7358 §2, 2016)

Section 16.32.150 Section 105.6.34 added - Open Flames and Candles.

Section 105.6.34 is added in its entirety to read as follows:

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.155 Section 105.6.50 added - Christmas Tree and Pumpkin Sales Lots.

Section 105.6 is amended by adding Section 105.6.50 to read as follows:

A permit is required to operate any Christmas tree or Pumpkin sales lot.

EXCEPTION: Nurseries and tree farms. (Ord. 7358 §2, 2016)

Section 16.32.160 Section 105.7.17 added - Standpipe Systems.

Section 105.7.17 is added in its entirety to read as follows:

A construction permit is required for the installation, modification or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered to be modification and does not require a permit. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.165 Section 105.7.18 added - Temporary Membrane Structures and Tents.

Section 105.7.18 is added in its entirety to read as follows:

A construction permit is required to erect an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet.

EXCEPTIONS**:**

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all of the following:
   - 3.1.1 Individual tents shall have a maximum size of 700 square feet.
   - 3.1.2 The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet total.
   - 3.1.3 A minimum clearance of 12 feet to structures and other tents shall be maintained. (Ord. 7358 §2, 2016)

Section 16.32.170 Section 108 amended - Board of Appeals.

Section 108 is amended in its entirety to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the Planning Commission of the City of Riverside. The fire code official shall be an ex officio member of said board but shall have no vote

on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.175 Section 109.3.4 added - Unauthorized Tampering.

Section 109.3.4 is added in its entirety to read as follows:

Signs, tags or seals posted or affixed by the fire code official shall not be mutilated, destroyed or tampered with, or removed, without authorization from the fire code official. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 6964 §18, 2007; Ord. 5910 §3, 1991)

Section 16.32.180 Section 109.4 amended – Violation Penalties.

Section 109 is amended by amending Section 109.4 in its entirety to read as follows:

In addition to other enforcement provisions applicable to this Code, persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction or misdemeanor, punishable by a fine of not more than $1,000.00 dollars or by imprisonment not exceeding 6 months in jail, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.185 Section 109.4.1 added - Abate of Violation.

Section 109.4.1 is added in its entirety to read as follows:

In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. (Ord. 7358 §2, 2016)

Section 16.32.190 Section 111.4 amended - Failure to Comply.

Section 111 is amended by amending Section 111.4 in its entirety to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than one hundred dollars ($100) or more than one thousand dollars (1,000). (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.195 Section 112 added- Authority to Disconnect Utilities.

Section 112 is added in its entirety to read as follows:

The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and the occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, then the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter. (Ord. 7358 §2, 2016)

Section 16.32.200 Section 113.1 added- Fees.

Section 113.1 is added in its entirety to read as follows:

A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid. (Ord. 7358 §2, 2016)

Section 16.32.205 Section 113.2 added – Schedule of permit fees.

Section 113.2 is added in its entirety to read as follows:

A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. (Ord. 7358 §2, 2016)

Section 16.32.210 Section 113.2.1 Added - Afterhours plan review and inspections.

Section 113.2.1 is added in its entirety to read as follows:

At the discretion of the Fire Marshal, the Fire Prevention Division may make an emergency inspection, complete plan review, or perform inspection services during other than normal working hours upon the request of the applicant. The charge for afterhours plan review or inspection services shall be two and one-half times the hourly wage rate of the plan reviewer or inspector providing the service, or as otherwise set by resolution of the City Council. Such service for each hour or any portion thereof, shall be in addition to any other fees that may have been paid or are due. Afterhours inspection requests require a minimum two hour service charge. (Ord. 7358 §2, 2016)

Section 16.32.215 Section 113.3 added - Work Commencing before Permit Issuance.

Section 113.3 is added in its entirety to read as follows:

A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees. (Ord. 7358 §2, 2016)

Section 16.32.220 Section 305.2.1 added - Hot Ashes and Spontaneous Ignition Sources.

Section 305 is amended by adding Section 305.2.1 in its entirety to read as follows:

Hot ashes, cinders or smoldering coals kept indoors shall be on a non-combustible surface, under a listed minimum Type II ventilation hood that meets the currently adopted California Mechanical Code requirements.

Disposal of hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall be deposited in a covered, noncombustible receptacle and placed on a noncombustible floor, ground surface or stand a minimum of 10 feet from any structure or vehicle. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7077 §2, 2010)

Section 16.32.225 Section 307.1 added - Open Burning, Recreational Fires and Portable Outdoor Fireplaces

Section 307.1 is added in its entirety to read as follows:

General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5. (Ord. 7358 §2, 2016)

Section 16.32.230 Section 307.1.1 added - Prohibited Open Burning.

Section 307.1.1 is added in its entirety to read as follows:

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

EXCEPTION**:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official. (Ord. 7358 §2, 2016)

Section 16.32.235 Section 307.2 added - Permit required.

Section 307.2 is added in its entirety to read as follows:

A permit shall be obtained from the fire code official in accordance with Section 105.6 prior

to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. (Ord. 7358 §2, 2016)

Section 16.32.240 Section 307.2.1 added - Authorization.

Section 307.2.1 is added in its entirety to read as follows:

Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. (Ord. 7358 §2, 2016)

Section 16.32.245 Section 307.3 added - Extinguishment authority.

Section 307.3 is added in its entirety to read as follows:

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not be obtained, the fire code official is authorized to order the extinguishment of the open burning operation. (Ord. 7358 §2, 2016)

Section 16.32.250 Section 307.4 added - Location.

Section 307.4 is added in its entirety to read as follows:

The location for open burning shall be not less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of ay structure.

EXCEPTIONS:

1. Fires in approved containers that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height. (Ord. 7358 §2, 2016)

Section 16.32.255 Section 307.4.1 added - Bonfires.

Section 307.4.1 is added in its entirety to read as follows:

A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. (Ord. 7358 §2, 2016)

Section 16.32.260 Section 307.4.2 added - Recreational Fires.

Section 307.4.2 is added in its entirety to read as follows:

Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread with 25 feet of a structure shall be eliminated prior to ignition. (Ord. 7358 §2, 2016)

Section 16.32.265 Section 307.4.3 added - Portable Outdoor Fireplaces.

Section 307.4.3 is added in its entirety to read as follows:

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.

EXCEPTION**:** Portable outdoor fireplaces used at one- and two-family dwellings. (Ord. 7358 §2, 2016)

Section 16.32.270 Section 307.5 added - Attendance.

Section 307.5 is added in its entirety to read as follows:

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approve on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. (Ord. 7358 §2, 2016)

Section 16.32.275 Section 308.1.6.3 added – Sky Lanterns.

Section 308.1.6 is amended by adding Section 308.1.6.3 to read as follows:

Sky lanterns: An unmanned device that incorporates an open flame in order to make the device airborne. No person shall release or cause to be released an untethered sky lantern.

EXCEPTIONS: Upon approval of the fire code official, sky lanterns may be used as necessary for religious or cultural ceremonies providing that adequate safeguards have been taken as approved by the fire code official. Sky lanterns shall be tethered in a safe manner to prevent them from leaving the area and shall be constantly attended until extinguished. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.280 Section 503.3 amended - Markings.

Section 503 is amended by amending Section 503.3 in its entirety to read as follows:

Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility. The fire code official shall be the only authority authorized to designate fire lanes. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.285 Section 503.4 amended- Obstruction of Fire Apparatus Access Roads.

Section 503 is amended by amending Section 503.4 in its entirety to read as follows:

No person shall place, store or park any object, material or vehicle in any established exit way, driveway, gateway, alleyway, designated fire lane or any access roadway required by Section 503.4 of this Code, whether of public or private property, which could hamper the egress of building occupants from or the ingress of Fire Department emergency vehicles to any occupied structure. When any such obstructions are found that might, in the opinion of the fire code official, delay or impede the egress of occupants or the ingress of Fire Department emergency vehicles, such object, material or vehicle shall be immediately removed when so order by the fire code official. When such obstacle is a vehicle and signs are posted indicating a fire lane or prohibiting parking giving notice of removal and the Police Department telephone number, the vehicle shall be immediately removed by the owner or other responsible person in charge of the vehicle or the Police Department or Fire Department may cause its removal. The person causing the removal of such vehicle shall comply with the requirements of Section 25001.1 and 22514 of the California Vehicle Code. A notice to appear and or parking ticket may be issued for any vehicle, whether attended or unattended, stopped, parked or left standing contrary to the provisions of this subsection instead of or in addition to the removal of such vehicle. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.290 Section 503.4.2 added – Emergency Fire Lane.

Section 503.4 is amended by adding Section 503.4.2 to read as follows:

Emergency fire lanes for temporary street closures shall have an unobstructed width of not less than 12 feet. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.295 Section 503.6 amended – Security Gates.

Section 503 is amended by amending Section 503.6 in its entirety to read as follows:

The installation of security gates across a fire apparatus access road shall be approved by the fire code official, and shall have a minimum width of 12 feet. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.300 Section 506.1 amended - Where Required.

Section 506 is amended by amending Section 506.1 in its entirety to read as follows:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box and/or key switch to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §10, 2010; Ord. 6964 §9, 2007; Ord. 6473 §3, 1999; Ord. 6262 §8, 1996: Ord. 6031 § 7, 1993; Ord. 5803 § 6, 1990; Ord. 5551 § 4, 1987)

Section 16.32.305 Section 506.3 added - Automatic Infrared Gate System.

Section 506 is amended by adding Section 506.3 to read as follows:

All new electric emergency access gates shall have installed an automatic opening infrared gate system approved by the fire official. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 § 11, 2010)

Section 16.32.310 Section 507.1 amended - Required Water Supply.

Section 507 is amended by amending Section 507.1 in its entirety to read as follows:

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Public fire hydrants shall be spaced a maximum of 350 feet apart. Any such required fire hydrants shall be spaced per Appendix C.

EXCEPTION: Single family residences equipped with a residential fire sprinkler system as outlined in Section 903 shall have a public fire hydrant spaced a maximum of 500 feet apart. Fire hydrants on dead end streets or roads shall not exceed 400 feet from the end of the street or road. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.315 Section 507.5.1 amended – Where Required.

Section 507 is amended by amending Section 507.5.1 in its entirety to read as follows:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 350 feet (107 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

EXCEPTION:

1. For Group R-3 and Group U occupancies, *equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3,* the distance requirement shall be *not more than* 600 feet (183 m). (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.320 Section 507.5.5 amended - Clear Space around Hydrants.

Section 507 is amended by amending Section 507.5.5 is in its entirety to read as follows:

A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, fire department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.325 Section 507.5.7 added - Hydrant Identification.

Section 507 is amended by adding Section 507.5.7 to read as follows:

Hydrant locations shall be identified by the installation of approved blue reflective markers, as required by the fire code official. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.330 Section 510.6.4 added – Emergency Responder Radio Coverage.

Section 510.6 is amended by adding 510.6.4 to read as follows:

In addition to Section 510, emergency responder radio coverage systems shall also comply with Riverside Municipal Code, Chapter 16.36 - Public-Safety Radio Amplification System. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.335 Section 903.2 amended - Where Required.

Section 903 amended by amending Section 903.2 to read as follows:

A. Where required. An automatic fire extinguishing system shall be installed and maintained in operable condition in the buildings and locations as set forth in this section.

For special provisions on hazardous chemicals, magnesium and calcium carbide, see the Fire Code.

B. All New Buildings. An automatic sprinkler system shall be installed and maintained in operable condition in all new buildings. All systems shall conform to the National Fire Protection Association Standards 13, 13D, and 13R and the Riverside Fire Department Standards and Policies.

EXCEPTIONS:

1. Buildings less than 1,000 square feet in floor area, other than Group R-1, Group R-2, Group R-3, and Group R-4 occupancies, unless specifically required by other provisions of the California Fire Code.
2. Group U occupancy buildings accessory to Group R-3 occupancies other than additional R-1, R-2, R-3, or R-4 occupancies.
3. Group S occupancies, less than 5,000 square feet in floor area, that are accessory to uses such as golf courses, tree nurseries, parks, farms, etc. Administrative and clerical office use area may not exceed 25 percent of the floor area of the major use. Additionally, the site must be zoned RE, HR, RA, RA-2, RA-5 or RC.
4. Structures that have no occupant load as determined by the Building Official.
5. Swimming pools, spas, gazebos, shade structures or other open-air structures that meet California Building Code requirements for separation.
6. Structures which do not require building permits.
7. Mausoleums, crypts, and similar structures.
8. Agricultural buildings as defined in the California Building Code, Appendix C.
9. Structures and buildings designed exclusively to shelter or protect equipment such as pump houses, substations, and similar structures.
10. Aircraft hangars, pursuant to California Fire Code, Section 914.8.3
11. Temporary modular construction offices.
12. Group R occupancies for which a fire station development fee as set forth in Chapter 16.52 has been paid prior to March 1, 1993 or Group R occupancies situated within a community facilities district or an assessment district formed prior to March 1, 1993 when said district has agreed to pay for a proportionate share for construction of a fire station to serve the area of the district.

C. Existing Buildings. Buildings in existence prior to March 1, 1993 or buildings for Group R, Division 3 and Group U occupancies for which plans were submitted and plan check fees paid to the City prior to March 1, 1993 shall be exempt from the requirements of this section.

EXCEPTIONS:

1. Pursuant to California Fire Code, Section 903 in its entirety.

D. Conflict. Where in any case, there are conflicting provisions between the California Fire Code as adopted by the City and this section, the more restrictive shall govern.

E. Standards. All automatic fire sprinkler systems required by this section shall comply with N.F.P.A. 13, 13D and 13R. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7104 §13, 2010; Ord. 7000 §5, 2008)

Section 16.32.340 Section 907.6.6 added - Monitoring.

Section 907.6 is amended by adding Section 907.6.6 to read as follows:

1. All new installations requiring monitoring shall be UL certificated "UUFX" listed for the life of the system or FM certificated, or ETL certificated when approved by the fire code official.

2. Any existing fire alarm or fire sprinkler monitoring system that has more than six false alarm responses within a year's time frame shall comply with the system being certificated by UL, FM, or ETL. A false alarm is the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists. (Ord. 7358 §2, 2016)

Section 16.32.345 Section 912.2.1 amended - Visible Location.

Section 912.2 is amended by amending Section 912.2.1 in its entirety to read as follows:

Fire department connections shall be located on the front access side of buildings, fully-visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire code official. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.350 Section 912.5 added - Fire Appliance Signage.

Section 912.5 is amended to read as follows:

Fire department connections, control valves, and other applicable fire appliances shall have signs identifying the building address, addresses or other readily distinguishable identification that the fire department connection serves, according to the Fire Department standards approved by the fire code official. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.355 Section 912.8 added **- Fire Department Connection.**

Section 912 is amended by adding Section 912.8 to read as follows:

Any fire sprinkler system with a required water flow below 750 gpm requires the fire department connection to be equipped with (2) 2-1/2 inch female swivel inlets. The threads shall be 2.5-7.5 American National Hose connections screw threads (NH). The riser to the FDC must be 4 inch in diameter.

Any fire sprinkler system with a required water flow greater than 750 gpm requires that the fire department connection be equipped with (2) 2-1/2 inch female swivel (2.5-7.5) inlets and (1) 4 inch female swivel (4-4 NH) inlet. The riser to the FDC must be 6 inches in diameter pipe. A listed check valve device shall be installed at each inlet, in addition to the clapper valve. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.360 Chapter 25 amended - Fruit and Crop Ripening.

Chapter 25 of the California Fire Code is adopted in its entirety. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.365 Section 4906.4 added - Designation of Very High Fire Hazard Severity Zones (VHFHS).

Section 4906 is amended by adding Section 4906.4 to read as follows:

The designation, locations, and boundaries of the VHFHS Zones in the City of Riverside are designated on the map labeled "Very High Fire Hazard Severity Zones", located in General Plan 2025, Public Safety Element, Figure PS-7. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.370 Section 5601.1.1 amended - Manufacturing.

Section 5601 is amended by adding Section 5601.1.1 to read as follows:

The manufacture of explosives shall be prohibited within all areas and zones of the City. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 7000 §1, 2008; Ord. 6964 §14, 2007; Ord. 6262 §16, 1996: Ord. 6031 §15, 1993; Ord. 5803 §11, 1990; Ord. 4854 §12, 1980; Ord. 4589 §1 (part), 1978; Ord. 4147 §1 (part), 1974)

Section 16.32.375 Section 5601.1.3 amended - Fireworks.

Section 5601.1.3 is amended in its entirety to read as follows:

A. It shall be unlawful to sell, offer for sale, use, discharge, possess, store, or transport fireworks, unless subject to one of the following exceptions:

1. Sale of fireworks when allowed by the Fire Chief under special permits when not otherwise prohibited by applicable local or state laws, ordinances and regulations.

2. Use and handling of fireworks for display in accordance with Title 19 of the California Code of Regulations.

3. Activities listed in the State Fireworks Law where all necessary valid state and local permits for the activity or activities have been issued

4. Transportation of fireworks by a person holding a valid state license upon approved routes pursuant to the State Fireworks Law.

5. Possession, storage, sale, use, and handling of snap caps, snappers, or party poppers in accordance with Title 19 of the California Code of Regulation.

B. The manufacturing of fireworks is prohibited unless permitted by the Fire Chief and in accordance with the State Fireworks Law.

C. The manufacture, storage, or use of pyrotechnic special effects material is prohibited unless permitted by the Fire Chief and in accordance with all applicable laws.

D. Nothing in this section shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

E. It shall be unlawful and a public nuisance for any person and/or responsible party to allow or permit the violation of this Section. (Ord. 7358 §2, 2016)

Section 16.32.380 Finding and Declaration.

As required by the Health and Safety Code of the State of California, the City Council finds and declares that the foregoing additions, modifications and changes to the regulations adopted pursuant to said Health and Safety Code are reasonably necessary because of local conditions and are consistent with a comprehensive fire prevention program for the City. (Ord. 7245 §3, 2014)

Section 16.32.385 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this chapter and each section or subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses or phrases be declared invalid. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014)

Section 16.32.390 Hazardous Materials Clean-up Cost Recovery.

A. The City is authorized to perform various functions that relate to identification, clean up and abatement of hazardous material unlawfully released, discharged, or deposited upon or into any property or facility within the City and to perform certain protective activities such as evacuation. However, the authority to recover costs under this section shall not include fire extinguishment and medical aid services which are normally or usually provided by the Fire Department. The following described persons shall be jointly and severally liable to the City for the payment of all costs incurred by the City as a result of such identification, clean up and abatement activity.

1. The person or persons whose negligent or willful act or omission proximately caused such release, discharge or deposit; and

2. The person or persons who owned or had custody or control of the hazardous

substance or waste at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and

3. The person or persons who owned or had custody or control of the container which held such hazardous waste or substance at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause.

B. In the event that any person undertakes, either voluntarily or upon order of the Fire Chief or other City official, to clean up or abate the effects of any hazardous material unlawfully released, discharged or deposited upon or into any property or facilities within the City, the Fire Chief may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement. The persons described in subsection A shall be liable to the City for all costs incurred as a result of such supervision or verification.

C. For purposes of this section, “hazardous material” shall be as defined as in Chapter 2 of the California Fire Code as that section may be amended.

D. For purposes of this section, costs incurred by the City shall include, but shall not necessarily be limited to, the following: actual labor costs of City personnel, including benefits and administrative overhead; cost of equipment operation, cost of materials obtained directly by the City; and cost of any contract labor and materials.

E. The remedies provided by this section shall be in addition to any other remedies provided by law. (Ord. 7358 §2, 2016; Ord. 7245 §3, 2014; Ord. 6964 §18, 2007; Ord. 5910 §3, 1991)

Chapter 16.36

PUBLIC-SAFETY RADIO AMPLIFICATION SYSTEM

Sections:

16.36.010 Purpose.
16.36.020 Applicability.
16.36.030 Scope.
16.36.035 Definitions.
16.36.040 Radio Coverage.
16.36.050 FCC authorization.
16.36.060 Enhanced amplifications systems.
16.36.070 Testing procedures - method to conduct tests.
16.36.075 Initial tests.
16.36.080 Annual tests.
16.36.090 Enforcement.

Section 16.36.010 Purpose.

The purpose of this Section is to require minimum standards to ensure a reasonable degree of reliability for radio communications of the City's Public Safety Emergency Services from within certain buildings and structures within the City. (Ord. 6922 §1, 2007)

Section 16.36.020 Applicability.

This article applies to construction permits issued after the effective date of this article. (Ord. 6922 §1, 2007)

Section 16.36.030 Scope.

The provisions of this Section shall apply to:

(1) New buildings greater than fifty thousand (50,000) square feet;

(2) Existing buildings greater than fifty thousand (50,000) square feet when modifications or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and

(3) All basements where the occupant load is greater than fifty (50), regardless of the occupancy, or sub-level parking structures over ten thousand (10,000) square feet. (Ord. 6922 §1, 2007)

Section 16.36.035 Definitions.

"City Certified Persons" – A person skilled and factory trained on in-building RF distribution systems and approved by the City of Riverside. Typically, these will be person possessing a current FCC or a current technician certification issued by the Associated Public-Safety Communications Officials International (APCO).

"Radio Frequency (RF) Distribution System" – Any system designed to receive radio signals outside of the Building and radiate it throughout the Building and conversely, receive a radio signal generated within the Building and re-radiate a signal outside of the Building.

"Downlink" – Radio frequencies traveling FROM outside the structure to inside the structure. Typically, the signals transmitted from a distant repeater to a portable radio inside a building.

"Radiating Cable System" – A system that feeds a series of amplifiers and radiating cable antennas spread through the building using special radiating (leaky) coaxial cable.

"Signal Booster" – A specialized radio frequency amplifier, also known as a "Bi-Directional

Amplifier" or "BDA," that receives specific radio frequency signals from an antenna and amplifies and retransmits these signals.

"Uplink" – Radio frequencies traveling from inside the structure to outside the structure.

"Voter-Receiver System" – Receivers installed at multiple tower sites which feed audio to a comparator or voter at a central site. The comparator selects the receiver with the best signal and sends that audio to the dispatcher. (Ord. 6922 §1, 2007)

Section 16.36.040 Radio Coverage.

(a) No person shall erect, construct, modify, or repair any building or structure or any part thereof, or cause the same to be done which restricts or blocks adequate radio coverage for the City of Riverside radio communications system, including but not limited to firefighters and police officers.

(b) For the purpose of this Section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center and shall include all of the following:

(i) A minimum signal strength of -95 dBm available in 90% of the area of each floor of the building when transmitted from the Public-Safety Communications Center; and

(ii) A minimum average signal strength of -107 dBm for analog and -95 dBm for digital systems as received by the City's Public-Safety Communications Center when transmitted from 90% of the floor area of the building.

(c) As used in this Section, ninety percent (90%) coverage or reliability means the radio will transmit and receive communications ninety percent (90%) of the time at the field strength and levels as defined in this article. (Ord. 6922 §1, 2007)

Section 16.36.050 FCC authorization.

If amplification is used in the system, all FCC regulated equipment shall have a current FCC Certification. The FCC certification numbers must be provided in writing to the Riverside Telecommunications Department.

If required, additional FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the City of Riverside's Frequency Coordinator. (Ord. 6922 §1, 2007)

Section 16.36.060 Enhanced amplifications systems.

(a) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage for public safety channels; radiating cable system(s), internal multiple antenna system(s) with amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).

(b) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least eight (8) hours without external power input. The battery system shall automatically charge in the presence of external power.

(c) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling, and humidity requirements of the equipment that will be utilized to meet the requirements of this Code. The area where the amplification equipment is located also must be free of hazardous materials. The location of the amplification equipment must be in an area that has twenty-four-hour, seven day a week access for the City's authorized communications personnel without prior notice. All communications equipment including amplification systems, cable, and antenna systems shall be grounded with a single point ground system of five ohms or less. The ground system must include an internal tie point within three feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(d) The use of Signal Boosters operating on appropriate Riverside frequencies for the purpose of this article approved when required and are subject to the following conditions:

(i) The signal booster must have a current FCC certification for the City of Riverside frequencies it will amplify and no others.

(ii) FCC Class B (broadband) amplifiers will use filters specifically tuned to City of Riverside frequencies and reject adjacent frequencies in the direction of the signals going into the structure one (1) MHz or more from the closest City frequency by at least 35 dB. The City shall provide a list of current operating frequencies.

(iii) Signal boosters must have the capability of changing frequencies or adding frequencies as may be required in the future by the frequencies the FCC authorizes the City to use.

(iv) Signal boosters shall have the optional capability to send failure alarms to numeric City pagers or via a TCP/IP connection. The requirement of this option will be determined by the City based on a variety of factors including the nature of the occupancy and types of materials stored.

(v) Unless otherwise approved by the City, signal boosters, associated filters, and options (except battery back-ups) shall be enclosed with a single NEMA 12 or better cable. The cabinets shall not have openings.

(e) The following information shall be provided to the City representative by the building owner:

(i) A blueprint showing the location of the amplification equipment and associated antenna systems, including a view showing building access to the equipment; and

(ii) Schematic drawings of the electrical, backup power, and antenna system. (Ord. 6922 § 1, 2007)

Section 16.36.070 Testing procedures - method to conduct tests.

(a) Tests shall be made by a City certified person(s) using test frequencies within the same band. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Public-Safety Communications Center. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire, or emergency medical frequencies.

(b) Measurements shall be made using the following guidelines:

(i) With a service monitor using a unity gain antenna on a small ground plane;

(ii) Measurements shall be made with the antenna held in a vertical position as three (3) to four (4) feet above the floor;

(iii) A calibrated service monitor (with a factor calibration dated within twenty-four (24)) months may be used to do the test;

(iv) A Public-Safety Communications representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3 dB between the instruments will be allowed; and

(v) If measurements in one location are varying, then average measurements may be used. (Ord. 6922 §1, 2007)

Section 16.36.075 Initial tests.

(a) A copy of such certification(s) shall be provided to the City's frequency coordinator. All compliance testing shall be the responsibility of the building or structure owner and shall be done at no expense to the City.

(b) Signal strength, both downlink (inbound) and uplink (outbound), shall be measure on each and every floor above and below ground including stairwells, basements, penthouse facilities, and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid. In police substations and fire command posts, the grids shall be subdivided into four (4) twenty-five (25) foot grids in place of each fifty (50) foot grid. (Ord. 6922 §1, 2007)

Section 16.36.080 Annual tests.

When an in-building system is installed, all active components must be tested by City certified person(s) a minimum of once every twelve (12) months. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City as required in the original testing procedures. Annual tests results shall be sent to the City's frequency coordinator.

City staff may, at any time during routine business hours, conduct independent testing of the in-building system to verify proper operation. (Ord. 6922 §1, 2007)

Section 16.36.090 Enforcement.

The provisions of this Chapter may be enforced by procedures set forth in Chapter 1.17, by criminal prosecution, by civil injunction, or any other remedy provided by law. (Ord. 6922 §1, 2007)

Chapter 16.40

THREATENED AND ENDANGERED SPECIES PRESERVATION DEVELOPMENT FEES

Sections:

16.40.010 Findings.
16.40.020 Purpose.
16.40.030 Definitions.
16.40.040 Establishment of fees.
16.40.050 Payment of fees.
16.40.060 Use of funds.
16.40.070 Appeals.
16.40.080 Annual report.

Section 16.40.010 Findings.

A. The Legislature of the State of California has found and declared the following:

1. Certain species of fish, wildlife, and plants have been rendered extinct as a consequence of man's activities, untempered by adequate concern and conservation.

2. Other species of fish, wildlife, and plants are in danger of, or threatened with, extinction because their habitats are threatened with destruction, adverse modification, or severe curtailment, or because of overexploitation, disease, predation, or other factors.

3. These species of fish, wildlife, and plants are of ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of this State, and the conservation, protection, and enhancement of these species and their habitat is of statewide concern.

B. The State Legislature has also found and declared that it is the policy of the State to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat and that it is the intent of the legislature, consistent with conserving the species, to acquire lands for habitat for these species.

C. The congress of the United States has found and declared that:

1. Various species of fish, wildlife, and plants in the united States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation.

2. Other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction.

3. These species of fish, wildlife, and plants are of aesthetic, ecological, educational, historical, recreational, and scientific value to the nation and its people.

4. Encouraging the States and other interested parties, through federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the nation's international commitments and to better safeguarding, for the benefit of all citizens, the nation's heritage in fish, wildlife, and plants.

D. The City Council of the City of Riverside hereby joins in these findings and further finds and determines as follows:

1. The preservation of threatened and endangered species is an important regional concern which crosses political boundaries and which requires the cooperation of cities, counties, the State of California, the United States and the owners of property affected by the threatened or endangered species.

2. The preservation of threatened and endangered species is a benefit to all the citizens of the City of Riverside as we are all a part of the interdependent web of life and losing a part of it to

extinction results in a loss for all of us. (Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Section 16.40.020 Purpose.

The purpose of this chapter is to provide funding for a portion of the cost of preparation and implementation of plans for the preservation of threatened and endangered species, including the preparation of habitat conservation plans and the acquisition of habitat reserve sites. It is the intent that development fees collected pursuant to this chapter, together with other City resources, fees collected by other jurisdictions and State and federal contributions will together serve to mitigate the impacts of development upon threatened and endangered species and to preserve for future generations species which are at risk of becoming extinct. (Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Section 16.40.030 Definitions.

As used in this chapter, the following terms shall have the following meanings:

Building permit for new development means a building permit issued pursuant to Chapter 16.08 of the Riverside Municipal Code for a structure which is not a replacement for a structure which previously existed on the same site.

Endangered species has the same meaning given to it by the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1531 et seq. and the California Endangered Species Act, California Fish and Game Code Section 2050 et seq.

Grading permit means a permit issued pursuant to Chapter 33, Excavation and Grading, of the Appendix to the Uniform Building Code, as adopted by the City of Riverside in Chapter 16.08 of the Riverside Municipal Code. For the purpose of this chapter, grading permit shall also include any other permit authorizing the disturbance of the soil such as a permit authorizing surface mining.

Habitat conservation plan means a plan prepared pursuant to Section 10(a) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539.

Habitat reserve sites mean sites selected by the City of Riverside or other jurisdictions to be acquired to preserve the habitat of any threatened or endangered species.

Initial mobile home setup permit means the first mobile home setup permit to be issued by the Building Division of the Planning Department for a space in a mobile home park. Subsequent mobile home setup permits for the same space shall not be subject to the requirements of this chapter.

Threatened species has the same meaning given to it by the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1531 et seq. and the California Endangered Species Act, California Fish and Game Code Section 2050 et seq. (Ord. 6393 §§45, 46, 1997; Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Section 16.40.040 Establishment of fees.

Whenever it is determined by the City Council that a threatened or endangered species may be adversely impacted by development and/or growth occurring wholly or partially within the City of Riverside, the City Council may by resolution establish a preservation development fee requirement for the purposes set forth in Section 16.40.020. A fee may be established for a single specified species, for multiple specified species or for general use for the protection of any threatened or endangered species. More than one fee may be established. (Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Section 16.40.050 Payment of fees.

When a fee has been established by resolution of the City Council pursuant to Section 16.40.040, such fee shall be paid prior to the issuance of a grading permit, a building permit for new development or an initial mobile home setup permit, whichever occurs first after the

establishment of the fee requirement. No grading permit, building permit for new development or initial mobile home setup permit shall be issued until such fee has been paid. (Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Section 16.40.060 Use of funds.

When a fee has been established pursuant to Section 16.40.040 and collected pursuant to Section 16.40.050, it shall be deposited in an account established solely for such fee. Each fee established shall be deposited in its own separate account. Funds shall be expended for the purposes for which the fee has been established including the preparation of habitat conservation plans and the acquisition of habitat reserve sites. The City may enter into agreements with other jurisdictions and may transfer funds to such other jurisdictions to be expended for the purposes for which the fee has been established. Funds collected pursuant to Section 16.40.050 may be expended on the preservation of threatened or endangered species outside the corporate boundaries of the City of Riverside when to do so will provide a general benefit to the citizens of the City of Riverside or will allow the development of property within the City boundaries which might otherwise not be permitted to develop. (Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Section 16.40.070 Appeals.

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the computation of fees. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. (Ord. 6462 §16, 1999; Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Section 16.40.080 Annual report.

When a fee has been established and collected pursuant to this Chapter 16.40, the City Manager shall make an annual report to the City Council which shall include a statement of the amount of fees collected and spent in that year and a summary of efforts taken to preserve threatened and endangered species. (Ord. 5763 §1, 1989; Ord. 5759 §1, 1989; Ord. 5758 §1, 1989; Ord. 5756 §1, 1989)

Chapter 16.44

REGIONAL PARKS AND RESERVE PARKS DEVELOPMENT FEE

Sections:

16.44.010 Purpose.
16.44.020 Definitions.
16.44.030 Establishment of fee.
16.44.040 Payment of fee.
16.44.050 Use of fee.
16.44.060 Exemptions.
16.44.070 Fee credits.
16.44.075 Fee credits for land donated adjoining a regional park.
16.44.080 Appeals.
16.44.090 Annual report.

Section 16.44.010 Purpose.

The purpose of this Chapter is to provide for the payment of a development fee to be utilized for the acquisition and development of regional parks and reserve parks, and if necessary, to be utilized for interfund borrowing for local parks. (Ord. 6927 §1, 2007; Ord. 5843 §1, 1990)

Section 16.44.020 Definitions.

As used in this chapter the following terms shall have the following meanings:

Building permit for new development means a building permit issued pursuant to chapter 16.08 of the Riverside Municipal Code for a structure or a portion of a structure which is not a replacement for a structure or a portion of a structure which existed on the same site on January 1, 1990.

Initial mobile home setup permit means the first mobile home setup permit to be issued by the Building Division of the Planning Department for a space in a mobile home park. Subsequent mobile home setup permits issued for the same space shall not be subject to the requirements of this chapter. (Ord. 6393 §47, 1997; Ord. 5843 §1, 1990)

Section 16.44.030 Establishment of fee.

A development fee for regional parks and reserve parks is hereby established for and assessed against all new development and initial mobile home setups in the amount established by the City Council by resolution. (Ord. 5843 §1, 1990)

Section 16.44.040 Payment of fee.

The required development fee for regional parks and reserve parks shall be paid prior to the issuance of a building permit for new development or an initial mobile home setup permit. No building permit for new development or initial mobile home setup permit shall be issued until such fee has been paid. (Ord. 5843 §1, 1990)

Section 16.44.050 Use of fee.

When the development fee for regional parks and reserve parks has been collected, it shall be deposited with other fees for regional parks and reserve parks in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the City, except for temporary investments. The fees may be expended solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected. (Ord. 5843 §1, 1990)

Section 16.44.060 Exemptions.

The following types of development shall not be required to pay the development fee for regional parks and reserve parks:

A. Non-residential development which replaces on the same lot previously existing residential or non-residential development, not to exceed the square footage of the previously existing development, within one year from the date of destruction or relocation of the previously existing development.

B. Residential development which replaces on the same lot previously existing non-residential development, within one year from the date of destruction or relocation of the previously existing development.

C. Residential development which replaces on the same lot previously existing residential development, unit for unit, of the same type, within one year from the date of destruction or relocation of the previously existing residential development.

D. Rehabilitation or remodeling of existing residential or non-residential development which does not add new square footage.

E. Single-Family Residential development where the lot size exceeds one acre in size shall only be required to pay this development fee for the first acre.

F. Development by local, state or federal governments for governmental use.

G. Development of golf course open space areas, including driving range, fairways and greens only. All structures, paved parking areas, sales areas and other similar non-open-space areas of the golf course shall be subject to payment of this development fee.

H. Non-residential development of a plant nursery, field crop, orchard, pasture or other such agricultural open space associated use, when such development is consistent with the maintenance of the property as agricultural use as defined in Title 19 of this Code.

I. The construction of an accessory building as defined in Title 19 of this Code, excluding second dwelling units. (Ord. 6927 §2, 2007; Ord. 5843 §1, 1990)

Section 16.44.070 Fee credits.

A developer may apply for a reduction in the amount of the development fees required by this chapter in exchange for a donation of land to the City of Riverside which land is situated in a planned regional park or reserve park as shown in the City of Riverside general plan. The developer's application shall include an appraisal of the value of the land and shall be submitted to the Park and Recreation Director. The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report with recommendations for the City Council regarding the proposed credit. The City Council may approve or deny the proposed credit or may approve the credit for a lesser amount than requested. The credit shall not exceed the amount of development fees required to be paid by the applicant. This section is not applicable to land donations made to the City or to commitments made to donate land to the City which donations or commitments were made prior to the effective date of this chapter or prior to City Council approval of a credit pursuant to this section. (Ord. 5843 §1, 1990)

Section 16.44.075 Fee credits for land donated adjoining a regional park.

Fee credits for the development fees required under this Chapter for a specified residential development area may be approved by the City Council upon its determination, by resolution, that the applicant for the fee credits for such specified residential development area has caused land adjoining an existing regional park to be committed for use as public open park space held by a public entity or has caused land to be donated to the City of Riverside and to be incorporated into the adjoining regional park. Said resolution shall designate the residential development area to which fee credits shall be issued and shall establish the dollar amount of such credits based upon an appraisal of the value of the land and evaluation of the proposed donation and its value by the City's Park and Recreation Director and the Real Property Services Manager, who shall prepare a

report to the City Council with recommendations regarding the proposed fee credits. The City council may approve or deny the proposed fee credits or may approve the fee credit for a lesser amount than requested. The credit shall not exceed the amount of regional park development fees required to be paid for the designated residential development area. At the time of adoption of the resolution approving the fee credit, the City Council shall initiate any necessary zoning change to place the subject land in the Official "O" Park Zone. (Ord. 6647 §1, 2003)

Section 16.44.080 Appeals.

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the computation of fees. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. The decision of the Planning Commission shall be transmitted to the City Council for ratification, modification or denial. (Ord. 6462 §17, 1999; Ord. 5843 §1, 1990)

Section 16.44.090 Annual report.

Within sixty days of the close of each fiscal year, the Park and Recreation Director and the Finance Director shall make a report to the City Council which shall include the beginning and ending balance for the fiscal year, the fee, interest and other income, the amount of expenditure by facility and the amount of any refunds made during the fiscal year. This report shall be made available to the public and shall be reviewed by the City Council at its next regularly scheduled public meeting not less than fifteen days after the report is released. (Ord. 5843 §1, 1990)

Chapter 16.48

OVERLOOK PARKWAY CROSSING OF THE ALESSANDRO ARROYO DEVELOPMENT FEE

Sections:

16.48.010 Purpose.
16.48.020 Definitions.
16.48.030 Establishment of fee.
16.48.040 Payment of fee.
16.48.050 Use of fee.
16.48.060 Exemptions.
16.48.070 Appeals.
16.48.080 Annual report.

Section 16.48.010 Purpose.

The purpose of this chapter is to provide for the payment of a development fee to be utilized for the development, which includes but is not limited to any and all environmental studies, analysis, reports and documents, and construction of a bridge crossing the Alessandro Arroyo at Overlook Parkway. (Ord. 7074 §1, 2010; Ord. 5903 §1, 1991)

Section 16.48.020 Definitions.

As used in this chapter the following terms shall have the following meanings:

"Building permit" for new development means a building permit issued pursuant to Chapter 16.08 of the Riverside Municipal Code for a structure or a portion of a structure which is not a replacement for a structure or a portion of a structure which existed on the same site on January 1, 1991.

"Alessandro Heights area" shall mean that area of the City of Riverside generally located adjacent to the Alessandro Arroyo and as described by resolution of the City Council. (Ord. 6393 §48, 1997; Ord. 5903 §1, 1991)

Section 16.48.030 Establishment of fee.

A development fee for the construction of a bridge crossing the Alessandro Arroyo at Overlook Parkway is hereby established for and assessed against all new development in the Alessandro Heights area in the amount established by the City Council by resolution. (Ord. 5903 §1, 1991)

Section 16.48.040 Payment of fee.

The required development fee for the bridge crossing the Alessandro Arroyo at Overlook Parkway shall be paid prior to the issuance of a building permit for new development permit. No building permit for new development in the Alessandro Heights area shall be issued until such fee has been paid. (Ord. 5903 §1, 1991)

Section 16.48.050 Use of fee.

When the development fee for the bridge crossing the Alessandro Arroyo at Overlook Parkway has been collected, it shall be deposited in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the City, except to temporary investments. The fees may be expended solely for the purpose for which the fee was collected. An interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee

was originally collected. (Ord. 5903 §1, 1991)

Section 16.48.060 Exemptions.

The following types of development shall not be required to pay the development fee for the bridge crossing the Alessandro Arroyo at Overlook Parkway:

A. Non-residential development which replaces on the same lot previously existing residential or non-residential development, not to exceed the size of the replaced development, within one year from the date of destruction or relocation of the previously existing development.

B. Residential development which replaces on the same lot previously existing non-residential development, not to exceed the size of the replaced development, within one year from the date of destruction or relocation of the previously existing development.

C. Residential development which replaces on the same lot previously existing residential development, unit for unit, within one year from the date of destruction or relocation of the previously existing residential development.

D. Rehabilitation or remodeling of existing non- residential development which does not add new square footage.

E. Rehabilitation or remodeling of or additions to existing residential development which does not add new dwelling units.

F. Development by local, State or federal governments for governmental use. (Ord. 5903 §1, 1991)

Section 16.48.070 Appeals.

Any person aggrieved by the application of fee pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the fee. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. The decision of the Planning Commission shall be transmitted to the City Council for ratification, modification or denial. (Ord. 6462 §18, 1999; Ord. 5903 §1, 1991)

Section 16.48.080 Annual report.

Within sixty days of the close of each fiscal year, the Public Works Director and the Finance Director shall make a report to the City Council which shall include the beginning and ending balance for the fiscal year, the fee, interest and other income, the amount of expenditure and the amount of any refunds made during the fiscal year. This report shall be made available to the public and shall be reviewed by the City Council at its next regularly scheduled public meeting not less than fifteen days after the report is released. (Ord. 5903 §1, 1991)

Chapter 16.52

DEVELOPMENT FEES FOR FIRE STATIONS

Sections:

16.52.010 Purpose.
16.52.020 Definitions.
16.52.030 Establishment of fees.
16.52.040 Payment of fees.
16.52.050 Use of fee.
16.52.060 Exemptions.
16.52.070 Appeals.
16.52.080 Annual report.

Section 16.52.010 Purpose.

The purpose of this chapter is to provide for the payment of development fees to be utilized for the purchase of land for and the construction of fire stations and the acquisition of equipment and furnishings to equip fire stations. (Ord. 5948 §1, 1991)

Section 16.52.020 Definitions.

As used in this chapter the following terms shall have the following meanings:

"Building permit for new development" means a building permit issued pursuant to Chapter 16.08 of the Riverside Municipal Code for a structure or a portion of a structure which is not a replacement for a structure or a portion of a structure which existed on the same site on July 1, 1991.

"Initial mobile home setup permit" means the first mobile home setup permit to be issued by the Building Division of the Planning Department for a space in a mobile home park. Subsequent mobile home setup permits issued for the same space shall not be subject to the requirements of this chapter.

"Fire station development fee" means a development fee established by resolution of the City Council pursuant to this chapter.

"Fire station development fee service area" means a geographic area designated by resolution of the City Council. (Ord. 6393 §49, 1997; Ord. 5948 §1, 1991)

Section 16.52.030 Establishment of fees.

The City Council may by resolution establish a fire station development fee requirement for the purposes set forth in Section 16.52.010. Each fire station development fee shall be assigned to a fire station development fee service area. (Ord. 5948 §1, 1991)

Section 16.52.040 Payment of fees.

When a fee has been established by resolution of the City Council pursuant to Section 16.52.030, such fee shall be paid prior to the issuance of a building permit for new development or an initial mobile home setup permit. No building permit for new development or initial mobile home setup permit shall be issued until such fee has been paid. (Ord. 5948 §1, 1991)

Section 16.52.050 Use of fee.

When a fire station development fee has been established pursuant to Section 16.52.030 and collected pursuant to Section 16.52.040, it shall be deposited with other fire station development fees for the same fire station development fee service area in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the City of Riverside, except for temporary investments. The fees may be expended

solely for the purposes for which the fee was collected. Any interest income earned by money in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purposes for which the fee was originally collected. (Ord. 5948 §1, 1991)

Section 16.52.060 Exemptions.

The following types of development shall not be required to pay a fire station development fee:

A. Non-residential development which replaces on the same lot previously existing residential or non-residential development, not to exceed the size of the replaced development, within one year from the date of destruction or relocation of the previously existing development.

B. Residential development which replaces on the same lot previously existing non-residential development, not to exceed the size of the replaced development, within one year from the date of destruction or relocation of the previously existing development.

C. Residential development which replaces on the same lot previously existing residential development, unit for unit, within one year from the date of destruction or relocation of the previously existing residential development.

D. Rehabilitation or remodeling of existing non- residential development which does not add new square footage.

E. Rehabilitation or remodeling of or additions to existing residential development which does not add new dwelling units.

F. Development by local, State or federal governments for governmental use. (Ord. 5948 §1, 1991)

Section 16.52.070 Appeals.

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the computation of fees. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. The decision of the Planning Commission shall be transmitted to the City Council for ratification, modification or denial. (Ord. 6462 §19, 1999; Ord. 5948 §1, 1991)

Section 16.52.080 Annual report.

Within sixty days of the close of each fiscal year, the Fire Chief and the Finance Director shall make a report to the City Council which shall include the beginning and ending balance for the fiscal year, the fee, interest and other income, the amount of expenditure by facility and the amount of any refunds made during the fiscal year. This report shall be made available to the public and shall be reviewed by the City Council at its next regularly scheduled public meeting not less than fifteen days after the report is released. (Ord. 5948 §1, 1991)

Chapter 16.56

SCHOOL DEVELOPMENT FEE

Sections:

16.56.010 Purpose.
16.56.020 Definitions.
16.56.030 Determination of impaction--School development fees.
16.56.040 Payment of fees.
16.56.050 Exemption from fees.
16.56.060 Separate fund.
16.56.070 Annual report.

Section 16.56.010 Purpose.

The Master Plan Study of Educational and Recreational Facilities for the City of Riverside, California, July, 1965, recognizes the responsibility of the City to insure that school facilities are included in the City's planning efforts and further recognizes the need for a planned financial program to assure adequate educational facilities. The Riverside general plan states that many new schools will be needed to serve anticipated population growth. Future residential development has the potential to have a significant environmental effect on school services. The voters of the City have found that residential development without adequate plans and policies causes overcrowding of schools. For the purpose of implementing the general plan and the City's growth management policies and to mitigate the impact of residential development on the ability of the school districts to provide quality education in the City, a school development fee may be required pursuant to the provisions of this chapter. (Ord. 6393 §40, 1997; Ord. 5018 §1 (part), 1982)

Section 16.56.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings given to them below:

"Dwelling" means a building or portion thereof or a mobile home or manufactured house designed primarily for residential occupancy. The term dwelling does not include hotels or motels.

"Dwelling unit" means two or more rooms in a dwelling as defined above designed for occupancy by one family and having no more than one kitchen.

"Educational level" means elementary school, middle school and high school.

"Impacted school district" means a school district which is at eighty-five percent of capacity or above at any education level.

"Residential development" means the construction of a dwelling or dwellings, the location of a moved dwelling or dwellings, the assembly of a prefabricated dwelling or dwellings and/or the placement of a mobile home or mobile homes.

"School development fee" means a fee established pursuant to this chapter.

"School district" means any school district any part of which is located within the City. (Ord. 6393 §40, 1997; Ord. 5111 §1, 1983; Ord. 5018 §1 (part), 1982)

Section 16.56.030 Determination of impaction--School development fees.

A determination that a school district is an impacted school district shall be made by the school board of the school district after a public hearing thereon. When the school board has determined that the district is impacted at any educational level it shall so notify the City. Thereafter all residential subdivision approvals in the impacted school district shall be conditioned upon mitigation of the adverse impacts of the additional residential development on the schools, and no residential development shall be approved by the City in the impacted school district until

the adverse impacts of the additional residential development on the schools have been adequately mitigated. Mitigation may be accomplished by the payment of a school development fee. If such mitigation is to be accomplished by such a fee, the amount of the fee per dwelling unit for each educational level shall not exceed the cost of construction of school district instructional facilities for that educational level for one student multiplied times the number of students as that educational level projected per dwelling unit. (Ord. 6393 §40, 1997; Ord. 5018 §1 (part), 1982)

Section 16.56.040 Payment of fees.

When school development fees are established by an impacted school district pursuant to Section 16.05.030, such fees shall be paid prior to the issuance of a building permit or a mobile home set up permit for a proposed residential development. No building permit or mobile home set up permit for residential development shall be issued until such fees are paid. No school development fee shall be required for lots in a mobile home park subdivision recorded prior to August 1, 1982 or for lots or spaces for which the fee has previously been paid. No school development fee shall be required for residential development which replaces on the same lot previously existing residential development, unit for unit, within one year from the date of destruction or relocation of the previously existing residential development. (Ord. 6393 §40, 1997; Ord. 5111 §2, 1983; Ord. 5018 §1 (part), 1982)

Section 16.56.050 Exemption from fees.

There shall be exempted from the fees required by this chapter, the construction of any dwelling unit to be used exclusively for housing the elderly or handicapped persons and financed by the federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. 1701g), as amended, or Section 236 of Public Law 90-448 (12 U.S.C. 1715z), and owned and operated by religions, hospital, scientific or charitable funds, foundations or corporations, and entitled to the welfare exemption provided for in Section 4b of Article XIII of the State Constitution. (Ord. 6393 §40, 1997; Ord. 5018 §1 (part), 1982)

Section 16.56.060 Separate fund.

All school development fees collected pursuant to this chapter shall be placed in a separate fund to be established by the school district. (Ord. 6393 §40, 1997; Ord. 5018 §1 (part), 1982)

Section 16.56.070 Annual report.

Any impacted school district which has established a school development fee shall make an annual report to the City Council which shall include a statement of the amount of school development fees collected and spent in that year and a summary of the facilities acquired. (Ord. 6393 §40, 1997; Ord. 5018 §1 (part), 1982)

Chapter 16.60

LOCAL PARK DEVELOPMENT FEES

Sections:

16.60.010 Purpose.
16.60.015 Use of fee.
16.60.020 Determinations.
16.60.025 Definitions.
16.60.030 Local park development fee required.
16.60.035 Dedication and/or improvement in lieu of payment of local park development fee.
16.60.040 Payment of fees.
16.60.045 Exemption from fees.
16.60.050 Use of funds.
16.60.060 Appeals.
16.60.070 Severability.

Section 16.60.010 Purpose.

The purpose of the Local Park Development Fee is to enable the acquisition and/or development and/or improvement of neighborhood and community parks to provide both passive and active recreational opportunities to the residents of the City of Riverside in order to improve the quality of life and for the public health, welfare and benefit. New development within the City generates a need for added facilities and an increased demand upon existing facilities, and the imposition of a Local Park Development Fee upon such new development is necessary to provide funding for such new or improved facilities meeting established standards for such new development. (Ord. 6393 §41, 1997; Ord. 6325 §1, 1996; Ord. 5390 §1, 1986; Ord. 5018 §2, 1982; Ord. 4834 §1, 1980; Ord. 4325 §2 (part), 1976)

Section 16.60.015 Use of fee.

The Local Park Development Fee imposed pursuant to the provisions of this chapter is to finance the acquisition and/or development and/or improvement of neighborhood and/or community parks as identified in the City of Riverside General Plan as adopted by the City Council and as may be amended from time to time and in accordance with the Capital Improvements Program as may be approved and adopted by the City Council. (Ord. 6393 §41, 1997; Ord. 6325 §1, 1996)

Section 16.60.020 Determinations.

The imposition of a Local Park Development Fee is necessary to provide funding for the acquisition and/or development of new parks and the expansion and/or improvement (including rehabilitation) of existing parks in order to provide adequate neighborhood and community parks benefitting the development upon which the fee is imposed. The amount of the Local Park Development Fee is to be calculated based upon the following adopted minimum standards: that the public interest, convenience, health, welfare and safety requires the provision of three acres of local parks per thousand population, consisting of 0.75 acres of Community Park per thousand population and 2.25 acres of Neighborhood Park per thousand population. (Ord. 6393 §41, 1997; Ord. 6325 §1, 1996)

Section 16.60.025 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them below:

1. "Duplex" means a building under one roof designed for or occupied exclusively for two families, living independently of each other.

2. "Dwelling unit" is as defined in Title 19 of this Code and also includes a manufactured dwelling unit as defined in said Title 19.

3. "Mobile home" is as defined in Title 19 of this Code.

4. "Multiple-family dwelling unit" means any dwelling unit contained in an apartment house designed for or occupied by five or more families, living independently of each other, or any dwelling unit located in a planned residential development having a density exceed six and one-half units per acre.

5. "New dwelling unit" means any increase in the number of dwelling units, as defined above, over the number existing on any lot on September 7, 1976.

6. "New mobile home" means the first placement of a mobile home on a lot or mobile home space on or after September 7, 1976.

7. "Nonresidential unit" means any structure, except an accessory building, which is planned or constructed primarily for a nondwelling use.

8. "Single-family dwelling unit" means a single-family dwelling unit or a manufactured dwelling unit as each are defined in Title 19 of this Code, or any dwelling unit located in a planned residential development having a density of six and one-half units per acre or less.

9. "Quadplex" means a building under one roof designed for or occupied exclusively for four families, living independently of each other.

10. "Triplex" means a building under one roof designed for or occupied exclusively for three families, living independently of each other.

11. "Turn Key Park" means the fully developed and improved land to be conveyed to City by a developer for a neighborhood or community park, improved with both on-site and off-site improvements to the standards of the City for a neighborhood or community park and including all the improvements required by the Park and Recreation Director for acceptance of such improved land into the City's public park system as a fully functioning park without the necessity of further City improvements.

12. "Park and Recreation Director" means the Parks, Recreation and Community Services Director. (Ord. 6926 §1, 2007; Ord. 6832 §3, 2005; Ord. 6393 §41, 1997; Ord. 6325 §1, 1996; Ord. 5111 §§3, 4, 5, 1983; Ord. 5018 §§3, 4, 5, 1982; Ord. 4834 §2, 1980; Ord. 4325 §2 (part), 1976)

Section 16.60.030 Local park development fee required.

A Local Park Development Fee is hereby imposed on the construction or placement of all nonresidential units, new dwelling units and new mobile homes in accordance with the schedule of fees that may be established by the City Council by resolution. No fee shall be assessed on any governmental use by the city, county, state or federal government. (Ord. 6393 §41, 1997; Ord. 6325 §1, 1996; Ord. 5111 §6, 1983; Ord. 5018 §6, 1982; Ord. 4834 §3, 1980; Ord. 4531 §1, 1978; Ord. 4367 §1, 1977; Ord. 4325 §2 (part), 1976)

Section 16.60.035 Dedication and/or improvement in lieu of payment of local park development fee.

In lieu of payment of all or a portion of the Local Park Development Fee, the following may be accepted by the City Council:

A. Dedication. In lieu of payment of all or a portion of the Local Park Development Fee, land may be dedicated to the City of Riverside for park and recreational purposes as hereinafter provided. Whenever a developer determines to dedicate land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park and Recreation Director describing the property to be dedicated and the development to receive credit for the Local Park Development Fee. The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report to the City Council regarding the proposed dedication. The value of the property to be dedicated shall be determined in the same

manner as the then current calculation of the average cost of parkland for the Local Park Development Fee unless the Park and Recreation Director makes a finding that the property proposed to be dedicated is unique, and in that event, the Park and Recreation Director shall cause an appraisal to be prepared for such property.

The report to the City Council from the Park and Recreation Director shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property proposed to be dedicated is shown on the current City of Riverside General Plan as a neighborhood or a community park.

2. The property being dedicated meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land, except that less land or less than topographically-suitable land may be accepted when the land being dedicated in lieu of the Local Park Development Fee, taken together with land the City already owns or is in the process of acquiring for park and recreational purposes meets the requirements of this paragraph. The requirements of this paragraph may also be met when a dedication taken together with one or more other dedications meets the requirements.

3. The property being dedicated is valued at the same or more than the Local Park Development Fee or portion thereof which would otherwise be imposed on the development.

The City Council may accept or deny the dedication of land in lieu of payment of all or a portion of the Local Park Development Fee. If the property being dedicated is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of the fees credited in which the dedication is in lieu. Such amount may be less than the appraised value of the property as determined by the City Council.

The credit for the dedication in lieu of payment of the Local Park Development Fee shall not be given until such time as the property is conveyed to the City of Riverside free and clear of any liens or of any encumbrances which in the reasonable determination of the Park and Recreation Director could impede the use of the property for public park purposes.

B. Turn Key Park. In lieu of payment of all or a portion of the Local Park Development Fee, land improved for park purposes may be dedicated to the City of Riverside for park and recreational purposes as hereinafter provided. Whenever a developer determines to dedicate improved land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park and Recreation Director describing the property to be dedicated, the improvements constructed or to be constructed and the development to receive credit for the Local Park Development Fee together with the value of the property and the estimated costs for the construction of the improvements based upon the costs used in the determination of the then current Local Park Development Fee, if applicable, or as otherwise negotiated and agreed upon by the Park and Recreation Department. If the Park and Recreation Director makes a finding that the property proposed to be dedicated is unique, the Park and Recreation Director shall cause an appraisal to be prepared for such property.

The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report to the City Council regarding the proposed dedication of the improved land. The report shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property being dedicated is shown on the current City of Riverside General Plan as a neighborhood or community park.

2. The property being dedicated meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land except that less land or less than topographically-suitable land may

be accepted when the land being dedicated in lieu of the Local Park Development Fee, taken together with land the City already owns or is in the process of acquiring for park and recreational purposes meets the requirements of this paragraph. The requirements of this paragraph may also be met when a dedication taken together with one or more other dedications meets the requirements.

3. The improvements installed or proposed to be installed are equal to or greater than those required by the Park and Recreation Department for a neighborhood or community park, whichever is applicable.

4. The property being dedicated in its improved form is valued at the same or more than the Local Park Development Fee or portion thereof which would otherwise be imposed on the development.

If the developer proposes to delay the conveyance of the Turn Key Park to the City until after the issuance of the building permits for the development to be granted credit, the report to the City Council shall be accompanied by an agreement in recordable form executed by all parties having an interest in the land and improvements proposed to be conveyed to the City and approved as to content by the Park and Recreation Director setting forth the percentage or number of residences in such development which may be built and issued certificates of occupancy prior to the conveyance of the Turn Key Park to the City.

The City Council may accept or deny the dedication of the Turn Key Park in lieu of payment of all or a portion of the Local Park Development Fee. If the improved property being dedicated is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of the fees to be credited. Such amount may be less than the appraised value of the improved property.

The credit for the dedication shall not be given until such time as one of the following occurs: (i) the improvements have been completed and found acceptable by the Park and Recreation Director or the authorized designee of the Director and the property is conveyed to the City of Riverside free and clear of any liens or of encumbrances which in the reasonable determination of the Park and Recreation Director could impede the use of the property for public park purposes; or (ii) the recordation in the office of the County Recorder of Riverside County of an agreement signed by all parties having an interest in the property to be conveyed for park purposes agreeing to convey such to the City free and clear of any liens or of encumbrances which in the reasonable determination of the Park and Recreation Director could impede the use of the property for public park purposes and to fully improve such land prior to such conveyance with the improvements as required by City as set forth in said agreement and setting forth the percentage or number of residences in such development which may be built and issued certificates of occupancy prior to the conveyance of the Turn Key Park to the City, which agreement shall be subject to the approval of the Park and Recreation Director and the City Attorney, and shall be accompanied by a security in a form acceptable to the City Attorney for the performance of such agreement payable to City in case of default in the amount of the credit to be given.

C. Improvement of Existing Park Land. In lieu of payment of all or a portion of the Local Park Development Fee, City land may be improved for park and recreational purposes as hereinafter provided. Whenever a developer determines to improve park land in lieu of payment of the Local Park Development Fee, a written application shall be made to the Park and Recreation Director indicating the property to be improved, describing the improvements to be constructed and the development to receive credit for the Local Park Development Fee together with an estimate of the costs for the construction of the improvements based upon the costs as utilized in the calculations for the then current Local Park Development Fee. The Park and Recreation Director shall prepare a report to the City Council regarding the proposed improvements. The report shall indicate whether the following requirements have been met and shall make a recommendation regarding the proposed dedication:

1. The property proposed to be improved is shown on the current City of Riverside General

Plan as a neighborhood or community park.

2. The property proposed to be improved meets the minimum size standard set forth in the current City of Riverside General Plan for the type of park designated and is large enough and topographically suitable to be developed for its proposed park and recreational use without the acquisition of additional land.

3. The improvements proposed to be installed are equal to or greater than those required by the Park and Recreation Department for a neighborhood or community park, whichever is applicable.

4. The estimated cost of the improvements is valued at the same or more than all or a portion of the Local Park Development Fee which would otherwise be imposed on the development.

The City Council may accept or deny the application for improving park land in lieu of payment of all or a portion of the Local Park Development Fee. If the proposal is accepted by the City Council in lieu of payment of all or a portion of the Local Park Development Fee, the City Council shall by resolution make the findings and determinations required hereinabove and state the estimated equivalent amount of the fees to be credited.

The credit for the improvements towards the Local Park Development Fee shall not be given until such time as the improvements have been completed and found acceptable by the Park and Recreation Director or the authorized designee of the Director.

D. Specific Plan Methods. In lieu of payment of all or a portion of the Local Park Development fees in connection with development in an area of the City within a Specific Plan combining zone and subject to a Specific Plan duly adopted by the City Council of the City of Riverside, a developer may request approval to use the methods for consideration of local park fee credits stated in the approved Specific Plan by filing a written application with the Park and Recreation Director. The Park and Recreation Director shall confer with the Planning Director and the Real Property Services Manager and shall prepare a report to City Council regarding the proposed credit methods to be used. The report shall indicate the value of the proposed credit methods and shall contain a recommendation regarding the proposed use of such methods, as well as, if applicable, a statement of whether the requirements set forth in Section 16.60.035(A)(1)-(3) have been met.

The City Council may approve or deny the application to use the proposed methods for consideration of local park fee credits. If the City Council approves use of the proposed credit methods in lieu of payment of all or a portion of the Local Park Development fees, the City Council shall by resolution make the findings and determinations required hereinabove and state the equivalent amount of fees credited for each approved method. Some amounts may be less than the appraised values as determined by the City Council.

The credits in lieu of payment of all or a portion of the Local Park Development fees shall not be given until such time as one of the following occurs: (1) the Park and Recreation Director reasonably determines that any and all improvements, dedications and/or open space considered for local park fee credits are readily available for park uses and there is no impediment to fulfilling the City's intent in allowing use of the approved credit methods in lieu of payment of all or a portion of the Local Park Development Fees; or (2) an agreement satisfactory to the Park and Recreation Director and signed by all parties having an interest in the subject property is recorded in the office of the County Recorder of Riverside County ensuring that the park for which the credits were approved will be implemented. (Ord. 6543 §1, 2000;Ord. 6393 §41, 1997; Ord. 6325 §1, 1996; Ord. 5390 §2, 1986; Ord. 5042 §1, 1982)

Section 16.60.040 Payment of fees.

Fees required by this chapter shall be paid prior to the issuance of a building permit or a mobile home set up permit for any construction or placements which adds a nonresidential unit, new dwelling unit or new mobile home to any lot or mobile home space. No building permit or mobile home set up permit shall be issued until such fees are paid. (Ord. 6393 §41, 1997; Ord.

6325 §1, 1996; Ord. 5111 §7, 1983; Ord. 5018 §7, 1982; Ord. 4325 §2 (part), 1976)

Section 16.60.045 Exemption from fees.

The following types of development shall not be required to pay the development fee for local parks:

1. The construction of any dwelling to be used exclusively for housing the elderly or handicapped persons and financed by the federal government and owned and operated by a non-profit corporation entitled to the welfare exemption provided for in Section 4b of Article XIII of the State Constitution.

2. Non-residential development which replaces on the same lot previously existing non-residential development, not to exceed the square footage of the replaced development.

3. Residential development which replaces on the same lot previously existing residential development, unit for unit, of the same type.

4. Rehabilitation or remodeling of existing non- residential development which does not add new square footage.

5. Rehabilitation or remodeling of existing residential development which does not add new dwelling units.

6. The construction of an accessory building as defined in Title 19 of this Code, excluding second dwelling units. (Ord. 6926 §2, 2007; Ord. 6393 §41, 1997; Ord. 6325 §1, 1996; Ord. 4649 §1, 1979)

Section 16.60.050 Use of funds.

A Special Capital Improvement Fund shall be established in which the Local Park Development Fees collected pursuant to this chapter shall be deposited. The funds shall be expended solely for the acquisition and/or development and/or improvement of neighborhood or community parks in general conformance with the priorities established by the City of Riverside General Plan. (Ord. 6393 §41, 1997; Ord. 6325 §1, 1996; Ord. 5390 §3, 1986; Ord. 4325 §2 (part), 1976)

Section 16.60.060 Appeals.

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the computation of the fees under this chapter. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. (Ord. 6462 §20, 1999; Ord. 6393 §41, 1997; Ord. 6325 §1, 1996; Ord. 5018 §8, 1982; Ord. 4325 §2 (part), 1976)

Section 16.60.070 Severability.

If any section, sentence, clause, or phrase of this chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have adopted this chapter, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid. (Ord. 6393 §41, 1997; Ord. 6325 §1, 1996)

Chapter 16.64

TRAFFIC SIGNAL AND RAILROAD SIGNAL MITIGATION FEES AND TRANSPORTATION IMPACT FEES

Sections:

16.64.010 Purpose.
16.64.020 Definitions.
16.64.030 Traffic signal and railroad signal mitigation fees.
16.64.040 Transportation impact fee.
16.64.050 Use of traffic signal and railroad signal mitigation fees.
16.64.060 Use of transportation impact fees.
16.64.070 Appeals.

Section 16.64.010 Purpose.

The City Council hereby finds and determines that new private development in the City of Riverside increases the amount of traffic utilizing the City street system thereby requiring the installation of additional traffic signals, railroad signals including crossing gates and associated work, and street improvements at specified locations to increase or improve transportation capacity, in order to protect the public health, safety and welfare and that such private new development should pay its fair share of such improvements.

The purpose of this chapter is twofold. First, it is to provide for the imposition of fees on each new nonresidential unit, residential dwelling unit and mobile home space, which fees are to be placed in a specially-designed fund to be utilized for the purchase and installation of traffic signals and railroad signals including crossing gates and other protective devices and all costs associated with railroad crossing protection. Secondly, it is to provide for the imposition of fees on each new residential dwelling unit and mobile home space, which fees are to be placed in a specially-designated fund to be utilized for improvements to streets as designated by the City Council in order to increase or improve the carrying capacity of such streets to solve current and proposed traffic congestion. (Ord. 6393 §42, 1997; Ord. 5592 §1, 1987; Ord. 5477 §1, 1987; Ord. 5313 §1, 1985)

Section 16.64.020 Definitions.

For the purpose of this chapter, the following words, terms and phrases shall have the meaning given in this section:

"Nonresidential unit" means any structure or addition greater than six hundred fifty square feet which is planned or constructed primarily for a nondwelling use, but shall include hotels and motels.

"Dwelling" means a building or portion thereof or a mobile home or manufactured house designed primarily for residential occupancy, including one-family, two-family and multiple-family dwellings. The term dwelling shall not include hotels or motels.

"Dwelling unit" is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the Building Code for not more than one family, but shall not include "auxiliary dwelling unit" as defined by Section 19.04.037 of this code.

"Mobile home space" is as defined by Section 19.04.320 of this code. (Ord. 6393 §42, 1997; Ord. 5592 §1, 1987; Ord. 5313 §1, 1985)

Section 16.64.030 Traffic signal and railroad signal mitigation fees.

A traffic signal and railroad signal mitigation fee is hereby imposed on the construction of all

new nonresidential units, dwelling units and mobile home spaces in accordance with the schedule of fees that may be established by the City Council by resolution. No fee shall be assessed on any City, County, State or federal governmental use.

Fees required by this section shall be paid upon application to the City for a building permit for any construction which adds a nonresidential unit, new dwelling unit or new mobile home space to any parcel of real property. No building permit shall be issued until the fee is paid. Computation of the amount required shall be made by the Building Official or a designated representative. (Ord. 6393 §42, 1997; Ord. 5592 §1, 1987; Ord. 5313 §1, 1985)

Section 16.64.040 Transportation impact fee.

A transportation impact fee is hereby imposed on the construction of all new dwelling units and mobile home spaces in accordance with the schedule of fees that may be established by the City Council by resolution. No fee shall be assessed on any City, County, State or federal governmental use.

Fees required by this section shall be paid upon application to the City for a building permit for any construction which adds a new dwelling unit or new mobile home space to any parcel of real property. No building permit shall be issued until the fee is paid. Computation of the amount required shall be made by the Building Official or a designated representative. (Ord. 6393 §42, 1997; Ord. 5592 §1, 1987)

Section 16.64.050 Use of traffic signal and railroad signal mitigation fees.

A special traffic signal and railroad crossing Improvement mitigation fee account is hereby established and all fees collected pursuant to Section 16.07.030 shall be deposited therein. Such funds shall be expended solely for the purchase and installation of traffic signals and railroad signals including crossing gates and other protective devices, and all costs associated with railroad crossing protection, including, but not limited to, planking, sidewalks and curbs and gutters. (Ord. 6393 §42, 1997; Ord. 5592 §1, 1987; Ord. 5313 §1, 1985)

Section 16.64.060 Use of transportation impact fees.

A special transportation impact fee account is established and all fees collected pursuant to Section 16.07.040 shall be deposited therein. Such funds shall be expended solely for the construction of improvements on those streets or portions thereof as designated from time to time by the City Council in order to increase or improve the transportation capacity of such streets. (Ord. 6393 §42, 1997; Ord. 5592 §1, 1987; Ord. 5477 §2, 1987; Ord. 5313 §1, 1985)

Section 16.64.070 Appeals.

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission in accordance with the appeal procedure set forth in Section 2.40.030 of this code. (Ord. 6462 §21, 1999; Ord. 6393 §42, 1997; Ord. 5592 §1, 1987; Ord. 5313 §1, 1985)

Chapter 16.68

TRANSPORTATION UNIFORM MITIGATION FEE

Sections:

16.68.010 Title.
16.68.020 Findings.
16.68.030 Definitions.
16.68.040 Establishment of the Transportation Uniform Mitigation Fee.
16.68.050 Reimbursements.
16.68.060 Procedures for the levy, collection and disposition of fees.
16.68.070 Appointment of TUMF administrator.
16.68.080 Effect.
16.68.090 Severability.
16.68.100 Judicial review.

Section 16.68.010 Title.

This Chapter shall be known as the "Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance of 2009" ("Ordinance"). (Ord. 7067 §1, 2010; Ord 6869 §1, 2006; Ord 6658 §1 (part), 2003)

Section 16.68.020 Findings.

A. The City is a member agency of the Western Riverside Council of Governments ("WRCOG"), a joint powers agency comprised of the County of Riverside and 16 cities located in Western Riverside County. Acting in concert, the WRCOG Member Agencies developed a plan whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials in Western Riverside County (the "Regional System") could be made up in part by a Transportation Uniform Mitigation Fee ("TUMF") on future residential, commercial and industrial development. As a Member Agency of WRCOG and as a TUMF Participating Jurisdiction, the City participated in the preparation of a certain "Western Riverside County Transportation Uniform Fee Nexus Study," dated October 18, 2002 (the "2002 Nexus Study") prepared in compliance with the Mitigation Fee Act (Gov. Code §§ 66000 *et seq*.) and adopted by the WRCOG Executive Committee. Based on the 2002 Nexus Study, the City adopted and implemented an ordinance authorizing the City's participation in a TUMF Program.

B. WRCOG, with the assistance of TUMF Participating Jurisdictions, has prepared an updated nexus study titled "Transportation Uniform Mitigation Fee Nexus Study: 2009 Update" ("2009 Nexus Study") pursuant to California Government Code sections 66000 *et seq*. (the Mitigation Fee Act), for the purpose of updating the fees. On September 14 and October 5, 2009, the WRCOG Executive Committee reviewed the 2009 Nexus Study and TUMF Program and recommended TUMF Participating Jurisdictions amend their applicable TUMF ordinances to reflect changes in the TUMF network and the cost of construction in order to update the TUMF Program. A map depicting the boundaries of Western Riverside County and the Regional System is incorporated in the 2009 Nexus Study.

C. Consistent with its previous findings made in the adoption of Ordinance No. 6658, as amended and superseded by Ordinance No. 6869, as amended by Ordinance No. 6975, the City Council has been informed and advised, and hereby finds, that if the capacity of the Regional System is not enlarged and unless development contributes to the cost of improving the Regional System, the result will be substantial traffic congestion in all parts of Western Riverside County, with unacceptable Levels of Service. Furthermore, the failure to mitigate growing traffic impacts on the Regional System will substantially impair the ability of public safety services (police and fire) to respond and, thus, adversely affect the public health, safety and welfare. Therefore, continuation

of a TUMF Program is essential.

D. However, the City Council realizes the impact of an economic recession on development and the construction sector in Western Riverside County as indicated in the Addendum to the 2009 Nexus Study, attached and incorporated as part of the 2009 Nexus Study. The City Council finds that that a temporarily fifty percent (50%) reduction in TUMF fees through December 31, 2010 will encourage economic development by reducing the overall cost of development. The same adjustment of the entire TUMF Program will also assure that each development continues to contribute a fair share of the total Program costs without unduly burdening later projects to make up the TUMF revenues that would be effectively forfeited during the temporary reduction period. The City Council further finds that the resulting minor decrease in TUMF revenues will not have a material effect on the ability to fulfill the purposes of the TUMF Program or the ability to make the findings recited herein pursuant to the Mitigation Fee Act.

E. The City Council finds and determines that there is a reasonable and rational relationship between the use of the TUMF and the type of development projects on which the fees are imposed because the fees will be used to construct the transportation improvements that are necessary for the safety, health and welfare of the residential and non-residential users of the development in which the TUMF will be levied.

F. The City Council finds and determines that there is a reasonable and rational relationship between the need for the improvements to the Regional System and the type of development projects on which the TUMF is imposed because it will be necessary for the residential and non-residential users of such projects to have access to the Regional System. Such development will benefit from the Regional System improvements and the burden of such developments will be mitigated in part by payment of the TUMF.

G. The City Council finds and determines that the cost estimates set forth in the new 2009 Nexus Study are reasonable cost estimates for constructing the Regional System improvements and the facilities that compromise the Regional System, and that the amount of the TUMF expected to be generated by new development will not exceed the total fair share cost to such development.

H. The fees collected pursuant to this Chapter shall be used to help pay for the design, planning, construction of and real acquisition for the Regional System improvements and its facilities as identified in the 2009 Nexus Study. The need for the improvements and facilities is related to new development because such development results in additional traffic and creates the demand for the improvements.

I. By notice duly given and published, the City Council set the time and place for a public hearing on the 2009 Nexus Study and the fees proposed thereunder, and at least ten (10) days prior to this hearing, the City Council made the 2009 Nexus Study available to the public.

J. At the time and place set for the hearing, the City Council duly considered data and information provided by the public relative to the cost of the improvements and facilities for which the fees are proposed and all other comments, whether written or oral, submitted prior to the conclusion of the hearing.

K. The City Council finds that the 2009 Nexus Study proposes a fair and equitable method for distributing a portion of the unfunded costs of improvements and facilities to the Regional System.

L. The City Council hereby adopts the 2009 Nexus Study, including its Addendum regarding temporary fee reduction, and its findings, a copy of which is on file in the City Clerk's Office and incorporated herein by reference.

M. The City Council hereby adopts this Ordinance to amend and supersede the provisions of Ordinances No. 6869 and 6975. (Ord. 7067 §1, 2010; Ord. 6869 §1, 2006; Ord. 6851 §1, 2006; Ord. 6658 §1, (part) 2003)

Section 16.68.030 Definitions.

For the purpose of this Chapter, the following words, terms and phrases shall have the following meanings:

A. **"Class 'A' Office"** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class 'A" Office shall be as follows: (i) minimum of three stories (exception will be made for March JPA, where height requirements exist); (ii) minimum of 10,000 square feet per floor; (iii) steel frame construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/ exits for commercial uses within the building.

B. **"Class 'B' Office"** means an office building that is typically characterized by high quality design, use of high end building materials, state of the art technology for voice and data, on site support services/maintenance, and often includes full service ancillary uses such as, but not limited to a bank, restaurant/office coffee shop, health club, printing shop, and reserved parking. The minimum requirements of an office building classified as Class 'B" Office shall be as follows: (i) minimum of two stories; (ii) minimum of 15,000 square feet per floor; (iii) steel frame, concrete or masonry shell construction; (iv) central, interior lobby; and (v) access to suites shall be from inside the building unless the building is located in a central business district with major foot traffic, in which case the first floor may be accessed from the street to provide entrances/exits for commercial uses within the building.

C. **"Development Project"** or **"Project"** means any project undertaken for the purposes of development, including the issuance of a permit for construction.

D. **"Disabled Veteran"** means any veteran who is retired or is in process of medical retirement from military service who is or was severely injured in a theatre of combat operations, and has or received a letter of eligibility for the Veterans Administration Specially Adapted Housing (SAH) Grant Program.

E. **"Gross Acreage"** means the total property area as shown on a land division of a map of record, or described through a recorded legal description of the property. This area shall be bounded by road rights of way and property lines.

F. **"Habitable Structure"** means any structure or part thereof where persons reside, congregate or work and which is legally occupied in whole or part in accordance with applicable building codes, and state and local laws.

G. **"Industrial Project"** means any development project that proposes any industrial or manufacturing use permitted by Title 19 of the Riverside Municipal Code.

H. **"Low Income Residential Housing"** means residential units in publicly subsidized projects constructed as housing for low-income households as such households are defined pursuant to Section 50079.5 of the Health and Safety Code. "Publicly subsidized projects," as the term is used herein, shall not include any project or project applicant receiving a tax credit provided by the State of California Franchise Tax Board.

I. **"Multi Family Residential Unit"** means a development project that has a density of greater than eight (8) residential dwelling units per gross acre.

J. **"Non-Profit Organization"** means an organization operated exclusively for exempt purposes set forth in section 501(c)(3) of the Internal Revenue Code, and none of its earnings may inure to any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. For the purposes of the TUMF Program the non-profit must be a 501(c)(3) charitable organization as defined by the Internal Revenue Service.

K. **"Non-Residential Unit"** means retail commercial, service commercial and industrial

development which is designed primarily for non-dwelling use, but shall include hotels and motels.

L. **"Private University Project"** means a development project by a post secondary educational institution accredited by the Western Association of Schools and Colleges (WASC), with a minimum campus of 75 acres, located within the City of Riverside, building on university owned land, sponsored or co-sponsored by the university and the planned use of the project is solely for the delivery of university services, including classrooms and other teaching facilities, student housing, student dining facilities, faculty and university administrative offices, gymnasiums and other athletic facilities and performing arts venues.

M. **"Recognized Financing District"** means a Financing District as defined in the TUMF Administrative Plan as may be amended from time to time.

N. **"Residential Dwelling Unit"** means a building or portion thereof used by one (1) family and containing but one (1) kitchen, which is designed primarily for residential occupancy including single-family and multi-family dwellings. "Residential Dwelling Unit" shall not include hotels or motels.

O. **"Retail Commercial Project"** means any development project that proposes any commercial use not defined as a service commercial project permitted by Title 19 of the Riverside Municipal Code.

P. **"Service Commercial Project"** means any development project that is predominately dedicated to business activities associated with professional or administrative services, and typically consists of corporate offices, financial institutions, legal and medical offices.

Q. **"Single Family Residential Unit"** means each residential dwelling unit in a development that has a density of eight (8) units to the gross acre or less.

R. **"TUMF Participating Jurisdiction"** means a jurisdiction in Western Riverside County which has adopted and implemented an ordinance authorizing participation in the TUMF Program and complies with all regulations established in the TUMF Administrative Plan, as adopted and amended from time to time by the WRCOG. (Ord. 7251 §2, 2014; Ord. 7067 §1, 2010; Ord. 6869 §1, 2006; Ord. 6785 §1, 2005; Ord. 6658 §1, (part) 2003)

Section 16.68.040 Establishment of the Transportation Uniform Mitigation Fee.

A. **Adoption of TUMF Schedule.** The City Council shall adopt an applicable TUMF schedule through a separate resolution ("Resolution"), which may be amended from time to time.

B. **Fee Calculation.** The fees shall be calculated according to the calculation methodology fee set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time. The following shall be observed for purposes of calculating the fee:

i. For non-residential projects, the fee rate utilized shall be based upon the predominant use of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.

ii. For non residential projects, the fee shall be calculated on the total square footage of the building or structure identified in the building permit and as further specified in the TUMF Administrative Plan.

C. **Fee Adjustment.** The fee schedule may be periodically reviewed and the amounts adjusted by the WRCOG Executive Committee. By Resolution of the City Council, the fees may be increased or decreased to reflect the changes in actual and estimated costs of the Regional System including, but not limited to, debt service, lease payments and construction costs. The adjustment of the fees may also reflect changes in the facilities required to be constructed, in estimated revenues received pursuant to this Chapter, as well as the availability or lack thereof of other funds with which to construct the Regional System. WRCOG shall review the TUMF Program no less than every four (4) years after the effective date of this Ordinance.

D. **Temporary Fee Reduction Period.**

i. Notwithstanding sub-section A, and the adopted TUMF schedule, the City Council may, by separate resolution, adopt a reduced TUMF schedule applicable only through December 31, 2010. The TUMF may be so reduced by up to fifty percent (50%) of fees

established in the schedule adopted pursuant to sub-section A. If fees are reduced, all other sections of this Chapter shall still be effective during the temporary fee reduction period. After December 31, 2010, the regular TUMF schedule, as adopted by the City Council and revised from time to time pursuant to sub-section A, shall automatically apply.

ii. If reduced fees are paid pursuant to this sub-section D at issuance of a building permit and either the application or the building permit expires, subsequent building permit application on the same parcel shall be subject to the full TUMF amount, unless the temporary fee reduction period is still in effect at the time the subsequent application is made.

E. **Purpose.** The purpose of the TUMF is to fund those certain improvements to the Regional System as depicted and identified in the 2009 Nexus Study.

F. **Applicability.** The TUMF shall apply to all new development within the City, unless otherwise exempt hereunder.

G. **Exemptions.** The following new development shall be exempt from the TUMF:

i. Low income residential housing.

ii. Government/public buildings, public schools and public facilities.

iii. The rehabilitation and/or reconstruction of any habitable structure in use on or after January 1, 2000, provided that the same or fewer traffic trips are generated as a result thereof.

iv. Development Projects which are the subject of a Public Facilities Development Agreement entered into pursuant to Government Code Section 65864 *et seq*, prior to the effective date of this Ordinance, wherein the imposition of new fees are expressly prohibited provided that if the term of such a Development Agreement is extended by amendment or by any other manner after the effective date of this Ordinance, the TUMF shall be imposed.

v. Guest houses, as defined in Title 19, Zoning, of the Riverside Municipal Code, as amended.

vi. Additional single family residential units located on the same parcel pursuant to the provisions of any residential agricultural zoning classification, as permitted by Title 19, Zoning, of the Riverside Municipal Code, as amended.

vii. Kennels and catteries established in connection with an existing single family residential unit, as permitted by Title 19, Zoning, of the Riverside Municipal Code, as amended.

viii. Detached and attached auxiliary dwelling units, as permitted by Title 19, Zoning, of the Riverside Municipal Code, as amended.

ix. The sanctuary building of a church or other house of worship, eligible for a property tax exemption.

x. Any nonprofit corporation or nonprofit organization offering and conducting full-time day school at the elementary, middle school or high school level for students between the ages of five and eighteen years.

xi. Any Private University Project, with a covenant and agreement to be recorded upon the property on which the development is occurring that identifies the TUMF applicable to the project, and providing that should the development or facility being constructed be converted to a non-university use, the TUMF that would have been assessed on the project at the time of development, shall be paid to the City upon the conversion or change of use of the facility, unless the TUMF program is no longer in effect as determined by WRCOG.

xii. New homes, constructed by Non-Profit Organizations, specially adapted and designed for maximum freedom of movement and independent living for qualified Disabled Veterans.

H. **Credit.** Regional System improvements may be credited toward the TUMF in accordance with the TUMF Administrative Plan and the following:

1. Regional Tier

i. **Arterial Credits:** If a developer constructs arterial improvements identified on the Regional System, the developer shall receive credit for all costs associated with the arterial component based on approved Nexus Study, including Addendum 1, for the Regional System

effective at the time the credit agreement is entered into. WRCOG staff must pre-approve any credit agreements that deviate from the standard WRCOG approved format.

ii. **Other Credits:** In special circumstances, when a developer constructs off-site improvements such as an interchange, bridge, or railroad grade separation, credits shall be determined by WRCOG and the City in consultation with the developer. All such credits must have prior written approval from WRCOG.

iii. The amount of the development fee credit shall not exceed the maximum amount determined by the Nexus Study, including Addendum 1, for the Regional System at the time the credit agreement is entered into or actual costs, whichever is less.

2. Local Tier

i. The local jurisdictions shall compare facilities in local fee programs against the Regional System and eliminate any overlap in its local fee program except where there is a Recognized Financing District has been established.

ii. If there is a Recognized Financing District established, the local agency may credit that portion of the facility identified in both programs against the TUMF in accordance with the TUMF Administrative Plan. (Ord. 7251 §3, 2014; Ord. 7067 §1, 2010; Ord 6869 §1, 2006; Ord 6658 §1 (part), 2003)

Section 16.68.050 Reimbursements.

Should the developer construct Regional System improvements in excess of the TUMF obligation, the developer may be reimbursed based on actual costs or the approved Nexus Study, including Addendum 1, effective at the time the agreement was entered into, whichever is less. Reimbursements shall be enacted through an agreement between the developer and the City, contingent on funds being available and approved by WRCOG. In all cases, however, reimbursements under such special agreements must coincide with construction of the transportation improvements as scheduled in the five-year Capital Improvements Program adopted annually by WRCOG. (Ord. 7067 §1, 2010; Ord. 6869 §1, 2006; Ord. 6851 §2, 2006; Ord. 6796 §1, 2005; Ord. 6785 §2, 2005; Ord. 6658 §1 (part), 2003)

Section 16.68.060 Procedures for the levy, collection and disposition of fees.

A. **Authority of the Building Department.** The Community Development Director, or his/her designee, is hereby authorized to levy and collect the TUMF and make all determinations required by this Chapter.

B. **Payment.** Payment of the fees shall be as follows:

i. The fees shall be paid prior to the final inspection for the Development Project (the "Payment Date"). However this section should not be construed to prevent payment of the fees prior to issuance of an occupancy permit or final inspection. Fees may be paid at the issuance of a building permit, and the fee payment shall be calculated based on the fee in effect at that time, provided the developer tenders the full amount of his/her TUMF obligation. If the developer makes only a partial payment prior to the Payment Date, the amount of the fee due shall be based on the TUMF fee schedule in place on the Payment Date. The fees shall be calculated according to fee schedule set forth in the Resolution and the calculation methodology set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time.

ii. The fees required to be paid shall be the fee amounts in effect at the time of payment under this Chapter, not the date the Ordinance is initially adopted. The City shall not enter into a development agreement which freezes future adjustments of the TUMF.

iii. If all or part of any development project is sold prior to payment of the fee, the property shall continue to be subject to the requirement for payment of the fee. The obligation to pay the fee shall run with the land and be binding on all the successors in interest to the property.

iv. Fees shall not be waived.

C. **Disposition of Fees.** All fees collected hereunder shall be transmitted to the

Executive Director of WRCOG within thirty (30) days for deposit, investment, accounting and expenditure in accordance with the provisions of this Chapter and the Mitigation Fee Act.

D. **Appeals.** Appeals shall be filed with WRCOG in accordance with the provisions of the TUMF Administrative Plan. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, application of the legal action stay and application of exemption.

E. **Reports to WRCOG**. The Director of Building and Safety, or his/her designee, shall prepare and deliver to the Executive Director of WRCOG, periodic reports as will be established pursuant to Section 16.68.070. (Ord. 7067 § 1, 2010; Ord. 6975 § 1, 2008; Ord. 6869 § 1, 2006; Ord. 6658 § 1 (part), 2004)

Section 16.68.070 Appointment of TUMF Administrator.

WRCOG is hereby appointed as the Administrator of the Transportation Uniform Mitigation Fee Program. WRCOG is hereby authorized to receive all fees generated from the TUMF within the City, and to invest, account for and expend such fees in accordance with the provisions of this Chapter and the Mitigation Fee Act. The detailed administrative procedures concerning the implementation of this Chapter shall be contained in the TUMF Administrative Plan adopted May 5, 2003, and as may be amended from time to time. Furthermore, the TUMF Administrator shall use the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time, for the purpose of calculating a developer's TUMF obligation. In addition to detailing the methodology for calculating all TUMF obligations of different categories of new development, the purpose of the Fee Calculation Handbook is to clarify for the TUMF Administrator, where necessary, the definition and calculation methodology for uses not clearly defined in the respective TUMF ordinances.

WRCOG shall expend only that amount of the funds generated from the TUMF for staff support, audit, administrative expenses, and contract services that are necessary and reasonable to carry out its responsibilities and in no case shall the funds expended for salaries and benefits exceed one percent (1%) of the revenue raised by the TUMF Program. The TUMF Administrative Plan further outlines the fiscal responsibilities and limitations of the Administrator. (Ord. 7067 §1, 2010; Ord. 6869 §1, 2006; Ord. 6658 §1 (part), 2004)

Section 16.68.080 Effect.

No provisions of this Chapter shall entitle any person who has already paid the TUMF to receive a refund, credit or reimbursement of such payment. This Ordinance does not create any new TUMF. (Ord. 7067 §1, 2010)

Section 16.68.090 Severability.

If any one or more of the terms, provisions or sections of this Chapter shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Chapter shall not be affected thereby and shall be valid and enforceable. (Ord. 7067 §1, 2010 Ord. 6869 §1, 2006; Ord. 6658 §1 (part), 2004)

Section 16.68.100 Judicial Review.

In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within ninety (90) days of the date of adoption of this Ordinance. (Ord. 7067 §1, 2010; Ord. 6869 §1, 2006)

Chapter 16.72

WESTERN RIVERSIDE MULTIPLE SPECIES HABITAT CONSERVATION PLAN FEE PROGRAM

Sections:

16.72.010 Title.
16.72.020 Purpose.
16.72.030 Definitions.
16.72.040 Establishment of the Multiple Species Habitat Conservation Plan Fee.
16.72.050 Automatic Annual Fee Adjustment.
16.72.060 Exemptions.
16.72.070 Fee credit and waivers.
16.72.080 Severability.

Section 16.72.010 Title.

This Ordinance shall be known as the "Western Riverside County Multiple Species Habitat Conservation Plan Fee Program Ordinance". (Ord. 6709 §1, 2003)

Section 16.72.020 Purpose.

The purpose and intent of this Ordinance is to establish a Local Development Mitigation Fee to assist in the maintenance of biological diversity and the natural ecosystem processes that support this diversity; the protection of vegetation communities and natural areas within the City and western Riverside County which are known to support threatened, endangered or key sensitive populations of plant and wildlife species; the maintenance of economic development within the City by providing a streamlined regulatory process from which development can proceed in an orderly process; and the protection of the existing character of the City and the region through the implementation of a system of reserves which will provide for permanent open space, community edges, and habitat conservation for species covered by the MSHCP. (Ord. 6709 §1, 2003)

Section 16.72.030 Definitions.

As used in this Ordinance, the following terms shall have the following meanings:

"Certificate of Occupancy" means a certificate of occupancy issued by the City in accordance with all applicable ordinances, regulations, and rules of the City and state law.

"Credit" means a credit allowed pursuant to this Ordinance, which may be applied against the development impact fee paid.

"Development Project" or "Project" means any project undertaken for the purpose of development pursuant to the issuance of a building permit by the City pursuant to all applicable ordinances, regulations, and rules of the City and state law.

"Final Inspection" means a final inspection of a project as defined by the building codes of the City.

"Gross Acreage" means the total property area as shown on a land division map of record, or described through a recorded legal description of the property. This area shall be bounded by road right-of-way and/or legal property lines.

"Local Development Mitigation Fee" or "Fee" means the development impact fee imposed pursuant to the provisions of this Ordinance.

"Multiple Species Habitat Conservation Plan" or "MSHCP" means the Western Riverside County Multiple Species Habitat Conservation Plan, adopted by the City Council on September 23, 2003.

"MSHCP Conservation Area" has the same meaning and intent as such term is defined and utilized in the MSHCP.

"Ordinance" means this Ordinance No. 6709 of the City of Riverside, California.

"Private University Project" means a development project by a post secondary educational institution accredited by the Western Association of Schools and Colleges (WASC), with a minimum campus size of 75 acres, located within the City of Riverside, for any project built on university owned land, sponsored or co-sponsored by the university and the planned use of the project is solely for the delivery of university services, including classrooms and other teaching facilities, student housing, student dining facilities and faculty and administrative and university administrative offices, gymnasiums or athletic facilities and performing arts venues.

"Project Area" means the area, measured in acres, from the adjacent road right-of-way line to the limits of project improvements. Project Area includes all project improvements and areas that are disturbed as a result of the project improvements on an owner's Gross Acreage, including all areas depicted on the forms required to be submitted to the City pursuant to this Ordinance and/or other applicable development ordinance or regulation of the City. Except as otherwise provided herein, the Project Area is the area upon which the project will be assessed the Local Development Mitigation Fee.

"Residential Unit" means a building or portion thereof used by one family and containing but one kitchen, which unit is designed or occupied for residential purposes, including single-family, multiple-family dwellings, and mobile homes on a permanent foundations, but not including hotels and motels.

"Revenue" or "Revenues" means any funds received by the City pursuant to the provisions of this Ordinance for the purpose of defraying all or a portion of the cost of acquiring and preserving vegetation communities and natural areas within the City and the region which are known to support threatened, endangered or key sensitive populations of plant and wildlife species.

"Western Riverside County Regional Conservation Authority" means the governing body established pursuant to the MSHCP that is delegated the authority to oversee and implement the provisions of the MSHCP. (Ord. 6709 §1, 2003)

Section 16.72.040 Establishment of the Multiple Species Habitat Conservation Plan Fee.

Establishment of the Multiple Species Habitat Conservation Plan Fee. The following fee shall be paid for each Development Project to be constructed within the City:

A. Adoption. To assist in providing revenue to acquire and preserve vegetation communities and natural area within the City and western Riverside County which are known to support threatened, endangered, or key sensitive populations of plant and wildlife species, a Local Development Mitigation Fee shall be paid for each Development Project or portion thereon constructed within the City.

B. Fees. Automatic annual fee adjustments will be set by resolution and will be adjusted as provided for in Riverside Municipal Code Section 16.72.050.

C. Fee Calculation. The fees are calculated using an Equivalent Benefit Unit methodology. The amount of the Local Development Mitigation Fee shall be calculated on the basis of the acreage of the Project Area, in accordance with the following:

1. The City staff shall determine the Project Area based on the subdivision map, plot plan, and other information submitted to or required by the City.

2. An applicant may elect, at his or her own expense, to have a Project Area dimensioned, calculated, and certified by a registered civil engineer or licensed land surveyor. The engineer or land surveyor shall prepare a wet-stamped letter of certification of the Project Area dimensions and a plot plan exhibit thereto that clearly delineates the Project Area. Upon receipt of the letter of certification and plot plan exhibit, the City shall calculate the Local Development Mitigation Fee required to be paid based on the certified Project Area.

3. Where construction or other improvements on Project Area are prohibited due to legal restrictions on the Project Area, such as Federal Emergency Management Agency designated flood ways or areas legally required to remain in their natural state, that portion of the Project Area so restricted shall be excluded for the purpose of calculating the Local Development Mitigation Fee.

D. Imposition of the Local Development Mitigation. Notwithstanding any other provision of the City's Municipal Code, no permit shall be issued for any Development Project except upon the condition that the Local Development Mitigation Fee applicable to such Development Project has been paid.

E. Payment of the Local Development Mitigation Fee.

1. The Local Development Mitigation Fee shall be paid in full at the issuance of building permits and in accordance with applicable law.

2. The Local Development Mitigation Fee shall be assessed one time per lot or parcel, except when additional construction or improvement on the lot or parcel results in the disturbance of additional area.

3. The Local Development Mitigation Fee required to be paid under this Ordinance shall be the fee in effect at the time of payment.

4. Notwithstanding anything in the City's Municipal Code, or any other written documentation to the contrary, the Local Development Mitigation Fee shall be paid whether or not the Development Project is subject to conditions of approval by the City imposing the requirement to pay the fee.

5. If all or part of the Development Project is sold prior to payment of the Local Development Mitigation Fee, the Project shall continue to be subject to the requirement to pay the fee as provided herein.

F. Refunds. There shall be no refund of all or part of any Local Development Mitigation Fee paid under this Ordinance except in cases of overpayment or miscalculation of the applicable fee. Only in cases of overpayment or miscalculation of the fee will the person or entity that paid the Local Development Mitigation Fee be entitled to a refund.

G. Accounting and Local Disbursement of Collected Local Development Mitigation Fees.

1. All fees paid pursuant to this Ordinance shall be deposited, invested, accounted for, and expended in accordance with Section 66006 of the Government Code and all other applicable provisions of law.

2. Subject to the provisions of this section, all fees collected pursuant to this Ordinance shall be remitted to the Western Riverside County Regional Conservation Authority at least quarterly, and will be expended solely for the purpose of acquiring and preserving vegetation communities and natural areas within the City and the region which species covered in the MSHCP in accordance with the provisions of the MSHCP.

3. The City may recover the costs of administering the provisions of this Ordinance using the Revenues generated by the fees, in an amount and subject to the rules and regulations established by the Western Riverside County Regional Conservation Authority. (Ord. 6945 §1, 2007; Ord. 6709 §1, 2003)

Section 16.72.050 Automatic Annual Fee Adjustment.

The fee established by this Ordinance shall be revised annually be means of an automatic adjustment at the beginning of each fiscal year based on the average percentage change over the previous calendar year set forth in the Consumer Price Index for the Los Angeles-Anaheim-Riverside area, measured as of the month of December in the calendar year which ends in the previous fiscal year. The first fee adjustment shall not be made prior to a minimum of ten (10) months subsequent to the effective date of the ordinance codified in this Ordinance. (Ord. 6904 §1, 2006; Ord. 6709 §1, 2003)

Section 16.72.060 Exemptions.

The following types of construction shall be exempt from the provisions of this Ordinance:

A. Reconstruction or improvements that are damaged or destroyed by fire or other natural causes.

B. Rehabilitation, remodeling, or minor additions to an existing Development Project.

C. Secondary residential units, constructed on developed residential property and meeting all state and City requirements for such units.

D. Existing improvements that are converted from an existing permitted use to a different permitted use, provided that no additional area of the property is disturbed as a result of such conversion.

E. Development on a Project Area that is currently or has been previously improved.

F. Guest houses or dwellings, as permitted by law.

G. Projects determined by the City to be in the City Plan Check process as of the date of September 23, 2003, that have not expired pursuant to current City regulations or ordinances.

H. Projects determined by the City to be submitted for the City Design Review process as evidenced by a completed application as of the date of October 7, 2003, and submitted, as evidenced by a completed grading application, for issuance of a grading permit by November 21, 2003, and such grading permit has been issued by the City by no later than March 22, 2004.

I. Private University Project, as defined by this ordinance, with a covenant and agreement to be recorded upon the property on which development is occurring that identifies the MSHCP fee applicable to the project, and providing that should the development or facility being constructed be converted to a non-university use, the MSHCP fee that would have been assessed on the project at the time of the development, shall be paid to the City upon the conversion or change of use of facility, unless the MSHCP Program is no longer in effect as determined by Western Riverside County Regional Conservation Authority or its successor. (Ord. 6709 §1, 2003)

Section 16.72.070 Fee credit and waivers.

Any Local Development Mitigation Fee credit that may be applicable to a Development Project, or any partial or full waiver of a Local Development Mitigation Fee that may be applicable to a Development Project, shall be determined by the City in cooperation with the Western Riverside County Regional Conservation Authority, which shall have an auditing role in this process. (Ord. 6709 §1, 2003)

Section 16.72.080 Severability.

This Ordinance and the various parts, sections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, section, or clause of this Ordinance, or its application to any person entity is adjudged unconstitutional or invalid, such unconstitutionality or invalidity shall affect only such part, sentence, paragraph, section, or clause of this Ordinance, or person or entity; and shall not affect or impair any of the remaining provision, parts, sentences, paragraphs, sections, or clauses of this Ordinance, or its application to other persons or entities. The City Council hereby declares that this Ordinance would have been adopted had such unconstitutional or invalid part, sentence, paragraph, section, or clause of this Ordinance not been included herein; or had such person or entity been expressly exempted from the application of this Ordinance. (Ord. 6709 §1, 2003)

Chapter 16.76

TRAILS DEVELOPMENT FEE

Sections:

16.76.010 Purpose.
16.76.020 Definitions.
16.76.030 Establishment of fee.
16.76.040 Payment of fee.
16.76.050 Use of fee.
16.76.060 Exemptions.
16.76.070 Fee credits.
16.76.080 Appeals.
16.76.090 Annual report.

Section 16.76.010 Purpose.

The purpose of this Chapter is to provide for the payment of a development fee to be utilized for the acquisition and development of trails. (Ord. 6928 §1, 2007)

Section 16.76.020 Definitions.

As used in this Chapter the following terms shall have the following meanings:

(1) Building permit for new development means a building permit issued pursuant to Chapter 16.08 of the Riverside Municipal Code for a structure or a portion of a structure which is not a replacement for a structure or a portion of a structure which existed on the same site on January 1, 1990.

(2) Initial mobile home setup permit means the first mobile home setup permit to be issued by the Building Division of the Community Development Department for a space in a mobile home park. Subsequent mobile home setup permits issued for the same space shall not be subject to the requirements of this Chapter. (Ord. 6928 §1, 2007)

Section 16.76.030 Establishment of fee.

A development fee for trails is hereby established for and assessed against all new development and initial mobile home setups in the amount established by the City Council by resolution. (Ord. 6928 §1, 2007)

Section 16.76.040 Payment of fee.

The required development fee for trails shall be paid prior to the issuance of a building permit for new development or an initial mobile home setup permit. No building permit for new development or initial mobile home setup permit shall be issued until such fee has been paid. (Ord. 6928 §1, 2007)

Section 16.76.050 Use of fee.

When the development fee for trails has been collected, it shall be deposited with other fees for trails in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the City, except for temporary investments. The fees may be expended solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in the account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected. (Ord. 6928 §1, 2007)

Section 16.76.060 Exemptions.

A. Non-residential development which replaces on the same lot previously existing residential or non-residential development, not to exceed the square footage of the previously existing development, within one year from the date of destruction or relocation of the previously existing development.

B. Residential development which replaces on the same lot previously existing non-residential development, within one year from the date of destruction or relocation of the previously existing development.

C. Residential development which replaces on the same lot previously existing residential development, unit for unit, of the same type, within one year from the date of destruction or relocation of the previously existing development.

D. Rehabilitation or remodeling of existing residential or non-residential development which does not add new square footage.

E. Development by local, State or Federal governments for governmental use.

F. The construction of an accessory building as defined in Title 19 of this Code. (Ord. 6928 §1, 2007)

Section 16.76.070 Fee credits.

A developer may apply for a reduction in the amount of the development fees required by this Chapter in exchange for a donation of land to the City of Riverside which land is situated in a proposed City Trail as shown in the City of Riverside Master Trails Plan. The developer's application shall include an appraisal of the value of the land and shall be submitted to the Parks, Recreation and Community Services Director. The Parks, Recreation and Community Services Director shall prepare a report with recommendations for the City Council regarding the proposed credit. The City Council may approve or deny the proposed credit or may approve the credit for a lesser amount than requested. The credit shall not exceed the amount of development fees required to be paid by the applicant. This Section is not applicable to land donations made to the City or to commitments made to donate land to the City which donations or commitments were made prior to the effective date of this Chapter or prior to City Council approval of a credit pursuant to this Section. (Ord. 6928 §1, 2007)

Section 16.76.080 Appeals.

Any person aggrieved by the computation of fees pursuant to this Chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days for the date the person is informed of the computation of fees. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this Chapter. The decision of the Planning Commission shall be transmitted to the City Council for ratification, modification or denial. (Ord. 6928 §1, 2007)

Section 16.76.090 Annual report.

Within sixty days of the close of each fiscal year, the Parks, Recreation and Community Services Director and the Finance Director shall make a report to the City Council which shall include the beginning and ending balance for the fiscal year, the fee, interest and other income, the amount of expenditure by facility and the amount of any refunds made during the fiscal year. This report shall be made available to the public and shall be reviewed by the City Council at its next regularly scheduled public meeting not less than fifteen days after the report is released. (Ord. 6928 §1, 2007)