

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 13, 2014

Scott Friend, City Planner  
Planning Department  
City of Orland  
815 Fourth Street  
Orland, CA 95963

RE: Ordinance #2013-08

Dear Mr. Friend:

This letter is to advise you of our determination regarding the referenced ordinance received from your agency on January 28, 2014.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code) complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings

**CITY COUNCIL**

James Paschall Sr., Mayor  
Salina J. Edwards, Vice Mayor  
Bruce T. Roundy  
Charles Gee  
Dennis G. Hoffman

# CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street  
ORLAND, CALIFORNIA 95963  
Telephone (530) 865-1600  
Fax (530) 865-1632



**CITY MANAGER**

Peter R. Carr

**CITY OFFICIALS**

Angela Crook  
Assistant City Manager/City Clerk  
Pamela Otterson  
City Treasurer

January 16, 2014

California Building Standards Commission  
Attn: James McGowan  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

Dear Mr. James McGowan,

Please find the attached documents regarding the City of Orland's amendments of the 2013 California Building Standards Code. The amendments are establishing administrative standards for the City of Orland. Enclosed are the following materials, in this order:

1. Agenda from the November 4, 2013 City Council Meeting
2. Public Notice of the November 4, 2013 City Council Meeting
3. Agenda from the November 18, 2013 City Council Meeting
4. City of Orland City Council Ordinance 2013-08

Please contact the City Planning Division at 530-865-1608 if you have any questions.

Sincerely,

Scott Friend, AICP, City Planner  
City of Orland - Planning Department

cc: Peter Carr, City Manager  
Jeff Powell, Building Inspector

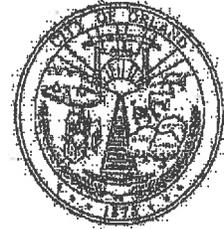
**CITY COUNCIL**

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Peter R. Carr

**CITY OFFICIALS**

Angela Crook  
Assistant City Manager/City Clerk  
Patricia Osterson  
City Treasurer

If anyone wishes to address the City Council on an item to be considered at this meeting, please complete a Speaker Request Form and submit to the City Clerk before the meeting begins. (optional)

Meeting Place: Carnegie Center  
912 Third Street  
Orland, CA 95963

**AGENDA**  
**REGULAR MEETING, ORLAND CITY COUNCIL**  
**Monday, November 4, 2013**

1. **CALL TO ORDER – 7:30 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ORAL AND WRITTEN COMMUNICATIONS**

A. Citizen Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor, however, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes).

5. **CITY COUNCIL COMMUNICATIONS AND REPORTS**
6. **CONSENT CALENDAR**

- A. Approve Warrant List (payable obligations).
- B. Receive and file Arts Commission minutes for September 18, 2013.
- C. Receive and file Public Safety Commission minutes for September 9, 2013.
- D. Adopt and approve Resolution No. 2013-XX approving the Department of Forestry and Fire Protection Agreement #7FG18120.
- E. Approve second reading of Ordinance No. 2013-XX amending Title 17- Zoning Ordinance; Chapter 17.78 – Sign Ordinance to modify and establish new regulations related to Portable Signs.
- F. Approve appointments to City Business Assistance Revolving Loan Account Committee.

Comments from the public are welcome. The Mayor will announce the opportunity for comments related to Public Hearings and/or each action item on the agenda. Please limit your comments to five minutes per topic. Once the public comment period is closed, please allow the Council the opportunity to continue its consideration of the item without interruption.

**7. PUBLIC HEARINGS --**

- A. Zoning Ordinance Text Amendment – Portable Signs (ZCA#2013-01)** A second public hearing on a city-initiated text amendment (ZCA#2013-01) to Chapter 17.78, *Sign Ordinance*, of the City of Orland Municipal Code to add definitions for Community Event Signs, Flag Signs, Seasonal Signs, and Special Event Signs and to modify the existing definitions for Advertising Surface, Off-Site Sign and Portable Sign; to add a new signage type for Farmers' Market Signs to Chapter 17.78.752, *Exempt Signs*; and, to add Chapters 17.28.430, Flag and Banner Signs, and 17.78.440 Special and Community Event Signs. It is noted that a portion of the original action contemplated as part of ZCA#2013-01 addressing *Portable Signs* was approved by the City Council at a public hearing held on Monday, October 21, 2013. This notice is being published again for those portions of the original text amendment action for which no action was taken by the City Council previously.
- B. Zoning Ordinance Text Amendment – Mixed Use Zoning District (ZCA2013-02)** a city-initiated amendment to Title 17, *Zoning Ordinance*, of the City of Orland Municipal Code to establish a new *Mixed Use* zoning district. The draft amendment would establish a new zoning district intended to assist the City in implementing the Mixed Use land use designation contained within the General Plan. The draft district would establish principally permitted, administratively permitted, and conditionally permitted uses; development standards to include lot size, lot dimensions, setbacks, landscaping, parking and design requirements for uses within the proposed zone district. The draft amendment is proposed to be codified as Section Chapter 17.62 of Title 17, *Zoning Ordinance* of the Orland Municipal Code.
- C. Zoning Ordinance Text Amendment – Nonconforming Structures and Uses (ZCA2013-03)** a city-initiated amendment to Chapter 17.96, *Administration and Enforcement*, of the City of Orland Municipal Code. The draft amendment would modify the regulations for nonconforming uses, structures, and lots. The draft amendment would add Section 17.96.005 *Purpose*, Section 17.96.015 *Nonconforming Structures*, and modify Section 17.96.020 *Nonconforming Uses*.
- D. Municipal Code Amendment – Title 15 – Buildings and Construction** A city-initiated amendment to Title 15, *Buildings and Construction*, of the City of Orland Municipal Code to adopt the 2013 California Building Standards Codes and 2013 California Fire Code. The California Building Standards Code establishes statewide codes and regulations for building construction and fire safety and is published every three years by order of the California legislature. The draft amendment would adopt the 2013 California Building Standards Code and Fire Code for use within the incorporated area of the City of Orland.

**8. ADMINISTRATIVE COMMUNICATIONS**

**A. City Manager – Pete Carr**

1. Request Council to proceed with publication of Request for Proposals for spray park feature in Lely Park.

2. Request Council to consider solid waste hauler annual cost-based fee adjustment per existing service contract and provide annual citywide clean-up day in lieu of other services.

**3. ADJOURN**

**CERTIFICATION:** Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on October 31, 2013.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1601 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**CITY OF ORLAND  
CITY COUNCIL  
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that the City of Orland City Council will hold public hearings on Monday, November 4, 2013, at 7:30 p.m., to consider the following action:

- 1) **Zoning Ordinance Text Amendment – Portable Signs (ZCA#2013-01)** A second public hearing on a city-initiated text amendment (ZCA#2013-01) to Chapter 17.78, *Sign Ordinance*, of the City of Orland Municipal Code to add definitions for Community Event Signs, Flag Signs, Seasonal Signs, and Special Event Signs and to modify the existing definitions for Advertising Surface, Off-Site Sign and Portable Sign; to add a new signage type for Farmers' Market Signs to Chapter 17.78.752, *Exempt Signs*; and, to add Chapters 17.28.430, Flag and Banner Signs; and, 17.78.440 Special and Community Event Signs. It is noted that a portion of the original action contemplated as part of ZCA#2013-01 addressing *Portable Signs* was approved by the City Council at a public hearing held on Monday, October 21, 2013. This notice is being published again for those portions of the original text amendment action for which no action was taken by the City Council previously.
- 2) **Municipal Code Amendment – Title 15 – Buildings and Construction** A city-initiated amendment to Title 15, Buildings and Construction, of the City of Orland Municipal Code to adopt the 2013 California Building Standards Codes and 2013 California Fire Code. The California Building Standards Code establishes statewide codes and regulations for building construction and fire safety and is published every three years by order of the California legislature. The draft amendment would adopt the 2013 California Building Standards Code and Fire Code for use within the incorporated area of the City of Orland.

The public is invited to review and comment on the request. Copies of the above described items are available for public review between the hours of 9:00 am and 4:30 pm Monday through Friday at the front counter of City Hall. Orland City Hall is located at 815 Fourth Street in the City of Orland. The public is also invited to attend the public hearing to be located at the Carnegie Center, which is located at 912 Third Street in the City of Orland. The City Council will discuss the proposed request, listen to questions and comments from members of the public, and will consider whether to take action on the request.

If you have any questions or comments, or wish to review the proposed amendments, please contact Angela Crook, City Clerk, Orland City Hall, 815 Fourth Street, Orland, CA 95963, or by telephoning (530) 865-1608. Since comments are part of the official record, please be sure that all comments submitted are legible, including the name of the author or signatory.

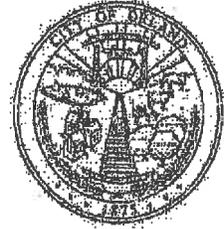
Angela Crook, City Clerk  
City of Orland

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Pamela Otterson  
City Treasurer

If anyone wishes to address the City Council on an item to be considered at this meeting, please complete a Speaker Request Form and submit to the City Clerk before the meeting begins. (optional)

Meeting Place: Carnegie Center  
812 Third Street  
Orland, CA 95963

## AGENDA REGULAR MEETING, ORLAND CITY COUNCIL Monday, November 18, 2013

1. CALL TO ORDER - 7:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

A. Citizen Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor; however, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes).

5. CITY COUNCIL COMMUNICATIONS AND REPORTS

Report from subcommittee on Community Center options -  
Vice Mayor Hoffman & Councilmember Edwards

6. CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for October 21, 2013 and November 4, 2013.
- C. Receive and file Economic Development Commission minutes for October 9, 2013.
- D. Receive and file Planning Commission minutes for September 19, 2013.
- E. Receive and file Library Commission minutes for September 10, 2013.
- F. Approve second reading of Ordinance No. 2013-XX amending Title 17 Zoning Ordinance; Chapter 17.78 - Sign Ordinance to modify and establish new regulations related to portable signs.

- G. Approve second reading of Ordinance No. 2013-XX amending Title 17 -- Zoning by adding Chapter 17.42, DT-MU Downtown Mixed Use Zone.
- H. Approve second reading of Ordinance No. 2013-XX amending Title 17 -- Zoning Ordinance; Chapter 17.96, Administration and enforcement, to modify the regulations for nonconforming uses, structures, and lots.
- I. Approve second reading of Ordinance No. 2013-XX, repealing the 2010 California Building Code in its entirety by repealing Ordinance 2011-02 of the City of Orland and all other Ordinances and parts of the Ordinances in conflict therewith.

Comments from the public are welcome. The Mayor will announce the opportunity for comments related to Public Hearings and/or each action item on the agenda. Please limit your comments to five minutes per topic. Once the public comment period is closed, please allow the Council the opportunity to continue its consideration of the item without interruption.

7. PUBLIC HEARINGS -- None

8. ADMINISTRATIVE COMMUNICATIONS

A. City Planner -- Scott Friend

1. Discuss request by Council for supplemental information of Mixed - Use Structures.
2. Presentation of Development Impact Nexus Fee study.

B. City Attorney -- Greg Einhorn

Consideration of the scope of public information described in Government Code section 6254(f)(2), including the regular posting of information on the City's website. Discussion and action.

C. Recreation Director -- Joe Fetske

Request for Spence Park use as a girls softball field.

D. City Manager -- Pete Carr

Consider attendance at 2014 Economic Forecast Conference.

9. ADJOURN

**CERTIFICATION:** Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on November 14, 2013.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street in Orland or on the City's website at [www.cityoforland.com](http://www.cityoforland.com) where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1601 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**CITY OF ORLAND  
CITY COUNCIL ORDINANCE CC 2013- 08**

**AN ORDINANCE OF THE CITY COUNCIL OF ORLAND, CALIFORNIA, REPEALING THE 2010 CALIFORNIA BUILDING CODE IN ITS ENTIRETY BY REPEALING ORDINANCE NO. 2011-02 OF THE CITY OF ORLAND AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH; ADOPTING BY REFERENCE THE 2013 CALIFORNIA BUILDING STANDARDS CODE; 2013 CALIFORNIA BUILDING CODE; 2013 CALIFORNIA RESIDENTIAL CODE; 2013 CALIFORNIA ELECTRICAL CODE; 2013 CALIFORNIA MECHANICAL CODE; 2013 CALIFORNIA PLUMBING; 2013 CALIFORNIA ENERGY CODE; 2013 CALIFORNIA HISTORICAL BUILDING CODE; 2013 CALIFORNIA FIRE CODE; 2013 CALIFORNIA BUILDING STANDARDS COMMISSION REGARDING SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS; 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE; 1997 UNIFORM HOUSING CODE; 1997 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS; THE 2010 EDITION OF NATIONAL FIRE PROTECTION ASSOCIATION 13D, STANDARD FOR INSTALLATION OF SPRINKLER SYSTEMS IN ONE- AND TWO-FAMILY DWELLINGS AND MANUFACTURED HOMES; THE 2010 EDITION OF NATIONAL FIRE PROTECTION ASSOCIATION 13R, STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS IN RESIDENTIAL OCCUPANCIES UP TO AND INCLUDING FOUR STORIES IN HEIGHT; AND PROVIDING AN OPERATIVE DATE OF JANUARY 1, 2014.**

**The City of Orland hereby repeals 2010 California Residential Code and appendices published by the International Code Council, the 2010 California Mechanical Code and appendices published by the International Code Council and the International Association of Plumbing and Mechanical Officials, the 2010 California Code for Abatement of Dangerous Buildings and appendices published by the International Code Council, the 2010 California Green Building Standards Code and appendices adopted by the State of California's Building Standards Commission, the California Administrative Code published by the International Code Council, the 2010 California Electrical Code with the State of California amendments published by the International Code Council, the 2010 California Swimming Pool Code published by the International Association on Plumbing and Mechanical Officials, the 2010 California Solar Energy Code published by the International Association of Plumbing and Mechanical Officials, and the 2010 California Buildings Standards Codes published by the International Code Council.**

**WHEREAS**, the California Building Standards Code is published every three years by the California Building Standards Commission;

**WHEREAS**, the California Building Standards Commission has published the 2013 California Building Standards Code by amending Title 24 of the California Code of Regulations, effective January 1, 2014;

**WHEREAS**, pursuant to Government Code Section 50022.1 et seq., the City of Orland ("City") may adopt by reference the California Building Standards Code, 2013 Edition, as provided in Title 24 of the California Code of Regulations and other codes, including, without limitation, 1997 Uniform Housing Code, and the 1997 Uniform Code for the Abatement of Dangerous Buildings (collectively, the "Uniform Codes");

**WHEREAS**, the California Building Standards Code may be adopted by cities by incorporation by reference;

**WHEREAS**, the City Council determined the proposed amendments to Title 15, Buildings and Construction are exempt from the California Environmental Quality Act (CEQA) per Section 15061 (b)(3), General Exemption Rule of the CEQA Guidelines.

**WHEREAS**, the City duly published a notice of the public hearing on October 26, 2013; and

**WHEREAS**, the 2013 California Building Standards Code will automatically become effective without amendment in the City of Orland 180 days after January 1, 2014, unless the City affirmatively amends the Codes otherwise.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ORLAND:**

**Section 1. Purpose.**

The purpose of this ordinance is to repeal in its entirety Title 15 "Buildings and Construction" and to repeal City of Orland Ordinance No. 2011-02 of the Orland Municipal Code in order to adopt by reference and enact the 2013 California Building Standards Code.

This ordinance also enacts procedures for the administration and enforcement of the provisions of the City of Orland Building Codes and adopts and enforces rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

The 2013 California Building Standards Code parts and appendices are hereby declared to be the building code for the City of Orland and shall apply to and govern all building construction in the incorporated area of the City of Orland as hereinafter provided subject to the definitions, clarifications, deletions, and amendments set forth herein.

**Section 2. California Building Code.**

That a certain document, one (1) copy of which is on file in the City Clerk's Office in the City of Orland, being marked and designated as the *California Building Code*, 2013 edition, as published by the International Code Council, be and is hereby adopted as the Building Codes of the City of Orland, in the State of California for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provision, penalties, conditions, and terms of said Building Codes on file in the office of the City of Orland are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

**Section 2. Repeal of Ordinance No. 2011-02.**

Title 15, "Buildings and Construction", Ordinance No.2011-02, which adopted and enacted Title 15 of the Orland Municipal Code is hereby repealed in its entirety in order to adopt by reference and enact the 2013 California

Building Standards Code and to enact procedures for the administration and enforcement of the provisions of the City of Orland Building Codes and adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code as follows:

**Title 15**

**BUILDINGS AND CONSTRUCTION**

**Chapters:**

- 15.02 Administrative Code**
- 15.04 Building Code**
- 15.06 Residential Code**
- 15.08 Mechanical Code**
- 15.10 Abatement of Dangerous Buildings Code**
- 15.12 Housing Code**
- 15.14 Green Building Code**
- 15.16 Electrical Code**
- 15.20 Plumbing Code**
- 15.24 Swimming Pool Code**
- 15.28 Solar Energy Code**
- 15.32 Fire Code**
- 15.38 Mobilehomes, Camp Cars, Recreational Vehicles, Travel Trailers and Trailer Coaches**
- 15.42 Development Impact Fees**
- 15.46 Street Facility Reimbursement Fees**
- 15.50 Underground Canals Reimbursement Fees**
- 15.54 Enforcement**

## Chapter 15.02

### ADMINISTRATIVE CODE

#### Sections:

15.02.010	Title.
15.02.020	Definitions.
15.02.030	Authority having jurisdiction.
15.02.040	Purpose.
15.02.050	Adoption by reference.
15.02.060	Right of entry.
15.02.070	Additions, amendments or deletions to Uniform Administrative Code.
15.02.080	Violation--Nuisance.
15.02.090	Enforcement.
15.02.100	Penalties.
15.02.110	Enforcement procedures.
15.02.120	Conflicts.

#### 15.02.010 Title.

This chapter shall be known and cited as the "City of Orland Administrative Code."

#### 15.02.020 Definitions.

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

"Building codes" means the city of Orland building codes and each and every ordinance codified therein as adopted by the city council of the city of Orland by ordinance, including, but not limited to, the 2013 California Building Standards Code published by the International Code Council and contained in Title 24 of the California Code of Regulations; 2013 California Building Code published by the International Code Council and contained in Title 24, Part 2, Volumes 1 and 2 of the California Code of Regulations; 2013 California Residential Code published by the International Code Council and contained in Title 24, Part 2.5 of the California Code of Regulations; 2013 California Electrical Code published by the BNi Building News and contained in Title 24, Part 3 of the California Code of Regulations; 2013 California Mechanical Code published by the International Association of Plumbing and Mechanical Officials and contained in Title 24, Part 4 of the California Code of Regulations; 2013 California Plumbing Code published by the International Association of Plumbing and Mechanical Officials and contained in Title 24, Part 5 of the California Code of Regulations; 2013 California Energy Code published by International Code Council and contained in Title 24, Part 6 of the California Code of Regulations; 2013 California Historical Building Code published by International Code Council and contained in Title 24, Part 8 of the California Code of Regulations; 2013 California Fire Code published by International Code Council and contained in Title 24, Part 9 of the California Code of Regulations; 2013 California Building Standards Commission regarding seismic strengthening provisions for unreinforced masonry bearing wall buildings published by International Code Council and contained in Title 24, Part 10 of the California Code of Regulations; 2013 California Green Building Standards Code published by International Code Council and contained in Title 24, Part 11 of the California Code of Regulations; 1997 Uniform Housing Code published by the International Conference of Building Officials; and 1997 Uniform Code for Abatement of Dangerous Buildings published by the International Conference of Building Officials.

"Building official" means the building division manager of the city of Orland or his/her designated representative.

"Limited agricultural building" means a building meeting the definition of "agricultural building" in Part 2, California Building Code, Volume 1, § 202 and also found on the list set forth in Part 2, California Building Code, Volume 2, Appendix C, § C101.1.

**15.02.030 Authority having jurisdiction.**

The building official of the city is designated to be the authority having jurisdiction of the city of Orland building codes. The building official shall administer, enforce, and render interpretations of all the provisions of this code and the referenced technical codes.

**15.02.040 Purpose.**

The purpose of this code is to provide procedures for administration and enforcement of the provisions of the city of Orland building codes and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

**15.02.050 Adoption by reference.**

The Orland Municipal Code, the 2013 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations, 1997 Uniform Housing Code, 1997 Uniform Code for Abatement of Dangerous Buildings as listed above in Section 15.02.020 by reference without further publication, published by the International Code Council, the International Association of Plumbing and Mechanical Officials, the BNi Building News, and the International Conference of Building Officials, is hereby adopted and made part of this title as though fully set forth herein to provide the procedures for administration and enforcement of the provisions of the city of Orland building codes. One copy of the codes shall be kept on file in the building department and shall be available for use and examination by the public.

**15.02.060 Right of entry.**

The code enforcement officer, the fire chief, the building official, and/or their designees shall be authorized to enter upon private property or public property as provided for in Section 14.01.020 of the city of Orland Municipal Code to enforce the provisions of this title, or for the purpose of making any inspection, re-inspection, or test of any work performed pursuant to this title.

**15.02.080 Violation--Nuisance.**

Any violation of any code and/or uniform code as adopted and amended by ordinance shall be, and the same is declared to be, unlawful and a public nuisance.

**15.02.090 Enforcement.**

Unless otherwise set forth in this title, the building official or his/her designated representative shall enforce the provisions of this title pursuant to the provisions of Chapters 1.08 to 1.10, inclusive of, the city of Orland Municipal Code.

**15.02.100 Penalties.**

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

A. Violation of any provision of this title shall be an administrative violation per the city of Orland Municipal Code. In addition to enforcement by any procedure set forth inclusive, any violation of this title shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

B. Each of the sanctions for administrative violations identified per the city of Orland Municipal Code shall be available for enforcement of the provisions of this chapter.

C. In addition to the criminal penalty set and, based upon the standards for the imposition of administrative sanctions set forth in the city of Orland Municipal Code, a violation of any provision of this title shall be deemed a violation, as that term is described in the city of Orland Municipal Code.

#### **15.02.110 Enforcement procedures.**

A. Prior to the suspension, revocation, or denial of any license or permit, or the assessment of any fee, penalty, or charge, or the commencement of any other enforcement action pursuant to this title, the building official and/or his/her designated representative shall follow the procedures as set forth in the city of Orland Municipal Code. The rights to judicial review set forth in the city of Orland Municipal Code shall apply.

B. A notice to correct or stop order shall be served in accordance with the provisions of the city of Orland Municipal Code.

1. Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns the failure to apply for and/or obtain a valid permit, the time allowed for application for a permit shall be no less than seven calendar days and no more than thirty (30) calendar days. A stop order shall accompany the notice to correct, and shall remain in effect pending the review of and decision on any permit application.
2. Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns (a) the failure to comply with conditions placed on a permit or other entitlement issued by the city or (b) a violation of any provision of this title, the time allowed to correct the violation shall be a minimum of twenty-four (24) hours and a maximum of ninety (90) calendar days, depending upon the type of action that will be necessary to correct the violation. If the violation creates a potential risk of harm to persons or property, a stop order may accompany the notice to correct, and shall remain in effect until the violation has been remedied to the satisfaction of the building official or his/her designated representative.
3. If the building official or his/her designated representative determines that there has been a good faith effort to correct the violation(s) set forth in a notice to correct, the building official or his/her designated representative may extend the deadline for compliance for a reasonable period of time. Any such extension shall be memorialized in writing and copy shall be sent by first class mail to all responsible persons.

C. A notice of administrative violation may be issued pursuant to the procedures established in the Orland Municipal Code.

#### **15.02.120 Conflicts.**

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

## Chapter 15.04

### BUILDING CODE

#### Sections:

- 15.04.010** California Building Standards Code, 2013 Edition adopted.
- 15.04.015** Post Disaster Safety Assessment Program.
- 15.04.020** Violation--Penalty.

#### **15.04.010 California Building Standards Code, 2013 Edition adopted.**

The 2013 California Building Standards Code with appendices thereto, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the building code of the city; and the provisions thereof shall be controlling within the city limits.

The following sections of the 2013 California Building Standards Code are hereby amended and adopted to read as follows:

A. Section 101.4.4 "Property Maintenance" is amended to read as follows: The provisions of the Uniform Housing Code and Uniform Code for the Abatement of Dangerous Buildings shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

B. Section 107.3.1 "Approval of construction documents" is amended to read as follows:

When the Building Official or his/her designated representative issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance."

One set of construction documents so reviewed shall be retained by the Building Department. 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.

C. Section 109.3 "Building permit valuations" is deleted and replaced to read as follows: Permit, plan checking, filing, and reinspection fees and refunds shall be as specified and adopted by the City Council in Title 3, "Revenue and Finance" of the Orland Municipal Code.

D. Section 111.1 "Use and Occupancy" is amended to read as follows: No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official or his/her designated representative has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

E. Section 112.3 Authority to disconnect service utilities is amended to read as follows: The Building Official or his/her designated representative shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes in case of an emergency, where necessary to eliminate an immediate hazard to life or property. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced when any building service equipment is maintained in violation of Section 105 of Chapter 1, Division II, of the 2013 California Building Standards Code, or of the codes adopted in Section 15.020.050, or in violation of a notice issued pursuant to the provisions of Section 114 of Chapter 1, Division II, of the 2013 California

Building Standards Code. The Building Official or his/her designated representative shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

#### **15.04.015 Post-Disaster Safety Assessment Program**

##### **A. Post-Disaster Safety Assessment Placards and Standard for Repair of Damaged Structures.**

1. **Purpose and Intent.** These provisions establish standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or manmade disaster. These provisions further authorize the Building Official or his/her designated representative to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment. These provisions also provide a defined level of repair for buildings damaged by a natural or manmade disaster where a formal state of emergency has been proclaimed by the City Council.
2. **Application of Provisions.** The provisions are applicable, following each natural or manmade disaster, to all buildings and structures of all occupancies regulated by the City of Orland.
3. **Definitions.**
  - i. **Damage Ratio.** Damage Ratio is the estimated value of repairs required to restore the structural members to the estimated replacement value of the building or structure.
  - ii. **Safety Assessment.** Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy following a natural or manmade disaster.
4. **Placards.** The following are descriptions of the official placards to be used to designate the condition for continued occupancy of buildings or structures:
  - i. **INSPECTED--Lawful Occupancy Permitted (Green)** 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.
  - ii. **RESTRICTED USE--(Yellow)** 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.
  - iii. **UNSAFE--Do Not Enter or Occupy - (Red)** 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 except as authorized in writing by the Building Division. Safety assessment teams shall be authorized to enter these buildings. 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.
5. The Section number of the Orland Municipal Code (15.04.010 V. 1.), the name of the Department, its address, and phone number shall be listed on each placard.

6. Once it has been attached to a building or structure, a placard is not be removed, altered or covered until done so by an authorized representative of the building department or upon written notification from the department.

**15.04.020 Violation–Penalty.**

Any person violating any of the provisions of this chapter of the California Building Standards Code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor, shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

## Chapter 15.06

### RESIDENTIAL CODE

#### Sections:

- 15.06.010** California Residential Code adopted.
- 15.06.020** Installation of residential fire suppression systems.
- 15.06.030** Violation--Penalty.

#### **15.06.010 California Residential Code adopted.**

The California Residential Code, 2013 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the residential code of the city; and the provisions thereof shall be controlling within the city limits.

#### **15.06.020 Installation of residential fire suppression systems.**

Residential fire suppression systems as referenced in the 2013 California Residential Code, published by the International Code Council, shall be regulated under that authority of the city of Orland's building official and within the authority of the city of Orland building department.

#### **15.06.030 Violation--Penalty.**

Any person violating any of the provisions of this chapter or of the California Residential Code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor, shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

## Chapter 15.08

### MECHANICAL CODE

#### Sections:

- 15.08.010 California Mechanical Code adopted.**
- 15.08.020 Violation--Penalty.**

#### **15.08.010 California Mechanical Code adopted.**

The California Mechanical Code, 2013 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council and the International Association of Plumbing and Mechanical Officials, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the mechanical code of the city; and the provisions thereof shall be controlling within the city limits.

#### **15.08.020 Violation--Penalty.**

Any person violating any of the provisions of this chapter or of the California Mechanical Code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 1.12.100 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

## Chapter 15.10

### ABATEMENT OF DANGEROUS BUILDINGS CODE

#### Sections:

- 15.10.010** California Code for the Abatement of Dangerous Buildings adopted.
- 15.10.020** Violation--Penalty.

#### **15.10.010** California Code for the Abatement of Dangerous Buildings adopted.

The California Code for Abatement of Dangerous Buildings, 1997 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Conference of Building Officials, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the abatement of dangerous buildings code of the city; and the provisions thereof shall be controlling within the city limits. The provisions contained therein are enacted in order to provide a just, equitable and practicable method of enforcement and shall be considered to be cumulative with and in addition to any other remedies provided by law including, but not limited to, those remedies provided by the California Building Standards Code, Uniform Housing Code and any other applicable laws and regulations pertaining to the abatement of conditions in buildings or structures, conditions which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or occupants of such buildings or structures.

#### **15.10.020** Violation--Penalty.

Any person violating any of the provisions of this chapter or of the California Code for the Abatement of Dangerous Buildings as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

## **Chapter 15.12**

### **HOUSING CODE**

#### **Sections:**

- 15.12.010**     **Uniform Housing Code adopted.**
- 15.12.020**     **Violation--Penalty.**

#### **15.12.010**     **Uniform Housing Code adopted.**

The Uniform Housing Code, 1997 Edition, with appendices thereto, and all subsequent editions thereto, prepared and published by the International Conference of Building Officials, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the housing code of the city; and the provisions thereof shall be controlling within the city limits.

#### **15.12.020**     **Violation--Penalty.**

Any person violating any of the provisions of this chapter or of the Uniform Housing Code as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

## Chapter 15.14

### GREEN BUILDING STANDARDS CODE

#### Sections:

- 15.14.010** California Green Building Standards Code adopted.
- 15.14.020** Violation--Penalty.

#### **15.14.010** California Green Building Standards Code adopted.

The 2013 California Green Building Standards Code, with appendices thereto, and all subsequent editions thereto, as adopted by the State of California's Building Standards Commission, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the green building standards code of the city; and the provisions thereof shall be controlling within the city limits.

#### **15.14.020** Violation--Penalty.

Any person violating any of the provisions of this chapter or of the green building standards code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor, shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

## **Chapter 15.16**

### **ELECTRICAL CODE**

**Sections:**

- 15.16.010 California Electrical Code adopted.**
- 15.16.020 Violation--Penalty.**

**15.16.010 California Electrical Code adopted.**

The California Electrical Code, 2013 Edition, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the electrical code for the city; and the provisions thereof shall be controlling within the city limits.

**15.16.020 Violation--Penalty.**

Any person violating any of the provisions of this chapter or of the California Electrical Code as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

## Chapter 15.20

### PLUMBING CODE

#### Sections:

- 15.20.010** California Plumbing Code adopted.
- 15.20.020** Use of CPVC plastic piping authorized when--installation requirements.
- 15.20.030** Violation--Penalty.

#### **15.20.010 California Plumbing Code adopted.**

The California Plumbing Code, 2013 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Conference of Plumbing and Mechanical Officials, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the plumbing code of the city; and the provisions thereof shall be controlling within the city limits.

#### **15.20.020 Use of CPVC plastic piping authorized when--Installation requirements.**

Chlorinated polyvinyl chloride (CPVC) plastic piping is an approved alternate material for use in plumbing systems to which the California Plumbing Code applies, including all potable water systems, when the building official has personal knowledge or is furnished adequate information by or on behalf of the owner of a building site that corrosive conditions exist in the water supply for the site or in the soil through which water supply piping for the site will pass and that such conditions may destroy conventional metal piping that would otherwise be used for the water supply. The following requirements apply to all potable water systems in which CPVC plastic piping is used:

A. The piping shall be listed as an approved material in, and installed in accordance with, the 2013 Edition of the California Plumbing Code.

B. All installations of CPVC shall strictly comply with the interim flushing procedures and worker safety measures set forth in subdivisions (1) and (2) of this subsection.

1. The following safe work practices shall be adhered to when installing both CPVC and copper plumbing pipe:

- a. Employers shall provide education and training to inform plumbers of risks, provide equipment and techniques to help reduce exposures from plumbing pipe installation, foster safety work habits, and post signs to warn against the drinking of preoccupation water.

For purposes of this subdivision "training" shall include training in ladder safety, safe use of chain saws and wood-boring tools, hazards associated with other construction trades, hazards from molten solder and flux, and the potential hazards and safe use of soldering tools and materials.

- b. Cleaners shall be renamed as primers, include strong warnings on the hazards of using primers as cleaners, and shall include dyes to discourage use as cleaners.
- c. Applicators and daubers shall be limited to small sizes.
- d. Enclosed spaces shall be ventilated with portable fans when installing CPVC pipe.

- e. Protective impermeable gloves shall be utilized when installing CPVC pipe.
  - f. Employees shall provide on-site portable eye wash stations for all employees to allow for immediate flushing of eyes in the event of splashing of hot flux.
  - g. Employers using acetylene torches shall ensure that the acetylene tanks are regularly maintained and inspected in accordance with applicable regulatory requirements. Fire extinguishers shall be kept in close proximity to the workplace.
2. All of the following flushing procedures shall be adhered to when installing CPVC pipe:
- a. When plumbing is completed and ready for pressure testing, each cold water and hot water tap shall be flushed starting with the fixture (basin, sink, tub or shower) closest to the water meter and continuing with each successive fixture, moving toward the end of the system. Flushing shall be continued for at least one minute or longer until water appears clear at each fixture. This step may be omitted if a jurisdiction requires the building inspector to test each water system.
  - b. The system shall be kept filled with water for at least one week and then flushed in accordance with the procedures set forth in subdivision (b) of this subsection. The system shall be kept filled with water and not drained.
  - c. Before the premises are occupied, the hot water heater shall be turned on and the system shall be flushed once more. Commencing with the fixture closest to the hot water heater, the hot water tap shall be permitted to run until hot water is obtained. The time required for hot water to flow from a specified tap shall be determined, and the cold water tap at the same location shall then be turned on for the same period of time. This procedure shall be repeated for each fixture in succession through the rest of the system.

**15.20.030 Violation--Penalty.**

Any person violating any of the provisions of this chapter or of the California Plumbing Code as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

## Chapter 15.24

### SWIMMING POOLS

#### Sections:

**15.24.010 Fencing required.**

**15.24.010 Fencing required.**

All swimming pools within the city shall be fenced with an approved fence as provided in this section.

A. Every person in possession of land within the city, either as an owner, purchaser under contract, lessee, tenant, licensee, or otherwise upon which land is situated a swimming pool or other out-of-doors body of water, designed, constructed and used for swimming, dipping or immersion purposes by men, women, or children, having a depth in excess of eighteen (18) inches, or with a surface area exceeding two hundred fifty (250) square feet, shall maintain on the lot or premises upon which such pool or body is located, and completely surrounding such pool or body of water, a fence or wall not less than four and one-half feet high (measured outside the enclosure), with openings, holes or gaps therein no larger than four inches measured horizontally, except for doors or gates; provided, however, a single-family dwelling house or accessory building may be used as part of such enclosure.

B. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, the door of any dwelling occupied by human beings and forming a part of the enclosure hereinabove required need not be so equipped, with the exception of breezeways, back doors or garages, and similar structures affording access to the pool, which shall be self-closing and self-latching, with such latching device placed at least four feet above ground level or otherwise made inaccessible from the outside to small children.

C. The building inspector may grant an exception to the requirements of fencing a swimming pool when he finds there is a barrier existing on the premises by reason of vegetation, landscaping or topography suitable to prevent children from straying into the pool.

## Chapter 15.32

### FIRE CODE

#### Sections:

- 15.32.010 California Fire Code adopted.**
- 15.32.020 Modifications to the California Fire Code.**
- 15.32.030 Storage of gasoline and petroleum products.**
- 15.32.040 Exceptions to Section 15.32.030.**
- 15.32.050 Temporary storage of gasoline and petroleum products.**
- 15.32.060 Installation of metal tanks.**

#### **15.32.010 California Fire Code adopted.**

The California Fire Code, 2013 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the fire code of the city; and the provisions thereof shall be controlling within the city limits.

#### **15.32.020 Modifications to the California Fire Code.**

Whenever the word "Chief" appears in the California Fire Code, the following words shall be deemed inserted in lieu thereof: "Chief and/or Building Inspector, and/or Fire Marshall, and or Building Official."

#### **15.32.030 Storage of gasoline and petroleum products.**

The storage of gasoline or any other petroleum products which will emit a flammable vapor, at less than one-hundred (100) degrees Fahrenheit, shall be permitted under the following circumstances:

- A. Storage shall be in a sound and non-leaking nonflammable container.
- B. Such container shall be housed within a structure of such a size, character and nature, so as to accommodate eighty (80) percent of the contents of the tank/container, when such container is full.
- C. Such housing shall be adequate to contain any spillage and facilitate effort.
- D. No gasoline or other petroleum product as provided for in this section shall be allowed to escape to the ground strata.
- E. Any electrical wiring or other fittings shall be approved by the appropriate agency, as being explosion proof.
- F. The city may adopt other reasonable requirements as may be necessary to protect the public safety and welfare and may do so by resolution or adoption of any state building standards adopted, either by the California Fire Code or the State Fire Marshal.
- G. Appeals of all decisions shall be made in accordance with Section 16.36.070 of this code, et seq. to the city council.

**15.32.040 Exceptions to Section 15.32.030.**

The provisions of Section 15.32.030 of this code shall not apply to:

A. A gasoline or petroleum product tank affixed to and which is part of a motor vehicle licensed by the state of California.

**15.32.050 Temporary storage of gasoline and petroleum products.**

A. Any person may apply, in writing, to the city council for permission to temporarily store gasoline or petroleum products which emit an inflammable vapor at less than one hundred (100) degrees Fahrenheit.

B. When received by the city clerk, such application shall be placed on the agenda of the next regular meeting of the city council.

C. At such regular meeting the city council shall consider any evidence presented by any interested person, no formal rules of evidence need be followed and such hearing may be continued for a period not to exceed sixty-five (65) days.

D. The city council after hearing such evidence, may, in its sole discretion grant or deny such application.

E. If an application is granted, the city council may impose conditions or restrictions that, in its discretion, are necessary to protect the public health, safety, and welfare.

**15.32.060 Installation of metal tanks.**

The metal tanks referred to in Section 15.32.030 of this chapter shall be installed in accordance with the appropriate provisions of this code.

**15.32.070 Installation of residential fire suppression systems.**

Residential fire suppression systems referred to in the 2013 Residential Code shall be regulated under that authority of the city of Orland building official and within the authority of the city of Orland building department.

## Chapter 15.38

### MOBILEHOMES, CAMP CARS, RECREATIONAL VEHICLES, TRAVEL TRAILERS AND TRAILER COACHES

#### Sections:

<b>15.38.010</b>	<b>Definitions.</b>
<b>15.38.020</b>	<b>Use restricted.</b>
<b>15.38.030</b>	<b>Park permits.</b>
<b>15.38.040</b>	<b>Nonconforming uses.</b>
<b>15.38.050</b>	<b>Violation--Penalty.</b>

#### **15.38.010 Definitions.**

Definitions of the words and terms used in this chapter are set forth in the California Health and Safety Code, Division 13, Part 2, Chapter 1, Section 18000 et seq.

#### **15.38.020 Use restricted.**

Except as specifically provided in Section 17.76.130 (second dwellings) of this code, it is unlawful for any person to maintain or use, or allow to be maintained or used, for human habitation, any camp car, mobilehome, recreational vehicle, travel trailer, and/or trailer coach in the city, except in a licensed mobilehome park, incidental camping areas, recreational trailer park, temporary trailer park or travel trailer park.

#### **15.38.030 Park permits.**

A. All persons desiring to establish and operate any mobilehome park, incidental camping area, recreational trailer park, temporary trailer park or travel trailer park within the city limits shall request and obtain a permit from the building inspector of the city before maintaining or operating any such establishment. All applications shall be upon a form as may be prescribed by the building inspector, and among other things, shall set forth the following:

1. That no dangerous conditions, either to life or health, will be allowed to exist;
2. That no overcrowding at any camp will be allowed;
3. That adequate plumbing and waste and sewage disposal facilities will be built and property maintained;
4. That the camp will be operated in a clean and sanitary manner.

B. Upon receipt of the application, and after consideration of the same, if the requirements as set out in this code and the California Health and Safety Code shall be complied with, the building inspector shall thereupon issue a permit to the applicant.

#### **15.38.040 Nonconforming uses.**

Except as prohibited by the California Health and Safety Code, camp cars, mobilehomes, recreational vehicles, travel trailers and/or trailer coaches in the city which have been used for human habitation for thirty (30) days or longer, immediately preceding March 8, 1971, may continue to be so used by the person or persons enjoying such use on March 8, 1971. No person who acquires an ownership interest or a possessory interest in any camp

car, mobilehome, recreation vehicle, travel trailer or trailer coach after midnight March 8, 1971, may use or allow to be used such vehicle contrary to the provisions of Section 15.37.020.

**15.38.050 Violation--Penalty.**

Any person, firm or corporation who does or allows to be done, any act prohibited by the provisions of this chapter, is guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided in Section 1.12.010 of this code. Each day such act occurs or is allowed to occur is a separate and distinct offense and shall be punishable accordingly.

## Chapter 15.42

### DEVELOPMENT IMPACT FEES

#### Sections:

<b>15.42.010</b>	<b>Purpose.</b>
<b>15.42.020</b>	<b>Findings.</b>
<b>15.42.030</b>	<b>Fees established.</b>
<b>15.42.040</b>	<b>Impact fee administration.</b>
<b>15.42.050</b>	<b>State limitations on the imposition of fees and exactions.</b>
<b>15.42.060</b>	<b>Exemption from CEQA.</b>
<b>15.42.070</b>	<b>Annual report and adjustment of fees.</b>

#### **15.42.010 Purpose.**

A. In order to implement the goals and objectives of the city's general plan and to mitigate the impacts caused by future development in Orland, certain public facilities must be or have been required to be constructed, and/or compensation measures must be or have been required to be taken to offset resources lost due to future development. The city council has determined that development impact fees are necessary in order to finance these public facilities, and/or compensation measures and to pay for each development's fair share of the construction costs of these improvements, and/or the costs of the compensation measures.

B. The city is authorized to levy fees where specific findings are made with regard to the need to expand facilities to maintain adopted levels of service, mitigate environmental impacts, and/or to comply with city general plan policies and standards. General plan policies and standards provide a reliable basis for levying fees or associated exactions, since the general plan is acknowledged as the foundation document for all development requirements in the community.

C. Environmental impact mitigation is also a basis for the establishment of development impact fees; however, the California Environmental Quality Act (CEQA) may not be used as the statutory basis for the fee. Other enabling ordinances or statutes are required to be adopted prior to implementation of fees based on environmental concerns.

D. In establishing the fee described in this chapter, the city council has found the fee to be consistent with its general plan and pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

#### **15.42.020 Findings.**

The city has completed a study of various public facility needs and has documented its findings in a report identified as the Orland impact fee study ("study"), which is on file with the Orland city clerk. According to that study, public facilities are needed to accommodate new development activity as follows:

A. **Police Facilities.** The current level of staffing in the Orland police department is nine officers for the city's 1994 population of five thousand five hundred sixty-three (5,563), for a ratio of 1.6 sworn officers per one thousand (1,000) population. In an average month, there are currently four hundred eighty-one (481) calls for service, of which three hundred thirty-seven (337) originate from residential units and one hundred forty-four (144) from commercial and industrial units. The Orland general plan has identified a staffing ratio of 2.2 officers per thousand population. Based on the twenty-year population growth projections, eight additional officers would need to be hired to meet this increase in population. Each officer would require an average of two hundred

seventy-five (275) square feet of building area, including all appurtenant facilities, and one-half vehicle unit (assuming shared vehicle units). This would indicate a need for two thousand two hundred (2,200) square feet of new space and four additional vehicles attributable to new development to attain the general plan standard. Based on the calls for service records indicated above, approximately seventy (70) percent of the cost of the needed facilities shall be allocated to new residential development, and the balance to commercial and industrial development.

**B. Fire Facilities.**

1. New fire facilities will be required to serve new development. Fire service areas are geographic and have a limited service radius to maintain a minimum response time for service calls. Consequently, the relationship of the impact of new development to the need for fire facilities can be determined for all land uses by establishing a service radius for an individual station and converting the station cost into a per-acre assessment. These allocated costs are then converted into per-unit development fees for ease of administration.
2. Policy C (9) of the general plan indicates that "Complete mitigation shall be required of development for public facilities to city standards for parcels less than five acres in size including roads and bridges, fire protection and other facilities and (or) infrastructure for the protection of health and safety in the Orland planning area." A 0.75-mile fire station service area radius has been established. Implementation of this mitigation requirement will require contributions from new development in proportion to the average per-acre cost of providing new fire facilities for these areas.

**C. City Hall Capital Facilities.** Policy C (9) of the general plan provides the foundation for assessment of impact fees for expansion of city hall facilities to service new residents and businesses. The cost of conversion and remodeling of the four thousand three hundred (4,300) square feet of building area that is currently shared with the police department will be necessary to accommodate new growth.

**D. Library.** The public library currently serves the northern half of Glenn County, including the city of Orland. The library is operated by the city, which has a contract with the county to provide library services to residents in the Orland library service area. The current square footage per capita has been determined to be inadequate for current and future growth. Based on the anticipated growth over the next twenty (20) years, an additional two thousand five hundred forty-nine (2,549) square feet of space will be required to meet the needs of the city's additional three thousand six hundred forty-one (3,641) population.

**E. Storm Drainage.** New storm drainage facilities will be required to accommodate new growth and development in the city and in specific areas such as the Newport/south specific plan area, the southwest specific plan area, and the east Orland planning area. Storm drainage facilities will be required in these areas as follows:

1. **Newport/South Specific Plan Area.** Policy B of the specific plan requires that "A master plan for the development and funding of necessary services and utilities (storm drainage, water, and sanitary facilities) shall be developed and adopted. Funding can be through the formation of an assessment district, entering into deferral agreements or direct developer funding of improvements. Distribution of cost for improvements shall be done in a fair and equitable manner." Development of this area is therefore conditioned on development of a comprehensive cost allocation study for this particular geographic area for storm drainage, water and sanitary facilities. This area will, however, need to participate in the costs of development for additional off-site detention and retention facilities and outfall lines to dispose of stormwater.

2. Southwest Specific Plan Area. This area has been the subject of an infrastructure plan for storm drainage, sewerage, water, and traffic control. These facilities will be provided as a condition of approval and development and will relate solely to this geographic area. This area will also need to participate in the costs of development for additional off-site detention and retention facilities and outfall lines to convey the stormwater to these facilities.
3. East Orland Planning Area. A schematic storm drainage plan for the east Orland area has been prepared and is detailed in the Orland impact fee study which includes the needed storm drainage storm drainage lines, collection system components and storage and disposal system facilities to service this area.

F. Park Acquisition and Development Fees. The city currently has fifty-three (53) acres of park land, a ratio of 9.29 acres per thousand population. Since these facilities serve an area containing approximately ten thousand (10,000) persons, the actual ratio is estimated to be 5.3 acres per thousand population. New residential development will result in residents who will use city park facilities, and the general plan has prescribed a standard of five acres of parks for each one thousand (1,000) people. According to this standard all new developments should be providing for additional parks. The cost of these facilities would be allocated to the individual residential units in proportion to the population density for each.

G. Traffic Signals and Intersection Improvements.

1. Additional traffic signals and intersection improvements have been determined to be necessary in order to accommodate planned growth in the planning area. Improvements covered by this fee include traffic signals, stop signs and other intersection improvements which are necessary to increase intersection capacity and safety. Specific needed projects that have been identified in the general plan include the following:
  - a. Papst/Yolo intersection improvements, including right-of-way acquisition and roadway realignment;
  - b. Signalization at South Street and Sixth Streets, Date Street and Sixth Street, and Papst Avenue and Walker Street;
  - c. Additional intersections deemed necessary to provide augmented control or capacity include Ninth Street and Highway 32 (CEQA mitigation) and Cortina and Newport (CEQA mitigation); and
  - d. Traffic control at intersections adjacent to local schools including the intersections of Third and Shasta, Marin and South, Walnut and South and general area of Mill Street Grammar School.
2. Certain improvement projects have been adopted as conditions of development approvals in specific geographic areas as follows:
  - a. Date and Sixth Intersection. Improvement consisting of a signal or traffic control has been made a condition of development of the area north of Almond Way between Sixth Street and Interstate 5.
  - b. Sixth and South Intersection. This intersection will be signalized from developer contributions or other contributions exclusively from the southwest specific plan area.
  - c. Cortina/Newport Intersection. This intersection is to be improved to accommodate growth in the Newport/south specific plan area.
3. Intersection improvements are needed to accommodate peak-hour trips generated by new development. Afternoon peak-hour trip rates were obtained for each land use, as reported by the Highway Capacity

Manual, to assign an equivalent single-family dwelling unit rate. Costs were allocated to each land use type based on the cost determined for single-family residential development.

H. Traffic Impact Fee.

1. The October 27, 1995 report titled Highway 32 Traffic Impact Study was commissioned by Glenn EDC and Tri-County EDC and provides a listing of anticipated needs for safe traffic flow along major arterials within the city.
2. Improvements covered by this fee include traffic signals and interconnects; street reconstructions, alignments and widenings; off ramp improvements; and turn channelizations. Specific projects are listed within the Highway 32 Traffic Impact Study.
3. Traffic impact fees are quantified on a "per trip" basis to provide an equitable spread among various land uses which in turn generate varying amounts of traffic. Fees provided consider all of the twenty-year development potential identified for the study area and utilize approximately fifty (50) percent of the pass-by component identified for commercial uses.
4. Under this scenario, the nine hundred eighty thousand dollar (\$980,000.00) cost to be funded locally would be spread over roughly twenty-seven thousand six hundred (27,600) daily trips generated in the study area. This results in a fee of thirty-five dollars (\$35.00) per daily trip. Using average daily trip generation rates identified for the report provides an impact fee per acre of land use specified.

The basis for the fees described in this chapter is the city's finding that such fees are necessary to construct facilities to comply with environmental regulations and the Orland general plan.

**15.42.030 Fees established.**

Fees needed to construct new police facilities, fire facilities, city hall facilities, library facilities, local and areawide storm drainage facilities, parks facilities, traffic signals and intersection improvements, and roadway connections are established. The city council shall adopt a resolution setting forth the specific amount of the fee, describe the benefit/assessment on which the fee is imposed, describe the public improvements to be financed, estimated cost for such facilities, describe the reasonable relationship between the fee and the proposed development, and set forth a time for payment.

**15.42.040 Impact fee administration.**

A. Proceeds from the impact fees shall be collected and segregated into separate accounts to ensure that fees are used for the purposes and projects for which the fees are collected. The city may utilize these monies for any project included in the original fee justification to construct facilities which directly increase the capacity of the community. Special accounts may be established for improvements associated with an impact fee assessment area and for individual projects.

B. The fees collected, along with any interest earned on the account, shall be used for the following purposes:

1. To pay for design and construction of designated public facilities constructed by the city with funds (other than grants or gifts) from other sources;
2. To reimburse the city for designated public facilities constructed by the city with funds (other than grants or gifts) from other sources;

3. To reimburse developers who have designed and constructed designated public facilities which are oversized with supplemental size, length or capacity.

C. Development impact fees shall be adopted each year at the beginning of the fiscal year. Fees may be reviewed annually to determine correlation with current construction and land costs. The Engineering News Record, or other generally accepted publication which provides an annual construction cost index, shall be used to determine necessary increases or decreases in fee assessments.

**15.42.050 State limitations on the imposition of fees and exactions.**

The city council makes the following findings:

A. Fees or exactions do not exceed the reasonable cost of providing the services or constructing the needed facilities. The fees are not in excess of those required to accommodate new development and be used to remedy existing community service deficiencies.

B. The components of the fee have been segregated so that it is clear for what purpose the fees can be used.

C. Specific projects and programs have been identified.

D. The fees charged to different land uses are in proportion to the relative need that each use generates for new public facilities.

E. The Orland Impact Fee Study establishes a rational, well reasoned analysis of the cost of constructing a facility and the allocation of those costs to specific land uses. This analysis has considered:

1. General plan goals, policies and standards;
2. Current engineering studies regarding traffic, drainage and other needs;
3. Specific reference to environmental mitigation measures;
4. Identification of specific projects that are to be constructed.

F. The fees collected are to be segregated into different accounts and are to be used for the purposes authorized by this chapter.

**15.42.060 Exemption from CEQA.**

Establishment of fees is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15273(a)(4) of the State CEQA Guidelines. CEQA Section 15273(c) requires that written findings be incorporated in the record setting forth with specificity the basis for the claim of exemption. This claim of exemption is made based on the finding that the fee is necessary to maintain current service levels within the Orland planning area. Without such fees current service levels will decline within the planning area causing economic and social hardship and threatening public health and safety.

**15.42.70.1 Annual report and adjustment of fees.**

A. Within ninety (90) days after the end of each fiscal year, the city shall prepare a report, pursuant to Government Code Section 66006, which identifies the use of the fees in each account during the prior fiscal year, deposits to the account during the prior year, the fund balance in each account as of the end of the prior year and planned projects during the next five years.

B. Fees shall be established by resolution each fiscal year and take effect no sooner than sixty (60) days after adoption.

## Chapter 15.46

### STREET FACILITY REIMBURSEMENT FEES

#### Sections:

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15.46.160	Fees--Imposition.
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15.46.200	Same--Disposition.
15.46.210	Other street facility fees.

#### 15.46.010 Purpose.

This chapter is adopted in order to establish a procedure for reimbursing developers of property located within the city, as well as the Orland redevelopment agency and the city itself, for a portion of the costs of constructing and installing street facilities which adjoin other properties within the city, reduce the cost of any additional development occurring on such other properties by eliminating the need for construction and installation of such street facilities at the time such development occurs, and, by reason thereof, directly benefit such other properties.

#### 15.46.020 Findings.

The city council makes the following findings and determinations provided for in Section 66001 of the Government Code in regard to the street facility reimbursement fees assessed and levied pursuant to the provisions of this chapter.

A. The city council finds that developers of property located in the city are often required to construct and install off-site street facilities incident to or as condition of the approval or issuance of a final map, parcel map, certificate of compliance for a minor land division or a building permit which, while necessary to serve development occurring on their property, also adjoin other properties, reduce the cost of additional development occurring on such other properties by eliminating the need for the construction and installation of such street facilities at the time such development occurs, and, by reason thereof, directly benefit such other properties. Similarly, the city often constructs and installs street facilities adjoining properties located in the city which directly benefit such properties. Because such street facilities benefit adjoining properties, the city council finds

that it is equitable and proper to assess and levy a fee on the owners of such properties incident to and as a condition of additional development occurring on the properties in an amount equal to each property's proportional share of the cost of constructing and installing the street facilities, and to use the revenue derived from such fees for the purpose of reimbursing the initial developer and/or the city for the cost of constructing and installing that part of such street facilities which benefit such adjoining properties. By reason of the foregoing, the city council determines that there is a reasonable relationship between the street facilities, the costs of which will be reimbursed with the fees assessed and levied pursuant to the provisions of this chapter, and the development upon which such fees are imposed.

B. The city council finds that the revenues from the street facility reimbursement fees assessed and levied pursuant to the provisions of this chapter will be used to reimburse developers and/or the city as and for the cost of that part of the street facilities constructed and installed by them which benefit the adjoining properties for which such fees are assessed.

In particular, the city council finds that in accordance with the provisions of this chapter, the revenue from the street facility reimbursement fees assessed and levied against an owner of property pursuant to a memorandum of reimbursable street facility costs approved by the city council for an initial developer in the manner provided by this chapter must be used for the purpose of reimbursing the initial developer over a twenty-year period for the cost of that part of the street facilities constructed and installed by the initial developer which benefit such property, all in accordance with the terms and conditions of a reimbursement agreement between the city and initial developer executed in the manner provided by this chapter. By reason of the foregoing, the city council determines that there is a reasonable relationship between the use of street facility reimbursement fees provided for by this chapter and the development upon which such fees are imposed.

C. The city council finds that the street facility reimbursement fees assessed and levied pursuant to the provisions of this chapter for the purposes of reimbursing developers and/or the city as and for the costs of constructing and installing street facilities which benefit adjoining properties will be in an amount equal to each such property's proportional share of such costs. In particular, the city council finds that in accordance with the provisions of this chapter, the amount of street facility fees assessed and levied pursuant to a memorandum of reimbursable street facility costs approved by the city council for an initial developer and/or the city in the manner provided by this chapter will be based on the product of the cost per foot of constructing such street facilities, determined from the actual costs incurred by the initial developer and/or the city in designing, constructing and installing the street facilities, or as calculated from unit street facility costs established by resolution of the city council, whichever is less, multiplied by the total footage of that part of a benefited parcel fronting on the street facilities and adjusted for any increase in the cost of constructing and installing street facilities between the date such costs were incurred and the date such fees are paid. By reason of the foregoing, the city council determines that there is a reasonable relationship between the amount of the street facility reimbursement fees provided for by this chapter and the cost of the street facilities for which the fees are assessed.

#### **15.46.030 Definitions.**

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter:

"Benefited property" or "benefited parcel" means a parcel of real property or any part thereof which adjoins a street which was constructed and installed by an initial developer and/or the city.

"Initial developer" means any person who is required to construct and install off-site street facilities which benefit other parcels of real property incident to or as a condition of the approval of a final map, final parcel map, certificate of compliance, or incident to or as a condition of the issuance of a building permit.

"Street facilities" means a public street constructed or installed within the city or any part thereof including, but not limited to, the street surfaces, street base, street sub-base, and all sidewalks, curbs, gutters, storm drains, street lights, street signs and other facilities necessary and appurtenant thereto.

"Street facilities costs" or "the cost of constructing and installing street facilities" means all direct costs usually incurred in the construction and installation of street facilities within the city including, but not limited to, costs incurred in designing such street facilities, the cost of all plan check fees and other fees incurred in securing city and other governmental approvals of the plans and specifications for the street facilities, and the cost of all labor, materials, equipment, contractors and/or subcontractors employed in constructing and installing the street facilities, but excluding the cost of any land or interests in land acquired for or devoted to the street facilities.

**15.46.040 Manner of serving notices on property owners.**

Any notice or other document required to be served on an owner of property pursuant to this chapter shall be deemed served when either personally delivered to such property owner or when deposited in the United States mail, certified and return receipt requested, addressed to the property owner at the property owner's address as it appears on the last equalized assessment roll or supplemental roll of the county, whichever is more current.

Service by mail of a notice or other document in the manner provided for in this section shall be effective on the date of mailing, and the failure of any person to actually receive such notice shall not affect the validity of the notice.

**15.46.050 Street facility costs subject to reimbursement designated.**

The following street facility costs shall be subject to reimbursement in the manner hereinafter provided by this chapter:

- A. The costs incurred by an initial developer who is required to construct and install street facilities subsequent to March 1, 1997, incident to or as a condition of the approval of a subdivision map, parcel map or certificate of compliance for a minor land division, or incident to or as a condition of the issuance of a building permit, save and except for:
1. The cost of constructing and installing street facilities within the boundaries of the parcel being subdivided or improved pursuant to such subdivision map, parcel map, certificate of compliance or building permit;
  2. The cost of constructing and installing street facilities within the half-street section of a public right-of-way immediately adjacent to the parcel being subdivided or improved pursuant to such subdivision map, parcel map, certificate of compliance or building permit;
  3. The cost of constructing and installing temporary street facilities or the cost of maintenance work performed on existing street facilities; or
  4. Any portion of the cost of constructing and installing street facilities in excess of the usual cost of constructing and installing local street facilities, as determined by the city council in the manner provided by this chapter.
- B. The cost incurred by the city for constructing and installing street facilities which were completed subsequent to March 1, 1997, save and except for:
1. The cost of constructing and installing street facilities which are exempted from the provisions of this chapter by resolution of the city council;

2. The cost of constructing and installing temporary street facilities or the cost of maintenance work performed on existing street facilities; or
3. Any portion of the cost of constructing and installing street facilities in excess of the cost of designing, constructing and installing local street facilities as determined by the city council in the manner provided by this chapter.

**15.46.060 Unit street facility costs--Establishment.**

The city council shall, by resolution, establish unit street facility costs to be used for the purpose of determining the amount of the street facility reimbursement to be paid to an initial developer and/or the city in the manner provided for by this chapter, as well as any street facility reimbursement fees to be assessed and levied on the owner of benefited property, also in the manner provided for by this chapter. Such unit costs shall be determined by the city council based entirely on the usual costs which would be incurred by the city on the date of the adoption of such resolution for the construction and installation of a local street, including all of the curbs, gutters, sidewalks, storm drains, street lights, street signs, and other facilities usually necessary and appurtenant thereto, when designed, constructed and installed in accordance with the design criteria and improvement standards adopted in land division standards and improvement standards of this code.

However, such unit costs shall not include or otherwise provide for costs which might be incurred in connection with the construction of a particular local street by reason of unusual topographical or geographical conditions incurred when grading the street right-of-way, streams and watercourses which must be spanned by bridges or culverts, and/or other unique conditions that might be encountered in the course of constructing and installing a particular local street.

**15.46.070 Same--Annual adjustments.**

If on July 1 following the city council's adoption of a resolution establishing unit street facility costs in the manner provided by this chapter, or on July 1 of any year thereafter, there has been an increase in the usual costs of constructing and installing local streets within the Orland area, including all of the facilities usually necessary and appurtenant thereto, the city administrator, without any further action by the city council, shall increase the unit street facility costs adopted by resolution of the city council in an amount proportional thereto. The determination of whether there has been an increase in the cost of constructing and installing local street facilities and the amount of any increase in the unit street facility cost adopted by resolution of the city council which is proportional thereto, shall be made by the city administrator based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. average = 100) as last published in the Engineering News Record/McGraw Hill Construction Weekly.

**15.46.080 Costs incurred by initial developer--Application for reimbursement.**

Any initial developer desiring a reimbursement for street facility costs in the manner provided by this chapter shall file an application for such reimbursement with the city administrator within ninety (90) days following the date of acceptance for those street facilities constructed and installed by the initial developer which are completed and accepted by the city subsequent to the effective date of this chapter. Such application shall be accompanied by an application fee in an amount established by resolution of the city council based on the estimated cost of administering the provisions of this chapter, shall be in a form required by the city administrator and shall contain the following information and/or be accompanied by the following documents:

- A. The name, capacity and address of the initial developer;
- B. A description of the street facilities for which the initial developer seeks a reimbursement of costs;
- C. An itemized statement of the costs incurred by the initial developer in constructing and installing such street facilities prepared by and attested to by a certified public accountant;
- D. A legal description and assessor's parcel number for each parcel of real property, other than the developer's property, which adjoins the street facilities and by reason thereof is benefited by same;
- E. An engineered plat which depicts the street facilities and each benefited parcel;
- F. A statement setting forth the total length of the street facilities and the length of each benefited parcel; and
- G. Such additional information and documents as may reasonably be required by the city administrator.

**15.46.090 Same--Memorandum of reimbursable street facility costs.**

Where an initial developer has filed an application for reimbursement of street facility costs, the city administrator, based on the information provided in such application, shall prepare a proposed memorandum of reimbursable street facility costs and promptly transmit same to the city clerk. In such memorandum the city administrator shall set forth the following:

- A. The total cost subject to reimbursement as and for street facilities constructed and installed by the initial developer, either as set forth in the application filed by the initial developer or as calculated entirely from the unit street facility cost established by resolution of the city council, whichever is less;
- B. A legal description of each parcel, other than the initial developer's parcel, which adjoins such street facilities and by reason thereof, benefits from same;
- C. The total length of the street facilities, as well as the length of that portion of each benefited parcel which adjoins the street facilities;
- D. The street facility costs subject to reimbursement for each front foot of a benefited parcel adjoining the street facilities determined by dividing the total street facility costs subject to reimbursement by the front footage of all benefited parcels adjoining same;
- E. The total street facility costs subject to reimbursement for each particular benefited parcel adjoining the street facilities determined by multiplying the costs subject to reimbursement for each front foot of a benefited parcel by the total front footage of each particular benefited parcel;
- F. A statement sufficient to advise each owner of a benefited parcel:
  1. That a street facility reimbursement fee may be assessed and levied against the owner of such benefited parcel as and for such parcel owner's fair share of the reimbursable street facility costs incurred by the city for constructing and installing the street facilities adjoining the parcel; and
  2. That such street facility reimbursement fee will be in an amount equal to the total street facility costs subject to reimbursement for such person's particular benefited parcel, as set forth in the memorandum, adjusted for any increase in the cost of constructing and installing street facilities between the date such

street facilities were completed and the date such fees are paid, as determined by the city administrator, based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, all as hereinafter provided by this chapter; and

G. If more than one of the benefited parcels is located within the unincorporated territory of the county, the additional statement that a street facility reimbursement fee may also be assessed and levied upon the owner of such parcel or parcels as and for such parcel or parcel's fair share of the reimbursable street facility costs incurred by the city in the amount set forth therein and adjusted for any increase in the cost of constructing and installing street facilities in the manner provided for therein if, at the time of approval of any additional development on the parcel or parcels, the parcel or parcels are annexed or annexing to the incorporated territory of the city and/or are connecting or being connected to the city sewer system, all as provided for by this chapter.

**15.46.100 Same--Hearing on memorandum.**

A. Upon receipt of a proposed memorandum of reimbursable street facility costs incurred by an initial developer, the city clerk shall schedule the memorandum for consideration by the city council at a public hearing at the first regular or adjourned regular meeting of the city council on the twentieth day after receipt of the memorandum.

B. At least ten (10) days prior to the date of such hearing, the city administrator shall cause notice of the time, date and place of such hearing, as well as a copy of the proposed memorandum of reimbursable street facility costs to be served on the owner of each benefited property identified therein. In addition, at least ten (10) days prior to the date of the hearing the city administrator shall cause notice of the time, date and place of the hearing, as well as a brief statement of the subject of the hearing, to be posted along the street facility identified in the memorandum. Such notices shall be posted not more than three hundred (300) feet apart, but in no event shall less than three such notices be posted.

C. At the time and place set for the hearing on the proposed memorandum of reimbursable street facility costs, the city council shall consider the report of the city administrator thereon and any protests thereto presented by the owner of a benefited property identified therein.

**15.46.110 Same--Action on memorandum.**

If, after considering a proposed memorandum of reimbursable street facility costs incurred by an initial developer at a public hearing in the manner provided by this chapter, the city council determines that (1) the initial developer has incurred street facility costs subject to reimbursement; (2) that the total street facility costs subject to reimbursement set forth in such memorandum are equal to the initial developer's actual reimbursable costs as set forth in the application filed by the initial developer or as calculated entirely from the unit street facility costs established by resolution of the city council, whichever is less; (3) that each of the parcels described in the memorandum adjoins the street facilities constructed and installed by the initial developer and therefore is benefited by same; and (4) that the street facility costs subject to reimbursement for each front foot of a benefited parcel and the total street facility costs subject to reimbursement for each particular benefited parcel as set forth in the memorandum has been correctly calculated, the city council, by minute order, shall approve the memorandum together with any modifications thereto which it deems appropriate.

Following approval of the memorandum of reimbursable street facility costs, the city clerk shall endorse such memorandum with the number and date of the minute order approving same, and shall forward two certified copies of the memorandum to the city administrator. Upon receipt of such certified copies of the memorandum of reimbursable street facility costs, the city administrator shall cause one copy to be filed in the office of the building official and shall cause the other copy to be recorded in the official records of the county. Thereafter the building

official shall cause an additional copy thereof to be included in the file, if any maintained by the building official for each benefited parcel.

**15.46.120 Same--Reimbursement agreement.**

A. Promptly following the approval of a memorandum of reimbursable street facility costs incurred by an initial developer in the manner provided by this chapter, the city administrator shall offer to enter into an agreement with the initial developer on behalf of the city undertaking to reimburse the initial developer for all or a portion of the reimbursable street facility costs set forth in such memorandum out of the revenues from the street facility reimbursement fees assessed and levied in the manner provided by this chapter. Such agreement shall set forth:

1. The total street facility costs subject to reimbursement as and for the street facilities constructed and installed by the initial developer;
2. A description of each parcel, other than the developer's parcel, which adjoins such street facilities and by reason thereof benefits from same;
3. The total length of such street facilities as well as the length of each individual benefited parcel;
4. The street facility costs subject to reimbursement for each foot of a benefited parcel fronting on the street facilities; and
5. The total street facility costs subject to reimbursement for each particular benefited parcel, all as provided for in the memorandum of reimbursable street facility costs approved by the city council.

B. In addition, such agreement shall set forth the undertaking of the city to pay to the initial developer the revenues, if any, received by the city over the twenty-year period following the date of the agreement from the street facility fees assessed and levied upon the owner of a particular benefited parcel at the time and in the manner hereinafter provided by this chapter in an amount equal to the total street facility costs subject to reimbursement for such parcel, adjusted for any increase in the cost of constructing and installing street facilities between the date the street facilities were completed and the date such fees are paid, as determined by the city administrator based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, all as provided for in the memorandum of reimbursable street facility costs approved by the city council. Following execution of the agreement, the original copy thereof shall be filed in the office of the building official who, thereafter shall cause a duplicate copy thereof to be included in the file, if any, maintained by the building official for each benefited parcel.

**15.46.130 Costs incurred by city--Memorandum of reimbursable street facility costs.**

Where the city has incurred reimbursable street facility costs incident to the construction of a public street, the city administrator, promptly following completion of such street, shall prepare a proposed memorandum of reimbursable street facility costs and transmit same to the city clerk. In such memorandum the city administrator shall set forth the following:

A. The total cost subject to reimbursement as and for the street facilities constructed and installed by the city, either as determined by the city administrator from the actual cost incurred by the city in constructing and installing such street facilities, or as calculated entirely from the unit street facility costs established by resolution of the city council, whichever is less;

- B. A legal description of each parcel which adjoins such street facilities and by reason thereof benefits from same;
- C. The total length of that portion of each benefited parcel which adjoins the street facilities;
- D. The street facility costs subject to reimbursement for each front foot of a benefited parcel adjoining the street facilities determined by dividing the total street facility costs subject to reimbursement by the front footage of all benefited parcels adjoining same;
- E. The total street facility costs subject to reimbursement for each particular benefited parcel adjoining the street facilities determined by multiplying the costs subject to reimbursement for each front foot of a benefited parcel by the total front footage of each particular benefited parcel;
- F. The statement sufficient to advise each owner of a benefited parcel;
1. That a street facility reimbursement fee may be assessed and levied against the owner of such benefited parcel as and for such parcel owner's fair share of the reimbursable street facility costs incurred by the city for constructing and installing the street facilities adjoining the parcel, and
  2. That such street facility reimbursement fee will be in an amount equal to the total street facility costs subject to reimbursement for such person's particular benefited parcel, as set forth in the memorandum, adjusted for any increase in the cost of constructing and installing street facilities between the date such street facilities were completed and the date such fees are paid, as determined by the city administrator, based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, all as hereinafter provided by this chapter; and
- G. If more than one of the benefited parcels is located within the unincorporated territory of the county, the additional statement that a street facility reimbursement fee may also be assessed and levied upon the owner of such parcel or parcels as and for such parcel or parcel's fair share of the reimbursable street facility costs incurred by the city in the amount set forth therein and adjusted for any increase in the cost of constructing and installing street facilities in the manner provided for therein if, at the time of approval of any additional development on the parcel or parcels, the parcel or parcels are annexed or annexing to the incorporated territory of the city and/or are connecting or being connected to the city sewer system, all as provided for by this chapter.

**15.46.140 Same--Hearing on memorandum.**

- A. Upon receipt of a proposed memorandum of reimbursable street facility costs incurred by the city, the city clerk shall schedule the memorandum for consideration by the city council at a public hearing at the first regular or adjourned regular meeting of the city council on the twentieth day after receipt of the memorandum.
- B. At least ten (10) days prior to the date of such hearing, the city administrator shall cause notice of the time, date and place of such hearing, as well as a copy of the proposed memorandum of reimbursable street facility costs to be served on the owner of each benefited property identified therein. In addition, at least ten (10) days prior to the date of the hearing the city administrator shall cause notice of the time, date and place of the hearing, as well as a brief statement of the subject of the hearing, to be posted along the street facility identified in the memorandum. Such notices shall be posted not more than three hundred (300) feet apart, but in no event shall less than three such notices be posted.

C. At the time and place set for the hearing on the proposed memorandum of reimbursable street facility costs, the city council shall consider the report of the city administrator thereon and any protests thereto presented by the owner of a benefited property identified therein.

**15.46.150 Same--Action on memorandum.**

If, after considering a proposed memorandum of reimbursable street facility costs incurred by the city at a public hearing in the manner provided by this chapter, the city council determines (1) that the city has incurred street facility costs subject to reimbursement; (2) that the total street facility costs subject to reimbursement set forth in such memorandum are equal to the actual reimbursable costs incurred by the city to construct and install the street facilities identified in the memorandum or as calculated entirely from the unit street facility costs established by resolution of the city council, whichever is less; (3) that each of the parcels described in the memorandum adjoins the street facilities constructed and installed by the city and therefore, is benefited by same; and (4) that the street facility costs subject to reimbursement for each front foot of a benefited parcel, as set forth in the memorandum, have been correctly calculated, the city council, by minute order, shall approve the memorandum together with any modifications thereto which it deems appropriate. Following approval of the memorandum of reimbursable street facility costs, the city clerk shall endorse such memorandum with the number and date of the minute order approving same, and shall forward two certified copies of the memorandum to the city administrator. Upon receipt of such certified copies of the memorandum of reimbursable street facility costs, the city administrator shall cause one copy to be filed in the office of the building official and shall cause the other copy to be recorded in the official records of the county. Thereafter the building official shall cause an additional copy thereof to be included in the file, if any, maintained by the building official for each benefited parcel.

**15.46.160 Fees--Imposition.**

A street facility reimbursement fee is assessed and levied upon any owner of benefited property described in a memorandum of reimbursable street facility costs approved by the city council in the manner provided by this chapter as and for such property owner's share of the cost of the street facilities which adjoin and, therefore, are of benefit to such person's property at the time of the occurrence of any of the following events affecting the property:

A. Approval of a final map, final parcel map or a certificate of compliance authorizing the subdivision of such property; or

B. Issuance of a building permit authorizing construction of a building or other structure on such property.

**15.46.170 Same--Amount.**

Any street facility reimbursement fee assessed and levied upon an owner of benefited property identified in a memorandum of reimbursable street facility costs approved by the city council in the manner provided by this chapter shall be in an amount equal to the total street facility costs subject to reimbursement for that particular parcel as set forth in such memorandum of reimbursable street facility costs, adjusted for the increase, if any, in the cost of constructing and installing street facilities between the date the street facilities were completed and the date such fee was paid, as determined by the city administrator, based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, also as provided for in the memorandum of reimbursable street facility costs.

**15.46.180 Same--Exemptions.**

Notwithstanding any provision of this chapter to the contrary, a street facility fee shall not be assessed and levied upon an owner of benefited property identified in a memorandum of reimbursable street facility costs approved by the city council in the manner provided by this chapter where a building permit is issued which authorizes the construction of a building or structure on such benefited property and the benefited property is part of a subdivision for which such fees were paid incident to approval of the final map, parcel map or certificate of compliance for such subdivision.

**15.46.190 Same--Payable when.**

Where a street facility reimbursement fee is assessed and levied pursuant to the provisions of this chapter upon an owner of property incident to the approval or issuance of a final map, final parcel map, certificate of compliance for a minor land division or building permit for such property, such fee will be due and payable at the time of approval or issuance of such final map, final parcel map, certificate of compliance or building permit.

**15.46.200 Same--Disposition.**

A. Revenues Received as Reimbursement for Street Facility Costs Incurred by Initial Developers. The revenues received by the city from street facility fees assessed and levied pursuant to a memorandum of reimbursable street facility costs approved by the city council in the manner provided by this chapter for street facility costs incurred by an initial developer shall be disbursed to such initial developer in accordance with the provisions of the reimbursement agreement executed by the city and such initial developer also in the manner provided by this chapter. Provided, however, that in the event the city receives revenues from street facility reimbursement fees assessed and levied pursuant to a memorandum of reimbursable street facility costs approved by the city council for an initial developer after expiration of the term of the reimbursement agreement between the city and such initial developer, such fees shall be deposited in a city local street facility fund and thereafter appropriated and used for the purpose of constructing, reconstructing or maintaining local streets with the city.

B. Revenues Received as Reimbursement for Street Facility Costs Incurred by the City. All revenues received by the city from street facility reimbursement fees assessed and levied pursuant to a memorandum of reimbursable street facility costs approved by the city council in the manner provided by this chapter for street facility costs incurred by the city shall be deposited in a city local street facility fund and thereafter appropriated and used only for the purpose of constructing, reconstructing or improving local streets within the city.

**15.46.210 Other street facility fees.**

The street reimbursement fees assessed and levied pursuant to the provisions of this chapter shall be in addition to any street facility improvement fees assessed and levied pursuant to other chapters or sections of this code, as well as any street facility or other public improvement fees assessed and levied pursuant to any other ordinance or resolution adopted by the city council.

## Chapter 15.50

### UNDERGROUND CANALS REIMBURSEMENT FEES

#### Sections:

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#### 15.50.010 Purpose.

This chapter is adopted in order to establish a procedure for reimbursing developers of property located within the city, as well as the city itself, for a portion of the costs of constructing and installing underground canals which adjoin other properties with the city, reduce the cost of any additional development occurring on such other properties by eliminating the need for the construction and installation of such underground canals at the time such development occurs, and, by reason thereof, directly benefit such other properties.

#### 15.50.020 Findings.

The city council makes the following findings and determinations provided for in Section 66001 of the Government Code in regard to underground canals reimbursement fees assessed and levied pursuant to the provisions of this chapter:

A. The city council finds that developers of property located in the city are often required to construct and install off-site underground canals incident to or as a condition of the approval or issuance of a final map, parcel map, certificate of compliance for a minor land division or a building permit which, while necessary to serve development occurring on their property, also adjoin other properties, reduce the cost of additional development occurring on such other properties by eliminating the need for the construction and installation of such underground canals at the time such development occurs, and, by reason thereof, directly benefit such other properties. Similarly, the city often constructs and installs underground canals adjoining properties located in the city which directly benefit such properties. Because such underground canals benefit adjoining properties, the city council finds that it is equitable and proper to assess and levy a fee on the owners of such properties incident to and as a condition of additional development occurring on the properties in an amount equal to each property's

proportional share of the cost of constructing and installing the underground canals, and to use the revenue derived from such fees for the purpose of reimbursing the initial developer and/or the city for the cost of constructing and installing that part of such underground canals which benefit such adjoining properties. By reason of the foregoing, the city council determines that there is a reasonable relationship between the underground canals, the costs of which will be reimbursed with the fees assessed and levied pursuant to the provisions of this chapter, and the development upon which such fees are imposed.

B. The city council finds that the revenues from the underground canals reimbursement fees assessed and levied pursuant to the provisions of this chapter will be used to reimburse developers and/or the city as and for the cost of that part of the underground canals constructed and installed by them which benefit the adjoining properties for which such fees are assessed. In particular, the city council finds that in accordance with the provisions of this chapter, the revenue from the underground canals reimbursement fees assessed and levied against an owner of property pursuant to a memorandum of reimbursable underground canals costs approved by the city council for an initial developer in the manner provided by this chapter must be used for the purpose of reimbursing the initial developer over a twenty-year period for the cost of that part of the underground canals constructed and installed by the initial developer which benefit such property, all in accordance with the terms and conditions of a reimbursement agreement between the city and initial developer executed in the manner provided by this chapter. By reason of the foregoing, the city council determines that there is a reasonable relationship between the use of underground canals reimbursement fees provided for by this chapter and the development upon which such fees are imposed.

C. The city council finds that the underground canals reimbursement fees assessed and levied pursuant to the provisions of this chapter for the purposes of reimbursing developers and/or the city as and for the costs of constructing and installing underground canals which benefit adjoining properties will be in an amount equal to each such property's proportional share of such costs. In particular, the city council finds that in accordance with the provisions of this chapter, the amount of underground canals fees assessed and levied pursuant to a memorandum of reimbursable underground canals costs approved by the city council for an initial developer and/or the city in the manner provided by this chapter will be based on the product of the cost per foot of constructing such underground canals, determined from the actual costs incurred by the initial developer and/or the city in designing, constructing, and installing the underground canals, or as calculated from unit underground canals costs established by resolution of the city council, whichever is less, multiplied by the total footage of that part of a benefited parcel fronting on the underground canals and adjusted for any increase in the cost of constructing and installing underground canals between the date such costs were incurred and the date such fees are paid. By reason of the foregoing, the city council determines that there is a reasonable relationship between the amount of the underground canals reimbursement fees provided for by this chapter and the cost of the underground canals for which the fees are assessed.

#### **15.50.030 Definitions.**

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter:

"Benefited property" or "benefited parcel" means a parcel of real property or any part thereof which adjoins an underground canal which was constructed and installed by an initial developer and/or the city.

"Initial developer" means any person who is required to construct and install off-site underground canal facilities which benefit other parcels of real property incident to or as a condition of the approval of a final map, final parcel map, certificate of compliance, or incident to or as a condition of the issuance of a building permit.

"Underground canals" means those waterways installed underground to serve those a part of the Orland unit water users' association and/or bureau of reclamation system installed in early 1900s. These waterways may be in property owned by Orland unit water users' association and/or bureau of reclamation, and/or in easements or other form of property right(s) allowing irrigation waters to be transported within the affected property.

"Underground canals costs" or "the cost of constructing and installing underground canals" means all direct costs usually incurred in the construction and installation of underground canals within the city including, but not limited to, costs incurred in designing such underground canals, the cost of all plan check fees and other fees incurred in securing city and other governmental approvals of the plans and specifications for the underground canals, and the cost of all labor, materials, equipment, contractors and/or subcontractors employed in constructing and installing the underground canals, but excluding the cost of any land or interests in land acquired for or devoted to the underground canals.

**15.50.040 Manner of serving notices on property owners.**

Any notice or other document required to be served on an owner of property pursuant to this chapter shall be deemed served when either personally delivered to such property owner or when deposited in the United States mail, certified and return receipt requested, addressed to the property owner at the property owner's address as it appears on the last equalized assessment roll or supplemental roll of the county, whichever is more current. Service by mail of a notice or other document in the manner provided for in this section shall be effective on the date of mailing, and the failure of any person to actually receive such notice shall not affect the validity of the notice.

**15.50.050 Underground canals subject to reimbursement designated.**

The following underground canals costs shall be subject to reimbursement in the manner hereinafter provided by this chapter:

- A. The costs incurred by an initial developer who is required to construct and install underground canals subsequent to April 1, 1997, incident to or as a condition of the approval of a subdivision map, parcel map or certificate of compliance for a minor land division, or incident to or as a condition of the issuance of a building permit, save and except for:
1. The cost of constructing and installing underground canals within the boundaries of the parcel being subdivided or improved pursuant to such subdivision map, parcel map, certificate of compliance or building permit;
  2. The cost of constructing and installing underground canals within the half-street section of a public right-of-way immediately adjacent to the parcel being subdivided or improved pursuant to such subdivision map, parcel map, certificate of compliance or building permit;
  3. portion of the cost of constructing and installing underground canals in excess of the usual cost of constructing and installing local underground canals, as determined the city council in the manner provided by this chapter.
- B. The cost incurred by the city for constructing and installing underground canals which were completed subsequent to April 1, 1997, save and except for:
1. The cost of constructing and installing underground canals which are exempted from the provisions of this chapter by resolution of the city council;

2. Any portion of the cost of constructing and installing underground canals in excess of the cost of designing, constructing and installing local underground canals as determined by the city council in the manner provided by this chapter.

**15.50.060 Unit underground canals costs established.**

The city council shall, by resolution, establish unit underground canals costs to be used for the purpose of determining the amount of the underground canals reimbursement to be paid to an initial developer and/or the city in the manner provided for by this chapter, as well as any underground canals reimbursement fees to be assessed and levied on the owner of benefited property, also in the manner provided for by this chapter. Such unit costs shall be determined by the city council based entirely on the usual costs which would be incurred by the city on the date of the adoption of such resolution for the construction and installation of an underground canal, including all other facilities usually necessary and appurtenant thereto, when designed, constructed and installed with all appropriate approval from bureau of reclamation and/or Orland unit water users' association and/or others with jurisdiction.

**15.50.070 Unit underground canals costs--Annual adjustments.**

If on July 1 following the city council's adoption of a resolution establishing unit underground canals costs in the manner provided by this chapter, or on July 1 of any year thereafter, there has been an increase in the usual costs of constructing and installing underground canals within the Orland area, including all of the facilities usually necessary and appurtenant hereto, the city administrator, without any further action by the city council, shall increase the unit underground canals costs adopted by resolution of the city council in an amount proportional thereto. The determination of whether there has been an increase in the cost of constructing and installing underground canals and the amount of any increase in the unit underground canals cost adopted by resolution of the city council which is proportional thereto, shall be made by the city administrator based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) as last published in the Engineering News Record/McGraw Hill Construction Weekly.

**15.50.080 Costs incurred by initial developer--Application for reimbursement.**

Any initial developer desiring a reimbursement for underground canals costs in the manner provided by this chapter shall file an application for such reimbursement with the city administrator within ninety (90) days following the date of acceptance for those underground canals constructed and installed by the initial developer which are completed and accepted by the bureau of reclamation and/or Orland unit water users' association subsequent to the effective date of this chapter. Such application shall be accompanied by an application fee in an amount established by resolution of the city council based on the estimated cost of administering the provisions of this chapter, shall be in a form required by the city administrator and shall contain the following information and/or be accompanied by the following documents:

- A. The name, capacity and address of the initial developer;
- B. A description of the underground canals for which the initial developer seeks a reimbursement of costs;
- C. An itemized statement of the costs incurred by the initial developer in constructing and installing such underground canals prepared by and attested to by a certified public accountant;
- D. A legal description and assessor's parcel number for each parcel of real property, other than the developer's property, which adjoins the underground canals and by reason thereof is benefited by same;
- E. An engineered plat which depicts the street facilities and each benefited parcel;

F. A statement setting forth the total length of the underground canals and the length of each benefited parcel; and

G. Such additional information and documents as may reasonably be required by the city administrator.

**15.50.090 Same--Memorandum of reimbursable underground canals costs.**

Where an initial developer has filed an application for reimbursement of underground canals costs, the city administrator, based on the information provided in such application, shall prepare a proposed memorandum of reimbursable underground canals costs and promptly transmit same to the city clerk. In such memorandum the city administrator shall set forth the following:

A. The total cost subject to reimbursement as and for underground canals constructed and installed by the initial developer, either as set forth in the application filed by the initial developer or as calculated entirely from the unit underground canals cost established by resolution of the city council, whichever is less;

B. A legal description of each parcel, other than the initial developer's parcel, which adjoins such underground canals and by reason thereof, benefits from same;

C. The total length of the underground canals, as well as the length of that portion of each benefited parcel which adjoins the underground canals;

D. The underground canals costs subject to reimbursement for each front foot of a benefited parcel adjoining the underground canals determined by dividing the total underground canals costs subject to reimbursement by the front footage of all benefited parcels adjoining same;

E. The total underground canals costs subject to reimbursement for each particular benefited parcel adjoining the underground canals determined by multiplying the costs subject to reimbursement for each front foot of a benefited parcel by the total front footage of each particular benefited parcel;

F. A statement sufficient to advise each owner of a benefited parcel:

1. That an underground canal reimbursement fee may be assessed and levied against the owner of such benefited parcel as and for such parcel owner's fair share of the reimbursable underground canals costs incurred by the city for constructing and installing the underground canals adjoining the parcel; and
2. That such underground canals reimbursement fee will be in an amount equal to the total underground canals costs subject to reimbursement for such person's particular benefited parcel, as set forth in the memorandum, adjusted for any increase in the cost of constructing and installing underground canals between the date such underground canals were completed and the date such fees are paid, as determined by the city administrator, based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, all as hereinafter provided by this chapter; and

G. If more than one of the benefited parcels is located within the unincorporated territory of the county, the additional statement that an underground canal reimbursement fee may also be assessed and levied upon the owner of such parcel or parcels as and for such parcel or parcel's fair share of the reimbursable underground canals costs incurred by the city in the amount set forth therein and adjusted for any increase in the cost of

constructing and installing underground canals in the manner provided for therein if, at the time of approval of any additional development on the parcel or parcels, the parcel or parcels are annexed or annexing to the incorporated territory of the city and/or are connecting or being connected to the city sewer system, all as provided for by this chapter.

**15.50.100 Same--Hearing on memorandum.**

A. Upon receipt of a proposed memorandum of reimbursable underground canals costs incurred by an initial developer, the city clerk shall schedule the memorandum for consideration by the city council at a public hearing at the first regular or adjourned regular meeting of the city council on the twentieth day after receipt of the memorandum.

B. At least ten (10) days prior to the date of such hearing, the city administrator shall cause notice of the time, date and place of such hearing, as well as a copy of the proposed memorandum of reimbursable underground canals costs to be served on the owner of each benefited property identified therein. In addition, at least ten (10) days prior to the date of the hearing the city administrator shall cause notice of the time, date and place of the hearing, as well as a brief statement of the subject of the hearing, to be posted along the street facility identified in the memorandum. Such notices shall be posted not more than three hundred (300) feet apart, but in no event shall less than three such notices be posted.

C. At the time and place set for the hearing on the proposed memorandum of reimbursable underground canals costs, the city council shall consider the report of the city administrator thereon and any protests thereto presented by the owner of a benefited property identified therein.

**15.50.110 Same--Action on memorandum.**

If, after considering a proposed memorandum of reimbursable underground canals costs incurred by an initial developer at a public hearing in the manner provided by this chapter, the city council determines (1) that the initial developer has incurred underground canals costs subject to reimbursement; (2) that the total underground canals costs subject to reimbursement set forth in such memorandum are equal to the initial developer's actual reimbursable costs as set forth in the application filed by the initial developer or as calculated entirely from the unit underground canals costs established by resolution of the city council, whichever is less; (3) that each of the parcels described in the memorandum adjoins the underground canals constructed and installed by the initial developer and therefore is benefited by same; and (4) that the underground canals costs subject to reimbursement for each front foot of a benefited parcel and the total underground canals costs subject to reimbursement for each particular benefited parcel as set forth in the memorandum has been correctly calculated, the city council, by minute order, shall approve the memorandum together with any modifications thereto which it deems appropriate.

Following approval of the memorandum of reimbursable underground canals costs, the city clerk shall endorse such memorandum with the number and date of the minute order approving same, and shall forward two certified copies of the memorandum to the city administrator. Upon receipt of such certified copies of the memorandum of reimbursable underground canals costs, the city administrator shall cause one copy to be filed in the office of the building official and shall cause the other copy to be recorded in the official records of the county. Thereafter the building official shall cause an additional copy thereof to be included in the file, if any, maintained by the building official for each benefited parcel.

**15.50.120 Same--Reimbursement agreement.**

A. Promptly following the approval of a memorandum of reimbursable underground canals costs incurred by an initial developer in the manner provided by this chapter, the city administrator shall offer to enter into an

agreement with the initial developer on behalf of the city undertaking to reimburse the initial developer for all or a portion of the reimbursable underground canals costs set forth in such memorandum out of the revenues from the underground canals costs set forth in such memorandum out of the revenues from the underground canals reimbursement fees assessed and levied in the manner provided by this chapter. Such agreement shall set forth:

1. The total underground canals costs subject to reimbursement as and for the underground canals constructed and installed by the initial developer;
2. A description of each parcel, other than the developer's parcel, which adjoins such underground canals and by reason thereof benefits from same;
3. The total length of such underground canals as well as the length of each individual benefited parcel;
4. The underground canals costs subject to reimbursement for each foot of a benefited parcel fronting on the underground canals; and
5. The total underground canals costs subject to reimbursement for each particular benefited parcel, all as provided for in the memorandum of reimbursable underground canals costs approved by the city council.

B. In addition, such agreement shall set forth the undertaking of the city to pay to the initial developer the revenues, if any, received by the city over the twenty-year period following the date of the agreement from the underground canals fees assessed and levied upon the owner of a particular benefited parcel at the time and in the manner hereinafter provided by this chapter in an amount equal to the total underground canals costs subject to reimbursement for such parcel, adjusted for any increase in the cost of constructing and installing underground canals between the date the underground canals were completed and the date such fees are paid, as determined by the city administrator based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, all as provided for in the memorandum of reimbursable underground canals costs approved by the city council. Following execution of the agreement, the original copy thereof shall be filed in the office of the building official who, thereafter shall cause a duplicate copy thereof to be included in the file, if any, maintained by the building official for each benefited parcel.

**15.50.130 Costs incurred by city--Memorandum of reimbursable underground canals costs.**

Where the city has incurred reimbursable underground canals costs, the city administrator, promptly following completion of such underground canals, shall prepare a proposed memorandum of reimbursable underground canals costs and transmit same to the city clerk. In such memorandum the city administrator shall set forth the following:

- A. The total cost subject to reimbursement as and for the underground canals constructed and installed by the city, either as determined by the city administrator from the actual cost incurred by the city in constructing and installing such underground canals, or as calculated entirely from the unit underground canals costs established by resolution of the city council, whichever is less;
- B. A legal description of each parcel which adjoins such underground canals and by reason thereof benefits from same;
- C. The total length of the underground canals, as well as the length of that portion of each benefited parcel which adjoins the underground canals;

D. The underground canals costs subject to reimbursement for each front foot of a benefited parcel adjoining the underground canals determined by dividing the total underground canals costs subject to reimbursement by the front footage of all benefited parcels adjoining same;

E. The total underground canals costs subject to reimbursement for each particular benefited parcel adjoining the underground canals determined by multiplying the costs subject to reimbursement for each front foot of a benefited parcel by the total front footage of each particular benefited parcel;

F. The statement sufficient to advise each owner of a benefited parcel:

1. That an underground canal's reimbursement fee may be assessed and levied against the owner of such benefited parcel as and for such parcel owner's fair share of the reimbursable underground canals costs incurred by the city for constructing and installing the underground canals adjoining the parcel; and
2. That such underground canals reimbursement fee will be in an amount equal to the total underground canals costs subject to reimbursement for such person's particular benefited parcel, as set forth in the memorandum, adjusted for any increase in the cost of constructing and installing underground canals between the date such underground canals were completed and the date such fees are paid, as determined by the city administrator, based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, all as hereinafter provided by this chapter; and

G. If more than one of the benefited parcels is located within the unincorporated territory of the county, the additional statement that an underground canals reimbursement fee may also be assessed and levied upon the owner of such parcel or parcels as and for such parcel or parcel's fair share of the reimbursable underground canals costs incurred by the city in the amount set forth therein and adjusted for any increase in the costs of constructing and installing underground canals in the manner provided for therein if, at the time of approval of any additional development on the parcel or parcels, the parcel or parcels are annexed or annexing to the incorporated territory of the city and/or are connecting or being connected to the city sewer system, all as provided for by this chapter.

**15.50.140 Same--Hearing on memorandum.**

A. Upon receipt of a proposed memorandum of reimbursable underground canals costs incurred by the city, the city clerk shall schedule the memorandum for consideration by the city council at a public hearing at the first regular or adjourned regular meeting of the city council on the twentieth day after receipt of the memorandum.

B. At least ten (10) days prior to the date of such hearing, the city administrator shall cause notice of the time, date, and place of such hearing, as well as a copy of the proposed memorandum of reimbursable underground canals costs to be served on the owner of each benefited property identified therein. In addition, at least ten (10) days prior to the date of the hearing the city administrator shall cause notice of the time, date and place of the hearing, as well as a brief statement of the subject of the hearing, to be posted along the underground canals identified in the memorandum. Such notices shall be posted not more than three hundred (300) feet apart, but in no event shall less than three such notices be posted.

C. At the time and place set for the hearing on the proposed memorandum of reimbursable underground canals costs, the city council shall consider the report of the city administrator thereon and any protests thereto presented by the owner of a benefited property identified therein.

**15.50.150 Same--Action on memorandum.**

If, after considering a proposed memorandum of reimbursable underground canals incurred by the city at a public hearing in the manner provided by this chapter, the city council determines (1) that the city has incurred underground canals costs subject to reimbursement; (2) that the total underground canals costs subject to reimbursement set forth in such memorandum are equal to the actual reimbursable costs incurred by the city to construct and install the underground canals identified in the memorandum or as calculated entirely from the unit underground canals costs established by resolution of the city council, whichever is less; (3) that each of the parcels described in the memorandum adjoins the underground canals constructed and installed by the city and therefore, is benefited by same; and (4) that the underground canals costs subject to reimbursement for each front foot of a benefited parcel, as set forth in the memorandum, have been correctly calculated, the city council, by minute order, shall approve the memorandum together with any modifications thereto which it deems appropriate. Following approval of the memorandum of reimbursable underground canals costs, the city clerk shall endorse such memorandum with the number and date of the minute order approving same, and shall forward two certified copies of the memorandum to the city administrator. Upon receipt of such certified copies of the memorandum of reimbursable underground canals costs, the city administrator shall cause one copy to be filed in the office of the building official and shall cause the other copy to be recorded in the official records of the county. Thereafter the building official shall cause an additional copy thereof to be included in the file, if any, maintained by the building official for each benefited parcel.

**15.50.160 Fees--Imposed.**

An underground canals reimbursement fee is assessed and levied upon an owner of benefited property described in a memorandum of reimbursable underground canals costs approved by the city council in the manner provided by this chapter as and for such property owner's share of the cost of the underground canals which adjoin and, therefore, are of benefit to such person's property at the time of the occurrence of any of the following events affecting the property:

- A. Approval of a final map, final parcel map or a certificate of compliance authorizing the subdivision of such property; or
- B. Issuance of a building permit authorizing construction of a building or other structure on such property.

**15.50.170 Same--Amount.**

Any underground canals reimbursement fee assessed and levied upon an owner of benefited property identified in a memorandum of reimbursable underground canals costs approved by the city council in the manner provided by this chapter shall be in an amount equal to the total underground canals costs subject to reimbursement for that particular parcel as set forth in such memorandum of reimbursable underground canals costs, adjusted for the increase, if any, in the cost of constructing and installing underground canals between the date the underground canals were completed and the date such fee was paid, as determined by the city administrator, based on the net percentage increase in the Engineering News Record Cost Index for San Francisco (based on 1913 U.S. Average = 100) published in the Engineering News Record/McGraw Hill Construction Weekly, also as provided for in the memorandum of reimbursable underground canals costs.

**15.50.180 Same--Exemptions.**

Notwithstanding any provision of this chapter to the contrary, an underground canals fee shall not be assessed and levied upon an owner of benefited property identified in a memorandum of reimbursable underground canals costs approved by the city council in the manner provided by this chapter where a building permit is issued which authorizes the construction of a building or structure on such benefited property and the benefited property is part

of a subdivision for which such fees were paid incident to approval of the final map, parcel map or certificate of compliance for such subdivision.

**15.50.190 Same--Payable when.**

Where an underground canals reimbursement fee is assessed and levied pursuant to the provisions of this chapter upon an owner of property incident to the approval or issuance of a final map, final parcel map, certificate of compliance for a minor land division or building permit for such property, such fee will be due and payable at the time of approval or issuance of such final map, final parcel map, certificate of compliance or building permit.

**15.50.200 Same--Disposition.**

A. Revenues Received as Reimbursement for Underground Canals Costs Incurred by Initial Developers. The revenues received by the city from underground canals fees assessed and levied pursuant to a memorandum of reimbursable underground canals costs approved by the city council in the manner provided by this chapter for underground canals costs incurred by an initial developer shall be disbursed to such initial developer in accordance with the provisions of the reimbursement agreement executed by the city and such initial developer also in the manner provided by this chapter.

Provided, however, that in the event the city receives revenues from underground canals reimbursement fees assessed and levied pursuant to a memorandum of reimbursable underground canals costs approved by the city council for an initial developer after expiration of the term of the reimbursement agreement between the city and such initial developer, such fees shall be deposited in a city local underground canals fund and thereafter appropriated and used for the purpose of constructing, reconstructing or maintaining local underground canals within the city.

B. Revenues Received as Reimbursement for Underground Canals Costs Incurred by the City. All revenues received by the city from underground canals reimbursement fees assessed and levied pursuant to a memorandum of reimbursable underground canals costs approved by the city council in the manner provided by this chapter for underground canals costs incurred by the city shall be deposited in a city local underground canals fund and thereafter appropriated and used only for the purpose of constructing, reconstructing or improving local underground canals within the city.

**15.50.210 Other underground canals fees.**

The underground canals reimbursement fees assessed and levied pursuant to the provisions of this chapter shall be in addition to any underground canals improvement fees assessed and levied pursuant to other chapters of sections of this code as well as any underground canals or other public improvement fees assessed and levied pursuant to any other ordinance or resolution adopted by the city council.

## Chapter 15.54

### ENFORCEMENT

#### Sections:

#### 15.54.010 Delegation of enforcement duties.

#### 15.54.010 Delegation of enforcement duties.

Enforcement of the codes in this title shall be delegated to the city building inspector or such other persons as are designed in writing by the city council. All code enforcement shall be conducted in the following manner: either by the building department or the state fire marshal office upon request of the chief building official or the city. The city manager is authorized to request the state fire marshal to enforce any provisions of law established by this code or applicable to the city by virtue of other laws and regulations.

#### Section 3. Severability.

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

#### Section 4. Liability.

That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section II of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

#### Section 5. Publishing of Ordinance.

That the City Clerk is hereby ordered and directed to cause this ordinance to be published.

#### Section 6. Effective Date.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect on and after January 1, 2014 or its effective date if the effective date is later.

This ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading on November 4, 2013.

PASSED AND ADOPTED by the Orland City Council on this 18<sup>th</sup> day of November, by the following vote:

Ayes: Councilmembers Paschall, Edwards, Roundy, Hoffman and Mayor Gee

Noes: None

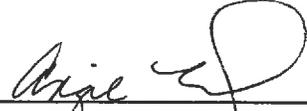
Abstain: None

Absent: None



\_\_\_\_\_  
CHARLES GEE, MAYOR  
CITY OF ORLAND

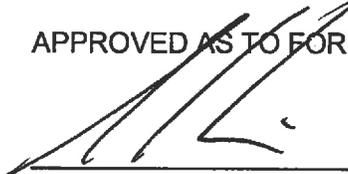
ATTEST:



\_\_\_\_\_  
ANGIE CROOK,  
CITY CLERK

CODIFY \_\_\_\_\_

APPROVED AS TO FORM:



\_\_\_\_\_  
GREG EINHORN, ESQ.  
CITY ATTORNEY

UNCODIFY \_\_\_\_\_