

**BUILDING STANDARDS COMMISSION**

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



April 14, 2011

Leo DePaola, Chief Building Official  
City of St. Helena  
1480 Main Street  
St. Helena, CA 94574

Dear Mr. DePaola:

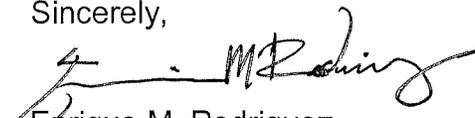
This is to acknowledge receipt of the City of St. Helena submittal pertaining to Ordinance No. 2010-07 with findings on April 13, 2011 and is acceptable for filing.

However, it appears that your submittal includes amendments to energy efficiency standards. Local amendments exceeding energy efficiency standards are not enforceable until a finding is made by the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106. A copy of this letter is being sent to the Energy Commission for their determination. The remainder of your submittal has been filed in our office as of the date noted above.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Building Standards Commission in order to become effective when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Building Standards Commission.

The filing of the energy efficiency standards portion of this ordinance will not be complete without the approval of the California Energy Commission. If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Joe Loyer, California Energy Commission  
Chron  
Local Filings



# City of St. Helena

*"We will conduct city affairs on behalf of our citizens  
using an open and creative process."*

1480 Main Street  
St. Helena, CA 94574  
Phone (707) 967-2792  
Fax (707) 963-7748  
www.ci.st-helena.ca.us

April 5, 2011

California Building Standards Commission  
2525 Natomas Park Dr., Suite 120  
Sacramento, CA 95833

Re: City of St. Helena, Building and Fire Ordinance

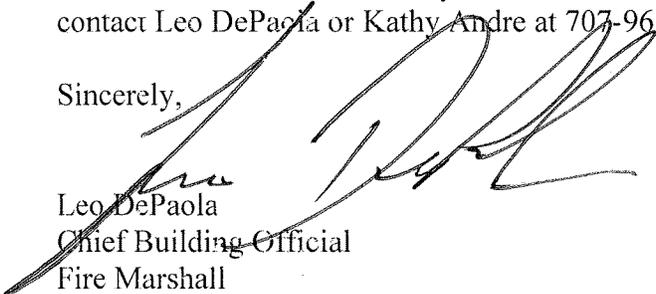
Mr. Dave Walls:

The City of St. Helena has adopted the current Building, Fire, Plumbing, Mechanical, Electrical, Residential and Green Building Codes of the State of California.

The City of St. Helena has recommended changes and modifications to the Codes and has advised that certain said changes and modifications to the 2010 Editions of the California Building, Fire, Plumbing, Electrical, Residential and Green Building Codes are reasonably necessary due to the local conditions in the City of St. Helena. The remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by then Code or are reasonably necessary to safeguard life and property within the City of St. Helena.

The enclosed ordinance is for your files. If additional information is needed, please contact Leo DePaola or Kathy Andre at 707-968-2657.

Sincerely,

  
Leo DePaola  
Chief Building Official  
Fire Marshall

RECEIVED  
2011 APR 13 P 1:51  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

CITY OF ST. HELENA, CALIFORNIA

Ordinance No. 2010-7

**AMENDMENT TO ST HELENA MUNICIPAL CODE TITLE 15  
BUILDINGS AND CONSTRUCTION, TO ADOPT AND AMEND THE  
2010 CALIFORNIA BUILDING STANDARDS CODE TITLE 24**

A. The City Council of the City of St. Helena reviewed and held first reading of an ordinance to Amend Title 15, Buildings and Construction, to adopt amend the 2010 California Building Standards Code Title 24 (update from the 2007 California Building Code) on November 23, 2010. The 2010 California Building Standards Code Title 24 includes Part 1, the 2010 California Administration Code; Part 2 the 2010 California Building Code Volumes 1 & 2,; Part 2.5 the 2010 California Residential Code; Part 3 the 2010 California Electrical Code; Part 4 the 2010 California Mechanical Code; Part 5 the 2010 California Plumbing Code 2010; Part 6 the 2010 California Energy Code; Part 8 the 2010 California Historical Code; Part 9 the 2010 California Fire Code; Part 10 the 2010 California Existing Building Code; Part 11 the 2010 California Green Building Code; and Part 12 the 2010 California Referenced Standards Code. The ordinance also includes amendments specific to the jurisdiction of the City of St. Helena.

B. The City Council of the City of St. Helena held a public hearing and had second reading of the Ordinance on December 14, 2010.

The City Council of the City of St. Helena does ordain as follows:

Section 1.

A. The City Council finds that it is to the benefit of the City of St. Helena to adopt the code because it provides minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the city.

B. The City Council further finds that the California Green Building Code with incorporation of BAAQMD regulations pertaining to wood-burning devices provide measures to reduce environmental pollution.

C. The City Council finds that the ordinance to amend Title 15, Buildings and Construction and to Adopt and Amend the 2010 California Building Standards Code Title 24 is not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3), the general rule that CEQA applies only to projects which have the

potential for causing a significant effect on the environment. Buildings and development projects that are subject to CEQA are reviewed prior to issuance of a building permit.

Section 2. The City Council hereby amends in full Title 15 as shown on the attached Exhibit A.

The foregoing ordinance amendment was passed and adopted at a regular meeting of the City Council of the City of St. Helena, State of California, held on December 14, 2010.

AYES: Councilmembers White, Nevero, Crull, Mayor Britton

NOES: None

ABSENT: Councilmember Sanchez



Approved:

Attest:

Delford Britton  
Mayor

Delia Quijosa  
City Clerk

**Title 15  
BUILDINGS AND CONSTRUCTION**

**Chapters:**

- 15.04 General Provisions**
- 15.08 Administration of the California Building Standards Code**
- 15.12 California Building Code Adopted**
- 15.16 California Mechanical Code Adopted**
- 15.20 California Plumbing Code Adopted**
- 15.24 California Electrical Code Adopted**
- 15.28 California Residential Code Adopted**
- 15.32 California Existing Building Code**
- 15.36 California Fire Code Adopted**
- 15.40 Retrofitting of Unreinforced Masonry Buildings**
- 15.44 Building Numbering System**
- 15.48 Trailers and Trailer Camps**
- 15.52 Flood Damage Prevention**
- 15.53 California Green Building Standards Code Adopted**
- 15.54 California Administrative Code Adopted**
- 15.55 California Referenced Standards Code Adopted**

## Chapter 15.04 GENERAL PROVISIONS

### Sections:

<u>15.04.010</u>	Short title.
<u>15.04.020</u>	Purpose.
<u>15.04.030</u>	Authority.
<u>15.04.040</u>	Building division—Created.
<u>15.04.050</u>	Building Official—Powers and duties generally.
<u>15.04.060</u>	Building Official—Recordkeeping duties.
<u>15.04.070</u>	Jurisdiction.
<u>15.04.080</u>	Permits required.
<u>15.04.090</u>	Inspections—Authority—Concealment prohibited.
<u>15.04.100</u>	Violations of other ordinance.
<u>15.04.110</u>	Conformance with zoning ordinance.
<u>15.04.120</u>	Copies of codes.
<u>15.04.130</u>	Specific findings for code amendments.
<u>15.04.140</u>	Violations—Penalties.

### **15.04.010 Short title.**

The provisions codified in this title shall be known as the “St. Helena Building Code,” may be cited as such, and will be referenced to in this title as “this building code.” (Prior code § 4.1)

### **15.04.020 Purpose.**

The city council expressly finds that the purpose of this building code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the city, and certain equipment specifically regulated in this building code. (Prior code § 4.2)

### **15.04.030 Authority.**

This building code is adopted pursuant to the authority granted by Section 11 of Article XI of the State Constitution to a city to make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws. It is further adopted in conformity with the provisions of Sections 50022.1 to 50022.10, inclusive, of the California Government Code relating to the adoption of codes by reference. (Prior code § 4.3)

#### **15.04.040 Building division—Created.**

There is contained within the city the building division, which shall be under the jurisdiction of the Building Official designated by the appointing authority. (Prior code § 4.4)

#### **15.04.050 Building Official - Powers and duties generally.**

Section 104.1, General, California Building Code 2010 Chapter 1, is amended to read as follows:

The Building Official is authorized and directed to enforce all of the provisions of this building code and of the codes adopted by reference by this building code. The Building Official is authorized to consult experts that he or she deems to be qualified in all fields related to the subject matter of this building code and of the codes adopted by reference by this building code to the extent that he or she deems it reasonably necessary to assist him or her in carrying out his or her duties hereunder. The decision of the Building Official in enforcing the provisions of this building code or of the codes adopted by reference by this building code or in interpreting the provisions thereof or in exercising the authority delegated thereby shall be final, subject to appeal as provided in Section 113 of the 2010 California Building Code Chapter 1.

#### **15.04.060 Building Official—Recordkeeping duties.**

The Building Official shall cause a permanent record to be kept of all pertinent transactions of the building division under this building code and the codes adopted by this building code and to render a monthly report to the city council of all permits issued and fees collected. (Prior code § 4.6)

#### **15.04.070 Jurisdiction.**

This building code shall apply within all of the territory of the city. (Prior code § 4.7)

#### **15.04.090 Inspections—Authority—Concealment prohibited.**

- A. All work for which a permit is required shall be subject to inspection by the Building Official to insure compliance with all requirements of this building code.
- B. It shall be the responsibility of the owner or person doing work authorized by a permit to notify the Building Official orally or in writing when such work is ready for inspection. Such notification shall be given at least twenty-four (24) hours before the work is to be inspected.

- C. No portion of any building, structure, wiring, plumbing or equipment which is required to be inspected shall be permanently covered or concealed without approval of the Building Official.
- D. The Building Official shall have authority to remove or require the removal of any obstruction which prevents the required inspection of any portion of a building, structure, wiring, plumbing, electrical or mechanical equipment. (Prior code § 4.9)

#### **15.04.100 Violations of other ordinance.**

No permit shall be issued pursuant to this title if at time of issuance there exists in respect to the premises for which the permit is to be issued any violation of the city's zoning ordinance, the city's subdivision ordinance, or of any other ordinance of the city whether such violation was committed by the then owner of the premises or his or her predecessors or by anyone claiming under the owner or his or her predecessors. (Prior code § 4.10)

#### **15.04.110 Conformance with zoning ordinance.**

No building permit shall be issued which is inconsistent with the St. Helena zoning ordinance. (Prior code § 4.11)

#### **15.04.120 Copies of codes.**

The Building Official shall make available in the offices of the building division, for review by the general public, at least one copy of all uniform codes or state building standards adopted by Sections 15.08.010, 15.12.010, 15.16.010, 15.20.010, 15.24.010, 15.28.010, 15.32.010, 15.36.010, 15.53.010, and 15.54.010, as well as local amendments and any other state regulations relating to buildings or structures, building service equipment published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. (Prior code § 4.12)

#### **15.04.130 Specific findings for code amendments.**

Each amendment to the California Building Standards Code, California Code of Regulations, Title 24, adopted by this title, is reasonably necessary because of the following determinations due to local climatic, geological, or topographic conditions pursuant to Health and Safety Code, Section 17958.5:

- A. The city is characterized by a narrow valley floor surrounded and intermingled with steep hill terrain, containing areas which are very susceptible to wildland fires. Wildland fires are considered a significant threat in St. Helena. Native vegetation of brush, woodland, grassland and forest become extremely flammable during summer and remain so if

drought conditions prevail during the winter months. Drought cycles appear in this area every seven to eleven (11) years.

- B. Earthquake is considered to be one of the most potentially destructive threats to life and property in the city. A moderate to severe seismic incident on any of the several fault zones in relative close proximity to St. Helena is expected to cause extensive property damage, disruptions to communications systems, and damage to public utility systems.
- C. St. Helena is divided geographically into two parts by the north to south flow of the Napa River. Significant damaging flooding occurs in portions of the city approximately every five to ten (10) years. Warnings are usually given several hours to a few days before such floods. This natural barrier can serve as a severe impediment to the delivery of public safety services in time of flood.
- D. Several areas within the city offer poor access for the delivery of public safety services because of the severity of slopes, and the existence of natural barriers such as the Napa River, Sulphur Creek, and York Creek. (Prior code § 4.13)

#### **15.04.140 Violations—Penalties.**

Section 114 Violation Penalties, California Building Code Chapter 1, is amended to read as follows:

- A. Generally. No person whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this title. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this title, shall constitute a continuing violation of this title.
- B. Misdemeanor. Any person violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and each such person is guilty of a separate offense for each day or portion thereof during which any violation of any of the provisions of this title is committed, continued, or permitted.
- C. Consistent with Section 109.4, California Building Code 2010 Administration, any person who violates a provision of this building code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this building code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this building code nor from any penalty prescribed by law.

D. Authority to File. Where a public nuisance exists, the city may immediately commence action or actions, proceedings at law and in equity, for the abatement, removal and enjoinder thereof in the manner provided by law; and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such public nuisance and restrain and enjoin any person from maintaining such nuisance. (Ord. 02-5 § 4 (part): prior code § 15.04.140)



# Chapter 15.08

## ADMINISTRATION OF THE CALIFORNIA BUILDING STANDARDS CODE

**Sections:**

- 15.08.010** California Building Standards Code 2010 Chapter 1 Administration —Adopted
- 15.08.020** California Building Standards Code 2010 Chapter 1 Administration—Amendments
- 15.08.030** Section 116, California Building Standards Code 2010 Chapter 1 Unsafe Structures and Equipment
- 15.08.040** Adoption of the International Property Maintenance Code, 2009 Edition, with Amendments
- 15.08.050** Amendments to the International Property Maintenance Code

### **15.08.010 California Building Standards Code 2010 Chapter 1 Administration —Adopted**

For the purpose of establishing proper regulations for the administration of the various codes covered in this building code, each of Chapter 1 of the California Building Code of the State of California, Chapter 1 of the Plumbing Code, Chapter 1 of the Mechanical Code, and Annex H of the Electrical Code, 2010 edition, is adopted in its entirety excepting additions, revisions and omissions listed in Section 15.08.020.

### **15.08.020 California Building Code 2010 Chapter 1 Administration—Amendments**

- A. Section 105.2, Work exempt from permit, California Building Code 2010 Chapter 1, items 1-5 only, is amended to read as follows:
  - 1. One-story residential detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet, not over 12 feet in height, and the structure contains no plumbing, electrical, or heating systems or appliances.
  - 2. Fences not over 6 feet (1829 mm) high.
  - 3. Oil derricks (subject to approval of Napa County Environmental Management)

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I,II,III A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 200 gallons.

B. Section 109.2, Schedule of permit fees, California Building Code 2010 Chapter 1, is amended to read as follows:

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the most current City Council fee resolution.

C. Section 109.6, Refunds, California Building Code 2010 Appendix Chapter 1, is amended to read as follows:

The Building Official is authorized to establish a refund policy.

1. The Building Official may authorize refunding of the permit fee paid, less the hourly rate set forth by the most current City Council fee resolution, when no work has been done under a permit issued in accordance with this building code.
2. The Building Official may authorize refunding the plan review fee paid, less the hourly rate set forth by the most current City Council fee resolution, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.
3. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.

**15.08.030 Unsafe Structures and Equipment** is amended to read as follows:

For the purpose of this building code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

**15.08.040 Adoption of the International Property Maintenance Code, 2009 Edition, with Amendments.**

For the purpose of regulation and governing the conditions and maintenance for all property, buildings and structures; by providing the standard for supplied utilities and facilities and other physical conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; that certain code known as the International Property Maintenance Code, 2009 Edition including Appendix A, as published by the International Code Conference, hereinafter referred to as the "Property Maintenance Code," save and except such portions as are hereinafter changed, added to or amended by Section 15.08.060 of this chapter.

#### **15.08.050 Amendments to the International Property Maintenance Code**

The International Property Maintenance Code is amended to read as follows;

- A. Section 101.1 These regulations shall be known as the Property Maintenance Code of the City of St. Helena (hereinafter referred to as "the code").
- B. Section 102.7 Where the term "International Building Code" appears in this code, it shall mean the California Building Code as adopted by this jurisdiction with amendments. Where the term "International Fire Code" appears, it shall mean the California Fire Code as adopted by the City Council with amendments. Where the term "International Existing Building Code" appears, it shall mean the California Building Code as adopted by City Council with amendments. Where the term "International Fuel Gas Code" appears, it shall mean the California Plumbing Code as adopted by the City Council with amendments. Where the term "International Mechanical Code" appears, it shall mean the California Mechanical Code as adopted by the City Council with amendments. Where the term "International Plumbing Code" appears, it shall mean the California Plumbing Code as adopted by the City Council with amendments. Where the term "International Zoning Code" appears, it shall mean the St. Helena Municipal Code, Title 17
- C. Section 103 is hereby deleted.
- D. Section 104.3 is amended to add the following phrase to the end of the last sentence; "including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California."
- E. Section 106.2, 106.3, 106.4, and 106.5 are hereby deleted.
- F. Section 107.1 Notice to person responsible. Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice may be given in the manner prescribed in the St. Helena Municipal Code Section 1.12.
- G. Sections 107.2, 107.3, 107.4, 107.5, and 107.6 are hereby deleted.

- H. Section 108.3 Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1.12 of the St. Helena Municipal Code. If notice shall be in the form prescribed in Section 1.12.150 of the St. Helena Municipal Code.
- I. Sections 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official may order the necessary work be to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.
- J. Section 109.3 Closing streets. When necessary for public safety, the Code Official may temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- K. Section 109.4 Emergency repairs. For the purposes of this section, the Code Official may employ the necessary labor and materials to perform the required work as expeditiously as possible.
- L. Sections 109.5 and 109.6 are hereby deleted.
- M. Sections 110.2 Notices and Orders. All notices and orders shall comply with the St. Helena Municipal Code Chapter 1.12.150.
- N. Section 110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be in lien upon such real estate.
- O. Section 111.2 is amended by adding the following sentence: Nothing contained in this section shall prevent the Mayor or City Council from appointing the Mayor and City Council as the Board of Appeals.
- P. Section 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

- Q. Section 202 definition of CODE OFFICIAL. Where used in this code, the term Code Official shall refer to the Chief Building Official, and his or her designated agents or representatives.
- R. Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches tall. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens.
- S. Section 304.14 Insect Screens. Every door, window and other outside opening required for ventilation on habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screened door used for insect control shall have a self-closing device in good working condition. (The exceptions in the code are not amended.)
- T. Section 308.2.2 Refrigerator. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- U. Section 308.3.1 Garbage facilities. The owner of every dwelling shall supply an approved leak proof, covered, outside garbage container and a recycling container. Every person maintaining or using any solid waste can or receptacle shall keep the same clean and sanitary.
- V. Section 308.3.1.1. Within all residential districts in the city, no person shall use, locate or maintain (store) any solid waste can, garbage container or waste receptacle within the public right of way other than on the day of removal service. Containers shall be stored out of public view on non-service dates whenever practical; or stored nearest the main structure.

W. Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units or terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat in order to maintain a temperature of not less than 68°F (18°C) during the period the spaces are occupied. (The exceptions in the code are not amended.)

**15.08.070 Enforcement and Penalties.**

- A. In addition to the enforcement powers and/or remedies provided in this chapter, the Chief Building Official shall have the power to enforce the provisions of this chapter as provided in Chapter 15.04.030.
- B. The violations of the International Property Maintenance Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.12 of the St. Helena Municipal Code.

## **Chapter 15.12**

### **CALIFORNIA BUILDING CODE ADOPTED**

**Sections:**

- 15.12.010 California Building Code—Adopted.**
- 15.12.020 California Building Code—Amendments**
- 15.12.030 Moved Buildings**
- 15.12.040 Appendix J**

#### **15.12.010 California Building Code—Adopted.**

The 2010 California Building Code, known as the California Code of Regulations, Title 24, Part 2 Volumes 1 and 2, and Appendix J, Based on 2009 International Building Code, Published by the International Code Council and the amendments set forth in section 15.12.020 is adopted.

#### **15.12.020 California Building Code—Amendments**

Based upon the findings set forth in Section 15.04.130, the following sections and/or subsections of the 2010 California Building Code, are amended to read as follows:

- A. Chapter 5, General Buildings Heights and Areas, Section 501.2, Address Identification.  
Approved numbers or addresses shall be placed on all new and existing building in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background and shall not be less than 4" in height. House numbers shall not be obstructed by vegetation. Any building located more than 50 feet from the street shall have its address posted at the driveway entrance and shall be visible from both directions of travel along the road. In new construction, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.  
Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.  
Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.
  
- B. Chapter 31, Special Construction, Section 3109.4.1, Swimming Pool Enclosures and Safety Devices, Barrier Height and Clearances:

The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

### **15.12.030 Moved Buildings**

Chapter 34, Existing Structures, Section 3410 Moved Structures is amended as follows to include:

Buildings, structures and their building service equipment moved into or within this jurisdiction shall comply with the provisions of the technical codes for new building or structures and their building service equipment.

- A. Permits required. Before any building or structure is moved on or along any street within the city, a permit shall first be obtained from the Building Official for such moving. The permit application shall describe the streets and route over which the building will travel, the location of final installation if within the city, and the hours during which building will be moved. The Building Official will collect a fee of one hundred dollars (\$100.00) for required investigations and inspections. This fee shall be separate from any construction permit related fees.
- B. Prior to issuance of permit, the applicant shall obtain an encroachment permit from the city engineer. The Building Official shall notify all affected city officials and, in the event that any such officials object to route or time of travel, changes shall be made to meet such objections.
- C. Bond Required. In addition to all other requirements of the building code relating to the moving of buildings and structures, no permit for such moving shall be issued until the applicant shall have filed with the Building Official a corporate surety bond in favor of the city or a cash deposit in lieu of such bond. The bond shall be conditioned that the applicant will strictly comply with all provisions of the Building Code relating to the moving of buildings and structures and that the applicant will pay for any and all damage which may result by reason of such moving to any fence, hedge, tree, pavement of streets or sidewalks, pipes, poles and wires, or to any public or private property, and to hold harmless the city against any costs or expense which may accrue in consequence of such moving. The bond shall be in such amount as determined by the Building Official and approved by the city attorney, but in no case less than one thousand dollars (\$1,000.00). At the

option of the applicant, a cash deposit in the same amount may be deposited with the city treasurer.

- D. Time limited during which building may be left standing on one city block. No person owning, or having charge of the removal of, any building being moved over any street shall permit such building to be, or stand, on any street within the limits of one block for a period of more than twenty-four hours.
- E. Moving buildings—Prevention of injury to street or property. No person owning or having charge of the moving of any building or structure over any street shall allow or cause injury to any fence, hedge, tree, pavement, sidewalk, gas pipe, water pipe, sewer pipe, electric wires or the poles supporting them, or any other public or private property by reason of such removal.

#### **15.12.040 Appendix J Amended**

Appendix J is amended as follows:

- A. Where the term “building official” is used in this appendix, change to “City Engineer.”
- B. Section J103.1, Permits required.  
Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the Building Official with approval from the City Engineer for minor grading activities which do not require a grading permit. A grading permit issued by the City Engineer is required for any one of the following:
  - 1. Grading of more than 50 cy of material (includes pools);
  - 2. Disturbance of an area or more than 10,000 sq ft;
  - 3. Cut or fill more than three feet;
  - 4. Alter or add any drainage facilities or courses
- C. Section J103.2, Exemptions.  
Except as stated in J103.1 above, a grading permit shall not be required for the following:
  - 1. Cemetery graves.
  - 2. Refuse disposal sites controlled by other regulations.
  - 3. Excavations for wells, or trenches for utilities.
  - 4. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties
  - 5. Exploratory excavations performed under the direction of a registered design professional.
- D. Section J106.1 Maximum Slope.  
Repeal exceptions.

E. Section J108.3 Slope Protection

Change “approved by the building official” to “approved by the City Engineer”.

- F. Section J109.1 Drainage and Terracing, General, Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with requirements of this section and the latest state and local stormwater quality requirements and ordinances.”

Repeal exceptions.

- G. Section J109.3 Interceptor drains, Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the City Engineer, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the City Engineer.

- H. Section J109.4 Drainage across property lines, Drainage across property lines shall not exceed that by volume and flow that existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices such as infiltrator and dissapator basins, riprap or cobble surrounds, and gravel or rock infiltration trenches/pits

- I. Section J110.1 General, The faces of cut and fill slopes shall be prepared and maintained to control erosion.

Repeal exceptions.

## **Chapter 15.16**

# **CALIFORNIA MECHANICAL CODE ADOPTED**

**Sections:**

**15.16.010 California Mechanical Code Adopted.**

The 2010 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 4, incorporating the Uniform Mechanical Code, 2009 Edition, published by the International Association of Plumbing and Mechanical officials, is hereby adopted including all appendices, and without amendments.



## **Chapter 15.20**

# **CALIFORNIA PLUMBING CODE ADOPTED**

**Sections:**

**15.20.010 California Plumbing Code Adopted.**

**15.20.020 California Plumbing Code Amendments.**

**15.20.101 California Plumbing Code – Adopted.**

The 2010 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 5, incorporating the Uniform Plumbing Code, 2009 Edition, published by the International Association of Plumbing and Mechanical Officials, with amendments set forth in section 15.20.20 including Appendices, (A),(B),(D), (G) and (L), is hereby adopted.

**15.20.020 California Plumbing Code – Amendments.**

Chapter 4, Plumbing Fixtures and Fixture Fittings is amended to include Section 15.53.020 C. Section 4.303.1, Indoor Water Use, Twenty percent savings. As illustrated by Table 4.303.2, column 2.



## **Chapter 15.24**

# **CALIFORNIA ELECTRICAL CODE ADOPTED**

**Sections:**

- 15.24.010 California Electrical Code - Adopted.**
- 15.24.020 California Electrical Code - Amendments.**

### **15.24.010 California Electrical Code – Adopted.**

The 2010 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 3, incorporating the National Electrical Code, 2008 Edition, published by the National Fire Protection Association and Annex H of the Electrical Code, with amendments set forth in section 15.24.020 is hereby adopted.

### **15.24.020 California Electrical Code - Amendments.**

- A. Article 230 Services, Section 230.70(A)1 Readily Accessible Location, is amended to read as follows:  
Electrical disconnecting equipment in structures served by a remote or detached electrical service shall be readily accessible to fire fighting personnel. The disconnecting equipment shall be installed on the exterior of the building and identified for fire fighting personnel.

- B. Article 334, Non-Metallic Sheathing Cable, Section 334.12 Uses Not Permitted, is amended to read as follows:

Type NM or NMC. Types NM and NMC cables shall not be used in the following:

1. In any dwelling or structure exceeding three floors above grade. For the purpose of this article, the first floor of a building shall be that floor that has fifty percent (50%) or more of the exterior wall surface area level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.
2. As service-entrance cable.
3. In any nonresidential occupancy.
4. In storage battery rooms.
5. In hoistways.
6. Embedded in poured concrete.



## **Chapter 15.28**

# **CALIFORNIA RESIDENTIAL CODE ADOPTED**

**Sections:**

**15.28.010 California Residential Code Adopted.**

**15.28.020 California Residential Code Adopted —Amendments.**

The 2010 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2.5, incorporating the International Residential Code, 2009 Edition, is hereby adopted including all appendices, and with amendments set forth in Section 15.28.020.

**15.28.020 California Residential Code Adopted —Amendments.**

Section R313.1 is amended by adding; “and qualified additions and remodels as prescribed in the amended section 903.2 of the 2010 CFC” and by repealing the exception.

Section R313.2 is amended by adding; “and qualified additions and remodels as prescribed in the amended section 903.2 of the 2010 CFC” and by repealing the exception.



## Chapter 15.32 CALIFORNIA EXISTING BUILDING CODE

**Sections:**

- 15.32.010 California Existing Building Code—Adopted**
- 15.32.020 California Existing Building Code—Amendments.**

### **15.32.010 California Existing Building Code—Adopted**

The 2010 edition of the California Existing Building Standards Code, known as the California Code of Regulations, Title 24, Part 10, incorporating the 2007 International Existing Building Code, published by the International Code Council, with amendments set forth in section 15.32.020 is adopted.

### **15.32.020 California Existing Building Code —Amendments.**

Based upon the findings set forth in Section 15.04.130, Chapter A1, Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, Section A106 Materials Requirements, A106.3.3.4. Number of tests, is amended to read as follows:

- A. The minimum number of tests per class for brick or hollow clay tile masonry walls shall be as follows:
  - 1. At each of both the first and top stories, not less than two tests per wall or line of wall elements providing a common line of resistance to lateral forces.
  - 2. At each of all other stories, not less than one test per wall or line of wall elements providing a common line of resistance to lateral forces.
  - 3. In any case, not less than one test per 1,500 square feet of wall surface and not less than a total of eight tests.
  
- B. The minimum number of tests for *stone masonry walls* shall be as follows:
  - 1. One test per wall per story, except that storefront walls not used to resist lateral forces, need not be tested.
  - 2. Not less than one test per 2,500 square feet (232.3m<sup>2</sup>) of wall surface.



## **Chapter 15.36 CALIFORNIA FIRE CODE ADOPTED**

### **Sections:**

<b><u>15.36.010</u></b>	<b>General findings.</b>
<b><u>15.36.020</u></b>	<b>Codes adopted.</b>
<b><u>15.36.030</u></b>	<b>Specific findings for code amendments.</b>
<b><u>15.36.040</u></b>	<b>Administration.</b>
<b><u>15.36.050</u></b>	<b>Fire Service Features.</b>
<b><u>15.36.060</u></b>	<b>Fire Protection Systems.</b>
<b><u>15.36.070</u></b>	<b>Motor Fuel Dispensing Facilities and Repair Garages</b>
<b><u>15.36.080</u></b>	<b>Requirements for Wildland-Urban Interface Areas</b>
<b><u>15.36.090</u></b>	<b>Fire Flow Requirements for Building</b>
<b><u>15.36.100</u></b>	<b>Fire Apparatus Access Roads</b>
<b><u>15.36.110</u></b>	<b>Modifications.</b>
<b><u>15.36.120</u></b>	<b>Appeals.</b>

### **15.36.010 General findings.**

- A. The fire and hazardous materials section of the public health and safety element of the city general plan recommends that on-site fire mitigation should include use of fire resistant materials, sprinklers, and early warning systems; and provides that factors which contribute to the potential for fire are vegetation and distance from fire stations;
- B. Because response time of fire suppression units has a critical impact on the ability to protect life and property in case of fire or other emergencies, buildings must be provided with built-in fire protection systems to offset the negative impact of excessive response time;
- C. The residential growth management system section of the land use element of the city general plan prescribes that density and population shall not exceed that which can be served by adequate public facilities and service;
- D. The fire department has increasing incidence of simultaneous demands for service that completely deplete our resources; and provides that fire protection requirements for new construction and remodeled buildings shall be strengthened to reduce planned growth on fire department capabilities and to provide a reasonable degree of fire and life safety at minimum fire suppression cost; and
- E. The City Council desires to enhance the adequate protection of buildings and structures by the adoption of this chapter. (Prior code § 5A.10)

### **15.36.020 Codes adopted.**

The 2010 California Fire Code, known as the California Code of Regulations, Title 24 part 9, incorporating the International Fire Code, 2009 Edition, published by the International Code Council, including including specifically Appendices: Chapter 4, B, C, D, H. and the amendment findings set forth in section 15.36.030 is adopted.

### **15.36.030 Specific findings for code amendments.**

Each amendment to the California Fire Code adopted by this chapter, is reasonably necessary because of the following determinations due to local climatic, geological, or topographic conditions pursuant to Health and Safety Code, Section 17958.5:

- A. The city is characterized by a narrow valley floor surrounded and intermingled with steep hill terrain, containing areas which are very susceptible to wildland fires. Wildland fires are considered a significant threat in St. Helena. Native vegetation of brush, woodland, grassland and forest become extremely flammable during summer and remain so if drought conditions prevail during the winter months. Drought cycles appear in this area every seven through eleven (11) years.
- B. Earthquake is considered to be one of the most potentially destructive threats to life and property in the city. A moderate to severe seismic incident on any of the several fault zones in relative close proximity to St. Helena is expected to cause extensive property damage, disruptions to communications systems, and damage to public utility systems.
- C. St. Helena is divided geographically into two parts by the north to south flow of the Napa River. Significant damaging flooding occurs in portions of the city approximately every five to ten (10) years. Warnings are usually given several hours to a few days before such floods. This natural barrier can serve as a severe impediment to public safety services because of the severity of slopes, and the existence of natural barriers such as the Napa River, Sulphur Creek, and York Creek. (Prior code § 5A.12)
- D. Some areas of the forested hillside terrain that border the city have been designated as a Woodlands and Watershed area. These are areas that are Local Responsibility areas ( LRA ) for fire response and as such fall under the Wildland Urban Interface ( WUI ) guidelines set forth in chapter 47 of the Fire Code and chapter 7A of the Building.

### **15.36.040 Administration**

- A. Section 109.3 Violation penalties, California Fire Code 2010, Chapter 1 is amended to read as follows:

Persons who shall violate a provision of this fire code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire Code Official, or of a permit or certificate used under provisions of this fire code, shall be subject to penalties as prescribed by law. In addition to potential civil and/or criminal penalties, any person, individual, group of individuals, firm, trust, corporation, partnership association, or business concern responsible for an unauthorized release of hazardous material, a malicious false alarm, excessive unintentional false alarms, or igniting and/or maintaining an illegal fire, shall be liable for reimbursing the city of St. Helena for all costs incurred resulting from the city's emergency response and mitigation activities involving these incidents. Incurred costs may include such activities as firefighting, rescue, evacuation, hazardous material containment, control and/or disposal, incident investigation, report writing, administrative costs, and additional mitigation activities that may be contracted by the city.

- B. Section 111.4, Failure to comply, California Fire Code 2010, Chapter 1 is amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

#### **15.36.050 Fire Service Features**

Section 503 Fire Apparatus Access Roads is amended to include to read as follows:

- A. Driveways and access roads shall be as defined in Municipal Code Sec. 17.124.070, Standards for driveways and access drives.
- B. Section 503.2.6 Bridges and Elevated Surfaces, California Fire Code 2010, Chapter 5 is amended to read as follows:

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with the Caltrans Bridge Design Specifications design H 20 (40,000 pound) load specification. Bridges and elevated surfaces shall be designed to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire Code Official.

Exception: Bridges that are constructed as part of the fire apparatus access road that require the response of the ladder truck due to occupancy classification, use or building construction shall be constructed in accordance

with the Caltrans Bridge Design Specifications design HS 20 (72,000 pound) load specification.

- C. Section 503.4. Obstruction of Fire Apparatus Access Roads, California Fire Code 2010, Chapter 5 is amended to add:

Speed control methods or devices (including speed bumps, dips, or other surface modifications) shall not be allowed on public or private roadways, driveways or fire apparatus access routes.

- D. Section 506.1 Where required, California Fire Code 2010, Chapter 5 is amended to read as follows:

Key boxes are required on all commercial buildings and residential housing units within the city limits. The key box shall be on an approved type and shall contain keys to gain necessary access and a building site plan as required by the fire Code Official.

### **15.36.060 Fire Protection Systems**

- A. Chapter 9, subsection 901.1 is hereby amended to read. Approved automatic sprinkler systems in new buildings, structures and qualified additions and remodels shall be provided in the locations described as follows.

903.2.1 Construction Documents. The Fire Code Official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to the issuance of a building permit.

- B. Chapter 9, subsection 903.2 is amended by amending in full the entire subsection 903.2 (with the exception of subsections 903.2.12, 903.2.17 and tables 903.2.11.6 and 903.2.5.2 , which shall remain in effect), and replacing it with the following:

1. 903.2 Where Required. Approved automatic sprinkler systems in new and existing buildings shall be provided in the locations described in this section.
2. 903.2.1 Required installations. An automatic fire sprinkler system shall be installed and maintained in all newly constructed buildings or structures. Exceptions:
  - a. When approved by the Fire Code Official spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided

those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of no less than 1-hour fire-resistance-rated wall and 2-hour fire-resistance-rate floor/ceiling assemblies.

- b. Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.
  - c. Detached Group U private garages and carports accessory to a Group R-3 occupancy and less than 1,000 square feet.
  - d. Detached pool houses, workshops, barns and similar structures, built in conjunction with existing non-sprinklered single-family residences and provided the new structure is less than 1,000 square feet, is not intended for use as a dwelling unit and complies with the separation distances and exterior fire protection ratings of the Building Code.
  - e. Detached non-combustible canopies less than 3,000 square feet in roof area used exclusively for vehicle washing facilities or vehicle fuel dispensing stations.
  - f. Group B or M occupancies less than 500 square feet.
  - g. Detached, unenclosed gazebos or shade structures less than 1,000 square feet.
  - h. Detached restroom facilities associated with golf courses, parks and similar uses.
  - i. Shipping containers used for storage purpose and located not closer than 5 feet to a building, property line or other container.
3. 903.2.2 Additions. An automatic sprinkler system shall be installed throughout any existing commercial or residential building when the floor area of the addition (including mezzanines) within any three year period exceeds 50% of the existing floor area of the building or when an additional story is added.
  4. 903.2.3 Alterations or Repairs. For alterations or repairs to existing buildings involving demolition of more than 50% of the existing floor area or removal of 50% or more of the existing ceiling material, the building shall meet the sprinkler requirements for a newly constructed building. Exception: One time alterations made solely for the purpose of complying with the Americans with Disabilities Act.
  5. 903.2.4 Change of Occupancy. Any change of occupancy when the proposed new occupancy classification is more hazardous based on a fire and life safety evaluation by the Fire Code Official and Building Code Official, including conversion of buildings to single-family residences, accessory dwelling units, bed and breakfast, inns, lodging houses or congregate residences for 10 or less persons or other similar uses an automatic fire sprinkler system shall be installed throughout.

6. 903.2.5 Floor Control Valves. Approved supervised indicating control valves and flow switches shall be provided at the point of connection to the riser on each floor in buildings exceeding two stories in height.

### **15.36.070 Motor Fuel Dispensing Facilities and Repair Garages**

Chapter 22, Section 2205, California Fire Code 2010, is amended by adding Subsection 2205.1.4 to read as follows:

Bio-Diesel Fuel Dispensing. For the purposes of dispensing, storing and complying with the operational requirements of Chapter 22, Bio-Diesel blended fuels shall comply with the requirements of a Class IIIA liquid.

### **15.36.080 Requirements for Wildland-Urban Interface Areas**

Chapter 49, California Fire Code 2010, Requirements for Wildland-Urban Interface Areas, Section 4908 Defensible Space for Structures and Roads is amended as follows:

A. General. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective fuel break by removing and clearing away flammable vegetation and combustible material from areas within 30 feet of buildings and structures;

Exception: Single specimen trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Remove portions of trees which extend within 10 feet of the outlet of a chimney;
3. Maintain trees adjacent to or overhanging a building free of deadwood; and
4. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

B. Roadways. The Fire Code Official is authorized to cause areas within 10 feet on each side of portions of all roads, driveways and fire department access roads which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover provided they do not form a means of readily transmitting fire.

- C. Corrective Actions. The Fire Code Official is authorized to give notice to the owner of the property upon which conditions regulated by this section exist to correct such conditions. If the owner fails to correct such conditions, the Fire Code Official is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

### **15.36.090 Fire Flow Requirements for Building**

- A. Section B103.3 Areas Without Water Supply Systems, California Fire Code 2010, Appendix B, is amended to read as follows:

The minimum flow duration, fire flow and storage volume for buildings shall be as specified in Tables A, B, & C. The Fire Code Official is also authorized to utilize the NFPA 1142 or the International Wildland Urban Interface Code for residential development projects serving more than one parcel or serving multiple buildings on a single parcel.

- B. Section B103.3 Areas Without Water Supply Systems, California Fire Code 2010, Appendix B, is amended to include to read as follows:

1. Alternative Means of Protection. Where water supplies for structural and wildfire protection can be delivered by a mobile water supply, large diameter hose, or portable pumps, the Chief may accept an in-lieu-of mitigation fee for on-site water supplies for fire protection.
2. Minimum Required Fire Flow Tables A, B, & C.

- C. Section B105 Fire-Flow Requirements for Buildings, California Fire Code 2010, Appendix B is amended to include to read as follows:

1. One and Two Family Dwellings Under 2500 Square Feet and Not Served By a Public Water System, The minimum water storage shall be 2,500 gallons of capacity dedicated for fire protection.

Exception: A reduction in fire flow of 50% is allowed when the building is protected with an approved automatic fire sprinkler system.

2. One and Two Family Dwellings Over 2500 Square Feet and Not Served by a Public Water System. The minimum water storage shall be in accordance with Table A.

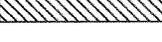
Exception: A reduction in fire flow of 50% is allowed when the building is protected with an approved automatic fire sprinkler system.

- D. Section B105.2 Buildings other than One and Two Family Dwellings, California Fire Code 2010, Appendix B, Exception is amended to read as follows:

Exception: A reduction in required fire flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system throughout. The resulting fire flow shall not be less than 1,500 gallons per minute for the prescribed duration as specified in Table B105.1.

E. Table A is included to this fire code to read as follows:

Table A Minimum Required Fire Flow, Flow Duration, and Storage Volume for Light Fire Hazard Occupancies including but not limited to Residential Occupancies, Churches, Colleges, Dormitories, Hospitals, Institutions, Museums, Office Buildings and Schools Not Served by a Public Water Supply.

Fire Area  Light Fire Hazard Occupancy <sup>1</sup>			Fire Flow Duration	Automatic Fire Sprinkler Protection <sup>2</sup>			
				Non-sprinklered		Sprinklered	
				Fire Flow	Storage Volume	Fire Flow	Storage Volume
Type of Construction <sup>3</sup>							
I FR, II FR, II-1hr, III- 1hr	II-N, III-N, IV-HT, V- 1hr	V-N	minutes	Gpm <sup>4</sup>	Gallons <sup>4, 5</sup> <sub>5</sub>	Gpm <sup>4, 6</sup> <sub>6</sub>	Gallons <sup>4, 5, 6</sup> <sub>6</sub>
16,800	13,300	12,600	60	200	12,000	200	6,000
25,300	19,970	19,000	60	300	18,000	300	9,000
33,700	26,600	25,300	60	400	24,000	400	12,000
42,100	33,250	31,600	60	500	30,000	500	15,000
50,500	39,920	37,900	60	600	36,000	500	18,000
58,950	46,550	44,200	60	700	42,000	500	21,000
67,400	53,200	50,500	60	800	48,000	500	24,000
75,800	59,850	56,900	60	900	54,000	500	27,000
84,200	66,500	63,200	60	1,000	60,000	500	30,000
105,300	83,100	78,950	60	1,250	75,000	625	37,500
126,300	99,700	94,750	60	1,500	90,000	750	45,000
147,400	116,350	110,500	60	1,750	105,000	875	52,500
168,400	132,950	126,300	60	2,000	120,000	1,000	60,000
189,500	149,600	142,080	60	2,250	135,000	1,125	67,500
210,500	166,200	157,900	60	2,500	150,000	1,250	75,000
231,600	182,800	173,670	60	2,750	165,000	1,375	82,500
252,600 +	199,450	189,500	60	3,000	180,000	1,500	90,000
	216,050	205,250	60	3,250	195,000	1,625	97,500
	232,700	221,050	60	3,500	210,000	1,750	105,000
	249,300	236,850	60	3,750	225,000	1,875	112,500
	265,900	252,600	60	4,000	240,000	2,000	120,000
	282,550	268,450	60	4,250	255,000	2,125	127,500
	299,200	284,200	60	4,500	270,000	2,250	135,000

<sup>1</sup> Fire area in sq. ft. (less than or equal to), for fire hazard occupancy types see Section A-III-A.5.2.1.

<sup>2</sup> Approved automatic sprinkler protection throughout building in accordance with standards NFPA 13 or NFPA 13-R.

<sup>3</sup> Types of construction based upon the Building Code.

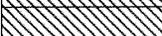
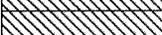
<sup>4</sup> Add 10% to fire flow and storage volume if separation between buildings is less than 20 feet.

<sup>5</sup> Fire flow storage volume use shall be limited and dedicated to fire protection, see Section 903.3.1.

<sup>6</sup> Fire flow and storage volume in sprinklered buildings is in addition to the water demand for the sprinkler system and in-lieu of outside hose stream demand allowance.

Table B is included to this fire code to read as follows:

Table B Minimum Required Fire Flow, Flow Duration, and Storage Volume for Moderate Fire Hazard Occupancies including but not limited to Asylums, Hotels, Prisons, Saw Mills, Gas Stations, Lumber Yards, Warehousing of normal combustibles, Wineries and Welding Shops Not Served by a Public Water Supply.

Fire Area  Moderate Fire Hazard Occupancy <sup>7</sup>			Fire Flow Duration	Automatic Fire Sprinkler Protection <sup>8</sup>			
				Non-sprinklered		Sprinklered	
				Fire Flow	Storage Volume	Fire Flow	Storage Volume
Type of Construction <sup>9</sup>			minutes	Gpm <sup>10</sup>	Gallons <sup>10, 11</sup>	Gpm <sup>10, 12</sup>	Gallons <sup>10, 11, 12</sup>
I FR, II FR, II-1hr, III- 1hr	II-N, III-N, IV-HT, V- 1hr	V-N					
11,200	8,850	8,400	60	200	12,000	200	6,000
16,850	13,300	12,650	60	300	18,000	300	9,000
22,450	17,750	16,850	60	400	24,000	400	12,000
28,050	22,150	21,050	60	500	30,000	500	15,000
33,700	26,600	25,250	60	600	36,000	500	18,000
39,300	31,040	29,480	60	700	42,000	500	21,000
44,900	35,450	33,700	60	800	48,000	500	24,000
50,500	39,900	37,900	60	900	54,000	500	27,000
56,150	44,300	42,100	60	1,000	60,000	500	30,000
70,150	55,400	52,650	60	1,250	75,000	625	37,500
84,200	66,500	63,150	60	1,500	90,000	750	45,000
98,250	77,550	73,700	60	1,750	105,000	875	52,500
112,300	88,650	84,200	60	2,000	120,000	1,000	60,000
126,300	99,740	94,750	60	2,250	135,000	1,125	67,500
140,350	110,800	105,250	60	2,500	150,000	1,250	75,000
154,400	121,900	115,800	60	2,750	165,000	1,375	82,500
168,400 +	132,950	126,300	60	3,000	180,000	1,500	90,000
	144,050	136,850	60	3,250	195,000	1,625	97,500
	155,140	147,350	60	3,500	210,000	1,750	105,000
	166,200	157,900	60	3,750	225,000	1,875	112,500
	177,300	168,400	60	4,000	240,000	2,000	120,000
	188,350	178,950	60	4,250	255,000	2,125	127,500
	199,450	189,480	60	4,500	270,000	2,250	135,000

<sup>7</sup> Fire area in sq. ft. (less than or equal to), for fire hazard occupancy types see Section A-III-A.5.2.1.

<sup>8</sup> Approved automatic sprinkler protection throughout building in accordance with standards NFPA 13 or NFPA 13-R.

<sup>9</sup> Types of construction based upon the Building Code.

<sup>10</sup> Add 10% to fire flow and storage volume if separation between buildings is less than 20 feet.

Table C is included to this fire code to read as follows:

Table C Minimum Required Fire Flow, Flow Duration, and Storage Volume for High Fire Hazard Occupancies including but not limited to Aircraft Hangers, Chemical Works or Storage, Explosives Manufacturing, High Piled Combustible Storage, Flammable Liquids Storage, Paint Shops, Pesticide Manufacturing, Storage or Shipping, Warehouses of Combustible/Flammables and other occupancies involving processing, mixing, storage and dispensing flammable and or combustible liquids, Not Served by a Public Water Supply.

Fire Area  High Fire Hazard Occupancy <sup>11</sup>			Fire Flow Duration	Automatic Fire Sprinkler Protection <sup>12</sup>			
				Non-sprinklered		Sprinklered	
				Fire Flow	Storage Volume	Fire Flow	Storage Volume
Type of Construction <sup>13</sup>			minutes	Gpm <sup>16</sup>	Gallons <sup>16,17</sup>	Gpm <sup>16,18</sup>	Gallons <sup>16,17,18</sup>
I FR, II FR, II-1hr, III- 1hr	II-N, III-N, IV-HT, V- 1hr	V-N					
5,600	4,430	4,200	120	200	24,000	200	12,000
8,430	6,650	6,320	120	300	36,000	300	18,000
11,230	8,860	8,430	120	400	48,000	400	24,000
14,030	11,070	10,520	120	500	60,000	500	30,000
16,830	13,300	12,630	120	600	72,000	500	36,000
19,650	15,510	14,740	120	700	84,000	500	42,000
22,470	17,730	16,850	120	800	96,000	500	48,000
25,270	19,950	18,950	120	900	108,000	500	54,000
28,070	22,170	21,050	120	1,000	120,000	500	60,000
35,100	27,700	26,320	120	1,250	150,000	625	75,000
42,100	33,250	31,580	120	1,500	180,000	750	90,000
49,130	38,790	36,850	120	1,750	210,000	875	105,000
56,150	44,330	42,100	120	2,000	240,000	1,000	120,000
63,150	49,860	47,360	120	2,250	270,000	1,125	135,000
70,180	55,400	52,630	120	2,500	300,000	1,250	150,000
77,200	60,950	57,900	120	2,750	330,000	1,375	165,000
84,200 +	66,480	63,150	120	3,000	360,000	1,500	180,000
	72,030	68,430	120	3,250	390,000	1,625	195,000
	77,570	73,690	120	3,500	420,000	1,750	210,000
	83,100	78,950	120	3,750	450,000	1,875	225,000
	88,650	84,200	120	4,000	480,000	2,000	240,000

<sup>11</sup> Fire area in sq. ft. (less than or equal to), for fire hazard occupancy types see Section A-III-A.5.2.1.

<sup>12</sup> Approved automatic sprinkler protection throughout building in accordance with standards NFPA 13 or NFPA 13-R.

<sup>13</sup> Types of construction based upon the Building Code.

**15.36.100 Fire Apparatus Access Roads**

- A. Section D103.2 Grade, California Fire Code 2010, Appendix D is amended to read as follows:

Fire apparatus access roads shall not exceed 20% in grade.

Exception: When the grade exceeds 20%, a Fire Protection Plan will be submitted to mitigate site conditions.

- B. Section D103.4 Dead ends Table D103.4, Requirements for Dean-End Fire Apparatus Access Roads, California Fire Code 2010, Appendix D is amended to read as follows:

<u>Length</u> (feet)	<u>Width</u> (feet)	<u>Turnarounds Required</u>
151-200	20	Hammerhead 'Y/ or Cul-de-sac Per figure D103.1
501-750	26	Hammerhead 'Y/ or Cul-de-sac Per figure D103.1
Over 750		Special Approval Required

- C. Section D103, Figure D103.1, California Fire Code 2010, Appendix D is amended to include the following drawings in the City of St. Helena Street, Storm Drain & Sidewalk Standards:

Drawings: 1, 1.1R, 1.2R, 2, 2R, 3, 3.1, 3.2, 3.3, 3.4, 4, 5, 6, 7, 8, & 9.

- D. Section D103.5 Fire Apparatus access road gates, California Fire Code 2010 Appendix B is amended to read as follows:

Gates securing the fire apparatus access roads shall comply with the following:

1. The minimum gate width shall be 10 feet.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.

4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Elective gates shall be equipped with a means of opening the gate by fire personnel for emergency access. An approved key system will be installed approved by the Fire Code Official.
6. Manual opening gates shall not be locked with a padlock or chain unless an approved fire department keyed padlock is installed.
7. All locking devices shall be approved by the Fire Code Official.

- E. Section D104.2 Buildings exceeding 62,000 square feet in area, California Fire Code 2010, Appendix B is amended to read as follows:

Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

- F. Section D107.1 One or two-family dwelling residential developments, California Fire Code 2010, Appendix B is amended to read as follows:

Developments of one or two-family dwellings where the number of dwelling units exceeds thirty (30) shall be equipped throughout with two separate and approved fire access roads.

#### **15.36.110 Modifications.**

The city manager, the fire chief and the Fire Code Official shall act as a committee and shall have power to modify any of the provisions of the California Fire Code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the fire code, provided that the spirit of the fire code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the committee thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Prior code § 5A.20)

#### **15.36.120 Appeals.**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the board of appeals within thirty (30) days from the date of the decision appealed. (Prior code § 5A.21)



## **Chapter 15.40**

# **RETROFITTING OF UNREINFORCED MASONRY BUILDINGS**

**Sections:**

<u>15.40.010</u>	Short title.
<u>15.40.020</u>	Purpose.
<u>15.40.030</u>	Scope.
<u>15.40.040</u>	Authority.
<u>15.40.050</u>	Definitions.
<u>15.40.060</u>	Future retrofitting legislation.
<u>15.40.070</u>	Change of occupancy.
<u>15.40.080</u>	Addition, alteration or repair.
<u>15.40.090</u>	Penalties for noncompliance.
<u>15.40.100</u>	Appeals process.
<u>15.40.110</u>	Recovery of penalties.
<u>15.40.120</u>	Remedies.

**15.40.010 Short title.**

This chapter shall be known as the “unreinforced masonry building (URM) ordinance.” (Prior code § 4B.1)

**15.40.020 Purpose.**

It is generally acknowledged that the city will experience earthquakes in the future due to its proximity to the Rodgers Creek, Hayward and San Andreas faults, and may reasonably be expected to experience moderate to severe ground shaking during a significant earthquake. Such ground shaking may result in serious injury or death or impaired economic value due to damage or collapse of buildings in St. Helena. Buildings constructed of unreinforced masonry have been widely recognized for experiencing life safety hazardous damage including partial or total collapse during moderate to strong earthquakes. The purpose of this chapter is to provide alternative construction regulations designed to reduce the risk of death or injury resulting from earthquake hazards in existing unreinforced masonry buildings in a timely and economically feasible manner while preserving the historic character of the community. (Prior code § 4B.2)

#### **15.40.030 Scope.**

The provisions of this chapter contain procedures for the systematic review and reconstruction of all existing unreinforced masonry buildings within the city to improve their safety during an earthquake. This chapter does not require alteration of existing electrical, plumbing or mechanical systems unless the conditions or defects endanger the life, health, property or safety of the public or the building's occupants. Access for the physically disabled shall be provided to the extent required by the latest edition of the California Building Code and/or the State Historical Building Code. The requirements of this chapter shall apply to all buildings or portions of buildings constructed with unreinforced masonry walls with the following exceptions:

- A. A building which has been seismically retrofitted since 1980, which complies with the strengthening standards in effect at the time as determined by the Building Official;
- B. A detached group R division 3 occupancy or a detached group R division 1 occupancy having four living units or fewer;
- C. Accessory buildings serving group R division 3 occupancies or accessory buildings serving group R division 1 occupancies having four living units or fewer;
- D. Public schools;
- E. Hospitals; or
- F. State or federally owned buildings.

(Prior code § 4B.3)

#### **15.40.040 Authority.**

- A. The Building Official or designee is authorized and directed to enforce all provisions of this chapter.
- B. Unless otherwise noted, the provisions of the current code shall apply; however, this chapter shall not preclude the enforcement of any federal, state or other local codes, laws or ordinances.
- C. The Building Official shall have the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as he or she may deem necessary in order to clarify the application of the provisions of this chapter. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter. (Prior code § 4B.4)

#### **15.40.050 Definitions.**

For the purposes of this chapter, certain words, phrases, terms and their derivatives shall be construed as specified in this section. Words, phrases, and terms that are used in this chapter, but not specifically defined, shall have the meanings set forth in the applicable local, state or federal code, if appropriate. Other such words, phrases and terms shall be accorded their ordinary meanings.

“Architect” means a person who is licensed to practice architecture in this state.

“Architectural and engineering fees” means all design and analysis costs, not repair costs.

“Building,” for the purpose of determining occupant load, means any contiguous or interconnected structure; for purposes of engineering evaluation, shall mean the entire structure or portion thereof which will respond to seismic forces as a unit.

“Current code” or current “CBC” means the current edition of the California State Building Code, as amended from time to time and as amended by the city.

“Current California Existing Building Code” or “current CEBC” means the seismic provision for unreinforced masonry bearing wall buildings in the current edition of the International Existing Building Code as adopted and amended by the city.

“Engineer” means any professional, civil or structural engineer who is licensed to practice engineering in this state.

“Owner” means any individual or group of individuals or firm or any other entity holding legal or equitable title to the real property.

“Prevailing code” means the “regular building regulations” as that term is used in the California Health and Safety Code, which govern the design and construction of nonhistorical buildings within the city.

“Qualified historical building” means any building, structure or collection of structures deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

“Unreinforced masonry building” or “URM building” means any building or structure containing one or more walls constructed wholly or partly with unreinforced masonry walls.

“Unreinforced masonry wall” or “URM wall” means a masonry wall in which the area of reinforcing steel is less than twenty-five percent (25%) of the minimum steel ratios required by the current CEBC for reinforced masonry.

“Upgrading” means all work necessary to comply with the requirements of this chapter.

“Valuation” means the total value of all construction work determined in accordance with prevailing code, except structural and fire upgrading work required by this chapter, for which a building permit is issued as well as finish work, roofing, mechanical systems, elevators, disabled access, and any other permanent equipment. (Ord. 02-5 § 5 (part); prior code § 4B.5)

#### **15.40.060 Future retrofitting legislation.**

No URM building which has been seismically retrofitted to the standards required in this chapter shall, within a period of fifteen (15) years after completion of the work required for such retrofit, or such other period as the state may from time to time adopt, be identified as a "seismic hazard to life" pursuant to any other seismic mitigation building standard adopted by the city, unless: (a) such building no longer meets the structural upgrade standards under which it was retrofitted; or (b) the occupancy classification for such building is changed. (Prior code § 4B.7)

#### **15.40.070 Change of occupancy.**

A URM building shall be retrofitted to the applicable standard upon a change of occupancy as defined in the current CBC, if the Building Official determines that the change will create an increased occupancy load or a hazardous condition. (Prior code § 4B.8)

#### **15.40.080 Addition, alteration or repair.**

- A. Whenever addition, alteration or repair work to a URM building involves any one of the following conditions, the building shall be upgraded to comply with the applicable retrofit standards prior to the approval of the addition, alteration, or repair work:
  - 1. The total cost for all addition, alteration and repair work exceeds fifty percent (50%) of the total replacement cost of the existing building. The valuation of the work and the replacement cost of the existing building shall be determined by the Building Official.
  - 2. Dead and live vertical or horizontal loading is increased by five percent on the affected supporting elements of the roof or floor of a building.
  - 3. More than fifty percent (50%) of the total floor areas of the building is involved in substantial structural alteration as determined by the Building Official.
  - 4. The cumulative area of additions, excluding basement additions, exceeds thirty percent (30%) of the existing total floor area of the building excluding basement.
  
- B. Addition, alteration or repair work shall mean the cumulative addition, alteration or repair work performed on the building within any four year period.
  
- C. When the owner believes the Building Official has made an error in his or her application of this section, the owner may appeal the determination to the building conservation appeals board in accordance with Section 15.40.110 of this chapter. (Prior code § 4B.9)

#### **15.40.090 Penalties for noncompliance.**

- A. It is unlawful for the owner of a potentially hazardous URM building subject to this chapter to fail to comply with the provisions of this chapter. After written notification thereof from the city to the owner, each owner who fails to complete the building upgrades required by this chapter r, for such building shall, in addition to any other penalty or remedy which may be assessed pursuant to this chapter or other applicable law, be guilty of an infraction. Each day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted shall be a separate offense. This penalty shall attach the day following the last day of the period during which the owner is to complete the upgrades. The maximum penalty under this subsection shall be ten thousand dollars (\$10,000.00) per building.
- B. In addition to the penalty authorized by subsection (A) of this section, the Building Official may take the following actions in the event of any failure to comply with the requirements of this chapter within the specified time period:
1. Notify all parties with a financial interest in the property (such as mortgage lenders, lienholders, insurance bearers) and the tenants that the building is a hazardous URM building and is in violation of this chapter;
  2. File a statement with the county recorder's office describing the potential hazards of the building and the violations of this chapter. Upon correction of the violation of this chapter the Building Official will file a release of any order of unreinforced masonry building hazard mitigation that may have been recorded;
  3. Post a sign on the building to designate it as a hazardous URM building. The signs shall be located at well-lighted locations, readily visible by the occupants and public when entering the building and shall be protected from damage. Location, form and content of the sign is subject to the Building Official's approval. The building owner shall be responsible for installing and maintaining the signs and immediately replacing them, at the owner's expense, as necessary. When the owner corrects all violations of this chapter to the satisfaction of the Building Official, the posting of the building required by this section shall be removed. However, if the owner violates any aspect of this chapter after the posting has been removed, the Building Official will repost the building immediately;
  4. The city council may cause any building not abated within the time limits set forth herein, to be vacated, strengthened, repaired, rehabilitated, remodeled, demolished or upgraded in accordance with the provisions of this chapter and place a lien on the property for all costs incurred.

- C. The owner may appeal any action or penalty for noncompliance in accordance with Section 15.40.110 of this chapter. (Ord. 02-5 § 5 (part); prior code § 4B.10)

**15.40.100 Appeals process.**

- A. Exemption from URM Program. If the owner believes that his or her building is not a potentially hazardous URM building or is otherwise exempted from the provisions of this chapter, the owner shall submit evidence, such as original drawings or test results, to substantiate the claim. The Building Official will review the evidence submitted by the owner and will remove the building from the city's list of potentially hazardous URM buildings if the Building Official determines that the building is exempted or in compliance with this chapter. Any decision of the Building Official pursuant to this subsection may be appealed first to the building conservation appeals board and finally to the city council, in accordance with the procedures set forth in this section.
- B. Appeal of Addition, Alterations, or Repair. When the owner believes the Building Official made an error in his or her determination regarding additions, alterations or repairs, the owner may appeal the determination to the building conservation appeals board. Such appeal shall be made within thirty (30) days after the date of the Building Official's written decision.
  - 1. Such appeal shall be made in the form specified by this section and be filed with the Building Official. The appeal shall state specifically the alleged error or abuse of discretion by the Building Official. The appeal will be heard by the building conservation appeals board within thirty (30) days of the date of receipt of the appeal by the city. Not less than seven days prior to the hearing date, the Building Official shall give notice to the appellant of the date, time and place of the hearing. The board shall be authorized to continue the hearing from time to time.  
In considering the appeal, the board shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. Error or abuse of discretion is shown if it is established that the Building Official failed to follow the provisions of this chapter.
  - 2. The decision of the board shall be in writing and a copy of the board's decision shall be mailed or otherwise delivered to the appellant by the Building Official within seven days of the date of the board's decision. The applicant may appeal the board's decision to the city council in the form specified by this section. The appeal shall be made to the city clerk within thirty (30) days of the date of receipt of the board's final action notice.
- C. Appeal of Noncompliance Penalties and Actions. Any decision by the Building Official to impose penalties or take actions in the event of any

failure to comply with the requirements of this chapter may be appealed by the owner or the owner's agent to the city council. Any such appeal shall be made within thirty (30) days of the date of the Building Official's mailing of notification. The appeal shall be made on a form approved by the Building Official and shall state specifically how the Building Official has either committed an error or has abused his or her discretion. In considering the appeal, the council shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. The decision of the council shall be in writing and shall be final. Revocation of a certificate of occupancy, if appealed, will not become effective until the decision of the council is final and in writing.

- D. Written Appeal Required. The written appeal and filing fee shall be submitted to the city clerk. The written appeal shall contain the following:
1. The names of the appellants;
  2. A brief statement setting forth the legal interest of each of the appellants in the land and/or building involved;
  3. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellants;
  4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
  5. The submittal of any documents, sworn statements or other written material claimed to have value on the contentions made in support of the appeal;
  6. The signatures of all parties named as appellants and their mailing addresses;
  7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal. (Prior code § 4B.11)

#### **15.40.110 Recovery of penalties.**

- A. The penalties imposed on the building owner shall be assessed against the real property subject to this chapter and shall, in addition, be an obligation of the owner of the subject property. If the owner of a building is a group of individuals, firms, or other entities or any combination thereof, the obligation imposed by this section shall be joint and several. The Building Official shall give the owner of the building a written notice showing the amount of the penalty and requesting payment thereof. If the amount of such penalty is not paid to city within thirty (30) days after the date of such notice, the Building Official shall forward a report of the penalties to the city council for confirmation.
- B. The property owner shall be given at least fifteen (15) days' written notice of the confirmation hearing before the city council. The amount of the penalties shall be confirmed by the city council, unless the city council finds, based upon evidence in the record, that the Building Official erred in

imposing or in computing the amount of the penalty. If such error is found, the city council may modify the amount of the penalty, as warranted.

- C. Upon confirmation of the penalty, the city council shall direct the Building Official to record in the office of the county recorder, a certificate substantially in the following form:

**NOTICE OF SPECIAL ASSESSMENT LIEN**

Pursuant to Section 15.40.100, of the St. Helena Municipal Code, the penalty of \$ \_\_\_\_\_ was assessed by the Building Official, and confirmed by the St. Helena City Council, against the described real property and such amount has not been paid, in full, and the City of St. Helena does hereby claim a special assessment lien upon the hereinafter described real property in said amount; the same shall be a lien upon the real property until such sum has been paid in full. The real property herein above mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of St. Helena, County of Napa, State of California and particularly described as follows, to wit:

(Insert description of property)

Dated \_\_\_\_\_

\_\_\_\_\_  
Building Official

Such lien attaches upon recordation of the notice of special assessment lien. The description of the parcel in the notice of lien shall be that used for the same parcel as the county assessor's map book for the current year. The county assessor shall enter each assessment on the county tax roll opposite the affected parcel of land. The amount of the assessment shall be collected and shall be subject to the same penalties and the same procedures for foreclosure and sale, in case of delinquencies, as provided for ordinary municipal taxes. (Prior code § 4B.12)

**15.40.120 Remedies.**

In addition to the penalties in Section 15.40.100 of this chapter, the following remedies are available to the city and may be imposed independently or in combination with each other at the sole discretion of the Building Official, unless otherwise noted herein:

- A. Maintenance of a URM building beyond the time specified in Section 15.40.060(E) of this chapter for completion of upgrades to such building is declared a public nuisance.
- B. The city may seek injunctive relief on behalf of the public to enjoin a building owner's violation of this chapter.

- C. The city may withhold the issuance of any building permit and/or may suspend the existing building permits on the subject building unless otherwise authorized by the Building Official for emergency repairs.
- D. The Building Official, after written notice to the owner, may revoke or suspend the occupancy permit for any structure for which the owner violates any of the provisions of this chapter. The notice of revocation or suspension shall provide the owner the right to provide the Building Official with evidence that the occupancy permit should not be revoked or suspended either because the structure is not subject to the provisions of this chapter or because the Building Official did not follow the provisions of this chapter.
- E. Any person violating any provision of this chapter shall be guilty of an infraction.
- F. These remedies are not exclusive and the city may utilize any other remedies available at law or equity. (Prior code § 4B.13)



## **Chapter 15.44 BUILDING NUMBERING SYSTEM**

### **Sections:**

- 15.44.010** Plan generally—Odd and even numbers.
- 15.44.020** Method of assignment of numbers.
- 15.44.030** Use of numbers consecutively.
- 15.44.040** Record of numbers assigned.
- 15.44.050** Duty of property owners to provide and affix numbers.
- 15.44.060** Size of number—Where numbers are to be placed.

### **15.44.010 Plan generally—Odd and even numbers.**

All buildings fronting on streets in the city shall be numbered in accordance with the following system:

- A. The base or initial point on all streets running in a northwesterly and southeasterly course shall be the southeastern boundary line of the city running from Napa River to Crane Avenue, and the line projected northeasterly and southwesterly, and all such streets which run in a northwesterly direction from such base or initial point, shall be numbered from such base or initial point, and all streets which run in a northwesterly direction, but do not run from such base or initial point shall be theoretically projected southeasterly to such base or initial point and shall be numbered as if the same actually ran from such base, and in all such streets the odd numbers shall be placed on the southerly side of the street, and even numbers on the northerly side, opposite the next preceding odd numbers.
- B. The base or initial point on all streets running in a northeasterly and southwesterly course shall be a line drawn at right angles to the aforesaid southeasterly boundary line of the city and intersecting the last-mentioned line at a point where it intersects the southern bank of Napa River, and all streets running in a southwesterly direction shall be theoretically projected northeasterly to such base or initial point and shall be numbered as if the same actually ran from such base or initial point, and on all such streets, the odd numbers shall be placed on the westerly side of the street and the even numbers on the easterly side, opposite the next preceding odd number. (Prior code § 13.36)

### **15.44.020 Method of assignment of numbers.**

The lots shall be numbered starting from the southeasterly or northeasterly end of the block and the numbers shall be computed in the following manner: The number of lineal feet of property line in each block shall be divided by six and one

number shall be appropriated to the space resulting from such division as the case may be. (Prior code § 13.37)

#### **15.44.030 Use of numbers consecutively.**

Numbering of buildings shall be consecutively in the following manner:

Beginning the numbering for each street with the first block, at such base or initial point, allotting one hundred (100) numbers, or as many to each block as shall be required and using the numbers from one to one hundred (100), inclusive, in the first block, the numbers one hundred (100) and one to two hundred (200), inclusive, in the next block, and so on consecutively from such base or initial point the whole length of the street. (Prior code § 13.38)

#### **15.44.040 Record of numbers assigned.**

The superintendent of streets shall number the streets and shall keep complete records, plots and diagrams thereof, in his or her office, and shall inform, on request, the owners or occupants of each house to be numbered, of the numbers to be placed on the house by the owner or occupant. (Prior code § 13.39)

#### **15.44.050 Duty of property owners to provide and affix numbers.**

It shall be the duty of every person owning, occupying or controlling any building or store fronting on a public street or avenue in the city to number the same, or cause the same to be numbered correctly and in accordance with this chapter, and it shall be the duty of any person owning, occupying or controlling any building hereafter erected within the city to do so number the same within one month after its completion or occupancy, and it is unlawful for such owner or occupant to fail, neglect or refuse to do so. (Prior code § 13.40)

#### **15.44.060 Size of number—Where numbers are to be placed.**

The regulation number to be used in numbering buildings in the city shall be consistent with section 15.12.020 A. Numbers shall be placed upon some conspicuous place on the front of such building. (Prior code § 13.41)

## Chapter 15.48 TRAILERS AND TRAILER CAMPS

### Sections:

- 15.48.010 Definitions.
- 15.48.020 State law as to trailer camps adopted.
- 15.48.030 Trailers to be kept in approved camps—Exceptions when temporary permits are issued.
- 15.48.040 Application for temporary permits.
- 15.48.050 Temporary permit fees.
- 15.48.060 When trailers to be parked in parking spaces.
- 15.48.070 Unlawful locations.

#### **15.48.010 Definitions.**

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

“Approved trailer camps or farm labor camps” means any places, areas or tracts offered to the public for accommodation of any trailer and approved by the city health inspector as conforming to state and county law.

“Trailer” means any unit designed to be used for living or sleeping purposes, or both, and which is or was at some time equipped with wheels or similar devices for the purpose of transporting such unit from place to place, whether by motive power or other means. (Prior code § 16.1)

#### **15.48.020 State law as to trailer camps adopted.**

All of the provisions of the state law applicable to health, sanitation and safety of trailer camps or farm labor camps are adopted and made a part of this chapter as though fully set forth herein. (Prior code § 16.2)

#### **15.48.030 Trailers to be kept in approved camps—Exceptions when temporary permits are issued.**

All trailers when occupied or used for living or sleeping purposes shall be kept within approved trailer camps or farm labor camps, except when a temporary permit is issued as provided for in Section 17.136.090(C). (Prior code § 16.3)

#### **15.48.040 Application for temporary permits.**

Application for a temporary permit shall be made within forty-eight (48) hours from the time such trailer is located upon the property. (Prior code § 16.4)

#### **15.48.050 Temporary permit fees.**

Every person holding a temporary permit shall pay to the city building inspector the fee set forth by city council resolution. (Ord. 02-5 § 15 (part): prior code § 16.5)

**15.48.060 When trailers to be parked in parking spaces.**

All trailers when parked for more than twenty-four (24) continuous hours shall be parked in a parking space. (Prior code § 16.6)

**15.48.070 Unlawful locations.**

No person shall establish, maintain or locate any trailer in the city, except in conformance with the provisions of this chapter. (Ord. 02-5 § 15 (part): prior code § 16.7)

## Chapter 15.52 FLOOD DAMAGE PREVENTION

### Sections:

<u>15.52.010</u>	Statutory authorization.
<u>15.52.020</u>	Findings of fact.
<u>15.52.030</u>	Statement of purpose.
<u>15.52.040</u>	Methods of reducing flood losses.
<u>15.52.050</u>	Definitions.
<u>15.52.060</u>	Lands to which this chapter applies.
<u>15.52.070</u>	Basis for establishing the areas of special flood hazard.
<u>15.52.080</u>	Compliance.
<u>15.52.090</u>	Abrogation and greater restrictions.
<u>15.52.100</u>	Interpretation.
<u>15.52.110</u>	Warning and disclaimer of liability.
<u>15.52.120</u>	Development permit.
<u>15.52.130</u>	Designation of floodplain administrator.
<u>15.52.140</u>	Duties and responsibilities of the floodplain administrator.
<u>15.52.150</u>	Standards of construction.
<u>15.52.160</u>	Standards for utilities.
<u>15.52.170</u>	Standards for subdivisions.
<u>15.52.180</u>	Standards for manufactured homes.
<u>15.52.190</u>	Floodways.
<u>15.52.200</u>	Appeal board.
<u>15.52.210</u>	Variances.

\* Editor's Note: The sections in this chapter have been renumbered from the designations given in Ord. 06-8 starting with Section 15.52.120.

### **15.52.010 Statutory authorization.**

The Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council does ordain as set forth in this chapter. (Ord. 06-8 § 3 (part); Ord. 02-5 § 8: prior code § 5B.1)

### **15.52.020 Findings of fact.**

- A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights

and velocities also contributes to flood losses. (Ord. 06-8 § 3 (part): prior code § 5B.2)

#### **15.52.030 Statement of purpose.**

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

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood-control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 06-8 § 3 (part): prior code § 5B.3)

#### **15.52.040 Methods of reducing flood losses.**

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

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and
- F. These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes. (Ord. 06-8 § 3 (part): prior code § 5B.4)

#### **15.52.050 Definitions.**

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

“A Zone.” See “Special flood hazard area.”

- “Accessory structure, low-cost and small” means a structure that is solely for the parking of not more than two cars; or limited storage (small, low cost sheds).
- “Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located;
- “Alluvial fan” means a geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- “Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- “Appeal” means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.
- “Area of shallow flooding” means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- “Area of special flood hazard.” See “Special flood hazard area.”
- “Area of special flood-related erosion hazard” is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).
- “Base flood” means the flood having a one-percent chance of being equaled or exceeded in any given year (also called the “100 year flood”). Base flood is the term used throughout this chapter.
- “Base flood elevation (BFE)” means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one-percent or greater chance of being equaled or exceeded in any given year.
- “Basement” means any area of the building having its floor subgrade — i.e., below ground level— on all sides.
- “Building.” See “Structure.”
- “Crawl space” is an enclosed area below the BFE. Crawl space construction is subject to specific materials requirements and other constraints as described in Section 15.52.150(C)(2) of this chapter.
- “Development” means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- “Development permit” means the document issued by the city to confirm approval of the development proposed by the submittals required under Section 15.52.120 of this chapter.

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

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 27, 1980.

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

“Flood, flooding, or flood water” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

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

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

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

“Floodplain administrator” is the community official designated by title to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

- “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
- “Flood-related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.
- “Flood-related erosion area” or “flood-related erosion prone area” means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- “Flood-related erosion area management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.
- “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”
- “Floodway fringe” is that area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.
- “Fraud and victimization” as related to Section 15.52.210 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
- “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers,

and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

“Governing body” is the city, empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Section 15.52.210 of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

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

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

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

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
  - a. The flood openings standard in Section 15.52.150(C)(4) of this chapter;
  - b. The anchoring standards in Section 15.52.150(A) of this chapter;
  - c. The construction materials and methods standards in Section 15.52.150(B) of this chapter; and
  - d. The standards for utilities in Section 15.52.160 of this chapter.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes "recreational vehicles," park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.
3. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

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

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

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after May 27, 1980, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including

at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 27, 1980.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“One hundred year flood” or “100 year flood” - see “Base flood.”

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

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

“Public safety and nuisance” as related to Section 15.52.210 of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle which is:

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

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

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

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

“Sheet flow area.” See “Area of shallow flooding.”

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

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

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

“Substantial damage” means:

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

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds thirty percent (30%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

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

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

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

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

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

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 06-8 § 3 (part): prior code § 5B.5)

#### **15.52.060 Lands to which this chapter applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 06-8 § 3 (part): prior code § 5B.6)

#### **15.52.070 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) City of St. Helena, California, Napa County" dated January 7, 1998, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated January 7, 1998, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMs and FBFMs are on file at City Hall, 1480 Main Street, St. Helena. (Ord. 06-8 § 3 (part): prior code § 5B.7)

#### **15.52.080 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall

prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 06-8 § 3 (part): prior code § 5B.8)

#### **15.52.090 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 06-8 § 3 (part): prior code § 5B.9)

#### **15.52.100 Interpretation.**

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

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the city; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 06-8 § 3 (part): prior code § 5B.10)

#### **15.52.110 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 06-8 § 3 (part): prior code § 5B.11)

#### **15.52.120 Development permit.**

A development permit shall be obtained before construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.52.070 of this chapter. Applications for a development permit shall be made on forms furnished by the city. The applicant shall provide the following minimum information:

- A. Plans in duplicate, drawn to scale, showing:
  1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
  2. Proposed locations of water supply, sanitary sewer, and other utilities;
  3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
  4. Location of the regulatory floodway when applicable;
  5. Base flood elevation information as specified in Section 15.52.070 or Section 15.52.150(C) of this chapter;
  6. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.52.150(C)(3) of this chapter and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.52.150(C)(3) of this chapter.
- C. For a crawl space foundation, location and total net area of foundation openings as required in Section 15.52.150(C)(2) of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and evidence that any required state or federal permits for such alteration or relocation have been obtained.
- E. All appropriate certifications listed in Section 15.52.150 of this chapter. (Ord. 06-8 § 3 (part): prior code § 5B.13)

#### **15.52.130 Designation of floodplain administrator.**

The city engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 06-8 § 3 (part): prior code § 5B.14)

#### **15.52.140 Duties and responsibilities of the floodplain administrator.**

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- A. Permit Review.
  1. Review all development permit applications to determine that the permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
  2. All other required state and federal permits have been obtained;
  3. The site is reasonably safe from flooding;
  4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city; and
  5. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "Start of Construction" definition.
- B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "market value."
  2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- C. Review Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.52.070 of this chapter, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.52.150 through 15.52.190 of this chapter. Any such information shall be submitted to the city council for adoption. NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.
- D. Notification of Other Agencies.
1. Alteration or relocation of a watercourse.
    - a. Notify adjacent communities and the California Department of Water Resources prior to the alteration or relocation;
    - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
    - c. Assure that the flood-carrying capacity of the altered or relocated portion of such watercourse is maintained.
  2. Base flood elevation changes due to physical alterations:
    - a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
    - b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "Start of Construction" definition.
    - c. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
  3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.
- E. Documentation of Floodplain Development.  
Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 15.52.150(C)(1) of this chapter (lowest floor elevations);
  2. Certification required in Section 15.52.150(C)(3) of this chapter (elevation or floodproofing of nonresidential structures);
  3. Certification required in Section 15.52.150(C)(4) of this chapter (wet floodproofing standard);
  4. Certification required in Section 15.52.170 of this chapter (subdivisions and other proposed development standards);
  5. The certification required in Section 15.52.190(A) of this chapter (floodway encroachments); and
  6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- F. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.52.200 of this chapter.
- G. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.52.080 herein.
- H. Biennial Report. Complete and submit biennial report to FEMA.
- I. Planning. Assure community's general plan is consistent with floodplain management objectives herein. (Ord. 06-8 § 3 (part): prior code § 5B.15)

### **15.52.150 Standards of construction.**

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

- A. Anchoring.
1. All new construction and substantial improvements, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. Construction Materials and Methods.
1. All new construction and substantial improvements to structures, including manufactured homes, shall be constructed:
    - a. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
    - b. Using methods and practices that minimize flood damage;
    - c. With electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
    - d. Within Zone AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- C. Elevation and Floodproofing.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement:
  - a. In AE, AH and A1-A30 Zones, elevated to eighteen (18) inches above the base flood elevation.
  - b. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
  - c. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or land surveyor to be properly elevated. Such certification shall be provided to the floodplain administrator.
2. Crawl Space Construction. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
  - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
  - b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
  - c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
  - d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
  - e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
  - f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
    - i. The interior grade of a crawl space below the BFE must not be more than two feet below the Lowest Adjacent Exterior Grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;
    - ii. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point;

- iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed seventy-two (72) hours; and
    - iv. The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.
  3. For any new construction or substantial improvement of a nonresidential structure, the entire structure shall either be elevated in conformance with subsection (C)(1) of this section or together with attendant utility and sanitary facilities:
    - a. Be floodproofed so that below the level required under subsection (C)(1) of this section the structure is watertight with walls substantially impermeable to the passage of water;
    - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
    - c. Be certified by a registered civil engineer that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator.
  4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered civil engineer or meet or exceed the following minimum criteria:
    - a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters; or
    - b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
  5. Manufactured homes shall also meet the standards in Section 15.52.180.
- D. Non-conversion of Enclosed Areas Below the Lowest Floor. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator shall:
  1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;

2. Require that such applicants enter into a “NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS” or equivalent with the city. The agreement shall be recorded by the floodplain administrator with the Napa County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the floodplain administrator and city attorney; and
  3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least seventy-two (72) hours.
- E. The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas known to the community.
1. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion, and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
  2. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
  3. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated “useful life” of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only. (Ord. 06-8 § 3 (part): prior code § 5B.16)

#### **15.52.160 Standards for utilities.**

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 06-8 § 3 (part): prior code § 5B.17)

#### **15.52.170 Standards for subdivisions.**

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered civil engineer or land surveyor and provided to the floodplain administrator.

- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 06-8 § 3 (part): prior code § 5B.18)

**15.52.180 Standards for manufactured homes.**

All new and replacement manufactured homes and additions to manufactured homes shall:

- A. Be elevated on a permanent foundation so that the lowest floor is at least eighteen (18) inches above the base flood elevation; and
- B. Be securely anchored to a permanent foundation system designed to resist flotation, collapse and lateral movement and approved by the Building Official.
- C. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
  - 1. Be on the site for fewer than one hundred eight (180) consecutive days; or
  - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - 3. Meet the permit requirements of Section 15.52.120 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.52.180. (Ord. 06-8 § 3 (part): prior code § 5B.19)

**15.52.190 Floodways.**

Located within areas of special flood hazard established in Section 15.52.070 of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Sections 15.52.140 through 15.52.180. (Ord. 06-8 § 3 (part))

**15.52.200 Appeal board.**

- A. The planning commission, and on appeal, the city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

- B. The city council shall hear and decide requests for variance in the enforcement or administration of this chapter.
1. In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
    - a. Danger that materials may be swept onto other lands to the injury of others;
    - b. Danger of life and property due to flooding or erosion damage;
    - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
    - d. Importance of the services provided by the proposed facility to the community;
    - e. Necessity to the facility of a waterfront location, where applicable;
    - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
    - g. Compatibility of the proposed use with existing and anticipated development;
    - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
    - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
    - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
    - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
  2. Variances shall only be issued upon a:
    - a. Showing of good and sufficient cause;
    - b. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
    - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "public safety and nuisance"\*), cause "fraud and victimization"\* of the public, or conflict with existing local laws or ordinances.
  3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (B)(1) through (B)(2) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
  4. Upon consideration of the factors of subsection B of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to

further the purposes of this chapter. (Ord. 06-8 § 3 (part): prior code § 5B.21)

\* Editor's Note: See Section 15.52.050 for definition of this term.

#### **15.52.210 Variances.**

- A. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
- B. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.
- C. It is the duty of the city to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this section are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.
- D. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing that the procedures of Sections 15.52.150 through 15.52.190 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Variances may be issued for the repair or rehabilitation of "Historic Structures" (as defined in Section 15.52.050 of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

## Chapter 15.53 CALIFORNIA GREEN BUILDING STANDARDS CODE

### Sections:

- 15.53.010 California Green Building Standards Code – Adopted.
- 15.53.020 California Green Building Standards Code – Amendments
- 15.53.030 California Green Building Standards Code – Voluntary  
Measures Made Mandatory.

### **15.53.010 California Green Building Standards Code – Adopted.**

The 2010 Edition of the California Green Building Standards Code, known as the California Code of Regulations, Title 24, Part 11, with amendments set forth in section 15.53.020 is hereby adopted.

### **15.53.020 California Green Building Standards Code – Amendments.**

- A. Section 101.3 Scope, The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, or an addition of 400 sq. ft. or more, or a remodel encompassing a bathroom or kitchen in an existing structure, unless otherwise indicated in this code, throughout the State of California.
- B. Section 4.303.1, Indoor Water Use, Twenty percent savings.
  - 2. In additions or remodels of existing structures, all new indoor plumbing fixtures shall meet the 20% reduction in use illustrated by Table 4.303.2.
- C. Section 4.503, Fireplaces, Pursuant to Bay Area Air Quality Management District, Regulation 8, Particulate Matter and Visible Emissions, Rule 3, Wood-Burning Devices, the City of St. Helena hereby enforces the following:
  - 1. Definitions:

“APCO” The Air Pollution Control Officer of the Bay Area Air Quality Management District or designee thereof.

“Fireplaces”: Any installed masonry or factory-built wood-burning device designed to operate with an air-to-fuel ratio greater than or equal to 35-to-1m a burn rate over 11 pounds per hour, or a weight over 1760 pounds.

“Gas-fueled Heating Device”: Any device that utilizes natural gas as a fuel source supplied by a natural gas service utility, including, but not limited to, gas-fueled fireplaces, gas-fueled room heaters, gas-fueled inserts, or gas-fueled log sets.

“Masonry Heater”: Any site-build or site-assembled, solid-fueled heating device constructed mainly of masonry materials in which the heat from

intermittent fires burned rapidly in its firebox is stored in its structural mass for slow release to the site. Such solid-fueled heating devices must meet the design and construction specifications set forth in ASTM E 1602-03, "Guide for Construction of Solid Fuel Burning Masonry Heaters."

"Pellet-fueled Device": Any solid-fueled burning device which is operated on pellet-fuel and is either U.S. EPA Phase II certified or exempted under U.S. EPA requirements set forth in Title 40 Code of Federal Regulation (CFR), Part 60, Subpart AAA. Pellet fuel may be composed of compressed wood, corn or other biomass.

"Wood-burning Device": Any wood-burning stove or heater, pellet-fueled device, fireplace, or any indoor permanently installed device used to burn any solid fuel for space-heating or aesthetic purposes. This definition does not include wood-burning devices intended exclusively for cooking food, such as wood-fired ovens or barbecues.

2. Criteria for Installation of Wood-burning Devices: No person shall install a new or used wood-burning device intended for use in the City of St. Helena unless it is one of the following:
  1. A U.S. EPA Phase II certified wood-burning device;
  2. A pellet-fueled device;
  3. A low mass fireplace, masonry heater or other wood-burning device of a make and model that meets EPA emission targets and has been approved in writing by the APCO.  
This requirement does not apply if a wood-burning device is an installed fixture included in the sale or transfer of any real property. Any gas-fueled heating device or electric-powered heating device is allowed under this standard.
  
3. Criteria for Wood-burning Devices in New Building Construction: No person or builder shall commence construction of a new building or structure permitted to contain or containing a wood-burning device, or install a new wood-burning device resulting from a remodel, or construct a free-standing outdoor fireplace that is not intended exclusively for cooking food, unless the device meets the requirements above. Any gas-fueled heating device or electric-powered heating device is allowed under this standard.

**15.53.030 California Green Building Standards Code – Voluntary Measures Made Mandatory,**

- A. Section A4.207.10, HVAC Design, Equipment and Installation, Ceiling Fans. ENERGY STAR ceiling fans are installed in all bedrooms, living areas and bathrooms.
- B. Section A4.210, Appliances, Each appliance provided by the builder shall meet ENERGY STAR if an ENERGY STAR designation is applicable for that appliance in all kitchens and bathrooms.
- C. Section A4.403.2 Reduction in cement use. As allowed by the enforcing agency, cement used in foundation mix design shall be reduced to not less than a 20 percent reduction in cement use.  
Note: Products commonly used to replace cement in concrete mix designs include, but are not limited to:
  - 1. Fly ash
  - 2. Slag
  - 3. Silica fume
  - 4. Rice hull ash
- D. Section A4.404.3 Building Systems. All wood roof, wall and subfloor sheet goods shall be engineered, oriented strand board. Alternate equivalent materials maybe allowed by authority having jurisdiction.

## **Chapter 15.54**

# **CALIFORNIA ADMINISTRATIVE CODE ADOPTED**

### **Sections:**

**15.54.010 California Administrative Code Adopted.**

The 2010 Edition of the California Administrative Code, known as the California Code of Regulations, Title 24, Part 1, published by the California Building Standards Commission, is hereby adopted including all appendices, and without amendments.

**Chapter 15.55**  
**CALIFORNIA REFERENCED STANDARDS CODE**  
**ADOPTED**

**Sections:**

**15.55.010 California Referenced Standards Code Adopted.**

The 2010 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, Part 12, published by the California Building Standards Commission, is hereby adopted including all appendices, and without amendments.