CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2017-0033

APPROVING THE LOCAL AGENCY MANAGEMENT PROGRAM
FOR
FRESNO COUNTY DEPARTMENT OF PUBLIC WORKS AND PLANNING

WHEREAS, on 19 June 2012, the State Water Resources Control Board (hereafter State Board) adopted Resolution No. 2012-0032, which in part approves the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (hereafter the OWTS Policy); and

WHEREAS, the OWTS Policy allows Local Agencies to propose Local Agency Management Programs (hereafter LAMPs) for California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) approval, as conditional waivers of Waste Discharge Requirements; and

WHEREAS, The OWTS Policy requires Central Valley Water Board staff (hereafter staff) to solicit comments from the State Water Resources Control Board Division of Drinking Water (hereafter DDW) regarding a LAMP's proposed setbacks and notifications to water purveyors; and

WHEREAS, on 13 May 2016 the Fresno County Department of Public Works and Planning (hereafter Fresno County PW&P) submitted a formal draft LAMP, along with a preliminary completeness checklist (hereafter checklist) per staff's request; and

WHEREAS, on 26 May 2016, Central Valley Water Board staff sought DDW's comments on the formal draft LAMP; on 15 September 2016 DDW concurred with the proposed setbacks and notifications contingent upon an appropriate workshop by 13 May 2018 to define public agency responsibilities and procedures for OWTS Policy implementation; and

WHEREAS, on 17 August 2016 staff provided Fresno County PW&P with comments on the formal draft LAMP; on 15 November 2016 Fresno County PW&P submitted a revised draft LAMP that addressed staff's comments; on 5 December 2016 staff and Fresno County PW&P completed discussions on the revised draft LAMP and checklist; and

WHEREAS, on 23 January 2017, the Central Valley Water Board notified Fresno County PW&P and interested parties of its intent to approve the LAMP, and provided them with an opportunity for public hearing, and an opportunity to submit comments and recommendations, both on the LAMP and checklist; and

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WHEREAS, on 6 April 2017, the Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this action, including those received from the Leadership Counsel for Justice and Accountability:

Therefore, be it RESOLVED, that the Central Valley Water Board hereby approves the Local Agency Management Program submitted by Fresno County Department of Public Works and Planning.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the Central Valley Water Board, on 6 April 2017.

Original signed by

PAMELA C. CREEDON, Executive Officer

Fresno County lamp CHECKLIST

E. Rapport, Revised 10 Feb 2015

Fresno County LAMP, NorthStar Engineering, March 16, 2016

PROPOSED LOCAL CODES IN COMPLIANCE WITH OWTS POLICY

	GENERAL REQUIREMENTS FOR LAMPs					
OWTS Policy Section	OWTS Policy Section Summary	Region 5 Comments (These do not replace your review of OWTS Policy. Italics and websites are specific explanations, more detailed than in the Policy.)	Relevant LAMP Section	Legal Authority/ Code Section	Deficiency; Address Prior to Our Scheduling for Board Approval.	Potential Concern; Address in First Water Quality Assessment Report.
3.3	Annual Reporting	For Section 3.3 et seq, describe your program for annual reporting to Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff in a tabular spreadsheet format.	LAMP Part 1,	Proposed Language for Chapter 14/15.		
3.3.1	Complaints	Include numbers and locations of complaints, related investigations, and means of resolution.	LAMP Part 1,	Proposed Language for Chapter 14/15.		

3.3.2	OWTS Cleaning	Include applications and registrations issued as part of the local cleaning registration pursuant to California Health and Safety Code §117400 et seq.	LAMP Part 1,	Proposed Language for Chapter 14/15.		
3.3.3	Permits for New and Replacement OWTS	Include numbers and locations of permits for new and replacement OWTS, and their Tiers.	LAMP Part 1,	Proposed Language for Chapter 14/15.		
3.4	Permanent Records	Describe your program for permanently retaining records, and means of making them available to Central Valley Water Board staff within 10 working days of a written request.	LAMP Part 1,	Proposed Language for Chapter 14/15.		
3.5	Notifications to Municipal Water Suppliers	Describe your program for notifying public well and water intake owners, and the California Department of Public Health. Notification shall be as soon as practicable, but no later than 72 hours upon discovery of a failing OWTS, as described in Sections 11.1 and 11.2, within setbacks described in Sections 7.5.6 through 7.5.10.	LAMP Part 1,	Proposed Language for Chapter 14/15.		
9.0	Minimum OWTS Standards	This Section is an introduction; we require no specific LAMP Section citation here.				
9.1	Considerations for LAMPs	For Section 9.1 et seq., provide your commitment to evaluate complaints, variances, failures, and inspections in Section 9.3.2 (Water Quality Assessment); and your proposed means of assessment to achieve this Policy's purpose of protecting water	LAMP Part 1,	Proposed Language for Chapter 14/15.		

		quality and human health.				
9.1.1	Degree of vulnerability due to local hydrogeology	*Describe your commitment, and proposed means to identify* hydrogeologically vulnerable areas for Section 9.3.2, *after compiling monitoring data*. Discuss appropriate related siting restrictions and design criteria to protect water quality and public health. Qualified professionals ("Definitions," page 9 in the Policy) should identify hydrogeologically vulnerable areas. *Such professionals, where appropriate during a Water Quality Assessment, should generally consider locally reasonable percolation rates of least permeable relevant soil horizons, best available evidence of seasonally shallowest groundwater (including, but not limited to, soil mottling and gleying, static water levels of nearby wells and springs, and local drainage patterns), threats to receptors (supply wells and surface water), and potential geotechnical issues (including, but not limited to, potentially adverse dips of bedding, foliations, and fractures in bedrock).*	Part 2 Multiple Locations Section 1300	Proposed Language for Chapter 14/15.		
9.1.2	High quality waters and other environmental conditions requiring enhanced	Describe special restrictions to meet water quality and public health goals pursuant to all Federal, State, and local plans and orders. *Especially consider appropriate alternatives to those provided in Section 7.8, Allowable Average Density Requirements under Tier 1. See also: State Water Resources Control Board Resolution No. 68-16*.	Section 100 Section 1400	Proposed Language for Chapter 14/15.		

	protection					
9.1.3	Shallow soils requiring non-standard dispersal systems	We interpret "shallow" soils generally to mean thin soils overlying bedrock or highest seasonal groundwater. Dependent on threats to receptors, highest seasonal groundwater can locally include perched and intermittent saturated zones, as well as the shallowest local hydraulically unconfined aquifer unit. See Section 8.1.5 for Minimum Depths to Groundwater under Tier 1. Qualified professionals should make appropriate determinations on the design and construction of non-standard dispersal systems due to shallow soils.	Section 300	Proposed Language for Chapter 14/15.		
9.1.4	High domestic well usage areas	Our key potential concerns are nitrate and pathogen transport toward receptor wells, especially in areas with existing OWTS already prone to soft failures (OWTS failures not evident at grade). Appropriate qualified professionals should consider reasonable pollutant flow paths toward domestic wells, at minimum based on; publically available nitrate concentrations in local wells, published technical literature on local wastewater and non-wastewater nitrate sources, well constructions, pumping demands, and vulnerability of wells due to local hydrogeology. For pathogens, qualified professionals should ensure that field methods are sufficient to mitigate the potential for false positives.	Section 100	Proposed Language for Chapter 14/15.		

9.1.5	Fractured bedrock	Where warranted, appropriate qualified professionals should assess permeability trends of water-bearing fractures, and related potential pathways of effluent toward receptors, including but not limited to, domestic wells and surface water. The professionals should also consider potential geotechnical issues. We suggest consideration of fractured bedrock in concert with percolation rates of overlying soils; either very high or low percolation rates might warrant siting restrictions or non-standard dispersal systems. See also State Water Resources Control Board Order WQ 2014-0153-DWQ, Attachment 1, page 1-3, Item A-3.	Section 300 Section 400	Proposed Language for Chapter 14/15.		
9.1.6	Poorly drained soils	Appropriate qualified professionals should give criteria for determination of representative percolation rates, including but not limited to, general site evaluation, trench logging, pre-soak and measurement methods of percolation tests, and acceptable alternatives for percolation tests.	Section 1300 Section 400 Table 204	Proposed Language for Chapter 14/15.		
9.1.7	Vulnerable surface water	Our key potential concern is eutrophication of fresh surface water. While typically with relatively low mobility in groundwater and recently informally banned in dishwater detergents, phosphate is a common cause. At minimum, describe appropriate qualified professionals who will consider potential pathways of wastewater-sourced phosphate and other nutrients toward potentially threatened nearby surface bodies.	Section 1300 Section 101 Section 1300	Proposed Language for Chapter 14/15.		

9.1.8	Impaired water bodies	Wolf Creek, Fresno County, and Woods Creek, Tuolumne County will require Tier 3 Advanced Protection Management Programs. This applies to Fresno, Placer, and Tuolumne Counties. See Attachment 2 of the OWTS Policy.	N/A Wolf Creek is in Nevada County	N/A		
9.1.9	High OWTS density areas	Where nitrate is an identified chronic issue, at minimum, consider nitrogen loading per area; for example, see Hantzsche and Finnemore (1992), Crites and Tchobanoglous (1998), and more recent publications as appropriate.	*Section 100* *Section 1400*	Proposed Language for Chapter 14/15.		
9.1.10	Limits to parcel size	At minimum, consider hydraulic mounding, nitrate and pathogen loading, and sufficiency of potential replacement areas.	Section 1400 Section 101.3	Chapter 17,19, 20?		
9.1.11	areas with OWTS that predate adopted standards	This refers to areas with known, multiple existing OWTS.	Part 1	Proposed Language for Chapter 14/15.		
9.1.12	areas with OWTS either within prescriptive, Tier 1 setbacks, or within setbacks that a Local	This refers to areas with known, multiple existing OWTS.	Part 1	Proposed Language for Chapter 14/15.		

	Agency finds appropriate					
9.2	Scope of Coverage:	For Section 9.2 et seq, provide details on scope of coverage, for example maximum authorized projected flows, allowable system types, and their related requirements for site evaluation, siting, and design and construction requirements.	Section 100	Proposed Language for Chapter 14/15.		
9.2.1	Installation and Inspection Permits	Permits generally cover procedures for inspections, maintenance and repair of OWTS, including assurances that such work on failing systems is under permit; see Tier 4.	Section 100	Proposed Language for Chapter 14/15.		
9.2.2	Special Provision Areas and Requirements near Impaired Water Bodies	Wolf Creek, Fresno County, and Woods Creek, Tuolumne County will require Tier 3 Advanced Protection Management Programs. This applies to Fresno, Placer, and Tuolumne Counties. See Attachment 2 of the OWTS Policy.	N/A Wolf Creek is in Nevada County	N/A	N/A	
9.2.3	LAMP Variance Procedures	Variances for new installations and repairs should be in substantial conformance to the Policy, to the greatest extent practicable. Variances cannot authorize prohibited items in Section 9.4.	Section 100 Part 1	Proposed Language for Chapter 14/15. 15.04.060		
9.2.4	Qualifications for Persons who Work	Qualifications generally cover requirements for education, training, and licensing. *We suggest that Local Agencies review information available from the*	Section 1300	Proposed Language for Chapter 14/15.		

	on OWTS	*California Onsite Water Association (COWA), see*: http://www.cowa.org/				
9.2.5	Education and Outreach for OWTS Owners	Education and Outreach generally supports owners on locating, operating, and maintaining OWTS . At minimum, ensure that you will require OWTS designers and installers to provide owners with sufficient information to address critical maintenance, repairs, and parts replacements within 48 hours of failure; *see also Tier 4*. Also, provide information to appropriate volunteer groups. *At minimum, we suggesting providing this information on your webpage.*	Introduction	Proposed Language for Chapter 14/15.		
9.2.6	Septage Disposal	Assess existing and proposed disposal locations, and their adequacy.	Introduction	Proposed Language for Chapter 14/15.		
9.2.7	Maintenance Districts and Zones	These generally refer to Homeowners Associations, special maintenance districts, and similar responsible entities. Requirements for responsible entities should generally reflect the Local Agency's judgment on minimum sizes of subdivisions that could potentially cause environmental impacts. LAMPs should ensure that responsible entities have the financial resources, stability, legal authority, and professional qualifications to operate community OWTS.	N/A	Proposed Language for Chapter 14/15.		
9.2.8	Regional Salt and Nutrient Managemen	Consider development and implementation of, or coordination with, Regional Salt and Nutrient Management Plans; *see also State Board Resolution*	Introduction	Proposed Language for Chapter 14/15.		

	t Plans	*2009-0011:* http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/laws_regs_policies/rw_policy_implementation_mem.pdf		Proposed Language for Chapter 14/15.		
9.2.9	Watershed Management Groups	Coordinate *with volunteer well monitoring programs* and similar watershed management groups.	Introduction	Proposed Language for Chapter 14/15.		
9.2.10	Proximity of Collection Systems to New or Replacement OWTS	Evaluate proximity of sewer systems to new and replacement OWTS. *See also Section 9.4.9*.	Fresno Code	14.12.020 C. 14.12.030		
9.2.11	Public Water System Notification prior to permitting OWTS Installation or Repairs	Give your notification procedures to inform public water services of pending OWTS installations and repairs within prescribed setback distances.	Part 1	Proposed Language for Chapter 14/15.		
9.2.12	Policies for Dispersal Areas within Setbacks of Public Wells	Discuss supplemental treatments; see Sections 10.9 and 10.10. A Local Agency can propose alternate criteria; *however we will need rationale in detail.*	Section 100	Proposed Language for Chapter 14/15.		

	and Surface Water Intakes					
9.2.13	Cesspool Discontinuance and Phase-Out	Provide plans and schedule.	Fresno Code	Proposed Language for Chapter 14/15.		
9.3	Minimum Local Agency Management Responsibilities:	For Section 9.3 et seq, discuss minimum responsibilities for LAMP management. Responsibilities should generally cover data compilation, water quality assessment, follow-up on issues, and reporting to the Central Valley Water Board:	Part 1	Proposed Language for Chapter 14/15.		
9.3.1	Permit Records, OWTS with Variances	Describe your records maintenance; numbers, locations, and descriptions of permits where you have granted variances.	Part 1	Proposed Language for Chapter 14/15.		
9.3.2	Water Quality Assessment Program:	In the Water Quality Assessment Program, generally focus on areas with characteristics covered in Section 9.1. Include monitoring and analysis of water quality data, complaints, variances, failures, and inspections. Also include appropriate monitoring for nitrate and pathogens; you can use information from other programs. *We are available to provide further guidance on reporting requirements. In the interim, to assist with analyses and evaluation reports (Section 9.3.3), we suggest posting data on appropriate maps;*	Part 1	Proposed Language for Chapter 14/15.		

		for example consider the following links:				
		http://www.nrcs.usda.gov/wps/portal/nrcs/site/ca/home/ http://www.cdpr.ca.gov/docs/emon/grndwtr/gwpa_maps.htm http://ngmdb.usgs.gov/maps/mapview/ http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/MS58.pdf http://www.water.ca.gov/groundwater/data_and_monitoring/northern_region/GroundwaterLevel/SacValGWContours/100t400_Wells_Spring-2013.pdf http://www.water.ca.gov/waterdatalibrary/ http://www.waterboards.ca.gov/gama/docs/hva_map_table.pdf http://geotracker.waterboards.ca.gov/gama/ http://msc.fema.gov/portal		Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15. Proposed Language for Chapter 14/15.		

9.3.2.1	Domestic Well Sampling	Apply your best professional judgment to ensure that well sampling focuses on hydrogeologically reasonable pollutant (primarily nitrate) flow paths. A qualified professional should generally design an appropriate directed, judgmental, sample (i.e., statistically non-random). Of the links provided, the Geotracker GAMA website might be particularly useful to the professional; at minimum we suggest reviews of available nitrate data in relevant domestic wells, up-gradient, within, and down-gradient of an area of interest. For some instances, for example where a developer proposes a relatively large project, a Local Agency might require a special study to distinguish between wastewater and non-wastewater sourced nitrate. In such cases, we suggest your consideration of requiring focused sampling and analyses, for example of $\delta^{18}O$ and $\delta^{15}N$ of nitrate (Megan Young, USGS, 2014 pers comm), and the artificial sweeteners sucralose and acesulfame-K (Buerge et al 2009, Van Stempvoort et al 2011, and more recent publications as they become available).	Part 1	Proposed Language for Chapter 14/15.		
9.3.2.2	Domestic Well Sampling, Routine Real Estate Transfer Related	This applies only if those samples are routinely performed and reported.	Part 1	Proposed Language for Chapter 14/15.		

9.3.2.3	Water Quality of Public Water Systems	Reviews can be by you or another municipality.	Part 1	Proposed Language for Chapter 14/15.		
9.3.2.4	Domestic Well Sampling, New Well Developmen t	This applies if those data are reported.	Part 1	Proposed Language for Chapter 14/15.		
9.3.2.5	Beach Water Quality Sampling, H&S Code §115885	Public beaches include those on freshwater.	N/A	Proposed Language for Chapter 14/15.		
9.3.2.6	Receiving Water Sampling Related to NPDES Permits	This refers to existing data from other monitoring programs.	Part 1	Proposed Language for Chapter 14/15.		
9.3.2.7	Data contained in California Water Quality Assessment	This refers to existing data from other monitoring programs.	Part 1	Proposed Language for Chapter 14/15.		

	Database					
9.3.2.8	Groundwater Sampling Related to Waste Discharge Requirements	This refers to existing data from other monitoring programs.	Part 1	Proposed Language for Chapter 14/15.		
9.3.2.9	Groundwater Sampling Related to GAMA Program	This refers to existing data from other monitoring programs.	Part 1	Proposed Language for Chapter 14/15.		
9.3.3	Annual Status Reports Covering 9.3.1-9.3.2	Reports are due 1 February, annually beginning one year after Regional Board approves LAMP. Every fifth year also include an evaluation report. Submit all groundwater monitoring data in Electronic Delivery Format (EDF) for Geotracker; submit all surface water data to CEDEN.	Section 100 Part 1	Proposed Language for Chapter 14/15.		
9.4	Not Allowed or Authorized in LAMP:	For Section 9.4 et seq, ensure that your LAMP covers prohibitions.		Proposed Language for Chapter 14/15.		
9.4.1	Cesspools	Local Agencies cannot authorize cesspools of any kind or size.	Section 800 Part 1 Code	Proposed Language for Chapter 14/15.		

9.4.2	Projected Flow>10,000 gpd	Apply professional judgment to further limit projected flows.	Section 100	Proposed Language for Chapter 14/15.		
9.4.3	Effluent Discharger Above Post-Installation Ground Surface	For example, Local Agencies cannot authorize effluent disposal using sprinklers, exposed drip lines, free-surface wetlands, and ponds.	Part 1	Proposed Language for Chapter 14/15.		
9.4.4	Installation on Slopes >30% without Registered Professional's Report	See also earlier comments, Section 9.1.1, regarding potential geotechnical concerns.	Part 2 Part 1	Proposed Language for Chapter 14/15.		
9.4.5	Decreased Leaching Area for IAPMO-Certified Dispersal System with Multiplier <0.70	IAPMO, International Association of Plumbing and Mechanical Officials. Decreased leaching area refers to alternatives to conventional (stone-and-pipe) dispersal systems; these alternatives require relatively less area. The multiplier, <1, allows for a reduction in dispersal field area relative to a conventional system.	Section 300	Proposed Language for Chapter 14/15.		
9.4.6	Supplemental	Therefore, ensure that the LAMP describes periodic inspection and monitoring for OWTS with	N/A See	Proposed Language		

	Treatments without Monitoring and Inspection	supplemental treatments.	Section 100	for Chapter 14/15.		
9.4.7	Significant Wastes from RV Holding Tanks	We interpret significant amounts to mean amounts greater than incidental dumping, such that volume, frequency, overall strength, or chemical additives preclude definition as domestic wastewater; see Definitions in OWTS Policy. See also, State Water Resources Control Board Order WQ 2014-0153-DWQ, Attachment B-2.	*Part 2*	Proposed Language for Chapter 14/15.		
9.4.8	Encroachment Above Groundwater	Bottom of OWTS dispersal systems cannot be less than 2 feet above groundwater, or bottom of seepage pits, less than 10 feet above groundwater. *We interpret groundwater to include inter-flow and perched zones, along with the shallowest main unconfined aquifer. Degree of vulnerability to pollution due to hydrogeological conditions, Section 9.1.1, and the Water Quality Assessment, Section 9.3.2., should cover in detail means of assessing seasonally shallowest depth to groundwater.*	Section 300	Proposed Language for Chapter 14/15.		
9.4.9	Installations Near Existing Sewers	New and replacement OWTS cannot occur on any lot with available public sewers less than 200 feet from a building or exterior drainage facility (exception; connection fees plus construction costs are greater than 2 times the replacement OWTS costs, and Local Agency determines no impairment to any drinking	Fresno Code	14.12.020		

		water.)				
9.4.10	Minimum Setbacks:	These setbacks are from public water systems.	Section 100	Proposed Language for Chapter 14/15.		
9.4.10.1	From Public Supply Wells	If the dispersal system is less than 10' in depth, then the setback must be greater than 150' from public water supply well.	Section 100	Proposed Language for Chapter 14/15.		
9.4.10.2		If the dispersal system is greater than 10' in depth, then the setback must be greater than 200' from public water supply well.	Section 100	Proposed Language for Chapter 14/15.		
9.4.10.3	From Public Supply Wells, Regarding Pathogens	If the dispersal system is greater than 20' in depth, and less than 600' from public water supply well, then the setback must be greater than the distance for two-year travel time of microbiological contaminants, as determined by qualified professional. In no case shall the setback be less than 200'.	Section 100	Proposed Language for Chapter 14/15.		
9.4.10.4	From Public Surface Water Supplies	If the dispersal system is less than 1,200' from public water system's surface water intake, within its drainage catchment, and potentially threatens an intake, then the setback must be greater than 400' from the high water mark of the surface water body.	Section 100	Proposed Language for Chapter 14/15.		
9.4.10.5	From Public Surface Water Supplies	If the dispersal system is greater than 1,200, but less than 2,500,' from public water system's surface water intake, within its drainage catchment, and potentially threatens an intake, then the setback must be greater	Section 100	Proposed Language for Chapter 14/15.		

		than 200' from high water mark of surface water body.				
9.4.11	Supplemental Treatments, Replacement OWTS That Do Not Meet Minimum Setback Requirements	Replacement OWTS shall meet minimum horizontal setbacks to the maximum extent practicable.	N/A See Section 100	Proposed Language for Chapter 14/15.		
9.4.12	Supplemental Treatments, New OWTS That Do Not Meet Minimum Setback Requirements	New OWTS shall meet minimum horizontal setbacks to the maximum extent practicable, and meet requirements for pathogens as specified in Section 10.8. and any other Local Agency's mitigation measures.	N/A See Section 100	Proposed Language for Chapter 14/15.		
9.5	Technical Support of LAMP	Include adequate detail to ensure that the combination of all proposed criteria will protect water quality and public health sufficiently to warrant the Central Valley Water Board's waiver of Waste Discharge Requirements, pursuant to §13269,	Introduction	Proposed Language for Chapter 14/15.		

		California Water Code.				
9.6	Regional Water Quality Control Board Consideratio n of LAMP	Regional Boards shall consider past performance of local programs to protect water quality. We will generally consider past performance based on our reviews of annual status and evaluation reports; see Section 9.3.3.	N/A	N/A	N/A	

Fresno County

LOCAL AREA MANAGEMENT PROGRAM (LAMP)

Introduction

The County of Fresno County Public Works and Planning Department (Department) is the regulatory agency that oversees (1) the design, installation, and operation of on-site wastewater treatment systems (OWTS), (2) the management of non-discharging liquid waste systems, and (3) liquid waste dispersal requirements associated with land use modifications such as subdivisions, parcel splits, and lot line adjustments. The Department regulates these elements within the unincorporated areas of Fresno County. The incorporated cities within the geographical boundaries of Fresno County will either establish an MOU with Fresno County, or specify the Department as the regulatory authority in the city's ordinance. In the absence of a valid MOU or specified regulatory authority, each incorporated city will need to establish its own LAMP.

An OWTS may consist of tanks, treatment and dispersal components, and dispersal fields which are used to convey, treat, store, or dispose of potentially harmful wastewater when those wastewaters are not directly and immediately disposed of in a public sanitary sewer. The authority for the Department and EHD to develop and adopt ordinances, regulations, and orders pertaining to environmental health and sanitation and the design and permitting of Onsite Wastewater Treatment Systems OWTS is established in the California Health and Safety Code, Section 101000 et seq. and Fresno County Code Chapter 8.24 and Chapter 15.04.010 and 15-04.020.

The enactment of the Porter-Cologne Water Quality Control Act in 1971 resulted in the formation of California State Regional Water Quality Control Boards (RWQCB). The RWQCBs are vested with the authority to require individuals or entities to obtain waste discharge requirements (WDRs) from the appropriate RWQCB if such individuals or entities intend to dispose of wastewater that has the potential to contaminate surface or groundwater. WDRs are designed to ensure that surface and/or groundwater is not impaired by wastewater discharges. RWQCBs may conditionally waive WDRs for OWTS when a local enforcement agency (e.g. Department) adopts and enforces regulations that protect water quality to a degree that is consistent with the applicable basin plan.

In accordance with the regulatory authority referenced above, the County of Fresno Board of Supervisors adopted the 2016 California Plumbing Code in Fresno County Code (FCC) Chapter 15.20 (Plumbing Code.) Chapters 8.24 and 15.20 regulate various aspects of OWTS design, construction and permitting.

In order to comply with the Requirements of the Statewide OWTS policy, Fresno County has updated the County Code and developed guidance manual (On-site Wastewater Management Guidance Manual (Manual)) for the design and construction of Alternate Systems as defined in Section H 101.11 of Appendix H of the 2016 California Plumbing Code. The Manual is also intended to complement Chapter 15.20 by providing additional requirements regarding the OWTS permitting process, site evaluation requirements, design submittal requirements, in such a manner that compliance with these Chapters can be easily achieved. The Manual is incorporated by reference into Chapter 15.20.

The State Water Resources Control Board adopted the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (Policy) on June 19th, 2012 which was finalized in May 2013. Pursuant to Water Code Section 13291(b)(3), the adopted Policy

describes requirements authorizing a qualified local agency to implement the adopted policy. The Policy describes four “Tiers” of Onsite Wastewater Treatment System management. Tier 2 describes the requirements for developing a “Local Area Management Program” (LAMP), which when approved, becomes the standard by which authorized local agencies regulate OWTS. The Policy requires the appropriate RWQCB - in this case the Central Valley RWQCB (RWQCB) - to review the LAMP, and when it is deemed in compliance with Policy requirements, to give its approval. An approved LAMP is equivalent to a “Conditional Waiver of Waste Discharge Requirements” for OWTS within the local agency jurisdiction. This document constitutes the Fresno County LAMP for OWTS in Fresno County. The LAMP consists of an Introduction and two Parts:

Introduction
Part One: Responsibilities and Duties
Part Two: Fresno County OWTS Guidance Manual

Education and Outreach and Collaboration
Fresno County will make available to the general public, in its offices and on its website literature for proper operation and use of septic systems.

Fresno County will collaborate with other entities regarding Regional Salt and Nutrient Management Plans as necessary.

Fresno County will coordinate with Watershed Management Groups working within the watersheds in Fresno County.

Adequacy of Capacity at Septage Receiving Stations –
Fresno WWTP indicates they have adequate capacity to accommodate current and future septage receiving and processing needs for the County.

Adequacy of LAMP per the SWRCB OWTS policy
Altogether, Fresno County believes that this LAMP meets or exceeds the intent of the Policy by providing an OWTS local regulatory framework that protects public health, the environment, and groundwater resources to the greatest extent practicable.

PART ONE

RESPONSIBILITIES AND DUTIES

Section 3 of the Policy describes the Local Agency Requirements and Responsibilities. The following identifies how Fresno County will implement each section of the Policy. Fresno County will implement this Local Area Management Program (LAMP) in accordance with Tier 2 of the Policy once the LAMP is approved by the Central Valley Regional Water Quality Control Board (RWQCB.) Fresno County will adhere to the LAMP including all requirements for monitoring and reporting. Any modifications to the LAMP must first be submitted to the RWQCB with a written notice of the intended modifications. The modifications cannot be implemented until RWQCB approval has been given. At the time of submittal of this LAMP, there are no Clean Water Act section 303(d) impaired water bodies in Fresno County identified by the State Water Resources Control Board. If a 303(d) impaired water body is identified in the future, this LAMP will be revised to conform to requirements of "Tier 3 – Advanced Protection Management Programs for Impaired Areas," as required.

Annual Report

The annual report will be submitted to the RWQCB by February 1 of each year in a format prescribed by the Policy (3.3) and includes the following information:

(1) Number and location of complaints, and means of resolution.
(2) Application and registrations of septic tank cleaners.
(3) Number, location, description and risk tier of all OWTS permits.
(4) Number, location, description and risk tier of all variances.
(5) Water Quality Monitoring identified in the Policy (9.3). Groundwater monitoring data will be submitted in a format for inclusion into Geotracker, and surface water monitoring shall be submitted to California Environmental Data Exchange Network (CEDEN).

Permanent Records

Fresno County will retain all permanent records and will make them available within ten (10) working days upon written request by the RWQCB. All permitting actions are also available to the public on from Fresno County upon request.

Fresno County will maintain the number, location and permit description of any variance granted.

Fifth Year Report

Every fifth-year Fresno County will submit an evaluation of the monitoring program identified below in "Water Quality Data" and an assessment of whether water quality is being impacted by OWTS, identify any changes in the LAMP that will be under taken to address impacts from OWTS.

Notifications

Within 72 hours Fresno County will notify the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) of any failures in Fresno County. Additionally, for systems with locations provided by DDW in GIS format, Fresno County will notify any public water system that has a well located within 150 feet or surface water intake located within 2,500 feet of a failing OWTS. Fresno County will notify public water systems identified by DDW prior to the issuance of an installation permit or repair permit for a OWTS if the surface water intake is within 1,200 feet of the OWTS, is within the drainage catchment of the intake point and is located such that it may impact water quality at the intake point; or within the horizontal setback from a public well. Fresno County will maintain a contact list for each water system to make these notifications.

Referral of Systems Not Covered by the LAMP

Fresno County will refer all applications of systems not covered by this LAMP (Part 2 Section 101.3) to the RWQCB for coverage under an applicable program in the RWQCB.

Water Quality Data

Fresno County will maintain a water quality assessment program that consists of obtaining water quality data from the following sources:

(1) Regulated small water systems in Fresno County (SWS)
(2) Wells within Fresno County that are monitored as part of the Statewide Groundwater Ambient Monitoring and Assessment (GAMA) program
(3) Domestic wells sampled at the request of property owner at the time of well installation.

Corrective Actions

Corrective Actions will be enforced through Chapter 1.13 Administrative Fines Ordinance by Public Works and Planning Development Services Division, Code Enforcement Unit.

Existing OWTS

There are OWTS countywide that predate adopted standards and within prescriptive, Tier 1 setbacks, or within setbacks. These existing systems are in Tier 0 of the OWTS Policy and are not covered under this LAMP until such time as these existing systems fail. Once a failed OWTS has been identified, the system will be repaired under the requirements of this LAMP.

Variances

Variances for new installations and repairs will be in substantial conformance to the Policy, to the greatest extent practicable. Variances cannot be authorized for:

(1) Cesspools of any kind or size.
(2) OWTS receiving a projected flow over 3,500 gallons per day.
(3) OWTS that utilize any form of effluent dispersal that discharges on or above the post installation ground surface such as sprinklers, exposed drip lines, free-surface wetlands, or a pond.
(4) Slopes greater than 30 percent without a slope stability report approved by a registered engineering geologist or civil engineer.
(5) Decreased leaching area for IAPMO certified dispersal systems using a multiplier less than 1.0.
(6) OWTS utilizing supplemental treatment without requirements for periodic monitoring or inspections.
(7) OWTS dedicated to receiving significant amounts of wastes dumped from RV holding tanks.
(8) Separation of the bottom of dispersal system to groundwater less than five (5) feet, except for seepage pits, which shall not be less than 10 feet.
(9) Installation of new or replacement OWTS where public sewer is available. The public sewer may be considered as not available when such public sewer or any building or exterior drainage facility connected thereto is located more than 200 feet from any proposed building or exterior drainage facility on any lot or premises that abuts and is served by such public sewer. This provision does not apply to replacement OWTS where the connection fees and construction cost are greater than twice the total cost of the replacement OWTS and the local agency determines that the discharge from the OWTS will not affect groundwater or surface water to a degree that makes it unfit for drinking or other uses.

Maintenance Districts – Maintenance Districts for the operation, maintenance and monitoring of domestic OWTS is outside the scope of this LAMP.

Assessment Program

The County will maintain a water quality assessment program to determine the general operation status of OWTS and to evaluate the impact of OWTS discharges, and assess the extent to which groundwater and local surface water quality may be adversely impacted. The focus of the assessment should be areas identified with shallow soils, high domestic well usage, fractured rock, poorly drained soils, and surface waters vulnerable to pollution.

The assessment program will include monitoring and analysis of water quality data, review of complaints, variances, failures, and any information resulting from inspections. The assessment may use existing water quality data from other monitoring programs and/or establish the terms, conditions, and timing for monitoring done by the local agency. At a minimum, this assessment will include monitoring data for nitrates and pathogens, and may include data for other constituents which are needed to adequately characterize the impacts of OWTS on water quality. Other monitoring programs for which data may be used include but are not limited to any of the following:

(1) Random well samples from a domestic well sampling program.
(2) Review of public system sampling reports done by the local agency or another municipality responsible for the public system.
(3) Water quality testing reports done at the time of new well development if those are reported.
(4) Receiving water sampling performed as a part of a NPDES permit.
(5) Groundwater sampling performed as part of Waste Discharge Requirements.
(6) Groundwater data collected as part of the Groundwater Ambient Monitoring and Assessment Program and available in the Geotracker Database.

PART TWO – Onsite Wastewater Treatment System (OWTS) Requirements

Part Two of this LAMP describes the requirements for the siting, design, and construction of OWTSs in the County.

Section 100 – General OWTS System Requirements

101.1 Applicability

Part two of the LAMP provides general guidelines for the site evaluations, materials, design, and installation of OWTSs.

101.2 General Requirements

Where permitted by Section 713.0 of the 2016 California Plumbing Code, the building sewer shall be permitted to be connected to a private sewage dispersal system in accordance with the provisions of this Manual. The size of system shall be determined on the basis of location, soil porosity, and groundwater level, and shall be designed to receive all sewage from the property. All new private sewage dispersal systems permitted by the Public Works and Planning Department (Department), except as otherwise approved, shall consist of a septic tank with effluent discharging into a subsurface dispersal field.

Repairs to existing private sewage dispersal systems shall consist of a septic tank with effluent discharging into a subsurface dispersal field, except as otherwise approved due to physical constraints that would prevent the use of this type of system.

The Department shall be permitted to grant exceptions to the provisions of this LAMP for repairs of existing OWTS and for permitted structures that have been destroyed due to fire or natural disaster and that cannot be reconstructed in compliance with these provisions provided that such exceptions are the minimum necessary.

101.3 Quantity and Quality.

Where the quantity or quality of the sewage is:

1. in excess of 3,500 gallons per day design flow
2. identified by the Department wastewater having a 30-day average concentration of biochemical oxygen demand (BOD) greater than 300 milligrams-per-liter (mg/L) or of total suspended solids (TSS) greater than 330 mg/L or a fats, oil, and grease (FOG) concentration greater than 100 mg/L prior to the septic tank or other OWTS treatment component
3. required to provide nitrogen reduction to mitigate:
    a. for setbacks from public water system intakes and wells
    b. allowable average density requirements for new land developments utilizing private sewage dispersal systems as defined in Tier 1 of the OWTS Policy (2.0 acres)
    c. for systems in areas with high domestic well usage
    d. for systems in areas with OWTS density
    e. or other condition or criteria identified by the Department and/or the Regional Water Quality Control Board (RWQCB) including but not limited to RV dump stations;
4. Systems proposing reduced setbacks from seasonal high groundwater through the use of supplemental treatment, soil import or any other method not described in the LAMP.

such that the above system described in Section 101.2 cannot be expected to function satisfactorily for commercial, agricultural, and industrial plumbing systems; for installations where appreciable amounts of industrial or indigestible wastes are produced; for occupancies producing abnormal quantities of sewage or liquid waste; or where grease interceptors are required by other parts of this code, the method of sewage treatment and dispersal shall be first approved and permit issued by the RWQCB. Special sewage dispersal systems for minor, limited, or temporary uses shall be first approved by the Department.

101.4 Septic Tank and Dispersal Field Systems.
Dispersal systems shall be designed to utilize the most porous or absorptive portions of the soil formation. Where the groundwater level extends to within 12 feet (3658 mm) or less of the ground surface or where the upper soil is porous and the underlying stratum is rock or impervious soil, a septic tank and dispersal field system shall be installed maintaining at least 5 feet (1524mm) from evidence of seasonal high groundwater. In no case, will the total depth of the dispersal field exceed 10 feet (3048mm) from the natural existing ground surface.

101.5 Flood Hazard Areas
Dispersal systems shall be located outside of flood hazard areas.

Exception: Where suitable sites outside of flood hazard areas are not available, dispersal systems shall be permitted to be located in flood hazard areas on sites where the effects of inundation under conditions of the design flood are minimized.

101.6 Design
Private sewage dispersal systems shall be so designed that subsurface drain fields, equivalent to not less than 100 percent of the required original system, shall be permitted to be installed where the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made where such division or structure requires the use of a seepage pit or impairs the usefulness of the 100 percent expansion area of the subsurface drain field.

101.7 Capacity
No property shall be improved in excess of its capacity to properly disperse sewage effluent by the means provided in this LAMP and applicable Fresno County Code.

Exception: The Department can, at its discretion, approve an exception for the repair of an OWTS through the County variance process.

101.8 Location
No private sewage dispersal system, or part thereof, shall be located in any lot other than the lot that is the site of the building or structure served by such private sewage dispersal system, nor shall any private sewage dispersal system or part thereof be located at any point having less than the minimum distances indicated in Table 101.8 of this LAMP.

Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting lot to provide additional space for a private sewage dispersal system or part thereof where proper cause, transfer of ownership, or change of boundary not in violation of other requirements has been first established to the satisfaction of the Department. The instrument recording such action shall constitute an agreement with the Department, which shall clearly state and show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such agreement shall be recorded in the

office of the County Recorder as part of the conditions of ownership of said properties and shall be binding on heirs, successors, and assigns to such properties. A copy of the instrument recording such proceedings shall be filed with the Department.

Table 101.8 Setback Distances for OWTSs				
Minimum Setback Required From	**Building Sewer**	**Septic Tank**	**Dispersal Field**	**Seepage Pit**
Non-Public Water Supply Well and Springs	50 feet [1]	100 feet	100 feet [1]	150 feet [1]
Public Water Supply Well Dispersal System Depth				
Less than 10 feet	50 feet [1]	100 feet	150 feet [1]	150 feet [1]
Greater than 10 feet and Less than 20 feet	50 feet [1]	100 feet	200 feet [1]	200 feet [1]
Greater than 10 feet and Less than 20 feet	50 feet [1]	100 feet	No less than 200 feet [1,12]	No less than 200 feet [1,12]
Distance < 1200 feet [2]	-	100 feet	400 feet	400 feet
Distance 1200- 2500 feet [2]	-	100 feet	200 feet	200 feet
Building or Structures	2 feet	5 feet	8 feet	8 feet
Property line adjoining private property [3]	Clear [11]	50 feet	50 feet	75 feet
Streams and other flowing bodies of water	50 feet	100 feet [4]	100 feet 4	150 feet [4]
Drainage Course/Seasonal Streams/ Unlined Canal	25 feet	50 feet	50 feet	50 feet
Lakes, ponds, stormwater/recharge basins, and other surface water bodies	50 feet	100 feet	200 feet	200 feet
Residential on-site stormwater basins	15	15	15	15
Trees	-	10 feet	-	10 feet
Seepage Pits [5]	-	5 feet	5 feet	12 feet
Dispersal field [5]	-	5 feet	4 feet 6	5 feet
On-site domestic water line	1-foot [10]	5 feet	5 feet	5 feet
Pressure public water main	10 feet	10 feet	10 feet	10 feet
Distribution Box	-	-	5 feet	5 feet
Cuts or steep embankments (from top of cut)	-	10 feet	4xh [7, 8]	4xh [7, 8]
Steep slopes (from break of slope)	-	10 feet	4xh [7, 8]	4xh [7, 8]
Road easement, pavement, or driveway	-	5 feet	5 feet	5 feet

Unstable Land Mass [9]	-	-	100 feet	100 feet

1 Drainage piping shall clear domestic water supply wells by not less than 50 feet. This distance shall be permitted to be reduced to not less than 25 feet where the drainage piping is constructed of materials approved for use within a building.
2 Where the effluent dispersal system is within 1,200 feet from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies, the dispersal system shall be no less than 400 feet from the high water mark of the reservoir, lake of flowing water body. Where the effluent dispersal system is located more than 1,200 but less than 2,500 feet from a public water systems' surface water intake point, the dispersal system shall be no less than 200 feet from the high water mark of the reservoir, lake, or flowing water body.
3 Reduction of required setback may be obtained through variance request, should the applicant be able to demonstrate an inability to meet required setback, while not infringing upon the development potential of the adjacent property.
4 These minimum clear horizontal distances shall also apply between dispersal fields, seepage pits, and the mean high-tide line.
5 Where dispersal fields, seepage pits, or both are installed on sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be 15 feet.
6 Plus 2 feet for each additional 1 foot of depth in excess of 1 foot below the bottom of the drain line.
7 h equals the height of the cut or embankment, in feet. The required setback distance shall not be less than 25 feet nor more than 100 feet.
8 Steep slope is considered to be land with a slope of > 30% and distinctly steeper (at least 20% steeper) than the slope of the adjacent tank or dispersal field area.
9 Unstable land mass or any areas subject to earth slides identified by a registered engineer or registered geologist ; other setback distance are allowed, if recommended by a geotechnical report prepared by a qualified professional.
10 See Section 720.0 of the California Plumbing Code.
11 See also Section 313.3 of the California Plumbing Code
12 Where the dispersal system is greater than 20' in depth, and less than 600' from public water supply well, then the setback must be greater than the distance for two-year travel time of microbiological contaminants, as determined by qualified professional. In no case, shall the setback be less than 200'

101.9 Building Permit

Where there is insufficient lot area or improper soil conditions for sewage dispersal for the building or land use proposed, and the Department so finds, no building permit shall be issued and no private sewage dispersal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Department have been submitted and approved.

101.10 Additional Requirements

Nothing contained in this Manual shall be construed to prevent the Department from requiring compliance with additional requirements than those contained herein, where such additional requirements are essential to maintain a safe and sanitary condition.

101.11 Supplemental Treatment Systems

Any OWTS or component of an OWTS, except a septic tank or dosing tank, that performs additional wastewater treatment so that the effluent meets a predetermined performance requirement prior to discharge of effluent into the dispersal field are not covered under this LAMP.

Section 200 – Septic Tanks

201.1 General

The liquid capacity of septic tanks shall comply with Table 201 and Table 202 in the LAMP as determined by the number of bedrooms or apartment units in dwelling occupancies and the estimated

waste/sewage design flow rate or the number of plumbing fixture units as determined from Table 702.1 of the 2016 California Plumbing Code, whichever is greater in other building occupancies.

TABLE 201 CAPACITY OF SEPTIC TANKS [1, 2, 3, 4]			
SINGLE-FAMILY DWELLINGS NUMBER OF BEDROOMS	**MULTIPLE DWELLING UNITS OR APARTMENTS- ONE BEDROOM EACH**	**OTHER USES: MAXIMUM FIXTURE UNITS SERVED PER CPC TABLE 702.1**	**MINIMUM SEPTIC TANK CAPACITY (gallons)**
1 or 2	–	15	1500
3	–	20	1500
4	2 units	25	1500
5 or 6	3	33	1500
–	4	45	2000
–	5	55	2250
–	6	60	2500
–	7	70	2750
–	8	80	3000
	9	90	3250
–	10	100	3500

For SI units: I gallon= 3.785 L

Notes:

[1] Extra bedroom, 150 gallons (568 L) each.

[2] Extra dwelling units over 10: 250 gallons (946 L) each.

[3] Extra fixture units over 100: 25 gallons (94.6 L) per fixture unit.

[4] Septic tank sizes in this table include sludge storage capacity and the connection of domestic food waste disposers without further volume increase.

TABLE 203 Estimate of Wastewater Design Flow Rates	
Type of Business or Facility	**Minimum Flow (Gallons/ Day)**
Bathhouses and swimming pools	10 (per person)
Barbershop/salon	100 (per chair)
Camps (4 persons per campsite, where applicable) -with central comfort stations -with flush toilets, no showers -construction camps (semi-permanent) -day camps (no meals served) -resort camps (night and day) with limited plumbing	 35 (per person) 25 (per person) 50 (per person) 15 (per person) 50 (per person)
Churches -with kitchen -without kitchen	 15 (per seat) 5 (per seat)
Country clubs -per resident member -add per nonresident member present -add per employee	 100 25 15 (per 8 hour shift)
Department store with public bathrooms	400
Dentist office -per wet chair -add per non-wet chair	 200 50
Factories -with shower facilities, no food service or industrial wastes -without shower facilities, no food, service or industrial wastes	 35 (per person, per shift) 15 (per person, per shift)
Hospitals	250 (per bed space)
Hotels or motels -with private baths -without private baths	 100 (per room) 80 (per room)
Institutions other than hospitals	125 (per bed)
Laundries, self-service washing machines	500 (per machine)
Limited agricultural building	100 (per building)
Mobile home parks	250 (per space)
Parks, public picnic areas -with toilet wastes only -with bathhouses, showers and flush toilets	 5 (per person) 10 (per person)

Restaurants -with multi-use utensils -with single service utensils -with bars and/or cocktail lounges	 50 (per seat) 25 (per seat) 50 (per seat)
Residential Structures -Second dwelling, condominium, multi-family (duplex, triplex, etc.) -Guesthouse/Poolhouse (no kitchen)	150 per Bedroom
Retail stores -for customer -add for each employee	 -Use comparable flows from similar businesses and population 15 (per 8-hr shift)
Shopping center	2 (per parking space)
Schools -boarding -day (without gyms, cafeterias or showers) -day (with gyms, cafeterias and showers) -day (with cafeteria, no gym or showers)	 100 (per person) 15 (per person) 25 (per person) 20 (per person)
Service stations	500 for 1st pump set, 300 for each additional
Theaters -movie -drive-in	 5 (per seat) 20 (per car space)
Recreational vehicle parks -without individual water and sewer hookups -with individual water sewer hookups	 50 (per space) 100 (per space)

Table 204
Design Soil Application Rates
(Source: California State Water Resources Control Board Onsite Wastewater OWTS Policy, June 19,2012)

Soil Texture (per the USDA soil classification system)	Soil Structure Shape	Grade	Maximum Soil Application Rate(gallons per day per square foot) [1]
Coarse Sand, Sand, Loamy Coarse Sand, Loamy Sand	Single grain	Structureless	0.8
Fine Sand, Very Fine Sand, Loamy Fine Sand, Loamy Very Fine Sand	Single grain	Structureless	0.4
Coarse Sandy Loam, Sandy Loam	Massive	Structureless	0.2
	Platy	Weak	0.2
		Moderate, Strong	Special Design
	Prismatic, Blocky, Granular	Weak	0.4
		Moderate, Strong	0.6

Fine Sandy Loam, very fine Sandy Loam	Massive	Structureless	0.2
	Platy	Weak, Moderate, Strong	Special Design
	Prismatic, Blocky, Granular	Weak	0.2
		Moderate, Strong	0.4
Loam	Massive	Structureless	0.2
	Platy	Weak, Moderate, Strong	Special Design
	Prismatic, Blocky, Granular	Weak	0.4
		Moderate, Strong	0.6
Silt Loam	Massive	Structureless	Special Design
	Platy	Weak, Moderate, Strong	Special Design
	Prismatic, Blocky, Granular	Weak	0.4
		Moderate, Strong	0.6
Sandy Clay Loam, Clay Loam, Silty Clay Loam	Massive	Structureless	Special Design
	Platy	Weak, Moderate, Strong	Special Design
	Prismatic, Blocky, Granular	Weak	0.2
		Moderate, Strong	0.4
Sandy Clay, Clay, or Silty Clay	Massive	Structureless	Special Design
	Platy	Weak, Moderate, Strong	Special Design
	Prismatic, Blocky, Granular	Weak	Special Design
		Moderate, Strong	0.2

Section 300 - Area of Dispersal Fields and Seepage Pits.

301 General

The minimum effective dispersal area in dispersal fields in square feet (ft^2), and in seepage pits in square feet (ft^2) of sidewall, shall be predicated on the design flow in gallons (liters) for the proposed facility found in Table 203 , estimated waste/sewage flow rate, or whichever is greater, and shall be in accordance with Table 204 as determined for the type of soil found in the excavation or soil application rate derived from percolation testing per Section 401.3, and shall be as follows:

(1) Where dispersal fields are installed, not less than 150 square feet (13.9 m^2) of trench bottom shall be provided for each system exclusive of any hard pan, rock, clay, or other impervious formations. Trench width is limited to a maximum of 36 inches. The first foot of both sidewalls underneath the pipe is not allowed to be used in calculating the square footage of the dispersal area. The sidewall area allowed in the calculation is not to exceed 36 inches when computing dispersal area per lineal foot of trench unless approved within a special design system.

(2) Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be not less than 50 percent greater than the tabular requirements for trenches. Perimeter sidewall area in excess of the required 12 inches (305 mm) and not exceeding 36 inches (914 mm) below the leach line shall be permitted to be added to the trench bottom area where computing dispersal areas.

(3) No excavation for a leach line or leach bed shall be located within 5 feet (1524 mm) of evidence of the high groundwater, in excess of ten feet from the natural existing ground surface, nor to a depth

where sewage is capable of contaminating the underground water stratum that is usable for domestic purposes.

(4) The minimum effective dispersal area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formations. The minimum required area of porous formation shall be provided in one or more seepage pits. No excavation shall extend within 10 feet (3048 mm) neither of the water table nor to a depth where sewage is capable of contaminating underground water stratum that is usable for domestic purpose.

(5) Leaching chambers that comply with IAPMO PS 63 and bundled expanded polystyrene synthetic aggregate units that comply with IAPMO IGC 276 shall be sized using the required area calculated using Table 204 of the Manual with a 1.00 multiplier.

Section 400 Percolation Testing

401.1 Dispersal Field and Seepage Pit Sizes

Where practicable, seepage pit and dispersal field sizes shall be computed by percolation tests using the calculation method described in 401.3, unless use of Table 204 in the Manual is approved by the Department for a particular site.

401.2 Dispersal Qualities

In order to determine the dispersal qualities of seepage pits and of soils where the texture, soil structure, and/or grade is questionable as they pertain to Table 204, the proposed site shall be subjected to percolation tests acceptable to the Department as described in the Section 401.4.

401.3 Soil Application Rates

Soil application rates will be determined using the Table 204 and/or the following equation to convert the average percolation rate (or infiltration rate) into the application rate [gallons-per-day (gpd)-per-sq.ft.]: where Q = application rate, t = average percolation rate.

$$Q = \frac{5}{\sqrt{t}}$$

EXAMPLE: t = 75 mpi, therefore Q = 0.58 gpd/sq.ft.

The average of all percolation tests in the leaching area shall not exceed two hundred (200) mi./inch. No single percolation test shall exceed two hundred-forty (240) mi./inch.

401.4 Soil Application Rates Calculated from Percolation Tests

(1) Percolation tests may be performed by a Qualified Professional as defined in Section 1300 of the LAMP, to provide additional and appropriate dispersal application rates. Percolation tests are to be performed during the site evaluation process at the discretion of either the Department or the qualified processional and when soil conditions warrant.
(2) When percolation tests are utilized the following requirements will apply:
    a. Test hole preparation requirements:
        i. for dispersal fields
            1. Unless otherwise indicated by the Department, there shall be a minimum of 3 percolation test holes when the disposal area and replacement area are in

the same proximity as determined by the Department; 6 percolation test holes may be required when separate areas are chosen for primary and replacement systems. Additional test holes may be required by the Department to completely identify a suitable area for a dispersal system.

2. Percolation test holes shall be 6 inches in diameter.
3. Unless otherwise approved by the Department, the test hole bottom depth shall be deeper than the proposed dispersal system bottom depth and within the most restrictive strata of useable soil beneath the dispersal field.
4. The percolation test hole sidewall in the test section should be roughened to remove any smearing or compaction caused by the hole excavation process. All loose soil shall be removed and 2 inches of pea gravel or other material approved by the Department shall be placed in the bottom of the hole.
5. In order to prevent silting of the bottom of the hole and sidewall cave-in, a 1-inch sidewall gravel pack shall be used. The gravel pack shall be perforated plastic pipe in 12 inch (or longer) sections

ii. for seepage pits

1. Unless otherwise indicated by the Department, there shall be a percolation test performed on every seepage pit proposed. Additional test holes may be required by the Department to completely identify a suitable area for a dispersal system.

b. Presoak requirement

i. The hole shall be filled with clean water to a minimum depth of 12 inches above the base of the hole. The presoak shall be maintained for a minimum of 4 hours for sandy soil with no clay and 24 hours for all other soils.

c. Test measurement requirements

i. Percolation tests shall be measured to the nearest 1/8-inch from a fixed point.
ii. The percolation test shall begin within 4 hours following completion of the presoak. Adjust the water level to 6 inches (12 inches for seepage pits) over the pea gravel bottom and begin the test. This may require adding or removing water to adjust the level.
iii. Readings shall be taken at 30-minute intervals. Refill as necessary to maintain 6 inches of water over the pea gravel bottom at each interval. Readings shall be taken until two consecutive readings do not vary by more than ten percent per reading, with a minimum of 3 readings. The last 30-minute interval is used to compute the percolation rate. If 4 inches or more of water seeps from the hole during the 30-minute interval, readings may be taken at 10 minute intervals. Readings shall be taken until 2 consecutive readings do not vary by more than ten percent per reading with a minimum of 3 readings. The last 10-minute interval is used to compute the percolation rate.

Section 500 Septic Tank Construction

<u>501.1 Plans</u>

As of January 1, 1993, The County of Fresno will only accept those products which are listed by: International Association of Plumbing & Mechanical Officials or, by other recognized listing agencies.

<u>501.2 Design</u>

Septic tank design shall be such as to produce a clarified effluent consistent with accepted standards and shall provide adequate space for sludge and scum accumulations.

501.3 Construction
Septic tanks shall be constructed of solid durable materials not subject to excessive corrosion or decay and shall be watertight.

501.4 Compartments
Septic tanks shall have not less than two compartments unless otherwise approved by the Department. The inlet compartment of any septic tank shall be not less than two-thirds of the total capacity of the tank, nor less than 1000 gallons (3784 L) liquid capacity, and shall be not less than 3 feet (914 mm) in width and 5 feet (1524 mm) in length. Liquid depth shall be not less than 2 1/2 feet (762 mm) nor more than 6 feet (1829 mm). The secondary compartment of a septic tank shall have a capacity of not less than 500 gallons (1892 L) and a capacity not exceeding one-third of the total capacity of such tank. In septic tanks having a capacity equal or greater to 1500 gallon (5678 L), the secondary compartment shall be not less than 5 feet (1524 mm) in length.

501.5 Access
Access to each septic tank shall be provided by not less than two manholes 20 inches (508 mm) in minimum dimension or by an equivalent removable cover slab. One access manhole shall be located over the inlet and one access manhole shall be located over the outlet. Where a first compartment exceeds 12 feet (3658 mm) in length, an additional manhole shall be provided over the baffle wall.

501.6 Pipe Opening Sizes
The inlet and outlet pipe openings shall not be larger in size than the connecting sewer pipe. The vertical leg of round inlet and outlet fittings shall not be less in size than the connecting sewer pipe nor less than 4 inches (102 mm). A baffle-type fitting shall have the equivalent cross-sectional area of the connecting sewer pipe and not less than a 4 inch (102 mm) horizontal dimension where measured at the inlet and outlet pipe inverts.

501.7 Pipe Extension
The inlet and outlet pipe or baffle shall extend 4 inches (102 mm) above and not less than 12 inches (305 mm) below the water surface. The invert of the inlet pipe shall be at a level not less than 2 inches (51 mm) above the invert of the outlet pipe.

501.8 Free Vent Area
Inlet and outlet pipe fittings or baffles and compartment partitions shall have a free vent area equal to the required cross-sectional area of the house sewer or private sewer discharging therein to provide free ventilation above the water surface from the dispersal field or seepage pit through the septic tank, house sewer, and stack to the outer air.

501.9 Sidewalls
The sidewalls shall extend not less than 9 inches (229 mm) above the liquid depth. The cover of the septic tank shall be not less than 2 inches (51 mm) above the back vent openings.

501.10 Partitions and Baffles
Partitions or baffles between compartments shall be of solid, durable material and shall extend not less than 4 inches (102 mm) above the liquid level. The transfer port between compartments shall be a minimum size equivalent to the tank inlet, but in no case less than 4 inches (102 mm) in size, shall be

installed in the inlet compartment side of the baffle so that the entry into the port is placed 65 percent to 75 percent in the depth of the liquid. Wooden baffles are prohibited.

501.11 Structural Design
The structural design of septic tanks shall comply with the following requirements:

(1) Each such tank shall be structurally designed to with- stand all anticipated earth or other loads. Septic tank covers shall be capable of supporting an earth load of not less than 500 pounds per square foot (lb/ft2) (2441 kg/m2) where the maximum coverage does not exceed 3 feet (914 mm).

(2) In flood hazard areas, tanks shall be anchored to counter buoyant forces during conditions of the design flood. The vent termination and service manhole of the tank shall be not less than 2 feet (610 mm) above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or the outflow of the contents of the tanks during conditions of the design flood.

501.12 Manholes
Septic tanks shall have weathertight manholes accessible by extending the manhole openings to grade if installed under concrete or blacktop paving, or within 6-inches of finished grade if under soil cover in a manner acceptable to the Department.

501.13 Materials.
The materials used for constructing a septic tank shall be in accordance with the following:

(1) Materials used in constructing a concrete septic tank shall be in accordance with applicable standards in Table 1701.1.

(2) The use of steel septic tank shall be prohibited.

(3) Septic tanks constructed of alternate materials shall be permitted to be approved by the Department where in accordance with approved applicable standards. Wooden septic tanks shall be prohibited.

501.14 Prefabricated Septic Tanks
Prefabricated septic tanks shall comply with the following requirements:

(1) Manufactured or prefabricated septic tanks shall comply with approved applicable standards and be listed by a recognized listing agency. Prefabricated bituminous coated septic tanks shall comply with UL 70.

Section 600 Dispersal Fields

H 601.1 Distribution Lines
Distribution lines shall be constructed, perforated high- density polyethylene pipe, perforated ABS pipe, perforated PVC pipe, or other approved materials, provided that approved openings are available for distribution of the effluent into the trench area.

601.2 Filter Material
Before placing filter material or drain lines in a prepared excavation, smeared or compacted surfaces shall be removed from trenches by raking to a depth of 1 inch (25.4 mm) and the loose material removed. Clean stone, gravel, slag, or similar filter material acceptable to the Department, varying in size from 3/4 of an inch to 2 1/2 inches (19.1 mm to 64 mm), shall be placed in the trench to the depth and grade required by this section. Drain pipe shall be placed on filter material in an approved manner.

The drain lines shall then be covered with filter material to the minimum depth required by this section, and this material covered with untreated building paper, straw, or similar porous material to prevent closure of voids with earth backfill. No earth backfill shall be placed over the filter material cover until after inspection and acceptance.

Exception: Listed or approved plastic leaching chambers and bundled expanded polystyrene synthetic aggregate units shall be permitted to be used in lieu of pipe and filter material. Chambers and bundled expanded polystyrene, synthetic aggregate unit installations shall follow the rules for dispersal fields, where applicable, and shall be in accordance with the manufacturer's instructions.

601.3 Grade Board

A grade board staked in the trench to the depth of filter material shall be utilized where the distribution line is constructed with drain tile or a flexible pipe material that will not maintain alignment without continuous support.

601.4 Seepage Pits

Where seepage pits are used in combination with dispersal fields, the filter material in the trenches shall terminate not less than 5 feet (1524 mm) from the pit excavation, and the line extending from such points to the seepage pit shall be approved pipe with water- tight joints.

601.5 Distribution Boxes

Where two or more drain lines are installed, an approved distribution box of sufficient size to receive lateral lines shall be installed at the head of each dispersal field. The inverts of outlets shall be level, and the invert of the inlet shall be not less than 1 inch (25.4 mm) above the outlets. Distribution boxes shall be designed to ensure equal flow and shall be installed on a level concrete slab in natural or compacted soil.

601.6 Laterals

Laterals from a distribution box to the dispersal field shall be approved pipe with watertight joints. Multiple dispersal field laterals, where practicable, shall be of uniform length.

601.7 Connections

Connections between a septic tank and a distribution box shall be laid with approved pipe with watertight joints on natural ground or compacted fill.

601.8 Dosing Tanks

Where the quantity of sewage exceeds the amount that is permitted to be disposed in 500 lineal feet (152.4 m) of leach line, a dosing tank shall be used. Dosing tanks shall be equipped with an automatic siphon or pump that discharges the tank once every 3 or 4 hours. The tank shall have a capacity equal to 60 to 75 percent of the interior capacity of the pipe to be dosed at one time. Where the total length of pipe exceeds 1000 lineal feet (304.8 m), the dosing tank shall be provided with two siphons or pumps dosing alternately and each serving one half of the leach field.

601.9 Construction

Dispersal fields shall be constructed in accordance with Table 601.9.

Minimum spacing between trenches or leaching beds shall be not less than 4 feet (1219 mm) plus 2 feet (610 mm) for each additional foot (305 mm) of depth in excess of 1 foot (305 mm) below the bottom of the drain line. Distribution drain lines in leaching beds shall be not more than 6 feet (1829 mm) apart on centers, and no part of the perimeter of the leaching bed shall exceed 3 feet (914 mm) from a

distribution drain line. Dispersal fields, trenches, and leaching beds shall not be paved over or covered by concrete or a material that is capable of reducing or inhibiting a possible evaporation of sewer effluent.

TABLE 601.9 GENERAL DISPOSAL FIELD REQUIREMENTS		
	MINIMUM	**MAXIMUM**
Number of drain lines per field	1	–
Length of each line	–	100 feet
Bottom width of trench	18 inches	36 inches
Spacing of lines, center-to-center	6 feet	–
Depth of earth cover of lines (preferred -18 inches)	12 inches	9 feet
Grade of lines	Level	3 inches per 100 feet
Filter material under drain lines	12	–
Filter material over drain lines	2 inches	–
For SI units: 1 inch= 25.4 mm, 1 foot= 304.8 mm, I inch per foot= 83.3 mm/m		

601.10 Joints

Where necessary on sloping ground to prevent excessive line slope, leach lines or leach beds shall be stepped. The lines between each horizontal section shall be made with watertight joints and shall be designed so each horizontal leaching trench or bed shall be utilized to the maximum capacity before the effluent shall pass to the next lower leach line or bed. The lines between each horizontal leaching section shall be made with approved watertight joints and installed on natural or unfilled ground.

Section 700 Seepage Pits

701.1 Approval

Seepage pit systems are systems designed to be used in areas of the County where subsoils are clay, clay pan, fragipan, hard pan and do not offer opportunities to install typical leach trench disposal type of systems. It is generally acknowledged that the use of these systems addresses only disposal requirements as opposed to treatment and disposal.

1. Seepage pits shall be used only to service a single-family residence and only when the site is not approvable for installation of a standard or other special system.
2. At least one test boring to groundwater or ten (10) feet below the proposed design depth of the pits, whichever is shallower, shall be made in the lowest area of the proposed disposal area to evaluate soils. Additional test pits may be required at the discretion of the Division to determine the suitability of the site for on-site sewage disposal. All test borings shall be witnessed by the consultant and the Department.
3. Use of seepage pits in all other situations will require permitting approval through the RWQCB.

701.2 Capacity
The capacity of seepage pits shall be based on the quantity of liquid waste discharging thereinto and on the character and porosity of the surrounding soil, and shall be in accordance with Section 301.0 of the Manual.

701.3 Multiple Installations
Multiple seepage pit installations shall be served through an approved distribution box or be connected in series by means of a watertight connection laid on undistributed or compacted soil. The outlet from the pit shall have an approved vented leg fitting extending not less than 12 inches (305 mm) below the inlet fitting.

701.4 Construction
A seepage pit shall be circular in shape and shall have an excavated diameter of not less than 3 feet (1219 mm) and no more than 5 feet (2,031mm). The seepage pit shall be filled up to the concrete collar with leach rock or cobbles that are a minimum of three quarters (3/4") inches (19.1 mm) and two and one half (2,5") inches (64 mm) in diameter in any dimension or with other filter material approved by the Division, The cobbles or filter material shall be washed clean so as to be free of debris and dirt.

701.7 Sidewall
A seepage pit shall have a minimum sidewall of 10 feet (3048 mm) below the inlet.

701.8 Lid
Approved-type one or two-piece reinforced concrete slabs of not less than 2500 lb/in^2 (1 757 674 kg/m^2) minimum compressive strength, not less than 5 inches (127 mm) thick, and designed to support an earth load of not less than 400 pounds per square foot (lb/ft^2) (1953 kg/m^2). Each such cover shall be provided with a 9 inch (229 mm) minimum inspection hole with plug or cover and shall be coated on the underside with an approved bituminous or other nonpermeable protective compound.

701.9 Location
The top of the cover shall be not less than 18 inches (457 mm) but not exceed 4 feet (1219 mm) below the surface of the ground.

701.10 Inlet Fitting
A 90 degree "Tee" fitting or (approved equal) vented inlet fitting shall be provided in the seepage pit so arranged as to prevent the inflow from damaging the sidewall. The fitting shall be situated below the inspection hole in the lid.

Exception: Where using a one- concrete slab cover inlet, fitting shall be permitted to be a one-fourth bend fitting discharging through an opening in the top of the slab cover. On multiple seepage pit installations, the outlet fittings shall comply with Section 701.2 of this Manual.

Section 800 Cesspools

801.1 Cesspools
Cesspools are prohibited in the OWTS Policy. Existing cesspools are to be destroyed and replaced within 90 days with an appropriate permitted OWTS.

Section 900 Commercial or Industrial Special Liquid-Waste Dispersal

901.1 Interceptor.

Where liquid wastes contain excessive amounts of grease or lint that affect the operation of a private sewage dispersal system, an interceptor for such grease or lint shall be installed.

901.2 Installation

Installation of such interceptors shall comply with Section 1009.0 of this code, and their location shall comply with Table H 101.8 of this appendix.

901.3 Sampling Box

A sampling box shall be installed where required by the Department.

901.4 Design and Structural Requirement

Interceptors shall be of approved design and be not less than two compartments. Structural requirements shall comply with Section H 501.0 of this appendix.

901.5 Location

Interceptors shall be located as close to the source as possible and be accessible for servicing. Necessary manholes for servicing shall be at grade level and be gastight.

901.6 Waste Discharge

Waste discharge from interceptors shall be permitted to be connected to a septic tank or other primary system or be disposed into a separate dispersal system.

901.7 Design Criteria

A formula shall be permitted to be adapted to other types of occupancies with similar wastes. (See Chart H 901.7)

TABLE 901.7 RECOMMENDED DESIGN CRITERIA	
GREASE AND GARBAGE, COMMERCIAL KITCHENS	
Number of meals X Waste flow rate[1] X Retention time[2] X Storage factor[3] = Interceptor size (liquid capacity) Per Peak Hour	
SILT-LINT GREASE, LAUNDRIES, LAUNDROMATS	
Number of machines X 2 cycles per hour X Retention time[2] X Storage factor[3] = Interceptor size (liquid capacity)	
Notes: 1 Waste Flow Rate: See Table H 20 I. I (2) of this appendix for estimated flow rates. 2 Retention Times:	
Commercial kitchen waste: Dishwasher, disposal, or both	2.5 hours
Single service kitchen: Single serving with disposal	1.5 hours
Sand-silt oil	2.0 hours
Lint-silt (laundry)	2.0 hours
3 Storage Factors:	
Fully equipped commercial kitchen:	
8 hours operation:	1
16 hours operation:	2
24 hours operation:	3
Single service kitchen	1.5
Laundries, laundromats (allows for rock filter)	1.5

Section 1000 Inspection and Testing

1001.1 Inspection

Inspection requirements shall comply with the following:

(1) Applicable provisions of Section 105.0 of this code and this appendix shall be required. Plans shall be required in accordance with Section 103.3 of this code.

(2) System components shall be properly identified as to manufacturer. Septic tanks or other primary systems shall have the rated capacity permanently marked on the unit.

(3) Septic tanks or other primary systems shall be installed on dry, level, well-compacted soil.

(4) Where design is predicated on soil tests, the system shall be installed at the same location and depth as the tested area.

1001.2 Testing
Testing requirements shall comply with the following:

(1) Septic tanks or other primary components shall be filled with water to flow line prior to requesting inspection. Seams or joints shall be left exposed (except the bottom), and the tank shall remain watertight.

(2) A flow test shall be performed through the system to the point of effluent dispersal. All lines and components shall be watertight. Capacities, required air space, and fittings shall comply with the provisions set forth in this appendix.

Section 1100 Abandoned Sewers and Sewage Dispersal Facilities

1101.1 Plugged and Capped
An abandoned building (house) sewer, or part thereof, shall be plugged or capped in an approved manner within 5 feet (1524 mm) of the property line.

1101.2 Fill Material
A cesspool, a septic tank, or a seepage pit that has been abandoned or has been discontinued otherwise from further use, or to which no waste or soil pipe from a plumbing fixture is connected, shall have the sewage removed therefrom and be completely filled with the earth, sand, gravel, concrete, or other approved material.

1101.3 Filling Requirements
The top cover or arch over the cesspool, septic tank, or seepage pit shall be removed before filling. The bottom of any tank in the system shall be perforated, such that it is no longer capable of holding liquid. Inspection of the destruction of the tank must occur prior to the filling of the tank.

The filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until inspection has been called and the cesspool, septic tank, or seepage pit has been inspected. After such inspection, the cesspool, septic tank, or seepage pit shall be filled to the level of the top of the ground.

1101.4 Owner
No person owning or controlling a cesspool, septic tank, or seepage pit on the premises of such person or in that portion of any public street, alley, or other public property abutting such premises shall fail, refuse, or neglect to be in accordance with the provisions of this section or upon receipt of notice so to be in accordance with the Department.

1101.5 Permittee
Where dispersal facilities are abandoned consequent to connecting any premises with the public sewer, the permittee making the connection shall fill all abandoned facilities in accordance with the Department within 30 days from the time of connecting to the public sewer.

Section 1200 Drawings and Specifications

1201.1 General
The Department, shall be permitted to require the following information before a permit is issued for a private sewage dispersal system:

(1) Plot plan drawn to scale, completely dimensioned, of the parcel and extending at least 150 feet past the property line, showing direction and approximate slope of surface, location of present or proposed retaining walls, drainage channels, water supply lines or wells, paved areas and structures on the plot, number of bedrooms or plumbing fixtures in each structure, and location of the private sewage dispersal system with relation to lot lines and structures.
(2) Recommended method of sewage treatment
(3) Estimated sewage flow
    a. Designs for commercial applications shall provide calculations based upon both fixture units and proposed occupancy, for which the final design shall utilize the more conservative calculation.
(4) Average soil permeability-percolation test results
(5) Applicable soil application rate [gallons per day per square feet (gpd/sq.ft.)] based on soil group in Table 204 or percolation rates per Section 401.4
(6) Minimum capacity of septic tank
(7) With or without garbage disposal (grinder)
(8) Dispersal Trench /Seepage Pit construction
    a. Width
    b. Total depth
    c. Depth of leach line or inlet to seepage pit
    d. Spacing between trenches or pits
    e. Venting system (if required)
    f. Total dispersal area requirements
    g. Dispersal area per linear feet allowed or dispersal area provided per pit
    h. Required total length of dispersal trench or number of pits
    i. Area of house and number of bedrooms
(9) Details of construction necessary to ensure compliance with the requirements of this LAMP together with a full description of the complete installation including quality, kind, and grade of materials, equipment, construction, workmanship, and methods of assembly and installation.
(10) A log of soil formations and groundwater levels as determined by test holes prepared by the qualified professional that are dug in close proximity to a proposed seepage pit or dispersal field, together with a statement of water dispersal characteristics of the soil at the proposed site, as determined by approved percolation tests.

1201.1 Drawing and Specification Validity

All drawings and specifications shall be signed and stamped as appropriate by a Qualified Professional. Submittals will be valid for one-year from the date of submittal to the County.

Section 1300 Site Evaluations/Sewage Feasibility

1300.1 General

Site evaluations are required for approval of all parcel and subdivision maps and for construction of on-site wastewater systems.

1301.1 Site Preparation and Application

(1) With the exception of Water Well Reports and complaint information, Department parcel files are accessible to the public and customers are encouraged to review their property file before applying for a Site Evaluation.
(2) Site Evaluation applications will only be accepted when determined by the Department to be complete, including the following information:

a) Property Identification
   i) Property owner
   ii) Address of proposed/existing residences, if assigned
   iii) Assessor's parcel number (APN)
   iv) Narrative describing the basis of the Site Evaluation submittal, which shall include reference to any other related County projects, if applicable.
b) Property Characteristics
   i) Area of the lot (acreage)
   ii) Topographic relief
   iii) Vegetation
   iv) Drainage(s), Lakes, ponds, or reservoirs & flood zone plain/zone info.
   v) Map should show the following for the subject parcel and within 150 feet on the adjacent parcel(s.)
      (1) property boundaries
      (2) proposed and existing water well location(s) on the subject parcel
      (3) home site
      (4) driveway(s) and parking area(s)
      (5) out buildings
      (6) proposed percolation test locations if any
      (7) proposed test pit locations
      (8) proposed and existing dispersal fields
      (9) proposed and existing expansion area(s)
      (10) stream courses, shallow or outcropping bedrock
      (11) potential areas of shallow groundwater
      (12) potential areas of inundation
      (13) and any other factors which may limit sewage dispersal.

<u>1302.1 Soil Test Hole Requirements</u>

(1) Unless otherwise approved by the Department, a minimum of 2 test holes will be required for each parcel, with at least one hole excavated in the primary and one hole excavated in the replacement dispersal areas. At the discretion of the Department, additional test holes may be needed to adequately characterize site conditions or fewer test holes may be allowed based on considerations such as space limitations on smaller parcels or uniformity of area soil characteristics.
(2) Test holes must be dug with a backhoe. Soil descriptions may be supplemented with soil boring information, but will not satisfy backhoe test hole requirements.
(3) Test holes must be dug a minimum of 5 feet deeper than the proposed bottom of the dispersal system. If a seepage pit is proposed, it will require a test boring to the minimum depth of 10 feet deeper that the proposed design depth.

<u>1303.1 Site Inspection and Evaluation</u>

(1) Department staff will inspect the site along with the qualified professional, log the soil test holes, and make an initial determination of whether site conditions are suitable for coverage under the LAMP.

<u>1304.1 Site Evaluation Reports</u>

(1) Site Evaluation reports will be deemed to be complete by the Department when the following additional information is supplied:
   a) Soil Characteristics
      i) Test Holes Results: Information should include:
         (1) a description of the soil (soil group, color, texture, percentage of rock, etc.)

(2) depth to evidence of seasonal high groundwater
(3) and depth to bedrock or a restrictive layer.
(a) If bedrock is a factor, a detailed description should be provided including, the number and orientation of fracture sets, the density of each set, the depth of each set, the fracture width, their lateral continuity, and the degree to which the fractures are filled with small debris.

ii) Percolation Test Results: The number of percolation tests performed shall be adequate to demonstrate a representative range of percolation rates within the primary dispersal area as well as the required 100% expansion area.

iii) Maximum wastewater flow permitted on the site based on nitrogen loading requirements in section 1400

1305.1 Site Evaluation Expiration

Site Evaluations will expire one year from the date of submittal.

1306.1 Qualified Professional

(1) A qualified professional is required for all site evaluations and design submittals. For the purposes of this LAMP, a qualified professional is defined as one of the following:

a. Building Inspectors demonstrating knowledge of OWTS by completing coursework relative to the inspection, design and installation of OWTS.
    i. Examples of coursework include but are not Limited to:
        1. Sacramento State Water Programs Small Wastewater System Operation and Maintenance, Volume I and II.
        2. NAWT/COWA Inspector and O&M Courses
b. California Professional Engineer;
c. California Engineering Geologist;
d. California Professional Hydrogeologist;
e. Registered Environmental Health Specialist (REHS)
f. Soil Science of America Certified Soil Scientists

Section 1400 Nitrogen Loading Analysis

1400.1 General

Septic system density will be limited to one system per two acres. Any new development or secondary dwellings will require a nitrogen loading analysis by a qualified professional, demonstrating to the Department, that the regional characteristics are such that an exception can be made. The Department will refer any analysis to the RWQCB for their concurrence and input. Supplemental treatment systems for nitrogen reduction will be referred to the RWQCB for permitting.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. 16-018

AN ORDINANCE AMENDING THE ORDINANCE CODE, TITLE 15 OF THE COUNTY OF FRESNO BY AMENDING CHAPTER 15.04 (GENERAL PROVISIONS) SPECIFCALLY SECTIONS 15.04.060, 15.04.080, 15.04.150(B), 15.04.160(A), THEREOF: AMENDING CHAPTER 15.08 (BUILDING CODE) SPECIFICALLY SECTIONS 15.08.10, 15.08.020, 15.08.020 (A - R), AMENDING CHAPTER 15.10 (FIRE CODE), SPECIFICALLY SECTIONS 15.10.010, THEREOF: AMENDING CHAPTER 15.12 (MECHANICAL CODE) SPECIFICALLY SECTIONS 15.12.010, 15.12.020(A), 15.12.020(B), 15.12.020(C), 15.12.020(D), THEREOF: AMENDING CHAPTER 15.14 (ENERGY CODE) SPECIFICALLY SECTION 15.12.010, THEREOF: AMENDING CHAPTER 15.16 (ELECTRICAL CODE) SPEFICALLY SECTIONS 15.16.010, 15.16.020(A –H), THEREOF: AMENDING CHAPTER 15.18 (RESIDENTIAL CODE) SPECIFICALLY SECTION 15.18.010, 15.18.020(A), 15.18.020(B), THEREOF: AMENDING CHAPTER 15.20 (PLUMBING CODE) SPECIFICALLY SECTIONS 15.20.010, 15.20.20, 15.20.20 (A – I) THEREOF: AMENDING CHAPTER 15.22 (GREEN BUILDING STANDARDS CODE) SPECIFICALLY SECTIONS 15.22.010 THEREOF: AMENDING CHAPTER 15.28 (GRADING AND EXCAVATION) SPECIFICALLY SECTIONS 15.28.010, 15.28.020, 15.28.020 (A – B), 15.28.020(B)(1), 15.28.010 (F)(3), 15.28.010 (J) THEREOF: AMENDING CHAPTER 15.48 (FLOOD HAZARD AREAS) SPECIFICALLY SECTION 15.48.080(A)(3)(h).

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The Board of Supervisors of the County of Fresno does ordain as follows:

Section 1: The Ordinance Code of the County of Fresno is hereby amended by amending Section 15.04, 15.08, 15.10, 15.12, 15.14, 15.16, 15.18, 15.20, 15.22, 15.28 and 15.48 of Title 15 as identified in attached Exhibit "1"

Section 2: This Ordinance shall take effect and be in force thirty (30) days from and after its passage.

PASSED AND ADOPTED by the following vote of the Board of Supervisors of the County of Fresno this 13th day of December, 2016, to wit:

AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

NOES: None

ABSENT: None

Ernest Buddy Mendes, Chairman
Board of Supervisors

ATTEST:
Bernice E. Seidel,
Clerk to the Board of Supervisors

By _____

EXHIBIT 1

EXPLANATION OF PROPOSED AMENDMENTS TO THE FRESNO COUNTY ORDINANCE CODE, TITLE 15 BUILDINGS AND CONSTRUCTION

Below is a list of the locations of the proposed revisions to the Ordinance (Exhibit 2) which includes the proposed revisions.

CHAPTER 15.04
GENERAL CONDITIONS

15.04.060 - Code section updated to reference 2016 California Building Code.

15.04.080 – Updated to reference 2016 California Building Code and 2016 and California Residential Code with Section referenced.

15.04.150 (B) – Updated to reference 2016 California Building Code.

15.04.160 (A) – Removed the word "State" from the California Historical Building Code to properly reference the 2016 codes.

CHAPTER 15.08
CALIFORNIA BUILDING CODE

15.08.10 – Updated to reference 2016 California Building Code.

15.08.020 – Updated to reference 2016 California Building Code and added-2016 California Residential Code.

15.08.020 (A) – Add reference to California Building Code (CBC) and the California Residential Code (CRC) including Section. Revised existing sentence.

15.08.020 (E) (2) Update section to remove the amendment deleting the requirement for Gypsum Board Inspection and replace with provide the same exception as the 2016 CBC Section 110.3.5

15.08.020 (F) Revised existing sentence.

15.08.020 (G)(1) - Add reference to 2016 California Building Code (CBC).

15.08.020 (H) This has been removed because it is already a requirement in the 2016 CBC

15.08.020 (I) - Code Section correction made.
15.08.020 (J) Amendment removed, previous amendment caused the code requirement to become less restrictive which is not allowed by code.

15.08.020 (L) -Code section correction made

15.08.020 (M) - Code section correction made and sentence revised

15.08.020 (N) - Revised sentence to provide correct definition of ceiling being considered.

15.08.020 (O) - Code section correction made.

15.08.020 (P) - Section removed, was more restrictive than SJVAPCD.

15.08.020 (Q). Section has been removed. 2016 California Residential Code Appendix V covers the swimming pool safety act and is adopted in its entirety by Ordinance. See section 15.18.020(A).

15.08.020 (R) - Code Section revised to reference 2016 California Code of Regulations

CHAPTER 15.08.030
EXEMPTIONS

CHAPTER 15.10
CALIFORNIA FIRE CODE

15.10.010 – Updated to add reference to the California-Building Code

CHAPTER 15.12
CALIFORNIA MECHANICAL CODE

15.12.010 – Updated to reference the 2016 California Mechanical Code (CMC) and appendices reference updated.

15.12.020(A) – Code section updated.

15.12.020(B) – Code section updated.

15.12.020(C) – Code section updated.

15.12.020(D) – Code section updated.

CHAPTER 15.14
ENERGY CODE

15.12.010 – Update reference to 2016 California Building Code

CHAPTER 15.16
CALIFORNIA ELECTRICAL CODE

15.16.010 – Update reference to 2016 California Electrical Code (CEC), also Code section updated.

15.16.020(A) – Update reference to 2016 California Electrical Code (CEC)

15.16.020(B) - Update reference to–2016 California Electrical Code (CEC), including sentence revision.

15.16.020 (C) – Update reference to 2016 California Electrical Code (CEC), also Code section updated.

15.16.020(D) - Update reference to-2016 California Electrical Code (CEC), also Code section updated.

15.16.020(F) - Amendment removed, previous amendment caused the code requirement to become less restrictive which is not allowed by code.

15.16.020(G) - Amendment removed, previous amendment caused the code requirement to become less restrictive which is not allowed by code.

15.16.020(H) – Code section updated and sentence revised.

CHAPTER 15.18
RESIDENTIAL CODE

15.18.010 – Updated reference to 2016 California Residential Code (CRC).

15.18.020(A) – Relocated from section15.08.020 (Q)

CHAPTER 15.20
CALIFORNIA PLUMBING CODE

15.20.010 – Update reference to 2016 California Plumbing Code (CPC).

15.20.020 – Update reference to 2016 California Plumbing Code (CPC).

15.20.020(A) - Code section updated.

15.20.020(C) – Code section updated.

15.20.020(F) – Code section updated.

15.20.020(G) – Code section updated.

15.20.020(H) – Appendix chapter updated with the inclusion of the adopted Fresno County Local Agency Management Program (LAMP) effective start date.

15.20.020(I) – Updated reference to 2016 California Plumbing Code (CPC) and Footnote references updated.

CHAPTER 15.22
CALIFORNIA GREEN BUILDING STANDARDS CODE

15.20.010 – Updated reference to 2016 California Green Building Standards Code (CGBS).

CHAPTER 15.28
EXCAVATION AND GRADING

15.28.010 – Updated reference to 2013 California Building Code (CBC) and added California Residential Code added with correct Sections.

15.28.020 – Updated reference to 2013 California Building Code (CBC) and added California Residential Code added with correct Sections.

15.28.020 (A) – Reference to California Building Code (CBC) added and California Residential Code added with correct Sections.

15.28.020 (B) – Reference to California Building Code (CBC) added.

15.28.020 (B)(1) – Updated reference to 2013 California Building Code (CBC).

15.28.010 (F)(3) - Updated reference to 2013 California Building Code (CBC) and added California Residential Code added with correct Sections.

15.28.010 (J) - Code sections updated.

CHAPTER 15.48
FLOOD HAZARDS

15.48.080 (A)(3)(h) – Update reference to 2013 California Building Code (CBC) with corrected sections.

EXHIBIT 2

FRESNO COUNTY ORDINANCE CODE

Title 15

ORDINANCE 16-_____
December 13, 2016

Department of Public Works and Planning
Development Services Division

2220 Tulare Street, Suite A
Fresno, CA 93721
(559) 600-4540

Title 15

BUILDING AND CONSTRUCTION

Chapters:

15.04	General Provisions
15.08	Building Code
15.10	Fire Code
15.12	Mechanical Code
15.14	Energy Code
15.16	Electrical Code
15.18	Residential Code
15.20	Plumbing Code
15.22	Green Building Standards Code
15.24	Sign Code
15.28	Grading and Excavation
15.30	Rehabilitation Code of Residential Hotels
15.32	Substandard Housing and Unsafe Structures – Nuisances
15.44	Underground Utility District
15.48	Flood Hazard Areas
15.52	Home Financing Program
15.60	California Department of Forestry State Responsibility Area Fire Safe Regulations of the County

Chapter 15.04

GENERAL PROVISIONS

Sections:

15.01.010	**Applications.**
15.04.020	**Definitions.**
15.04.030	**Violation – Penalty.**
15.04.040	**No qualification of workmen to be required.**
15.04.050	**Administration.**
15.04.060	**Appeals Board.**
15.04.070	**Board of Review.**
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15.01.010 Applications.

The general provisions set forth in this Chapter shall be applicable to Chapters 15.04, 15.08, 15.10, 15.12, 15.16, 15.20, 15.24, 15.28, 15.30, 15.32, 15.44, 15.48, 15.52 and 15.60 of Title 15 of this Ordinance Code except as otherwise specifically provided.

The Board finds that it is reasonably necessary to make certain changes or modifications in the requirements contained in the rules and regulations adopted by the California Building Standards Commission (BSC) and the Department of Housing and Community Development (HCD) pursuant to Section 17922 of the California Health and Safety Code; that such changes or modifications are herein more particularly set forth.

(Ord. 07-049 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), 0-81-018 §1 (part), Ord. 470-A-41 §1, 1978, Ord. 470-A-36 §1 (part), 1974.)

15.04.020 Definitions.

Whenever the following terms appear herein, or in any of the codes referred to, they shall have the meaning ascribed to them in this Section unless the context clearly discloses a different intent.

A. "Building Official" or "Administrative Authority" means the Director of the Department of Public Works and Planning and any assistant or employee in his/her office designated as Deputies in accordance with Section 103.3 of the California Building Code.

B. "Construction" means any work that includes but is not limited to erection, installation, enlargement, alteration, conversion or relocation.

C. "Department of Housing and Community Development, (HCD)" referred to in the Mobilehome and Mobilehome Park Law and the rules and regulations of the Division of Housing implementing said laws, means the Building Official as defined above.

(Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §1, Ord. 0-84-008 (part), Ord. 0-81-018 §1, (part), Ord.0-81-002 §14, Ord. 470-A-36 §1 (part), 1974.)

15.04.030 Violation – Penalty.

The penalty for violation of any of the provisions of Title 1 of the Fresno County Ordinance Code shall be as prescribed in Section 1.12.010 as a misdemeanor, or Section 1.12.020 as an infraction, or as prescribed in Section 15.04.080.C, Work without Permit. The provision of this Title may also be enforced by an injunction issued out of the Superior Court upon suit of the County or the owner/permittee or person in possession of any real property affected by such violation. The method of enforcement shall be cumulative and shall not affect the penal provisions hereof.

(Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), Ord. 0-81-018 §1 (part), Ord.470-A-41 §2, 1978, Ord. 470-A-36 §1 (part), 1974.)

15.04.040 No qualification of workmen to be required.

No licensing or other requirement or qualification shall be required to do work of any kind referred to herein excepting those professional services requiring licenses by the State of California and it shall be sufficient that the work itself meets these requirements irrespective of the person who may have performed the same.

(Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), Ord. 0-81-018 §1 (part), Ord. 470-A-36 §1 (part), 1974.)

15.04.050 Administration.

These provisions shall be administered by the Building Official. The Building Official may approve alternate materials, designs or methods of construction which are substantially equivalent to those prescribed and do not materially affect the health and safety standards herein established.

(Ord. 92-026 (part), Ord. 0-84-008 (part), Ord. 0-81-018 §1 (part), Ord. 470-A-36 §1 (part), 1974.)

15.04.060 Appeals Board.

Chapter 1, Section 113, Board of Appeals of the 2016 California Building Code shall be amended as follows:

There is created an Appeals Board consisting of eighteen (18) members. Such membership on the Appeals Board shall be divided into three (3) divisions; namely, the Building Division, the Electrical Division, and the Plumbing and Mechanical Division.

The members of the Building Division shall consist of an Architect, a General Contractor active in construction of commercial or industrial structures, a representative of the building trade, a Structural or Civil Engineer, a General Contractor active in the construction of residential structures, and a member of the public at large.

The members of the Electrical Division shall consist of an Electrical Engineer, an Electrical Contractor active in construction of commercial or industrial structures, a member of the public at large, a person engaged in the electrical industry other than as a Master or Journeyman Electrician, and Electrical Contractor active in construction of residential structures, and a representative of the electrical trade.

The members of the Plumbing and Mechanical Division shall consist of a Mechanical Engineer, a Mechanical Contractor, a representative of the plumbing trade, a Plumbing Contractor, a representative of the heating and air conditioning installation trade and a member of the public at large.

All members are to be appointed by the Board of Supervisors. Notwithstanding the above, for the purpose of hearing appeals related to enforcement of building access requirements for physically disabled persons, the Building Division shall consist of two (2) additional members, who shall be physically disabled persons.

The members of the Appeals Board shall be residents of the County during the appointed term. The terms of the members shall be for four (4) years, with the maximum staggering of terms among members. Each four-year (4-year) term shall expire on June 30th of the odd numbered calendar year. A member of the Joint Appeals Board having served any portion of two (2) continuous appointed terms shall be ineligible for reappointment until a full four-year (4-year) term has elapsed since the expiration of his last term.

The Chief Building Inspector of the County shall serve as Secretary to the Appeals Board.

The duties of the Appeals Board, to be performed by each of the Divisions as hereinafter provided, shall be as follows:

A. To review the suitability of alternate materials, engineering designs, methods of construction and equipment, and to advise the Building Official as to acceptance or denial;
B. To provide for reasonable interpretations of the provisions of the subject codes;
C. To conduct hearings for an exception to a required public sewer connection;
D. To hear written appeals brought by any person regarding action taken by the Building Official in enforcement of the requirements of the disabled access regulations, including exceptions contained in Section 19957, Health and Safety Code and Title 24, California Code of Regulations (CCR);
E. To hear appeals from an administrator's determination of requests for variances.

The Appeals Board shall have no authority relative to interpretation of the administrative provisions of this Title or model stated codes nor shall the Appeals Board be empowered to waive requirements of such model codes.

Hearings shall be conducted, business transacted and decisions rendered by the appropriate Divisions of the Appeals Board having expertise in the manner which is the subject for their review. The Appeals Board of any Division thereof shall be convened upon call of the Chief Building Inspector when matters are to be considered which may be of concern to such Board or Division. The Appeals Board, and its Divisions, shall organize it's self, shall adopt reasonable rules and regulations for conducting its business and hearings, and shall render its decisions in writing. The decisions of the Appeals Board, or its Divisions, shall be final.

Any vacancy on the Appeals Board occurring during any term may be filled by appointment by the Board of Supervisors for the unexpired term. If a member of the Appeals Board is absent from three (3) consecutive regular or special meetings of the Appeals Board of the Division to which he is appointed, unless by permission of the Appeals Board or such Division expressed in its official minutes, their membership shall automatically become vacant and upon certification to the Board of Supervisors by the Appeals Board or such Division that such vacancy has occurred, a successor shall be appointed in the manner herein prescribed for filling vacancies. Any member of the Appeals Board may be removed from office at any time by a four-fifths (4/5) vote of the entire membership of the Board of Supervisors.
(Ord. 07-049 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 9-003 §2, Ord. 0-84-008 (part), Ord. 0-81-018 §1 (part), Ord. 470-A-41 §1, 1979, Ord. 470-A-41 §3, 1978, Ord. 470-A-36a3 §1 (part), 1974.)

15.04.070 Board of Review.

There is created a Board of Review, which shall consist of nine (9) members. The duties of the Board of Review shall be as follows:

A. To determine the existence and manner of abatement of a substandard structure as provided in Chapter 15.32 of this Title;
B. To determine the existence and manner of abatement of substandard housing as provided in Chapter 15.32 of this Title.

Membership on the Board shall consist of an Architect, a Civil Engineer, a General Contractor active in the construction of residential structures, a Realtor, a member of a building trade union, a member of a financial lending institution, and three (3) additional members selected at large residing within the unincorporated area of the County. The Board of Supervisors shall appoint the members of the Board of Review.
(Ord. 07-049 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), Ord. 0-81-018 §1 (part), Ord. 470-A-36 §1 (part), 1974.)

15.04.080 Building permit requirements.

2016 California Building Code Section 105, and the 2016 California Residential Code, Section R105 Permits shall be amended as follows:

A. Consolidated Permits.

In lieu of applying for separate Building, Mechanical, Electrical and Plumbing Permits, any combination of Building, Mechanical, Electrical or Plumbing Permits may be consolidated onto one (1) permit form for each building or structure. When all required permits are obtained concurrently on one (1) application form, the permit fee will be reduced five percent (5%).

B. Expirations.

1. Permits.

a) All permits issued under the provisions of this Chapter shall expire and become null and void if work authorized by such permit is not commenced within six (6) months from the date such permit was issued or six (6) months after the last approved inspection by the Building Official. The Building Official may extend the expiration date upon written request of the permittee for a period not exceeding two (2) years from the date the permit was originally issued. Additional extensions may be approved, upon written request by the permittee, within the sole discretion of the Building Official, or designee.

b) After a permit has expired, a violation will be issued and no work shall be performed until another permit is issued. The fee for re-issuance of the permit shall be one-half (1/2) of the fee of the original permit if such reissued permit is issued within six (6) months of the expiration date of the original permit and if substantial changes have not been made to the original plans and specifications. Re-issuance of expired permits past the six-month (6-month) limitation will not be considered and new permits will be required. The fee for these new permits shall be based upon the fee schedule in force at the time of new permit issuance and the amount of work left to be completed or fifty percent (50%) of the original permit fee, whichever is greater. A minimum fee equal to a one-hour (1-hour) Special Service Fee, based on the fee schedule in force at the time the permit is reinstated, shall be required on all reinstated permits.

2. Plan Review.

a) Plan Reviews shall become null and void if Building Permits are not issued within six (6) months from the date of completion of the initial Plan Review. Upon written request by the applicant, the Building Official may extend the life of a Plan Review for a period not exceeding one (1) year beyond the original six-month (6-month) limitation after the completion of the initial Plan Review. Additional extensions may be approved, upon written request by the applicant, within the sole discretion of the Building Official.

b) Within six (6) months of the expiration and if no model code change has taken place, the applicant may resubmit plans and pay one-half (1/2) the original Plan Review Fee to renew action on an expired Plan Check. After the six-month (6-month) limitation for renewal has expired, or a code change has taken place, a complete new submittal is required and the Plan Review will be based on the fee schedule in place at the time of the submittal.

C. Work without Permit.

For permits issued after commencement of construction, a Violation Fee, as determined by the Building Official, shall be charged. The fee shall be based on that portion of the work that has been started without the required permits. These fees shall be twice the regular amount charged except where a new owner has acquired the property in good faith and without knowledge that construction work had been performed without the required permits. This fee is separate from and in addition to the permit fees.

D. Fees.

1. The Board of Supervisors may, by Ordinance, adopt fee schedules for the review of submitted plans, issuance of Building Permits and inspections by the Development Services Division of the Department of Public Works and Planning.
2. Where plans are incomplete or changed so as to require additional plan review, an additional Plan Review Fee shall be charged at an hourly rate.

E. Plans.

Two (2) complete sets of plans, drawn to scale, including a Site Plan, shall be submitted for Plan Review. All sheets in a set of plans shall be of uniform size and of sufficient size as to be legible when microfilmed. The Site Plan, Grading, Structural, Architectural, Plumbing, Mechanical and Electrical Plans shall be submitted and reviewed at one (1) time, except as permitted for commercial and industrial projects in Section 15.08.020.D of this Ordinance.

F. Standard Plans.

The Building Official may establish a Standard Plan for identical structures within areas of the County that are located within the local responsibility area for fire protection and are not located within flood hazard areas, as defined on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) maps, or within areas of expansive soils, as defined in the California Building Code. When a Standard Plan is established, the Plan Review Fee shall be one hundred percent (100%) of the Building, Plumbing, Electrical and Mechanical Permit fees. A Standard Plan will expire concurrently with the adoption of a new model code.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 98-007 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §3, Ord. 0-84-008 (part), Ord. 081-018 (part), Ord. 0-81-002 §15, Ord. 470-A-42 §1, 1979, Ord. 470-A-41 §4, 1978, Ord. 470-A-36 §1 (part), 1974.)

15.04.090 Safe-to-occupy and temporary utility clearance requirements.

A. A Safe-to-Occupy/Safe-to-Stock Clearance may be issued by the Building Official before final approval of a new structure upon determination by the Building Official that the structure is substantially complete and safe for human occupancy. As a condition of issuing such clearance, the owner/permittee shall enter into an agreement with the County to complete all mandatory work within six (6) months. The agreement shall be secured by a cash deposit with the Building Official, the amount of which shall be ten percent (10%) of the Building Official's estimate of the cost to complete the work. The minimum deposit shall be one thousand dollars ($1,000). The Building Official may extend the completion date for one (1) additional six-month (6-month) period, upon written request of the owner/permittee, showing that circumstances beyond the control of the owner/permittee have prevented completion of construction. Additional extensions may be approved, upon written request by the owner/permittee, within the sole discretion of the Building Official or designee.

B. A Safe-to-Occupy Clearance for model homes may be issued by the Building Official before final approval of a new single-family residential structure upon determination by the Building Official that the structure is substantially complete and safe for human occupancy. Issuance of the clearance shall allow the garage of such model home to be temporarily converted to office use as a model home sales office. As a condition of issuing such clearance, the owner/permittee shall enter into an agreement with the County to complete all mandatory work and convert the sales office to a garage use within twenty-four (24) months. The agreement shall be secured by a cash

deposit with the Building Official, the amount of which shall be ten percent (10%) of the Building Official's estimate of the cost to complete the work and to convert the office to garage use. The minimum deposit shall be two thousand dollars ($2,000).

C. Utility Clearance Prior to Final Approval.

A Gas and/or Electrical Utility Clearance will be issued by the Building Official prior to final approval of the structure as required by Section 15.08.020.F.3 of this Ordinance. As a condition of the release, the Building Official shall require the owner/permittee to enter into an agreement not to occupy the structure prior to the issuance of a Certificate of Occupancy for the structure. The agreement shall be secured by a cash deposit for all projects except single-family dwellings. The amount of the deposit shall be based on the valuation of the project as determined by the fee schedule in place at the time of permit issuance. For projects with a construction valuation less than one hundred thousand dollars ($100,000) the deposit shall be five hundred dollars ($500). For projects with a valuation between one hundred thousand ($100,000) and one hundred fifty thousand dollars ($150,000) the deposit shall be one thousand dollars ($1,000). For projects with a valuation between one hundred fifty thousand ($150,000) and two hundred fifty thousand dollars ($250,000) the deposit shall be five thousand dollars ($5,000). For projects with a valuation exceeding two hundred fifty thousand dollars ($250,000) the deposit shall be ten thousand dollars ($10,000).

Exception 1: A cash deposit will not be required on residential accessory buildings when these buildings are used solely by the occupants of the dwelling for non-commercial purposes.

Exception 2: Agricultural storage buildings and small non-residential projects with a valuation between one hundred thousand dollars ($100,000) and two hundred fifty thousand dollars ($250,000) will require a deposit of one thousand dollars ($1,000) and projects with a valuation of less than one hundred thousand dollars ($100,000) will require a deposit of five hundred dollars ($500).

1. Gas and electric meters will not be released on mobile homes or relocated structures until a Certificate of Occupancy has been issued.
2. Agreements for release of gas or electric utilities shall run concurrently with the Building Permit. Extensions granted to the Building Permit shall also apply to the utility clearance deposit.
3. The amount of the deposit may be reduced by the Building Official when it can be shown that such reduced deposit amounts are adequate to ensure completion of construction.
4. Obtaining a Safe-to-Occupy/Safe-to-Stock Clearance shall constitute fulfillment of the agreement for return of the cash deposit. The cash deposit will also be returned if the utility is disconnected and the meter removed prior to the expiration of the agreement.

D. Deposits for Agreements and Failure to Complete Work.

For deposits of more than two thousand five hundred dollars ($2,500), the agreement may be secured by a Bond, Bank Guarantee or Irrevocable Letter of Credit, in a form acceptable to the Building Official, in lieu of a cash deposit.

1. Owner/permittee default of the agreement will result in forfeiture of the deposit.
2. Deposits for work not completed within the agreed time, including extensions of any kind, shall be returned in accordance with the following schedule:

Completed Work	Percentage of Deposit Returned
Between agreed time and 1 month after	90%
Between 1 month and 2 months after	80%
Between 2 months and 3 months after	70%
Between 3 months and 4 months after	60%

Between 4 months and 5 months after	50%
Between 5 months and 6 months after	40%
Between 6 months and 7 months after	30%
Between 7 months and 8 months after	20%
Between 8 months and 9 months after	10%
After 9 months	0%

3. Any deposit amount not returned pursuant to the above schedule shall be forfeited to the County. The Building Official may take whatever actions necessary to reduce a Bond, Bank Guarantee or Irrevocable Letter of Credit to cash upon owner/permittee's failure to complete the work within the agreed time, including extensions. Upon such conversion to cash, the cash will be dispersed according to the schedule above.
4. After forfeiture of the original deposit and prior to completion of the work, a new deposit as determined by the Building Official and based on the balance of work yet to be completed shall be required prior to commencement of work to be completed.
5. Time extensions shall be requested by the owner/permittee in writing prior to expiration of the term of the agreement and will be granted in writing, if approved, by the Building Official, or designee. The granting of a time extension is within the sole discretion of the Building Official, or designee, as the case may be.

(Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 98-007 §2, Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), 0-81-018 §1 (part), Ord. 470-A-42 §2, 1979, Ord. 470-A-36-a4 §1, 1976, Ord. 470-A-36 §1 (part), 1974.)

15.04.100 Relocated structures.

A. Relocation Investigation Permit Required.

No person shall move or cause any building or structure to be relocated within the unincorporated areas of the County without first obtaining, in addition to the Building Permit, a Relocation Investigation Permit from the Building Official.

B. Relocation Impractical.

The Building Official shall not issue a permit for any building or structure to be relocated where any of the following conditions exist to the extent that the building or structure endangers the public health or safety:

1. It is infested with termites;
2. It is structurally unsound;
3. It is of a type prohibited by law at the proposed location.

C. Appeal.

Any person denied a permit for relocation of a structure may appeal such decision to the Board of Review of the County within seven (7) days of such denial. The appeal shall contain a statement of reasons therefore. The Board of Review may sustain, modify, or reverse the decision of the Building Official. Its decision shall be final.

D. Building Permit for Relocated Structures.

As a condition to securing a Building Permit for a relocated structure, the owner/permittee shall enter into an agreement with the County to complete all mandatory work within one (1) year. The agreement shall be secured by a cash deposit with the Building Official, in an amount equal to ten percent (10%) of the estimated cost of performing the work described in the agreement, as determined by the Building Official. The minimum cash deposit shall be one thousand dollars ($1,000). The Building Official may extend the completion date for one (1) six-month (6-month) period upon written request of the owner/permittee showing that circumstances beyond the control of the owner/permittee have prevented the completion of all mandatory work. Additional extensions may be approved upon written request by the owner/permittee within the sole

discretion of the Building Official or designee. Building Permits for relocated structures shall expire concurrently with the agreement to complete all mandatory work.

(Ord. 07-049 (part).)

15.04.110 Demolition permit.

A. No person, firm or corporation shall wreck or demolish any building or structure or abandon a septic tank without first obtaining a permit therefore from the Building Official.

B. Prior to the start of any demolition work on any building or structure, the permittee shall have all utilities to such building or structure disconnected in the manner provided by this Code.

C. The permittee shall fill all excavations level with adjoining grade not later than ten (10) days after the building or structure is demolished. Plaster, brick or other inorganic noncombustible materials may be used to fill such excavations; provided, however, that the top twelve inches (12") of fill shall be clean earth. The filling of such excavations shall not be required when a Building Permit has been issued for a new building on the site and the construction thereof is to be started within sixty (60) days after the completion of the wrecking or demolition operation. In such event, the permittee shall enclose such excavation with a substantial six-foot (6') fence protecting the excavation on all sides.

D. The permittee shall not operate any equipment engaged in the demolition of any building or structure or in the removal of material therefrom on the traffic side of a pedestrian canopy or walkway. The use of a battering device on the exterior walls of any building or structure is prohibited when such device will swing or be swung over public property or that, through its use, will cause building material particles to fall or be propelled onto public property.

(Ord. 98-007 §2, Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), 0-81-018 §1 (part), Ord. 470-A-42 §3, 1979, Ord. 470-A-36-a4 §2, 1976, Ord. 470-A-36 §1 (part), 1974.)

15.04.120 Public nuisance in construction and demolition.

Any person to whom a permit has been issued as provided herein for the repair, alteration, demolition or construction of any structure shall comply with each of the following:

A. Take reasonable precaution to prevent or control the movement of wind born dust created by such activities;

B. Promptly remove all dust and mud tracked into a public street by the movement of vehicles, equipment, materials and personnel;

C. During the progress of the construction, the contractor shall promptly remove all garbage, waste, food, trash, litter and all other items likely to attract or harbor rats or vermin on the job site. Any waste paper, cartons or building materials that may be considered an attractive nuisance or a personal hazard shall be promptly removed. No garbage, waste, food or trash shall be buried on the job site. The permittee shall provide adequate trash containers on the job site.

D. At the time of Final Inspection following completion of the work under the permit, the streets and the construction site shall be left free of all waste materials.

(Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), Ord. 470-A-36 §1 (part), 1974.)

15.04.135 Variances.

Remodeled Buildings.

Where an existing dwelling is to be remodeled, or modification made to the plumbing, mechanical or electrical facilities, the Building Official may grant a variance from strict compliance with any particular provision where such variance will not result in a hazardous condition and strict compliance would be an unreasonable hardship.

15.04.140 Areas in process of annexation to city.

At the election of the owner/permittee, construction activities and improvements limited to underground utilities, grading, street improvements and model home construction for residential

development and/or underground utilities, grading and street improvements for other than residential development on any parcel of land in any zoning district within the unincorporated area of the County may be exempted from the provisions of this Chapter, when all the following conditions exist:

A. The County Building Official has found that the following conditions exist:
   1. Any city in the County has commenced by the adoption of an appropriate Resolution, annexation proceedings of that property upon which the structure or structures are to be erected;
   2. That the Building Official of the City shall certify that the proposed structure and its location on the property will meet all City Ordinances and that said City will enforce the provisions thereof;
   3. The City has executed an agreement agreeing to the provisions of this Chapter, including indemnification of the County.

B. The owner/permittee shall comply with all City Ordinances, state and federal regulations relating to the construction of structures and division of land, including the securement of permits as would be required if the property were within the incorporated area of such City.

C. In the event the annexation proceedings are not consummated within one hundred-twenty (120) days, the annexation is denied or the owner/permittee does not comply with the City Ordinances as certified to by the City Building Official, the Building Official of the City shall order the work stopped and all work shall cease upon receipt of the Stop Work Order. Expenses incurred to bring the property into compliance with the provisions of this Chapter shall be born by the City. Any further construction shall thereafter be in accordance with this Title.

D. The County Building Official, upon receipt of a written request from the City Building Official prior to the expiration period, may grant up to two (2) individual extensions not to exceed thirty (30) days each. In the event the annexation proceedings are not consummated within a total of a one hundred-eighty (180) day period, a request for additional time to complete the annexation may be made to, and approved by, the Board of Supervisors. Such request must be made prior to the expiration period.

(Ord. 07-049 (part), Ord. 07-021 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-81-018 §3 (part), Ord. 470-A-36 §1 (part), 1974.)

15.04.150 Seasonal and/or efficiency dwelling units.

A seasonal and/or efficiency dwelling unit is a structure, or a portion thereof, that is intended to provide sleeping quarters for a period not to exceed one hundred-twenty (120) days in any calendar year, is incidental to a recreational or agricultural use of real property, and the size of which does not exceed five hundred (500) square feet. Provisions for seasonal dwelling units do not apply to any single-family dwelling. The alternate construction standards for a seasonal dwelling unit are as follows:

A. An individual kitchen need not be provided when a central kitchen is established within three hundred feet (300') of the dwelling. In the event an individual kitchen is provided, it shall be located in a separate area of not less than three feet by five feet (3' x 5') in size, and shall contain cooking and food preparation facilities consisting of a properly trapped and vented sink, supplied with hot and cold running water, a receptacle for a refrigerator, and an approved kitchen range or cooking appliance with a local vent.

B. Bathroom facilities as required for dwellings in Chapter 12 of the 2016 Edition of the California Building Code as herein adopted shall be required except where community facilities are provided meeting dormitory standards.

C. Individual electrical service shall be in accordance with the actual demand load, but not less than sixty (60) amperes in size. Lighting and convenience outlets are required as follows:
   1. Each refrigerator shall have its own approved electrical outlet (California Code of Regulations 870).

2. At least one (1) convenience outlet and one (1) supplied electric light fixture shall be maintained in good working order in all habitable rooms (California Code of Regulations 872).
3. A minimum of three (3) receptacles shall be placed in each dwelling unit.

D. The above standards for seasonal dwelling units are considered to be an equivalent alternate. All other provisions shall be applicable. In the event the use of this structure is extended beyond said one hundred twenty-day (120-day) period, it shall be reconstructed to comply with all provisions of this Title and the necessary permits secured.

(Amended by Ord. 11-005 (part), Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §5, Ord. 0-84-008 (part), Ord. 0-81-018 §3 (part), Ord. 470-A-41 §7, 1978, Ord. 470-A-36 §1 (part), 1974.)

15.04.160 Historical buildings.

A historical building is a structure, or a part thereof, that has been declared a Historical Monument by the appropriate local, state or federal agency. Construction on historical buildings shall comply with the applicable provisions of the 2016 California Historical Building Code, Part 8, Title 24, California Code of Regulations.

(Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), Ord. 0-81-018 §3 (part), Ord. 470-A-41 §8, 1978, Ord. 470-A-36 §1 (part), 1974.)

15.04.170 Mobile home occupancy and accessory structures, mobile home parks, special occupancy. Trailer and recreational vehicle parks and campgrounds.

A. The construction standards set forth in that portion of the Mobile Home Park Law as provided in Division 13, Parts 2 and 2.1 of the Health and Safety Code as provided in Title 25, Chapter 5 of the California Code of Regulations, is adopted by reference, except areas which are subject to regulation by the Department of Housing and Community Development (HCD) of the State of California.

B. Failure to correct any hazardous or unsafe condition of a mechanical or electrical installation in an occupied mobile home within forty-eight (48) hours after notice of such condition by the Building Official as provided in Sections 15.12 and 15.16 constitutes sufficient cause for the Building Official to disconnect the installation. If such service is obtained from a secondary source said source may be disconnected at the direction of the Building Official.

C. If an accessory structure to a mobile home no longer serves a mobile home use, or if the mobile home is removed, the accessory structure shall be converted to a permitted use or removed.

D. The provisions of this Section shall be enforceable in the manner provided by Division 13, Part 2.1, of the Health and Safety Code and Title 25, California Code of Regulations, Chapter 5. Any person who willfully violates any of the provisions shall be subject to either or both civil and criminal penalties set forth in Section 18700 of the Health and Safety Code of the State of California.

(Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §6, Ord. 0-86-015 §1, Ord. 0-84-008 (part), Ord. 0-81-018 §3 (part), Ord. 470-A-44 §5, 1979, Ord. 470-A-41 §9, 1978, Ord. 470-A-38-a-I §1 1974, Ord. 470-A-48 §1, 1974, Ord. 470-A-36 §1(part), 1974.)

15.04.180 Copies of codes to be filed.

Not less than three (3) copies of each Primary Code hereby adopted by reference and each Secondary Code pertaining thereto, all certified to be true copies by the Clerk of the Board of Supervisors, shall be filed in the office of said Clerk and shall be kept there for public inspection while this Title is in force; provided, that after the adoption of the Code by reference, one (1) of these copies of

the Primary Code and Secondary Code may be kept in the office of the Manager of the Development Services Division instead of the Clerk's office.
(Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §8, Ord. 0-84-008 (part), Ord. 0-81-002 §16, Ord. 470-A-36 (part), 1974.)

15.04.190 Water and sewer facilities for residential units.

A. Prior to issuance of a permit for construction of a new residence or occupancy of a mobile home, including those proposed as second residences as defined in County Zoning Ordinance Section 803.15, the owner of the property within an area determined to be water-short as defined in County Zoning Ordinance Section 855-N-1.e shall provide the following evidence of the availability of a water supply:

1. A water well source shall be provided that is capable of supplying each single residence to be connected to the well the following minimum yield:

   a) Five (5.0) gallons per minute (with no storage requirement), or

   b) One (1.0) gallon per minute with minimum of two thousand (2,000) gallons of storage (storage requirement is in addition to fire-related storage requirements).

2. The following shall apply to Well Yield Tests for the purpose of demonstrating compliance with the minimum well yield requirement of Section A.1 above.

   a) The Well Yield Test shall be performed under the supervision of a California Certified Engineering Geologist, a California Certified Hydrogeologist, a California Registered Civil Engineer experienced in conducting Hydrogeologic Investigations, California Licensed Water Well Drilling Contractor (C57), or a California Licensed Water Well Pump Contractor (C61/D21). The certification and/or license of the person conducting the test shall be active and in good standing with the appropriate licensing board.

   b) Well Yield Reports shall be submitted and certified on forms provided by the Fresno County Department of Public Works and Planning. It shall be the responsibility of the property owner to obtain the current County test form.

   c) The person who will supervise and certify the Well Yield Test shall notify the Building Official, or other designated County representative, at least forty-eight (48) hours prior to initiation of the test. The Building Official, or other designated County representative, may inspect a Well Yield Test in progress at any time to observe testing methods and results.

   d) The allowable well yield shall be calculated by multiplying well pump test results from Section A.2.f.iii below multiplied by a percentage seasonal adjustment as follows:

Test Period	Percentage Multiplier	Minimum gallons/minute
Jan 1st – May 30th	50% (0.50)	2.0 (2.0gpm x 0.5 = 1gpm)
Jun 1st – Aug 31st	75% (0.75)	1.4 (1.4gpm x 0.75 = 1gpm)
Sep 1st – Oct 31st	100% (1.00)	1.0 (1.0gpm x 1.0 = 1gpm)
Nov 1st – Dec 31st	75% (0.75)	1.4 (1.4gpm x 0.75 = 1gpm)

   As used in this Section A.2.d and subsequent Section hereafter, the term "allowable well yield" shall mean that value which shall be used by the County to determine compliance with the water supply requirements of Section A.1 herein.

   e) Pre-Test Requirements

   Prior to the start of the test, the static water level in the well must be measured and recorded. The well must not be pumped for at least twenty-four (24) hours prior to the

measurement of the static water level. The time and date of last pumping (if applicable), and the time and date of the measurement must also be recorded.

f) Testing Procedures

i) The well must be pumped for a minimum of four (4) hours, and consistent with the time periods specified below, the following minimum total water volume must be removed from the well within a maximum forty eight (48) hours:

Jan 1st – May 30th	5,760 Gallons (2.0gpm x 2880 min)
Jun 1st – Aug 31st	4,032 Gallons (1.4gpm x 2880 min)
Sep 1st – Oct 31st	2,880 Gallons (1.0gpm x 2880 min)
Nov 1st – Dec 31st	4,032 Gallons (1.4gpm x 2880 min)

Water must be piped a sufficient distance and to a location that precludes recharge to the well being tested. Pump discharge shall be performed and directed in such a manner as to prevent damage to channels and/or property downstream. The property owner for whom the pump test is being performed shall be liable for any and all damages resulting from the test.

ii) A well test failing to pump the required minimum total yields within the prescribed times shall be deemed as having failed to meet the requirements of Section A.1 above shall be further evaluated as provided in the following Sections.

iii) Record the average discharge rate over the last sixty (60) minutes of the test. Average discharge shall be calculated by adding the flow rates recorded for the last sixty (60) minutes of the test as specified in Section A.2.g below, then dividing the total by the number of recorded rates (minimum of four [4]).

iv) Allowable yield shall be the product of the average discharge rate as determined in Section A.2.f.iii above multiplied by the seasonality factor in Section A.2.d above. The allowable yield as herein determined shall equal or exceed the supply requirements given in Section A.1 above. A yield less than that prescribed in Section A.1 above shall be deemed as having failed to meet minimum supply requirements.

g) Flow Measurements

The flow rate and cumulative yield shall be recorded according to the following schedule:

Start of test to 60 minutes)	every 5 minutes
60 minutes to 120 minutes	every 15 minutes
120 minutes to 240 minutes	every 30 minutes
240 minutes to 8 hours	every 1 hour
8 hours until end of test	every 8 hours
Final 2 hours of test	every 15 minutes

h) Pumping Level Measurements

The pumping level shall be recorded according to the following schedule:

Start of test to 60 minutes	every 5 minutes
60 minutes to 120 minutes	every 15 minutes
120 minutes to 240 minutes	every 30 minutes
240 minutes to 8 hours	every 1 hour
8 hours until end of test	every 8 hours

i) Post Test Measurement

Recovery measurements shall follow the schedule in Section A.2.h above beginning immediately after shutting off the pump. The well must return to within ninety percent (90%) of the pre-test static water level within the total time of pumping duration but not to exceed twenty-four (24) hours. If the well fails to recover ninety percent (90%) of the pre-test static level within the prescribed time, results of the test will be invalid and further testing will be required. Using the procedure specified herein, a second well yield and recovery test must be run within seven (7) calendar days. If, after the second well yield test the water level recovers to one hundred (100%) of the returned static level recorded after the first pumping test, both tests may be submitted. The results of the second test shall then be used to calculate allowable well yield. If, after the second test, the water fails to return to the prescribed level within the allowable time, the well shall be considered as having failed to meet the water supply requirements of Section A.1 above.

j) Wells whose yield may be influenced by surface water due to its location and/or which may be influenced by inflow from shallow depths, shall only be tested during the period September 1 through October 31 and only if nearby ephemeral streams and watercourses are dry.

k) Tests shall be valid for one (1) year from the date of completion.

l) If use of a well shared by other property owners and/or a well on a nearby property is proposed, that well shall be tested under the requirements of Section II-H(7)d of the Fresno County Improvement Standards, and shall be capable of yielding to each residence to be served by the well a minimum flow as specified in Section A.1 above.

m) Water systems installed after the effective date of this Ordinance shall incorporate a sounding tube of a size and material specified by the Building Official, or other representative designated by the County.

3. Appeals

An appeal of the above requirements may be made to the Building Official, or other designated County representative. The appeal shall only be granted upon a finding of special circumstances. Special circumstances may include pre-existing pumping systems installed prior to the effective date of this Ordinance, and domestic systems serving replacement construction of existing residences for purposes of home upgrade or reconstruction following extensive damage following fire, flood, or natural disaster.

B. Prior to the issuance of a Building Permit on parcels located east of the Friant-Kern Canal or west of Interstate 5, where a sewage system is to be constructed, an on-site inspection is to be made by the Building Official. A ten-foot (10') deep test hole, dug by the applicant, is required at the time of the inspection to determine sewage feasibility. Where the Building Official finds that a satisfactory sewage system cannot be installed without special studies, the Building Official may require of the permittee a report from a Registered Civil Engineer or a Registered Geologist to be filed with the Building Permit application. Such report shall set forth the design of the system, a plat map depicting its location and a statement that said system will meet the minimum standards required by this Ordinance Code and the California Plumbing Code if constructed as recommended.

(Ord. 07-049 (part), Ord. 05-004)

Chapter 15.08

BUILDING CODE

Sections:

15.08.010 California Building Code adopted
15.08.020 Exceptions and superseding provisions
15.08.030 Exemptions

15.08.010 California Building Code and California Residential Code adopted.

The 2016 California Building Code, including the Appendices as referenced in the 2016 California Building Code Standards and the Uniform International Building Code Standards is adopted by reference.

(Amended by Ord. 11-005 (part), Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §9 (part).)

15.08.020 Exceptions and superseding provisions.

Sections 3403.1.~~1~~ and 1612 of the California Building Code are amended under Chapter 15.48 of this Title. Chapter 18, Section 1803 of the California Building Code is amended under Chapter 15.28 of this Title.

The following Sections of the California Building Code (CBC) and the California Residential Code (CRC), 2016 Edition, are deleted, amended or superseded as follows:

A. CBC Section 105.2, and CRC Section R105.2 Chapter 1, Division II Work Exempt from Permits, ~~is~~ are amended by adding Item Nos. 14, 15, 16 and 17 to the CBC and amending Subsection 1 to both the CBC and CRC to read as follows:

Exception: One (1) story detached residential accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed one hundred-twenty (120) square feet with a maximum twelve-foot (12') plate height.

Item No. 14 : Bridges and cross drainage works when such construction is reviewed by the appropriate County department or State agency for compliance with applicable design standards.

Item No. 15: Flagpoles, radio and TV antennas less than thirty-five feet (35') in height and without receiving dishes.

Item No. 16: Ground mounted satellite receiving dishes less than twelve feet (12') in height, serving a R-3 occupancy.

Item No. 17: Transportable gypsum and fertilizer storage tanks for agricultural use.

B. CBC Section 107.2, and CRC Section R106.1 Construction Documents, is amended to read as follows:

When state law requires that documents be prepared by an Architect or Engineer, the Building Official shall require the owner/permittee to engage and designate an Architect or Engineer who shall act as the Architect or Engineer of Record for the entire project and shall indicate this selection on the Building Permit application. All sheets of each submittal must be reviewed and coordinated by the Architect or Engineer of Record and must be signed as such.

C. CBC Section 107.3.4.1 and CRC Section R106.3.3, Deferred Submittals and Phased Approvals, is amended in its entirety to read as follows:

For the purposes of this Section, deferred submittals are defined as project components such as electrical, plumbing, mechanical, refrigeration, processing equipment, or other non-structural elements that are not submitted at the time of the initial plan submittal for a building and that are to be submitted to the Building Official for review during construction of the building. Deferred submittals are limited to commercial or industrial projects only and shall have prior

approval of the Building Official. A maximum of three (3) deferred submittals will be allowed on one (1) project.

An Architect or Engineer of Record shall be required for all projects where deferred submittals are proposed. This professional shall list all deferred submittal components on the initial plans for the building and shall be responsible for submitting all deferred documents for review by the Building Official.

Submittal documents for deferred items shall be forwarded by the Designer to the Architect or Engineer of Record who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal documents shall be integrated into the "approved" construction plans for the building by the Architect or Engineer of Record to provide one (1) complete set of plans for the project.

Construction shall not begin on deferred submittal components until their design has been reviewed and approved by the Building Official. A Certificate of Occupancy shall not be issued until all work, including work associated with the deferred submittals has been completed, inspected and approved as safe-to-occupy/safe-to-stock.

D. CBC Section 109.5, and CRC Section R108.4 Related Fees, is amended in its entirety to read as follows:

When a plan or other data is required to be submitted by Appendix Chapter 1 of the California Building Code and/or Section 15.04.080.E of this Title, a Plan Review Fee shall be paid in accordance with Section 15.04.080.D of this Title.

E. CBC Section 110, and CRC Section R109 Inspections, is amended as follows:

1. CBC Section 110.3.4, and CRC Section R109.1.4 Frame Inspection:

   To be made after the roof covering, all framing, fire blocking and bracing are in place, and all pipes, chimneys and vents are complete, and after the rough electrical, plumbing and mechanical are complete and previously approved or are concurrently inspected with the Frame Inspection, and the exterior wall materials are in place. Where the exterior wall finish is cement plaster or masonry veneer then only the building paper and lath is required to be completed. For the purpose of this Section, a vapor barrier shall not be construed to be an exterior wall material where further or additional nailing of exterior material is required. Insulation depth markers are prescribed in Section 15.08.020.M of this Title for pneumatically placed ("blown") insulation shall be in place at the time of the Framing Inspection.

2. CRC Section R109.1.4.2 Lath or Gypsum Board Inspection, is amended to provide the same exception as the 2016 CBC Section 110.3.5,

3. CBC Section 110.3.10, and CRC Section R109.1.6 Final Inspection, ~~is~~ are amended as follows:

   Electrical and gas utilities must be connected and energized at the time of the Final Inspection.

F. CBC Section 111.2, Certificate issued, shall be amended to add No. 13:

13. No material is to be processed, sold, stored or placed in any building or portion of a building until the required fire extinguishing system, fire resistive construction and fire assemblies have been installed, inspected, approved and are operational.

G. CBC Section 202, Definitions, shall be amended to add the following definitions, which shall read as follows:

1. "Condominium" means a structure as defined in the Building Code which constitutes an estate in real property consisting of an undivided interest in common portions of a parcel of real property, together with a separate interest in space in a residential, industrial or commercial building on such real property. For the purpose of occupancy, a structure to be used as a condominium shall be classified according to the occupancy type of the overall structure as specified in the California Building Code, 2016 Edition.

2. "Deferred Submittal" shall mean deferred plan submittal for commercial or industrial projects meeting all the requirements of Section 15.08.020.D of this Ordinance and does not apply to shell buildings.
3. The "front of the lot" shall be as determined in the Fresno County Zoning Ordinance, Section 800 of the Fresno County Ordinance Code.
4. "Shell building" shall mean a building constructed in a commercial or industrial zoning district, without a known tenant, designed to accommodate future tenant improvements.
5. "Open shed" is a structure built for shelter or storage of agricultural products and constructed in such a manner that all sides of the structure are open except for any roof support members and bracing.

H. Reserved.

I. CBC Section 308, Institutional Group I, is amended in its entirety to read as follows:

Subsection 308.4.1, Group I–2.1 Ambulatory Health Care Facility. Nursing homes for ambulatory patients, where medical care is provided, homes for ambulatory children six (6) years or over where medical care is provided, or homes with ambulatory guests where medical care is provided, and similar buildings, and honor farms and conservation camps housing inmates who are not restrained (each accommodating more than six [6] persons).

J. Reserved.

K. CBC Section 720, Thermal and Sound Insulating Materials, is amended by adding the following paragraph:
1. Insulation depth markers shall be provided in attic spaces where pneumatically placed ("blown") insulation is to be installed. A sufficient number of markers shall be installed to allow an Inspector to reasonably substantiate insulation depth from the attic openings without crawling in the attic. Markers shall be placed with the bottoms even with the bottom of ceiling joists. They shall be of reasonably substantial material (such as heavy-gauge cardboard or wood) to prevent bending or dislodgment during placement of insulation. Markers shall be tri-colored as follows:
   a) Bottom of marker to plus six inches (+6") – Blue.
   b) From plus six inches (+6") to plus nine inches (+9") – Red.
   c) From plus nine inches (+9") to twelve inches (12") – White.
2. Pneumatically-placed insulation shall be placed in accordance with the manufacturer's recommendations.

L. CBC Section 1010.1.6, and CRC Section R311.3 Landings at Doors, is amended by adding the following paragraph:

A landing is a permanent and firm surface constructed of concrete (three and one-half inch [3-1/2"] thick minimum), mortared brick or stone over concrete base, foundation grade redwood or treated wood, asphalt paving or other approved like materials. Where wood is to be used as a landing, it shall be adequately supported on concrete or masonry and anchored to prevent dislocation. Alternate methods may be used if first approved by the Building Official.

M. CBC Section 1505 Fire Classification and CRC 902. Fire Classification are amended by adding:

In California Department of Forestry State Responsibility Areas, all roof coverings for any occupancy group or construction type shall be a minimum Class "A" roof covering.

N. CBC Section 1209.2, Attic Spaces, and CRC R807.1 Attic Access is amended by adding the following Exception:

Exception: Where dwelling attic spaces are separated by vaulted ceilings (such as those formed by scissor trusses), there shall be at least one (1) attic access opening on each side of the

vaulted ceiling. Where attics are separated by draft stops, there shall be at least one (1) attic access opening on each side of the draft stop. Attic access openings from the garage to the residence in the vertical wall are permitted provided the access door is at least one and three-eighths inches (1-3/8") thick, tight fitting solid core wood or equal, equipped with a self-closer and a positive latching device. Openings penetrating a horizontal fire separation between a garage and a dwelling shall be a listed fire rated assembly.

O. CBC Section 1805, Dampproofing and Waterproofing, and CRC R406 Foundation Waterproofing and Dampproofing are amended by adding the following paragraph:

A building shall have the foundation wall or concrete floor slab constructed above the crown of the adjoining street, unless otherwise approved by the Building Official. The ground around the structure shall be sloped two percent (2%) for a distance of five feet (5') to provide drainage away from the structure.

P. Reserved.

Q. Reserved.

R. CBC Chapter 31B, Public Pools, is amended to read in its entirety as follows:

Pools which serve more than one (1) residential unit, hotels, motels, or similar multi-occupancy or commercial building(s) shall have the pool area separately fenced with a barrier as described in the 2016 California Code of Regulations Title 24, Section 3119B.

Exception: Swimming pool barriers shall not be required when there exists a natural barrier restricting physical access to the swimming pool that is essentially equivalent in effect to the required barrier as determined by the Building Official.

(Amended by Ord. 11-005 (part), Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 98-007 (part), Ord. 96-003 (part), Ord. 92-026 (part), Ord. 90-003 §3, Ord. 0-84-008 (part), Ord. 0-81-018 (part), Ord. 0-81-002 §15, Ord. 470-A-42 §1, 1979, Ord. 470-A-41 §4, 1978, Ord. 470-A-36 §1 (part), 1974.)

15.08.030 Exemptions.

C. Residential Accessory Structures.

The provisions of this Chapter shall not apply to metal framed, pliable plastic or fabric covered accessory structures that are: (1) no more than fourteen feet (14') wide and forty feet (40') long; and, (2) a minimum of five feet (5') from all property lines or as required by the Zoning Ordinance whichever is greater. The structure must be anchored to withstand the maximum wind load for the area, as defined in CBC Section 1609 Wind Loads. Property owner/permittees claiming an Exemption for this type of structure shall, before commencing construction, sign an application for and secure an Exemption from the Building Official. All structures constructed under this Exemption shall be inspected for conformance with this Section.

All electrical installed in these structures shall be subject to the provisions of Chapter 15.16 of this title.

(Amended by Ord. 10-008, Ord. 03-0001 (part).)

D. Public Utility Buildings.

These provisions shall not be applicable to building, structures, power plants, facilities, equipment or installations when the provisions of design and inspection of these structures are subject to the full jurisdiction of the California Public Utilities Commission or the Federal Power Commission.

(Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §4, Ord. 0-84-008 (part), 0-81-018 §1 (part), Ord. 470-A-41 §2, 1979, Ord. 470-A-41 §6, 1978, Ord. 470-A-36 §1 (part), 1974.)

E. Inspections.

The owner/permittee or person proposing to construct a building or structure exempt from the provisions may obtain inspection service by applying for and obtaining the appropriate permit or permits and paying the regularly established fees as though said building or structure were not exempt pursuant to this Section.

(Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), 0-81-018 §2)

F. CBC Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, Section 710A Accessory Structures, shall be amended in its entirety to read:

Accessory and miscellaneous structures and detached accessory structures need not comply with the provisions of this Chapter. When said structure is fifty feet (50') or more from the primary structure on the property and meets the requirements of Section 15.08.030 Exemptions and CBC Appendix Chapter 1, Section 105.2, Work exempt from permit.

(Ord. 07-049 (part).)

Chapter 15.10

FIRE CODE

Sections:

15.10.010 California Fire Code adopted.
15.10.020 Exceptions and superseding provisions.

15.10.010 California Fire Code adopted.

The California Fire Code as referenced in the 2016 California Building Code, is adopted by reference.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §10, Ord. 0-84-008 (part), Ord. 0-81-018 §5 (part).

15.10.020 Exceptions and superseding provisions.

A. Chapter 56, Section 5608, Fireworks Display, is amended as follows:

The sale and use of "Safe and Sane Fireworks" shall be allowed as regulated by Chapter 8.36 of the Fresno County Ordinance Code.

(Ord. 07-049 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 0-84-008 (part), Ord. 0-81-018 §5 (part).

Chapter 15.12

MECHANICAL CODE

Sections:

15.12.010 California Mechanical Code adopted.
15.12.020 Exceptions and superseding provisions.

15.12.010 California Mechanical Code adopted.

The 2016 Edition of the California Mechanical Code, including Division II Administration and Appendices A through G, is adopted by reference.
(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §11 (part), Ord. 01-016 (part).)

15.12.020 Exceptions and superseding provisions.

The following sections are amended or superseded as indicated.

A. Division II Administration, Subsection 104.3.1 Construction Documents, is amended as follows:

Refrigeration plans shall be prepared and stamped by a mechanical engineer licensed in the State of California when the aggregate compressor horsepower exceeds one hundred horsepower (100hp) and the system contains other than a Group A-1 refrigerant.

B. Section 303.7.1, Liquefied Petroleum Gas Appliances, is amended by adding the following:

Liquefied petroleum gas fired appliances shall not be located in attics or under floor spaces unless they are installed over a twenty-six (26) gauge sheet metal pan extending six inches (6") beyond each side of appliance. The pan shall have two-inch (2-inch) high sides and have a one and one-half inch (1-1/2") drain to the exterior of the structure. The drain shall not terminate above or within five feet (5') of any opening to the structure.

C. Section 304.0 Accessibility for Service, Subsection 304.3, Access to Equipment and Appliances on roofs shall be amended to add the following:

1. Every furnace installed in or on an exterior wall of a building, which is designed so that the burners or controls must be serviced from outside the building, shall be readily accessible.
2. Furnaces located on the roof of a building shall be readily accessible.
   Exceptions:
   a) Permanent exterior ladders providing roof access need not extend closer than eight feet (8') to the finish grade.
   b) A portable ladder may be used for access for furnaces on the single-story portion of a Group R or U Occupancy.
   c) Permanent ladders for equipment access need not be provided at parapets or walls less than thirty inches (30") in height.
3. Permanent ladders providing roof access shall:
   a) Have side railings which extend at least thirty inches (30") above the roof edge or parapet wall.
   b) Have landings less than eighteen inches (18") apart measured from the finished grade.
   c) Be at least fourteen inches (14") in width.
   d) Have rungs not more than fourteen inches (14") on center.
   e) Have a minimum of six-inch (6") toe space.
4. Platform.

   Every appliance, including evaporative coolers, located on a roof of a building shall be installed on a substantial level platform. Whenever the roof has a slope greater than

five inches (5") measured vertically to twelve inches (12") measured horizontally, a level working platform not less than thirty inches (30") in depth shall be provided in front of the entire firebox and control sides of the appliance and all three (3) sides of evaporative coolers (uphill side excluded). All sides of any working platform facing any portion of the roof edge below the platform shall be protected by substantial railing forty-two inches (42") in height with vertical rails not more than twenty-one inches (21") apart, except that parapets at least twenty-four inches (24") in height may be utilized in lieu of rails or guards. An adjacent roof with a slope not exceeding one in twelve (1:12) may be used as a platform provided the equipment is positioned no more than eighteen inches (18") from the high-to-low sloped roof break line.

5. Catwalk.

On roofs having slopes greater than 5 in 12 (5:12), a catwalk not less than sixteen inches (16") in width and provided with substantial cleats spaced not more than sixteen inches (16") apart shall be provided from the roof access to every required working platform at the appliance. Cleats shall have a minimum clearance of one and one-half inches (1-1/2") above roof covering. Said catwalk shall not impair the weather protection of the roof and shall be secured to roof-sheathing or roof-framing members.

D. Section 504.3, Domestic Range Vents, is amended by adding the following:

1. Kitchen ventilation in R-1 or R-3 Occupancies shall be provided by a forced draft metal ventilating hood installed in accordance with requirements of Section 916 or by means of an approved down draft ventilating system, or a forced draft ceiling or wall fan located approximately over the cooking equipment, and listed for the use. All such systems shall have back draft dampers and exhaust ducts that terminate outside the building. Ceiling and wall mounted fans shall be capable of providing a minimum of five (5) air changes per hour.

2. Ventless hoods shall not be permitted unless prior approval is obtained from the Building Official.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part).)

Chapter 15.14

ENERGY CODE

Sections:

15.14.010 California Energy Code adopted.
15.14.020 Exceptions and superseding provisions.

15.14.010 California Energy Code adopted.

The California Energy Code as referenced in the 2016 California Building Code is adopted by reference.

15.14.020 Exceptions and superseding provisions.

(Added by Ord. 11-005)

Chapter 15.16

ELECTRICAL CODE

Sections:

15.16.010 California Electrical Code adopted.
15.16.020 Exceptions and superseding provisions.
15.16.030 Alterations and additions.
15.16.040 Electrical signs.
15.16.050 High voltage tests.
15.16.060 Miscellaneous electrical requirements.

15.16.010 California Electrical Code adopted.

The 2016 Edition of the California Electrical Code, including Informative Annex A through Informative Annex G, is adopted by reference.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §12, Ord. 0-84-008 (part), Ord. 0-81-018 §7 (part), Ord. 470-A-41 §16, 1978 Ord. 470-A-36-a2 §1 1975, Ord. 470-A-36 §4(part), 1974.)

15.16.020 Exceptions and superseding provisions.

Sections and/or Articles of the California Electrical Code are deleted, amended or superseded as indicated:

A. Section 116, Unsafe Structures and Equipment, of the 2016 California Building Code, is amended by adding the following paragraph:

For the purpose of this Chapter, any electrical equipment existing in any type occupancy which has any of the following conditions or defects shall be deemed dangerous and said equipment shall be repaired, reinstalled, reconstructed or removed if:

1. The service panels show visual evidence of an excessive number of overloads.
2. The working area in front of any service panel is insufficient for safe maintenance and repair of the equipment.
3. Live front panels are being maintained or used.
4. The fuses are rated higher than those permitted by said California Electrical Code.
5. The electrical conductor is in an unapproved raceway.
6. The electrical conductors from different classes of service are in a common raceway, common junction box, or common electrical panel.
7. Drop cords greater than six feet (6') in length are used to connect electrical appliances.
8. The electrical equipment is not properly grounded for the protection of the electrical equipment as determined by the use being made thereof.
9. The electrical equipment is broken, cracked or not properly maintained to meet the standards existing at the time the equipment was approved.
10. The electrical equipment is unsafe for the use intended.

B. Section 116.3, Notice, of the 2016 California Building Code, is amended to include as follows: Authority to Condemn Installations.

1. When the Building Official determines that an electrical installation is in violation of this Chapter, an order shall be given to the owner/permittee or person in responsible charge of the installation to either remove or replace the installation. The order shall be in writing and mailed or personally delivered; it shall specify the particulars in which the installation is in violation and a reasonable time for compliance with the order. In cases of extreme

danger to life or property, the order shall further require that all persons immediately cease using electric current through the installation and cause its disconnection at once.

2. If any violation continues to exist beyond the expiration of the time fixed by the order, or should the Building Official find that persons are using an installation that has been ordered disconnected, the Building Official is authorized to order the serving agency to disconnect electric service to the consumer's wiring system.

C. Article 90.1, Purpose, (A) Practical Safeguarding of the 2016 California Electrical Code, is amended by adding the following paragraph:

Where the service exceeds four hundred (400) amperes and/or six hundred (600) volts, or the area of the building is in excess of fifteen thousand (15,000) square feet, the plans shall be prepared by an electrical engineer licensed by the State of California, except as defined in the State of California Business and Professions Code, Section 6737.3.

D. Article 90.2, Scope, (A) Covered of the 2016 California Electrical Code, is amended to include the following subsections:

5. For all existing commercial and industrial establishments and places of assembly, when the electrical service has been disconnected for one hundred-eighty (180) days or more, the service may not be reconnected without inspection and approval from the Building Official. If any unsafe electrical system or equipment is present, approval will not be granted. A permit is required for this inspection.

6. For all existing residential buildings and agricultural service poles where service has been disconnected for one (1) year or more, the service may not be reconnected without inspection and approval from the Building Official. A permit is required for the inspection.

E. Article 230.2, Number of Services, is amended by adding Special Condition No. 7 to read as follows:

Special Condition No. 7: For tenant spaces when one (1) occupant expands operations into an adjacent tenant space and demising walls are removed or openings in such walls are created, wiring systems for each service shall be completely segregated from the wiring systems of other services and shall not cross over a defined demarcation line which shall be described at each service.

F. Reserved.

G. Reserved.

H. Article 690.31(G) Direct Current Photovoltaic Source and Direct Current Output Circuits on or Inside a Building, is amended by adding the following:

(5) DC Roof Top Disconnects: There shall be a separate emergency DC disconnect on the roof to disconnect solar panels from the DC wiring running through the building to the inverter. This disconnect shall be permanently labeled that states "Emergency DC Disconnect". Disconnects shall be located as close as possible to the arrays to eliminate any substantial length of energized wiring that cannot be shut down.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §15, Ord. 0-84-008 (part), Ord. 0-81-018 §7 (part), Ord. 470-A-41 §20, 1978.)

15.16.030 Alteration or additions.

A. When an addition is made to, or an alteration is made in an existing building, all new electrical work and all existing electrical work repaired, changed or connected shall be made to comply with the provisions of this article.

B. The amount of existing wiring that is not to be repaired or replaced shall be at the discretion of the Building Official.

(Ord. 96-003 (part), 1996.)

15.16.040 Electrical signs.

All signs shall conform to the standards as set up by the Underwriters' Laboratory (UL) or by the American National Standards Institute (ANSI). The inspection label of the Underwriters' Laboratories or an approved testing laboratory shall be required on all new signs. Exceptions may be made to these requirements in the case of signs which must be fabricated on the job, but such exceptions require that signs bear evidence of approval by the Building Official. A label of approval by the Building Official will be required on all existing signs requiring any alteration to the electrical circuits except for changes or replacement of tubing and other normal repairs. Any sign found not to be in conformance with these regulations shall be deemed a violation of these regulations and the same shall be removed from the place of erection. When an inspection is required by the Building Official on signs not bearing an Underwriters' or approved testing laboratory label, a fee will be charged for each inspection as set forth in the Master Fee Schedule.
(Ord. 96-003 (part), 1996.)

15.16.050 High voltage tests.

All services over six hundred (600) volts shall have high potential tests made before being energized. Such tests shall be performed by an approved testing agency and a written test report shall be submitted to the Building Official for review and approval.
(Ord. 96-003 (part), 1996.)

15.16.060 Miscellaneous electrical requirements.

A. All unused electrical wiring shall be removed from structures.
(Ord. 96-003 (part), 1996.)

B. Article 89.108.4.4 Inspections is amended as follows:

1. Rough electrical inspection shall be made after all electrical conductors, cables, or wiring methods are sufficiently protected from physical damage and the weather.

(Ord. 07-049 (part).)

Chapter 15.18

RESIDENTIAL CODE

Sections:

15.18.010 California Residential Code adopted.
15.18.020 Exceptions and superseding provisions.

15.18.010 California Residential Code adopted.

The 2016 California Residential Code is adopted by reference.

15.18.020 Exceptions and superseding provisions.

Sections and/or Articles of the California Residential Code are deleted, amended or superseded as indicated:

A. 2016 CRC Appendix V is adopted in its Entirety and amended by adding the following language:

1. Exception: A wall or fence as required by the Fresno County Zoning Ordinance shall not be required when there exists a natural barrier restricting physical access to the swimming pool that is essentially equivalent in effect to the required barrier as determined by the Building Official.

(Added by Ord. 11-005)

Chapter 15.20

PLUMBING CODE

Sections:

15.20.010 California Plumbing Code adopted.
15.20.020 Exceptions and superseding provisions.

15.20.010 California Plumbing Code adopted.

The 2016 Edition of the California Plumbing Code and Appendices and the International Association of Plumbing and Mechanical Officials (IAPMO) Installation Standards are adopted by reference.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §16 (part).)

15.20.020 Exceptions and superseding provisions.

Provisions and sections of the California Plumbing Code, 2016 Edition, are deleted, amended and superseded as follows:

A. Section 311.0 Independent Systems, is amended in its entirety to read as follows:

The drainage system of each new building and new work installed in any existing building shall be separate and independent of that in any other building. Every building shall have an independent connection with a private or public sewer as authorized by this division. When more than one (1) building is placed on a lot in such a manner that the lot cannot be divided without violation of the Zoning Ordinance of the County of Fresno, such buildings may then be served by a single building sewer. If the property is ever divided in ownership so that one (1) building is on property owned by one (1) person and the other building is on property owned by another person, no person shall cause or permit the disposal of sewage, human excretion, or other liquid waste into the drainage system of the building farthest from the public or private sewer until the building has been provided with an independent connection to such a public or private sewer.

Exception: The number of branch service sewer connections to serve structures other than single-family dwellings need not exceed the number required by Chapter 14, Mandatory Sewer Regulations, of Title 14 of County Ordinance Code.

B. Reserved

C. Section 1205.0 Authority to Render Gas Service, Subsection 1206.3, is added to read as follows:

1. For all existing commercial and industrial establishments and places of assembly, when the service has been discontinued for one hundred-eighty (180) days or more, the gas meter may be turned on only after the piping has been pressure tested and when the test and gas appliances have been approved by the Building Official. A permit is required for this test.
2. For all existing residential buildings where service has been discontinued for one (1) year or longer, the gas may be turned on only after the piping has been pressure tested and when the test and gas appliances have been approved by the Building Official. A permit is required for this test.

D. Section 1212.10 Liquefied Petroleum Gas Facilities and Piping, is amended by adding the following:

Liquid petroleum gas facilities shall not be located in any fireplace.

Exception: Decorative gas appliances may be used when the appliance is listed for the use.

E. Section 1216.0, Required Gas Piping Sizing, Subsection 1216.2, is amended by adding the following:
Exception 1: For structures located in areas determined by the Building Official as not having a reasonable possibility of obtaining natural gas over the lifetime of the structure may size the gas piping system using Tables 1216.2 (24) through 12-41.
Exception 2: In non-residential construction gas pipe sizing within structures may be by any appropriate table with prior approval.

F. Section 1102.0 Roof Drains, Subsection 1102.1 is added to read as follows:
On metal buildings, when roof design does not lend itself to the installation of roof drains, rain gutters installed in such a location or manner that any portion of the rain gutter is concealed within the interior of the building shall be not less than twenty-four (24) gauge galvanized sheet metal. A connection approved by the Building Official which will provide proper transition from the rain gutter to the rain water piping placed within the interior of the building will be required.

G. Chapter 15, Section 1501.2 System Design, is amended to read.
All Gray water systems shall be an engineer designed system. Prior to issuance of a permit, the design shall be submitted to and approved by the authority having jurisdiction.

H. Appendix H, Private Sewage Disposal System, Section H401.0, Percolation Tests, H 401.3 Absorption Rates, is amended in its entirety to read as follows:

i) The percolation rate in the disposal area shall not be slower than sixty (60) minutes per inch. The percolation rate shall not be faster than five (5) minutes per inch unless it can be shown that a sufficient distance of soil is available to assure proper filtration. The percolation rate shall be determined in accordance with procedures contained in the U.S. Department of Health, Education and Welfare "Manual of Septic Tank Practice" in effect on August 1, 1977, and the Regional Water Quality Control Board Basin Plan which is herein adopted by reference, or an equivalent method approved by the authority having jurisdiction if the above criteria cannot be met, an engineered sewage system will be required. The sewage system shall be designed by a Registered Geologist, Registered Civil Engineer, or Registered Environmental Health Specialist and the following criteria shall be met.

(a) The average of all percolation tests in the leaching area shall not exceed two hundred (200) mi./inch.

(b) No single percolation test shall exceed two hundred-forty (240) mi./inch.

(c) The difference between percolation rates used shall not exceed sixty (60) min./inch unless an adequate justification is provided.

ii) Soil depth to bedrock below the bottom of the leaching trench shall not be less than five feet (5') nor less than ten feet (10') below the bottom of a seepage pit. Depth to anticipated highest level of groundwater below the bottom of the leaching trench shall not be less than five feet (5') nor less than ten feet (10') below the bottom of a seepage pit. Greater depths are required if soils do not provide adequate filtration.

iii) Ground slope in the disposal area shall not be greater than thirty percent (30%).

Effective May 13, 2018, or the date the Central Valley Regional Water Control Board approves the Fresno County Local Agency Management Program (LAMP), whichever is later, Appendix H, Private Sewage Disposal System, is deleted in its entirety and replaced with the LAMP, as may be amended from time to time.

I. Chapter 4, Table 422.1 of the 2016 California Plumbing Code is amended by adding the following Footnotes:

2. For the purposes of this Subsection, a restaurant is defined as a business which offers any type of food for sale for consumption on the premises. Any type of food shall include, but not be limited to, bakery products, ice cream, yogurt and the like. Required toilet facilities for public use in restaurants, swap meets, and bars shall be provided inside each such place of business.
   Exception A: For restaurants with a total interior and/or exterior dining area of one hundred-fifty (150) square feet or less and which seats ten (10) or fewer patrons, one (1) toilet room only for both male and female customers need be provided. Said toilet room may also be used for employees provided it is in compliance with the California Retail Food Facilities Act, California Administrative Code, Title 24 (disabled access) and provided that not more than four (4) people and both sexes are employed.
   Exception B: The occupant load for a drive-in restaurant or swap meet shall be twice the number of parking stalls or vendor spaces.
8. Laundry trays. One (1) laundry tray or one (1) automatic washer standpipe for each twenty (20) bedrooms or any portion thereof.
9. All water closets for public use in theaters and auditoriums (churches excluded) shall be equipped with flushometer valves.
10. Where food is consumed indoors, water stations may be substituted for drinking fountains. Theatres, auditoriums, dormitories for use by more than six (6) persons shall have one (1) drinking fountain for the first one hundred-fifty (150) persons and one (1) additional fountain for each three hundred (300) persons thereafter.
11. For temporary construction facilities, one (1) water closet and one (1) urinal for each thirty (30) persons shall be provided.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §16 (part).)

Chapter 15.22

GREEN BUILDING STANDARDS CODE

Sections:

15.22.010 California Green Building Standards Code adopted.
15.22.020 Exceptions and additional provisions.

15.22.010 California Green Building Standards Code adopted.

The 2016 California Green Building Standards Code is adopted by reference.

15.22.020 Exceptions and additional provisions.

(Added by Ord. 11-005)

Chapter 15.24

SIGN CODE

Sections:

15.24.010 Uniform Sign Code adopted.
15.24.020 Exceptions and additional provisions.

15.24.010 Uniform Sign Code adopted.

The Uniform Sign Code as published by the International Code Council and designated the "Uniform Sign Code, 1997 Edition", is adopted by reference.
(Ord. 07-049 (part), Ord. 96-003 (part), 1996, Ord. 92-026 (part), Ord. 90-003 §17 (part).)

15.24.020 Exceptions and additional provisions.

Sections of the Uniform Sign Code, 1997 Edition, are hereby amended as follows:

E. Section 403.1 is amended in its entirety to read as follows:
General.
Signs shall conform to the clearances and projection requirements of this section and the Zoning Ordinance, whichever may be more restrictive.

F. Section 403.2 is amended in its entirety to read as follows:
Clearance from electrical lines.
Clearances between signs and overhead electrical conductors shall be as required by the serving utility or the California Electrical Code.

H. Section 1302 is amended to read in its entirety as follows:
Erector's name.
Every electric sign shall have a permanent marking on the sign indicating the name of the sign erector and date of erection, readable from ground level. Each sign shall have the Underwriters' Laboratory Seal of Approval thereon.

(Ord. 07-049 (part).)

Chapter 15.28

GRADING AND EXCAVATION

Sections:

15.28.010 Chapter 18, Chapter 33 and Appendix J of the 2013California Building Code and California Residential Code adopted.
15.28.020 Exceptions and superseding provisions.

15.28.010 Chapter 18, Chapter 33 and Appendix J of the 2013 California Building Code and California Residential Code adopted.

Chapter 18, Chapter 33 and Appendix J of the 2013 California Building Code and Section R300 of the California Residential Code are adopted by reference and except as herein otherwise provided are applicable to and shall cover all grading and excavation within the unincorporated area of the County of Fresno.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 91-008 §2 (part).)

15.28.020 Exceptions and superseding provisions.

The following sections, or portions thereof, of Chapters 18 and 33 of the 2013 California Building Code (CBC) and the California Residential Code (CRC) are deleted, amended or superseded by other provisions as in this section hereinafter indicated.

A. CBC Section 1808.7 and CRC Section R403.1.7 Foundations On or Adjacent to Slopes, shall be amended as follows:

Fills to be used to support the foundations of any building or structure shall be placed in accordance with accepted engineering practice. A Soil Investigation Report and a report of satisfactory placement of fill, both acceptable to the Grading Official, shall be submitted.

Where applicable see CBC Section 1804 Excavation, Grading and Fill for excavation and grading.

B. CBC Appendix J, Grading, is amended in its entirety to read as follows:

1. Section J101.1, Scope.

This Appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

The Grading Official, as defined in Chapter 1, Section 103.3, Deputies, is authorized and directed to enforce all provisions of Chapters 18, 33 and Appendix J of the 2013 California Building Code with powers and duties equal to those of the Building Official as found in Section 104 – Organization and Enforcement thereof, but only as such powers and duties relate to enforcement of said Chapters 18, 33 and Appendix J.

The standards listed below are recognized standards (see Chapter 35).

a) Testing.

1.1 ASTM D 1557-02, Moisture-density Relations of Soils and Soil Aggregate Mixtures.

1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method.

1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method.

1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method.

1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods.

C. Appendix J, Section J103.2, Exceptions, is amended by adding Exception Nos. 8, 9 and 10 to read as follows:

8. A fill that is either less than one-foot (1') (305 mm) in depth in five (5) units horizontal (twenty percent [20%] slope) ~~**,**~~ or less than three feet (3') (914 mm) in depth placed on flat terrain, is not intended to support structures, does not exceed fifty (50) cubic yards (39.3 m^3) on any one (1) lot, and does not obstruct or encroach upon a drainage course.
9. Agricultural grading, except that the provisions of this Section shall apply to a graded or excavated area influenced by a structure to be constructed thereon and intended primarily for human occupancy or where a definable drainage course is obstructed.
10. Grading which is under the supervision of a government agency.

D. Appendix J, Section J103.2, Exceptions, is amended by adding the following paragraph:

In those cases where a Grading Permit is not required, but where there may be an impact on surrounding properties or on present or future structures, a Grading Voucher may be required by the Grading Official.

E. Appendix J, Section J101, General, is amended by adding:

1. Hazards

a) Existing Hazards.

Whenever the Grading Official determines that any existing excavation, or embankment of fill, on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property/permittee upon which the excavation, or fill, is located, or other person or agent in control of said property, upon receipt of notice in writing from the Grading Official shall within the period specified therein repair or eliminate the hazard and be in conformance with the requirements of this Code.

In the event such hazard is not corrected as required within the time specified, the Grading Official may deem such hazard a public nuisance consistent with Subsections 15.32.010.A and 15.32.030.D of this Title and shall pursue abatement of such hazard as would the Building Official abate a public nuisance pursuant to the provisions of Section 15.32.035 et seq. of this Title. For the purposes of pursuing said provisions, the Grading Official shall be vested with equal powers and duties as the Building Official for the purposes of abating such hazard but shall do so in the name of the Director of the Department of Public Works rather that that of the Grading Official. Required noticing and posting as specified shall issue forth in accordance with this provision.

b) Hazardous Grading.

The Grading Official shall not issue a permit where he finds that the work as proposed by the applicant is liable to endanger private property or interfere with an existing drainage course. If it can be shown to the satisfaction of the Grading Official that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or other means, the Grading Official may issue the permit with the condition that such protective work be performed.

c) Geological or Flood Hazard

If, in the opinion of the Grading Official, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the Grading Permit and Building Permit for habitable structures shall be denied.

F. Appendix J, Section J102, is amended by adding the following definitions thereto:

1. "Agricultural Grading" shall mean the leveling of land to be used for the growing of food or fiber on parcels containing five (5) acres or more in area for the purpose of making the land more suitable for irrigation.

2. "Buildable Area" is that area which meets setback requirements as set forth in Figure 18-I-1 Setback Dimensions of this Code.
3. "Grading Official" means the Director of the Department of Public Works and Planning as used within the provisions of this Chapter and any assistant or employee in his/her office designated as deputies in accordance with Chapter 1, Section 103.3 of the 2013 California Building Code and California Residential Code Section R103.3.
4. "Grading Voucher" is a document which acknowledges compliance with the Fresno County Grading Ordinance for those projects which are exempt from Grading Permits.
5. "Approval" shall mean that the proposed work or completed work conforms to this Chapter in the opinion of the Grading Official.

G. Appendix J, Section J103.1, Permits required, is amended by adding:

Except as exempted in Section J103.2, a separate permit shall be required for each site, and may cover both excavations and fills. Subdivisions on which all grading is performed as a unit shall be considered as a single site.

H. Appendix J, Section J104, Permit Application and Submittals, is amended to read in its entirety as follows:

1. The provisions of Chapter 1, Section 105.3 are applicable to grading and excavation and in addition to the requirements set forth therein the application shall state the estimated quantities of work involved and the estimated starting and completion dates.
2. All grading in excess of one thousand (1,000) cubic yards shall be performed in accordance with the approved Grading Plan prepared by a Civil Engineer, and shall be designated as "engineered grading". Grading involving less than one thousand (1,000) cubic yards shall be designated "regular grading" unless the permittee, with the approval of the Grading Official, chooses to have the grading performed as "engineered grading". The Grading Official may designate grading in excess of one thousand (1,000) cubic yards as "regular grading" if he determines such designation will be in the public welfare.
3. Application for a Grading Permit shall be accompanied by two (2) sets of plans and specifications, and supporting data consisting of a Soils Engineering Report and Engineering Geology Report. The plans and specifications shall be prepared and signed by an individual licensed by the State to prepare such plans or specifications when required by the Grading Official.
4. Recommendations included in the Soils Engineering Report and the Engineering Geology Report shall be incorporated in the Grading Plans or specifications. When approved by the Grading Official, specific recommendations contained in the Soils Engineering Report and Engineering Geology Report, which are applicable to grading, may be included by reference.
5. Owner/Contractor Agreement.

   When an owner hires a contractor to do only a portion of the work proposed, a description of the work to be performed by both the owner and the contractor will be required with the Grading Permit. This description shall be acknowledged by both parties.

I. Appendix J, Section J104.4, Liquefaction study, is amended as follows:

The Grading Official may require a Geotechnical Investigation in accordance with Sections 1804.2 and 1804.5 when, during the course of an investigation, all of the following conditions are discovered, the Report shall address the potential for liquefaction:

1. Shallow ground water, fifty feet (50') (15240mm) or less.
2. Unconsolidated sandy allvium.
3. Earthquake loads.

J. Issuance.

Subsections 15.04.030 through 15.04.080 of the Fresno County Ordinance Code, relating to the administration and enforcement of permits, and Subsections 110.1, 110.38, 110.5 and 110.6 of the 2013 California Building Code, relating to inspections, are incorporated by reference

and made applicable to the administration and enforcement of the provisions of the Chapter with the duties and authorities ascribed to the Building Official being ascribed to the Grading Official while acting within the scope of this Chapter. The Grading Official may require that grading operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The Grading Official may require professional inspection and testing by the Soil Engineer. When the Grading Official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

K. Appendix J, Section J101, General, is amended as follows:

Fees shall be assessed in accordance with the provisions as set forth in the Master Schedule of Fees.

1. Charges and Recovered Costs adopted by separate Ordinance.
2. Plan Review Fees.

   When a plan or other data are required to be submitted, a Plan Review Fee shall be paid at the time of submitting plans and specifications for review. Said Plan Review Fee shall be as referred to in the Master Schedule of Fees. Separate Plan Review Fees shall apply to retaining walls or major drainage structures as required elsewhere in this Code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.
3. Grading Permit Fees.

   A fee for each Grading Permit shall be paid to the Grading Official as referred to in the Master Schedule of Fees. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this Code. There shall be no separate charge for standard terrace drains and similar facilities. The fee for a Grading Permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.
4. Bonds.

   The Grading Official may require a cash deposit per Title 15 Ordinance Code, Section 15.04.090 in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

   In lieu of a Surety Bond the applicant may file a Cash Bond or Instrument of Credit with the Grading Official in an amount equal to that which would be required in the Surety Bond.

L. Appendix J, Section J106, Excavations, is amended to read as follows:

Unless otherwise recommended in the approved Soils Engineering and/or Engineering Geology Report, cuts shall conform to the provisions of this Section. In the absence of an approved Soils Engineering Report, these provisions may be waived for minor cuts not intended to support structures.

M. Appendix J, Section J107, Fills, is amended as follows:

Unless otherwise recommended in the approved Soils Engineering and/or Engineering Geology Report fills shall conform to the provisions of this Section.

N. Appendix J, Section J107.4, Fill material, shall be amended in its entirety to read as follows:

Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Grading Official, no rock or similar irreducible material with a maximum dimension greater than twelve inches (12") (305 mm) shall be buried or placed in fills.

Exception: The Grading Official may permit placement of larger rock when the Soils Engineer properly devises a method of placement and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the Grading Permit, potential rock disposal areas shall be delineated on the Grading Plan.

2. Rock sizes greater than twelve inches (12") (305 mm) in maximum dimension shall be ten feet (10') (3048 mm) or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

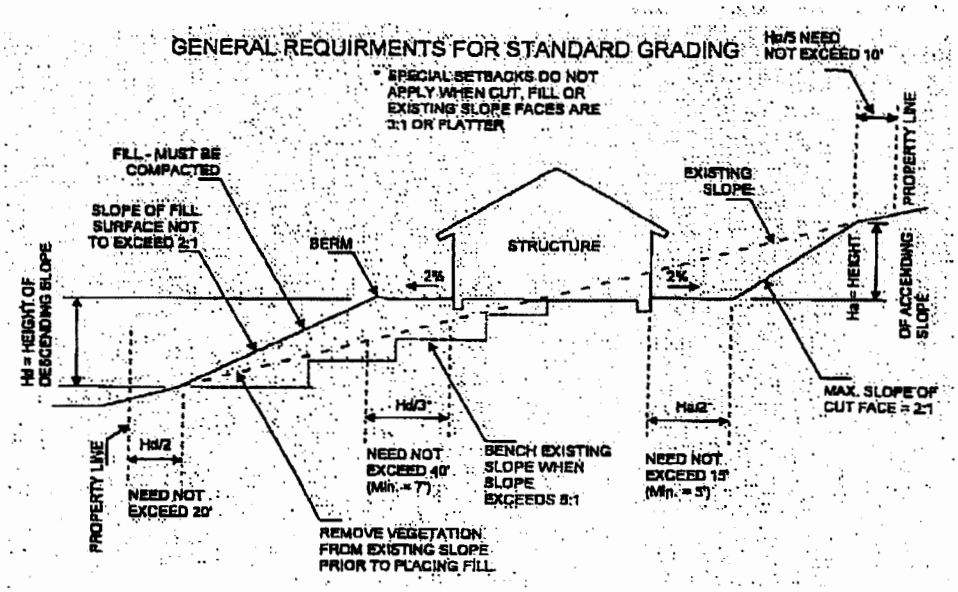
O. Appendix J, Section J107.5, Compaction, shall be amended as follows:

All fills shall be compacted to a minimum of ninety percent (90%) of relative maximum density, except that in areas designated by Chapter 15.48 Flood Hazards of this Title as Areas of Special Flood Hazard, all fills in such areas shall be compacted to a minimum of ninety-five percent (95%) of relative maximum density.

P. Appendix J, Section J108 Setbacks, Subsection 108.3, Slope Protection, is amended as follows:

The toe of fill slope shall be made not nearer to the site boundary line than one half (1/2) the height of the slope with a minimum of two feet (2') (610 mm) and a maximum of twenty feet (20') (6096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the Grading Official deems necessary to protect the adjoining property from damage as a result of such grading. See reference drawing for any reference referred to in California Building Code Appendix J, Section 108. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.



Q. Appendix J, Subsection J108.3, is amended to add:

1. Modification of Slope Location.

The Grading Official may approve alternate setbacks. The Grading Official may require an investigation and recommendation by a qualified Engineer or Engineering Geologist to demonstrate that the intent of this Section has been satisfied.

R. Appendix J, Section J109, Drainage and Terracing, Subsection 109.2, Terraces, is amended by adding the following:

Terrace widths and spacing for cut and fill slopes greater than one hundred-twenty feet (120') (36576 mm) in height shall be designed by the Civil Engineer and approved by the Grading Official. Suitable access shall be provided to permit proper cleaning and maintenance.

S. Appendix J, Section J109, Drainage and Terracing, Subsection J109.4, Drainage across property lines, is amended by adding the following:

1. Disposal.
   Building pads shall have a drainage gradient of two percent (2%) toward approved drainage facilities, unless waived by the Grading Official.

T. Appendix J, Section J109, Drainage and Terracing, Subsection J109.3, Interceptor Drains, is amended to read as follows:

Paved interceptor drains shall be installed along the top of all cut slopes where tributary drainage area above slopes toward the cut and has a drainage path greater than forty feet (40') (12192 mm) measured horizontally.

Interceptor drains shall be paved with a minimum of three inches (3") (76mm) of concrete or gunite and reinforced. They shall have a minimum depth of twelve inches (12") (305 mm) and a minimum paved width of thirty inches (30") (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the Grading Official.

U. Appendix J, Section 101, General is amended to read in its entirety as follows:

1. Grading operations for which a permit is required shall be subject to inspection by the Grading Official.
2. Professional inspection of grading operations shall be provided by the Civil Engineer, Soils Engineer, and the Engineering Geologist retained to provide such services in accordance with Appendix J, Section 105, Inspections for engineered grading and as required by the Grading Official for regular grading.
3. Soils Engineer.
   The Soils Engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The Soils Engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this Chapter. Revised recommendations relating to conditions differing from the approved Soils Engineering and Engineering Geology Reports shall be submitted to the permittee, the Grading Official, and the Civil Engineer.
4. Permittee.
   The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Grading Official. In the event of changed conditions, the permittee shall be responsible for informing the Grading Official of such change and shall provide revised plans for approval.
5. Notification of Noncompliance.
   If, in the course of fulfilling their respective duties under this Chapter, the Civil Engineer, the Soils Engineer or the Engineering Geologist finds that the work is not being done in conformance with this Chapter or the approved Grading Plans, the discrepancies shall be reported immediately in writing to the permittee and to the Grading Official.
6. Transfer of Responsibility.
   If the Civil Engineer, the Soils Engineer, or the Engineering Geologist of Record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Grading Official in writing of such change prior to the re-commencement of such grading.
7. The Grading Contractor shall submit in a form prescribed by the Grading Official a statement of conformance to said As-Built Plan and the specifications.

8. Notice of Completion.
   The permittee shall notify the Grading Official when the grading operation is ready for Final Inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved Grading Plan, and the required reports have been submitted.
   If an owner or contractor completes his portion of the work described when the Grading Permit was issued, he may request a Completion Notice for this portion of work prior to the Final Completion Notice or the expiration of the Grading Permit.
9. Concurrent Permits.
   Any grading work which is done in preparation for a structure, must obtain final approval of the Grading Permit prior to final approval of the corresponding Building Permit unless other provisions have been made.

(Amended by Ord. 11-005 (part), Ord. 07-049 (part).)

Chapter 15.30

REHABILITATION CODE OF RESIDENTIAL HOTELS

Sections:

15.30.010 Rehabilitation Code of Residential Hotels adopted.

The Model Code for the Rehabilitation of Residential Hotels, including the exhibits attached thereto, as adopted by the State of California Department of Housing and Community Development (HCD) and the Office of the State Fire Marshal dated December 31, 1980, is adopted.

Note: This code is available from the Department of Housing and Community Development (HCD) upon request.

(Ord. 07-049 (part), Ord. 0-84007 (part), Ord. 0-81-018 §9.)

Chapter 15.32

SUBSTANDARD HOUSING AND UNSAFE STRUCTURES - NUISANCES

Sections:

15.32.005 State Housing Law Regulations.
15.32.010 Nuisance.
15.32.020 Purpose of declaring an unused service station a nuisance.
15.32.030 Definitions.
15.32.035 Warning of proceeding and fees.
15.32.040 Notice to owners.
15.32.050 Proceedings before the board of review.
15.32.060 Hearing.
15.32.070 Appeal to board of supervisors.
15.32.080 Time to bring action.
15.32.090 Jurisdiction to abate.
15.32.100 Sale of materials.
15.32.110 Statement of expense.

15.32.005 State Housing Law Regulations.

The State Housing Law Regulations as referenced in California Code of Regulations, Title 25, Division 1, Subchapter 1, is adopted by reference.
(Ord. 07-049 (part).)

15.32.010 Nuisance.

The following conditions are public nuisances:

A. Any property or portion thereof which, as the result of development, has become unsafe, injurious to health, indecent, offensive to the senses, or which unlawfully obstructs the free passage or use, in the customary manner, of any county park, square, street or highway, or which constitutes a fire hazard;
B. Any dangerous building or structure;
C. Any substandard housing or dwelling;
D. Any unused service station.

(Ord. 0-84-008 (part), Ord. 587 §2 (part), 1977.)

15.32.020 Purpose of declaring an unused service station a nuisance.

The Board of Supervisors declares and finds that unused service stations constitute a hazard to the health, safety and general welfare for the following reasons:

A. They constitute a danger to life and property due to the use or storage on such premises of flammable and explosive liquids, the accumulation of vapors in their underground tanks and the presence of other hazardous material on such site.
B. By their nature, they are often prominently situated on major intersections and thoroughfares. They are, therefore, singularly conspicuous to the public. They impose a rundown appearance upon their neighborhoods, which is unsightly and induces further deterioration of such areas.
C. Their distinctive physical appearance is difficult and expensive to adapt to other uses.
D. Because of the unenclosed character of service stations, they invite vandalism, arson and afford likely places for the concealment of criminal activity.

(Ord. 0-84-008 (part), Ord. 587 §2 (part), 1977.)

15.32.030 Definitions.

As used in this Chapter:

A. "Abandoned building or structure" means any building or structure which has not been actively utilized for a lawful purpose, which has not been maintained, and which has not been rendered inaccessible to members of the public by boarding or similar means, for a continuous period of not less than six (6) months.

B. "Converted service station" means any site which has been lawfully converted from a service station to another use, but from which the pumps, pump islands, signs, insignias, trade marks, supporting structures, mountings, foundations, underground tanks which have not been removed or otherwise made safe in the opinion of the Building Official, or other improvements uniquely and customarily associated with service station operations, have not been taken down, dismantled and removed.

C. A "dangerous building or structure" means that the condition or defect hereinafter described exists to the extent that life, health, property or safety of the public or its occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means or exit is not of sufficient width or size, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;
2. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1-1/2) times the working stress or stresses allowed in the County Building Code for new buildings of similar structure, purpose or location;
3. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the County Building Code for new buildings of similar structure, purpose or location;
4. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
5. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the County Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the County Building Code for such buildings;
6. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;
7. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse;
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
9. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity does not fall inside the middle one-third of the base;
10. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

11. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
12. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the strength, fire resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly-constructed building of like area, height and occupancy in the same location;
13. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;
14. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure;
15. Whenever any building or structure is abandoned;
16. Whenever the occupant load increases due to a change in use of an unreinforced masonry building;
17. Whenever a hazardous condition as is described in Section 15.28.020 of this Code is found to exist.

D. A "public nuisance" is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

E. "Service station" means any site improved by the installation of gasoline or other petroleum product dispensing pumps or apparatus for retail sale to the public.

F. "Substandard housing" means, in addition to the conditions described in Section 15.32.030.C.1 through 17, that one (1) or more of the following conditions or defects are present in a dwelling unit, guest room, suite of rooms or the premises on which the same are located, which are ordinarily and customarily used for human habitation, to the extent that the life, limb, health, safety or property of the occupants or the public are in danger.

1. Inadequate sanitation, which shall include but not be limited to the following:
   a) Lack of or improper water closet, lavatory, bathtub or shower in a dwelling unit,
   b) Lack of or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel,
   c) Lack of or improper kitchen sink,
   d) Lack of hot and cold running water to plumbing fixtures in a hotel,
   e) Lack of hot and cold running water to plumbing fixtures in a dwelling unit,
   f) Lack of adequate heating facilities,
   g) Lack of or improper operation of required ventilation equipment,
   h) Lack of minimum amounts of natural light and ventilation as required by Title 15 of this Code,
   i) Room and space dimensions less than required by Title 15 of this Code,
   j) Lack of required electrical lighting,
   k) Excessive dampness of habitable rooms,
   l) Excessive infestation of insects, vermin or rodents,
   m) General dilapidation,
   n) Lack of connection to functional sewage disposal system,
   o) Discharge of sewage on the surface of the ground, and lack of an adequate and safe water supply;

2. Structural hazards, which include but are not limited to the following:
   a) Deteriorated or inadequate foundations,
   b) Defective or deteriorated flooring or floor supports,
   c) Flooring or floor supports of insufficient size to carry imposed loads with safety,
   d) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration,
   e) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety,
   f) Members of ceilings, roofs, ceiling roof supports or other horizontal members with sag, split or buckle due to defective material or deterioration,
   g) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety,
   h) Fireplaces or chimneys which list, bulge or have settled, due to defective materials or deterioration,
   i) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety, and
   j) Cesspools and septic tanks which are structurally unsound;
3. Hazardous wiring;
4. Hazardous plumbing, which includes but is not limited to the following:
   a) Any trap which is defective, unprotected against siphonage and back-pressure by vent pipe or does not have a functional sanitary trap seal,
   b) Any plumbing fixture or other waste-discharging receptacle or device which is not supplied with sufficient water for flushing to maintain it in a clean condition, and
   c) Any other plumbing condition which is sanitarily unsafe to any person who may occupy the building;
5. Hazardous mechanical equipment;
6. Faulty weather protection, which includes but is not limited to the following:
   a) Deteriorated, crumbling or loose plaster,
   b) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors,
   c) Defective of lack of weather protection for exterior wall coverings, including lack of paint or weathering, and
   d) Broken, rotted, split or buckled exterior wall or roof coverings;
7. Fire hazard, which shall mean any building (or portion thereof), device, apparatus, equipment, combustible waste or vegetation which is likely to cause a fire or explosion or which is likely to provide a ready source of fuel to augment the spread and intensity of a fire or explosion;
8. Faulty materials of construction;
9. Hazardous or unsanitary premises, which shall mean those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constitute fire, health or safety hazards;
10. Inadequate exits;
11. Inadequate fire-protection or fire-fighting equipment, which shall mean all buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by Title 15 of this Code, or whose fire-resistive integrity and fire-extinguishing systems or equipment have not been adequately maintained and improved in relation to any increase in occupant load, alteration, addition, change in occupancy or change in use.

G. "Unused service station" means any service station or converted service station which has been closed for not less than fifty (50) weeks within a period of one (1) year. A service station shall be considered closed for each week it was not open for business at least eight (8) hours a day for five (5) days.

(Ord. 07-049 (part), Ord. 90-003 §18, Ord. 0-84-008 (part), Ord. 0-81-002 §19, Ord. 587 §2 (part), 1977.)

15.32.035 Warning of proceeding and fees.

If the Enforcement Officer identifies conditions upon real property which may lead to a substandard structure enforcement proceeding, the owner/permittee shall be provided, in person or by mail, a warning letter describing the enforcement procedure and the associated fees that may be imposed. Failure of the property owner/permittee to receive such letter shall not preclude further enforcement action pursuant to this Chapter.

(Ord. 07-049 (part), Ord. 90-014 §1.)

15.32.040 Notice to owners.

A. The Building Official or the Director of the Department of Public Health of the County may determine that a building or structure or other property within the County constitutes a public nuisance. The Department of Public Health shall have primary authority for the enforcement of substandard housing violations.

B. Upon such determination, the Building Official or Health Officer shall notify, by means of certified or registered mail, the owner, as such person's name appears on the last equalized County Assessment Roll, mortgagees and Beneficiaries under any Deed of Trust relating to such property of record (if such persons' addresses are known or reasonably available) that the building, structure or property is a public nuisance. A copy of such notice shall also be posted at conspicuous places (front and rear) on such building, structure or property.

C. Upon such determination and noticing, the property owner shall be liable for a fee for initial actions to enforce substandard structure violations as set forth in the Master Schedule of Fees, Charges and Recovered Costs of Fees, Charges and Costs Recovery. If the fee is not paid within thirty (30) days of noticing, the Enforcement Officer shall notify the person liable for the fee by Certified Mail of the intent to record a Lien with the County Recorder for the amount of the fee. Once notice has been accomplished, the Enforcement Officer may record in the office of the County Recorder a certificate specifying the amount of the fee, interest as authorized by law and the name and last known address of the person liable therefore.

D. Such notice shall contain a statement describing the condition which renders such structure or property a nuisance.

If, in the opinion of such official, such condition can be corrected or abated by repair or other work, such notice shall also state and describe the specific repairs or other work required to abate such condition. The notice shall order that the conditions which constitute the nuisance be abated by demolition, repair or other means within thirty (30) days after the date such notice was mailed. Such official may further order, upon a finding that there exists extreme and imminent danger to the lives or safety of the occupants, that the building, structure or property, or any portion thereof be immediately vacated.

E. Upon the issuance of an order calling for the immediate vacation of a building, structure or property:

1. The official shall attempt to notify the occupants and owners thereof of the dangers which mandate such immediate vacation, either by telephone, telegraph or by personally visiting the premises;
2. If the imminently dangerous condition can be substantially relieved by the performance of minor repairs, disconnection of certain utility services or other acts, the official may perform such acts of work without the prior consent of or notice to the owners or occupants;

3. If such danger cannot be substantially relieved by such work and upon the failure and refusal of the occupants to voluntarily vacate such premises, the official may personally disconnect the electrical, gas and other utility services to such premises or may request the appropriate utility companies to do so; and
4. The official shall post warnings to all persons not to enter such premises, stating the reasons therefore.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 90-014 §2, Ord. 90-003 §19, Ord. 0-84-008 (part), Ord. 0-81-002 §20 (part), Ord. 587 §2 (part), 1977.)

15.32.050 Proceedings before the board of review.

A. If, within forty-five (45) days of the date of mailing and posting of the notice described in Section 15.32.040, the nuisance condition described in the notice has not been abated as required therein, the Health Officer or the Building Official may institute proceedings before the Board of Review for the abatement of such nuisance.

B. Proceedings shall be instituted before the Board of Review by filing a "Notice to Abate Public Nuisance". A copy of such notice shall be served upon the owners, mortgagees and beneficiaries under any Deed of Trust relating to such property of record. Such notice shall be served and posted in the manner prescribed in Section 15.32.040.B and in the event all such persons' addresses are not known or reasonably available to the official, it shall also be published once in a newspaper of general circulation in the County. A copy of such notice may also be filed with the County Recorder.

Upon the issuance of the "Notice to Abate Public Nuisance" the property owner shall be liable for a second fee for actions to enforce substandard structure violations as set forth in the Master Schedule of Fees, Charges and Recovered Costs of Fees, Charges, and Costs Recovery. If the fee is not paid within thirty (30) days of noticing, the Enforcement Officer shall notify the person liable for the fee by Certified Mail of the intent to record a Lien with the County Recorder for the amount of the fee. Once notice has been accomplished, the Enforcement Officer may record a certificate in the same manner as specified in Section 15.32.040.C.

C. Such notice shall state the time, place and date of the hearing before the Board of Review (which in no event shall be sooner than fifteen [15] days from the date of such notice); the specific conditions which constitute the public nuisance; and shall direct such owner to appear and show cause why such building, structure or property should not be determined a public nuisance and said nuisance be abated. The notice to abate public nuisance shall be in letters not less than three-fourths (3/4) of an inch in height and be in substantially the following form:

"NOTICE TO ABATE PUBLIC NUISANCE"

The owner of the building, structure or property situated at ..... is hereby notified to appear before the Board of Review of the County of Fresno at its meeting to be held on..... 20..., at.....(place of meeting), at the hour of..... o'clock, or as soon thereafter as he may be heard, and show cause if any he has, why said building, structure or other property should not be declared a public nuisance and said nuisance be abated by reconstructing, properly repairing, razing, removing or other appropriate means.

DATED:

DEPARTMENT OF PUBLIC WORKS AND PLANNING, or DEPARTMENT OF PUBLIC HEALTH

BY

D. The failure of any owner or other person to receive any notice required to be given or posted by this Chapter shall not affect in any manner the validity of any proceedings taken hereunder.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 90-014 §3; Ord. 90-003 §20, Ord. 0-84-008 (part), Ord. 0-81-002 §20 (part), Ord. 587 §2 (part), 1977.)

15.32.060 Hearing.

A. At the time fixed in the notice, the Board of Review shall proceed to hear all competent, relevant and reliable evidence respecting the condition of the building, structure or property, the estimated cost of its reconstruction, repair, removal or other work, and any other matter which the board of review may deem pertinent thereto.

B. Upon the conclusion of the hearing, the Board of Review shall, by resolution, make its findings based on the weight of the evidence presented at such hearing. In the event that it so concludes, it may declare the building, structure or property a public nuisance and direct the owner thereof to abate the same within thirty (30) days after the date of posting on the premises a notice of the passage of the Resolution.

The Resolution may further order that the building, structure or property be razed, removed or otherwise abated within the thirty (30) days, and that the expense thereof be made a Lien on the lot or parcel of land upon which the building, structure or property is located.

C. At any time within sixty (60) days after the passage of such Resolution directing the abatement of a public nuisance, the Building Official or Health Officer shall conspicuously post a copy thereof on the building, structure or property declared a public nuisance, and shall mail another copy of such Resolution to the owners thereof as well as to the mortgagees and beneficiaries under any Deed of Trust relating to such property, of record. If the address of any such person is unknown to the official, then a copy of such Resolution shall be published once in a newspaper of general circulation in the County.

D. The Board of Review may grant reasonable extensions of time to abate the nuisance upon good cause therefor being shown.

(Ord. 07-049 (part), Ord. 90-003 §21, Ord. 0-84-008 (part), Ord. 0-81-002 §20 (part), Ord. 587 §2 (part), 1977.)

15.32.070 Appeal to board of supervisors.

Any interested party, including the Building Official or Health Officer, may appeal the decision of the Board of Review to the Board of Supervisors by filing an appeal in writing with the Clerk of the Board of Supervisors of the County within ten (10) days of such final decision of the Board of Review. Upon the filing of an appeal, the Board of Supervisors shall schedule and notify the parties of a hearing to be conducted in accordance with the provisions of Section 15.32.060. The Board shall consider all relevant, competent and reliable evidence. It may sustain, modify or reverse the decision of the board of review. The decision of the Board of Supervisors shall be final, except as hereinafter provided.
(Ord. 90-003 §22, Ord. 0-84-008 (part), Ord. 0-81-002 §20 (part), Ord. 587 §2 (part), 1977.)

15.32.080 Time to bring action.

Any interested person feeling aggrieved by the actions of the Board of Supervisors may, within thirty (30) days after the date of notice to the parties of its decision, bring an action in a court of competent jurisdiction to contest the validity of the proceedings.
(Ord. 0-84-008 (part), Ord. 587 §2 (part), 1977.)

15.32.090 Jurisdiction to abate.

Thirty (30) days after posting the Resolution of the Board of Review or of services of the Resolution of the Board of Supervisors respecting the building, structure or property, the County may take such action to abate the nuisance as was authorized and directed by the Board of Review or the Board of Supervisors unless the nuisance has previously been abated by the owner or other interested person.
(Ord. 0-84-008 (part), Ord. 587 §2 (part), 1977.)

15.32.100 Sale of materials.

A. The building materials contained in such building which has been razed or removed, or on such property on which a nuisance has been abated, may be sold by the County at public sale to the highest responsible bidder after not less than five (5) days notice of intended sale, published at least once in a newspaper of general circulation in Fresno County, either before or after the building is razed or removed.

B. The Department of Public Works and Planning or the Department of Public Health shall keep an itemized account of the expenses incurred in abating any nuisance and shall deduct therefrom the amounts received from the sale of such building materials.

C. The Building Official or the Director of the Department of Public Health shall cause to be conspicuously posted on the property upon which a nuisance has been abated, a statement, verified by the Building Official or the Health Officer in charge of doing the work, showing the gross and net expense of the abatement work, together with a notice of the time and place that the statement will be submitted to the Board of Review for approval and confirmation.

D. The Board of Review shall consider objections or protests, if any, which may be raised by any person liable to be assessed for the cost of such work and any other interested person. A copy of the statement and notice shall be mailed in the manner prescribed in Section 15.32.040. The time for submitting the statement to the Board of Review for confirmation shall be not less than five (5) days from the date of posting and mailing the statement and notice.

(Amended by Ord. 10-008, Ord. 90-003 §23, Ord. 0-84-008 (part), Ord. 0-81-002 §21, Ord. 587 §2 (part), 1977.)

15.32.110 Statement of expense.

A. At the time fixed for hearing objections or protests to the statement of expense, the Board of Review shall consider the statement, together with any objections or protests which may be raised. The Board of Review may make such revision, correction, or modification in such

statement as it may deem just. The Board's decisions on the statement, protests and objections shall be final and conclusive.

B. In the event that the cost of razing, removing or abating the nuisance exceeds the proceeds, if any, received from the sale of materials, such unrecovered costs, if not paid within five (5) days after the decision, shall constitute a Lien on the real property upon which the same was abated or removed. Such Lien shall continue until the amount thereof and interest thereon (at the rate of six percent [6%] per year computed from the date of confirmation of the statement) is paid or discharged of record. Such costs shall be collected with the property taxes for such property, and such Lien shall have, for all purposes, parity with State, County and Municipal Tax Liens. The Building Official or Health Officer may, within sixty (60) days after the decision of the Board of Review on the statement, cause to be filed in the Office of the Recorder of Fresno County, a certificate substantially in the following form:

"NOTICE OF LIEN"

Pursuant to the authority vested in the undersigned by Chapter 15.32 of the Ordinance Code of the County of Fresno, Government Code Section 25845 of the State of California and Title 25 of the Administrative Code of the State of California, the undersigned did on the day of ....., 20..... cause a nuisance to be abated on the real property hereinafter described; and the undersigned did, on the day of ....., 20....., assess the cost of such abatement, less the amount received from the sale of building materials upon the real property hereinafter described, and same has not been paid nor any part thereof; and said County of Fresno does hereby claim a lien on said real property for the net expense of doing said work in the sum of ..... , and the same shall be a lien upon said real property to be collected, together with the real property taxes, until the said sum, with interest at the rate of six percent (6%) per annum, from the day of ....., 20....., (insert date of confirmation of statement) has been paid in full and discharged of record. The real property herein before mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the County of Fresno, State of California and particularly described as follows:

(space left for description and Assessor's parcel number)

Dated . . . . . DEPARTMENT OF PUBLIC WORKS AND PLANNING, OR DEPARTMENT OF PUBLIC HEALTH

BY.....

Name of Officer

1. From and after the date of recording the notice of lien all persons shall be deemed to have notice of the contents thereof. The statute of limitations shall not run against the right of the county to enforce the payment of the lien.
(Ord. 03-0001 (part).)

C. In the event that the amounts received from the sale of materials exceed the expenses of razing, removing or otherwise performing work on such building, structure or property, such excess shall be deposited with the Treasurer of the County to the credit of the owner of such property or to such other person legally entitled thereto. Such excess shall be payable to the owner or other person upon production of evidence of ownership, or other interest satisfactory to the treasurer.

(Amended by Ord. 10-008, Ord. 07-049 (part).)

Chapter 15.44

UNDERGROUND UTILITY DISTRICT

Sections:

15.44.010 Definitions.
15.44.020 Public hearing by board.
15.44.030 Board may designate underground utility districts by resolution.
15.44.031 Board may consent to formation of underground utility districts by city.
15.44.040 Unlawful acts.
15.44.050 Exception, emergency or unusual circumstances.
15.44.060 Other exceptions.
15.44.070 Notice to property owners and utility companies.
15.44.080 Responsibility of utility companies.
15.44.090 Responsibility of property owners.
15.44.100 Responsibility of county.
15.44.110 Extension of time.

15.44.010 Definitions.

Whenever in this Chapter the words or phrases hereinafter in this Section defined are used, they shall have the respective meanings assigned to them in the following definitions:

A. "Board" means the Fresno County Board of Supervisors.
B. "Clerk" means the Clerk of the Fresno County Board of Supervisors.
C. "Commission" means the Public Utilities Commission of the State of California.
D. "County" means the County of Fresno.
E. "Director" means the Fresno County Director of the Department of Public Works and Planning.
F. "Person" means and includes individuals, firms, corporations, partnerships and their agents and employees.
G. "Poles, overhead wires and associated overhead structures" means poles, tower supports, wires, conductors, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service.
H. "Underground utility district" or "district" means that unincorporated area in the County within which poles, overhead wires and associated overhead structures are prohibited as such area is described in a Resolution adopted pursuant to the provisions of Section 15.44.030 of this Chapter.
I. "Utility" includes all persons or entities supplying, for their own use or the use of others, electric, communication or similar or associated facilities by means of electrical material or devices.

(Ord. 03-0001 (part).)

15.44.020 Public hearing by board.

The Board may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the unincorporated area of the County and the underground installation of wires and facilities for supplying electric, communication or similar or associated service.

Report by Director. Prior to holding such public hearing, the Director shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, estimates of the extent of such utilities' participation, and an estimate of the time required to complete such underground installations and the removal of overhead facilities.

The Clerk shall notify all affected property owners, as shown on the last equalized Assessment Roll, and utilities concerned, by mail, of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Board shall be final and conclusive.

15.44.030 Board may designate underground utility districts by resolution.

If, after any such public hearing, the Board finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Board shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such Resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

15.44.031 Board may consent to formation of underground utility districts by city.

When any Underground Utility District is initiated by a legislative body of a city within the County, and such Underground Utility District includes a portion of the unincorporated area within the County, the Board of Supervisors may, by resolution, consent to the formation of such District.

15.44.040 Unlawful acts.

Whenever the Board creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 15.44.030 hereof, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such Resolution, except as said overhead facilities may be required to furnish service to an owner/permittee or occupant of property prior to the performance by such owner/permittee or occupant of the underground work necessary for such owner/permittee or occupant to continue to receive utility service as provided in Section 15.44.090 hereof, and for such reasonable time required to remove such facilities after said work has been performed, and except as otherwise provided in this Chapter.
(Ord. 07-049 (part).)

15.44.050 Exception, emergency or unusual circumstances.

Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period not to exceed thirty (30) days, without authority of the Board, in order to provide emergency service. The Board may grant special permission on such terms as the Board may deem appropriate, in cases of unusual circumstances, without public hearing to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

15.44.060 Other exceptions.

This Chapter and any Resolution adopted pursuant to Section 15.44.030 hereof shall, unless otherwise provided in such Resolution, not apply to the following types of facilities:

A. County facilities or equipment installed under the supervision and to the satisfaction of the Director;
B. Poles or electroliers used exclusively for street lighting;
C. Overhead wires (exclusive of supporting) crossing any portion of a District, within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts;
E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one (1) location on the building to another location on the same building or to an adjacent building without crossing any public street;
F. Antennae associated equipment and supporting structures, used by a utility for furnishing communication services;
G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

15.44.070 Notice to property owners and utility companies.

Within ten (10) days after the effective date of a Resolution adopted pursuant to Section 15.44.030 hereof, the Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by the Clerk shall be made by mailing a copy of the Resolution adopted pursuant to Section 15.44.030, together with a copy of this Chapter, to affected property owners as such are shown on the last equalized Assessment Roll, and to the affected utilities.

15.44.080 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a District created by any Resolution adopted pursuant to Section 15.44.030 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

15.44.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a District shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 15.44.080 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs on the respective utility or utilities on file with the Commission.
B. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of Subparagraph A of this Section within the time provided for in the Resolution enacted pursuant to Section 15.44.030 hereof, the Director shall post written notice on the property being served and thirty (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

C. If the action required in Subparagraph A is not accomplished by any person within the time provided for in the Resolution enacted pursuant to Section 15.44.030, the Director, with the consent of the Board, shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the latest equalized County Assessment Roll, or as is known to the Director of the Department of Public Works and Planning, to provide the required underground facilities within ten (10) days after receipt of such notice.

1. The notice to provide the required underground facilities may be given either by personal service or by Certified Mail, return receipt requested. If notice is given by mail to either the owner/permittee or occupant of such premises, the Director shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a form not less than eight inches by ten inches (8" x 10") in size, to be posted in a conspicuous place on the premises.
2. The notice shall particularly specify that work is required to be done, and shall state that if the work is not completed within thirty (30) days after receipt of such notice, the County will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a Lien upon such property.
3. If upon expiration of the thirty-day (30-day) period, the required underground facilities have not been provided, the County, acting through its Director of the Department of Public Works and Planning, shall forthwith proceed to do the work. Upon completion of the work by the Director, he shall file a written report with the Board setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Board shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises.
4. The Director shall forthwith, upon the time for hearing such protests having been fixed give written notice to the person in possession of such premises and to the owner thereof in the manner provided in Subsection 1 herein.

   The notice shall describe the work completed, the legal description of the property, the amount of the proposed assessment, the time and place of the hearing wherein the Board will consider the adoption of the proposed assessment, and a statement that the assessee shall have an opportunity at the time of such hearing to attend and protest the proposed assessment. The hearing shall not be earlier than ten (10) days after the giving of the notice thereof.
5. Upon the date and hour set for the hearing of the protests, the Board shall hear and pass upon the report as provided in Fresno County Ordinance Code, Title 14, Section 14.16.080, Water and Sewage.
6. Within ten (10) days of the confirmation of the assessment by the Board, the assessment shall be payable to the County Treasurer. If all or any portion of the assessment is not paid to the County Treasurer within ten (10) days after its confirmation, the amount of the assessment shall become a Lien upon the property as provided in Fresno County Ordinance Code, Title 14, Section 14.16.090, Special Assessment and Lien.
7. In the event all or any portion of the assessment is not paid within ten (10) days after its confirmation, collection of the assessment may be payable in installments upon adoption of a Resolution therefore according to the procedure described in Section 14.16.100.

(Ord. 07-049 (part).)

15.44.100 Responsibility of County.

County shall remove at its own expense all County-owned equipment from all poles required to be removed hereunder within a reasonable time to enable the owner or user of such poles to remove the same within the time specified in the Resolution enacted pursuant to Section 15.44.030 hereof.
(Ord. 07-049 (part).)

15.44.110 Extension of time.

In the event that any act required by this Chapter or by a Resolution adopted pursuant to Section 15.44.030 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

Chapter 15.48

FLOOD HAZARD AREAS

Sections:

15.48.010 Statutory authorization.
15.48.020 Findings of fact.
15.48.030 Statement of purpose.
15.48.031 Methods of reducing flood losses.
15.48.040 Statement of scope.
15.48.050 Definitions.
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15.48.070 Administration.
15.48.080 Provisions for flood hazard reduction.
15.48.090 Variance procedure.

15.48.010 Statutory authorization.

A. The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County of Fresno does hereby adopt the following floodplain management regulations.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 88-004 §2 (part).)

15.48.020 Findings of fact.

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

B. These flood losses are caused by uses that are inadequately elevated, flood proofed, anchored, or otherwise protected from flood damage. The cumulative effect of obstructions or encroachments in areas of special flood hazards which increase flood heights, widths, and/or velocities also contribute to flood losses.

(Amended by Ord. 10-008, Ord. 07-049 Exh. A (part).)

15.48.030 Statement of purpose.

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately-owned land within flood-prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

A. Protect human life and health;

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

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

D. Minimize prolonged business interruptions;

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

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 98-015 §1, Ord. 88-004 §2 (part).)

15.48.031 Methods of reducing flood losses.

In order to accomplish its purposes, this Chapter includes methods and provisions 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; and
E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.
F. These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 98-015 §2.)

15.48.040 Statement of scope.

Requirements of this Chapter shall apply to all new development, substantial improvements, minor improvements, and conversions of existing nonresidential structures to residential uses within flood hazard areas. Such structures must meet the lowest floor elevation or floodproofing requirements. Residential garages, swimming pools, storage structures, open patios, decks and carports within flood hazard areas may be constructed below the base flood level but must meet the anchoring, wet floodproofing, construction methods and materials standards. Water, sewer and on-site waste disposal systems within the flood hazard areas shall be designated to avoid impairment from the floodwaters and shall be designed to minimize or eliminate both infiltration of floodwaters into the system and discharge from the sewer system into the floodwaters.

(Amended by Ord. 10-008, Ord. 98-015 §3, Ord. 88-004 §2 (part).)

15.48.050 Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter it's most reasonable application:

A. "Accessory structure, low-cost and small" means a structure that is:
   1. Solely for the parking of no more than two (2) cars or limited storage (small, low-cost sheds); and
   2. Less than one hundred-twenty (120) square feet in size.
B. "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
C. "Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter.
D. "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 (1' – 3'); 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.

E. "Area of special flood hazard" see "Special flood hazard area".

F. "Base flood" means a flood which has a one percent (1%) 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.

G. "Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, and A1-30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

H. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

I. "Board of Supervisors" is the local governing unit that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

J. "Building" see "Structure".

K. "Commercial coach" means a vehicle, with or without motor power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and shall include a trailer coach.

L. "Cost of repairs" means all costs necessary to fully repair a substantially damaged structure to its before damaged condition. Acceptable estimates of cost of repair shall be obtained from the following source:

1. Itemized estimates made by licensed contractors or other professional estimators in the construction industry.

M. "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.

N. "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.

O. "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 affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the County.

P. "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).

Q. "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.

R. "Flood Boundary and Floodway Map" (FBFM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

S. "Flood hazard area" see "Special flood hazard area".

T. "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.

U. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

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

W. "Floodplain Administrator" is the Director of the Department of Public Works and Planning or his/her designees and is appointed to administer and enforce the floodplain management regulations.

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

Y. "Floodplain management regulations" means this Chapter and other Zoning Ordinances, subdivision regulations, Building Codes, health regulations, Special Purpose Ordinances (such as Chapter 15.28, Grading and Excavation of this Title) 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.

Z. "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 property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see Federal Emergency Management Agency (FEMA) Technical Bulletins (TB) 1-93, 3-93 and 7-93.

AA. "Flood-related erosion" means a condition that exists in conjunction with a flood event that alters the composition of the shoreline or bank of a watercourse, or that increases the possibility of loss due to the erosion of the land area adjacent to the shoreline or watercourse.

BB. "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 (1'). Also referred to as "Regulatory Floodway".

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

DD. "Fraud and victimization" as related to Section 15.48.090, Variance procedure, of this Chapter, means that the Variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Board of Supervisors 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.

EE. "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 <u>only</u> 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 <u>not</u> include long-term storage or related manufacturing facilities.

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

GG. "Hardship" as related to Section 15.48.090, Variance procedure, of this Chapter means the <u>exceptional</u> hardship that would result from a failure to grant the requested Variance. The Board of Supervisors requires that the Variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is <u>not</u> 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/permittee to build elsewhere or put the parcel to a different use than originally intended.

HH. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction within twenty feet (20') of the proposed outer walls of a structure.

II. "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 the 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.

JJ. "Levee" means a man-made structure, usually an earthen embankment, designated 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.

KK. "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.

LL. "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 that it conforms to applicable non-elevation design requirements, including but not limited to:
   a) The flood openings standard in Section 15.48.080.A.3.c of this Chapter;
   b) The anchoring standards in Section 15.48.070.A.1 of this Chapter;
   c) The construction materials and methods standards in Section 15.48.070.A.2 of this Chapter; and
   d) The standards for utilities in Section 15.48.070.C of this Chapter.

MM. "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" does not include recreational vehicles, travel trailers, and other similar vehicles.

NN. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

OO. "Market value" means, for purposes of determining substantial improvement, the value of the structure in question. It does not pertain to the land, landscaping or detached accessory structures on the property. Acceptable estimates of market value shall be obtained from the following sources:

1. Independent appraisals by a professional Appraiser; or
2. Property appraisals used for tax assessment purposes.

PP. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or

other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

QQ. "Minor improvement" means any improvement to a main structure whose construction date occurred subsequent to July 23, 1980, that is not a "substantial improvement" except that this term does not include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

RR. "Mobile home" see "Manufactured home".

SS. "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after July 23, 1980, and includes any subsequent improvements to such structures.

TT. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the County.

UU. "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.

VV. "One-hundred year flood" or "100-year flood" or "one percent chance flood" see "Base flood".

WW. "Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

XX. "Public safety and nuisance" as related to Section 15.48.090, Variance procedure, of this Chapter means that the granting of a Variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin.

YY. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (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.

ZZ. "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 (1').

AAA. "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.

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

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

DDD. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an Flood Boundary and Floodway Map (FBFM) or Flood Insurance Rate Map (FIRM) as Zone A, AO, A1 - A30, AE, A99, or AH.

EEE. "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 manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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.

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

GGG. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

HHH. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, or any accumulation thereof occurring after July 23, 1980, the cost of which equals or exceeds fifty percent (50%) of the market value or square footage of the structure either:

1. Before the "start of construction" of the improvement or in the case of cumulative improvements before July 23, 1980; or
2. If the structure has incurred "substantial damage" and is being restored, before the damage occurred. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or comply with 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".

A change from non-residential to residential structure use shall constitute a "substantial improvement" for the purpose of bringing the structure under consideration into conformance with this Chapter. The addition or improvement of a basement shall constitute a "substantial improvement."

III. "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.

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

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

LLL. "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.

MMM. "Zone A" means areas on the Flood Insurance Rate Maps (FIRM) that are designated "Zone A" which zone shows only the area subject to flooding in a one percent (1%) chance flood. Where no other data as to base flood depth or elevation is shown on the Flood Insurance Rate Map (FIRM), the base flood elevation in this zone shall be one (1) of the following:

1. In areas where the top of curb elevations have been established by an adopted Storm Drainage Master Plan or by a governmental agency having jurisdiction over said elevations, an elevation eighteen inches (18") above the top of curb at the point nearest to the center of the structure. On a corner lot, the lower curb elevation shall apply.
2. In areas where a Storm Drainage Master Plan for top of curb elevations has not been adopted and the structure being developed is less than one hundred feet (100') from the centerline of the road, an elevation two feet (2') above the crown of pavement of the road immediately adjacent to the property. The elevation will be taken at the intersection of the crown of the road and a projection of a line from the center of the structure. On a corner lot, the lower crown elevation shall apply.
3. In areas where a Storm Drainage Master Plan for top of curb elevations has not been adopted, and the structure is in excess of one hundred feet (100') from the centerline of the nearest road, an elevation three feet (3') above the highest ground within twenty feet (20') of the structure.
4. Where the Floodplain Administrator has knowledge that the one percent (1%) chance flood elevation will be greater or lesser than specified in Subsection (MMM)(1) through (MMM)(3) of this Section, the Floodplain Administrator shall use that known one percent (1%) chance flood elevation in applying the provisions hereof.

NNN. "Zone AO" means certain areas subject to one percent (1%) chance flooding in which base flood elevations range from one to three feet (1' – 3') above the "highest adjacent grade"; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. If there is no depth number on the Flood Insurance Rate Map (FIRM) for Zone AO, the base flood elevation shall be two feet (2') above the "highest adjacent grade." Where the Floodplain Administrator has knowledge that the one percent (1%) chance base flood elevation will be greater than two feet (2') above the "highest adjacent grade", the Floodplain Administrator shall use that known one percent (1%) chance flood elevation in applying the provisions thereof. All the terms used in this Chapter and not defined in this Chapter shall be as defined in other Sections of this Title.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 98-015 §4, Ord. 90-003 §27, Ord. 88-004 §2 (part).)

15.48.060 General provisions.

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

B. 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 "The Flood Insurance Study (FIS) for the County of Fresno", dated September 16, 1982, with accompanying Flood

Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated December 1, 1982, 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 Board of Supervisors by the Floodplain Administrator. The Study, Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) are on file at the County of Fresno, Department of Public Works and Planning, 2220 Tulare Street, Suite B, Fresno, CA 93721.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

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

E. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
   1. Considered as minimum requirements;
   2. Liberally construed in favor of the Board of Supervisors; and
   3. Deemed neither to limit nor repeal any other powers granted under state statutes.

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

G. Severability. This Chapter and the various parts thereof are hereby declared to be severable. Should any Section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole or any portion thereof, other than the Section so declared to be unconstitutional or invalid.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 98-015 §5, Ord. 88-004 §2 (part).)

15.48.070 Administration.

A. Designation of the Floodplain Administrator. The Director of the Department of Public Works and Planning is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions.

B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
   1. Permit Review. Review all development permits to determine:
      a) Permit requirements of this Chapter have been satisfied; including determination of substantial improvement and substantial damage of existing structures;
      b) The site is reasonably safe from flooding;
      c) The proposed development does not adversely affect the flood-carrying capacity of the areas where the base flood elevations have been determined but a floodway has not been designated. For purposes of this Chapter, "does not adversely affect" means that the proposed development will not increase significantly the elevation of the base flood velocity, or cause erosion, or for the purpose of reasonable floodplain management 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 by more than one-foot (1') at any point, thus expanding the area subject to special flood hazard;

d) All other required state and federal permits have been obtained;

e) Review all proposals for the development of five (5) parcels or more to assure that the flood discharge exiting the development after construction does not create additional flood hazards downstream from the development, increase the height, or expand a special flood hazard area; and

2. Development of Substantial Improvement and Substantial Damage Procedures.

a) 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".

b) Assure procedures are coordinated with other departments/divisions and implemented by community staff.

3. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.48.060.B, 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 Section 15.48.080. Reduction in the base flood elevation shown on adopted Flood Insurance Rate Maps (FIRMs) shall require prior approval by the Federal Emergency Management Agency (FEMA).

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

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

a) The certified elevation required in Section 15.48.080.A.3.a (lowest floor elevation);

b) The elevation or floodproofing certification required in Section 15.48.080.A.3.b (flood proofing);

c) The certified elevation required in Section 15.48.080.C.1.c (subdivisions and other proposed development standards);

d) The anchoring certification required in Section 15.48.080.D.1.a (manufactured homes);

e) Certification required by Section 15.48.080.A.3.d (wet floodproofing standard); and

f) Certification required by Section 15.48.080.F (floodway encroachments); and

g) 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 (FEMA).

5. Notification of Other Agencies.

a) Alteration or relocation of a water course is required through notification of adjacent communities and the California Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

b) Base Flood Elevation changes due to physical alterations. The Floodplain Administrator shall cause to have submitted or assure, within six (6) months of information becoming available or project completion (whichever occurs first), that the permit applicant

submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR). 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 Letter of Map Revisions (CLOMRs). Approved CLOMRs allow construction of the proposed flood control projects and land preparation as specified in the "start of construction" definition. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

c) 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 the map of the community clearly delineating the new corporate limits.

6. 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 15.48.070.D.
7. Remedial Action. Take action to remedy violations of this Ordinance as specified in Section 15.48.060.C.
8. Biennial Report. Complete and submit Biennial Report to FEMA.
9. Planning. Assure community's General Plan is consistent with floodplain management objectives herein.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 98-015 §6, Ord. 90-003 §28, Ord. 88-004 §2 (part).)

C. Development Permit. A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.48.060.B. Application for a development permit shall be made on forms furnished by the County of Fresno. The applicant shall provide the following minimum information:

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

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

b) Proposed locations of water supply, sanitary sewer, and other utilities;

c) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

d) Location of the regulatory floodway when applicable;

e) Base flood elevation information as specified in Section 15.48.060.B or Section 15.48.070.B.3 (use of other base flood data);

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

g) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.48.080.A.3.b of this Chapter and detailed in Federal Emergency Management Agency (FEMA) Technical Bulletin (TB) 3-93.

2. Certification from a Registered Civil Engineer or Architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.48.080.A.3.b.
3. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.48.080.A.3.d of this Chapter and detailed in Federal Emergency Management Agency (FEMA) Technical Bulletins (TB) 1-93 and 7-93.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. All appropriate certifications listed in Subsection B.4 of this Section.

D. Appeals. The Appeals Board, as provided in Chapter 15.04 of Title 15 of this Code, shall hear and decide appeals when it is alleged there is an error in any requirements, decision, or

determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

(Amended by Ord. 10-008, Ord. 07-049 (part).)

15.48.080 Provisions for flood hazard reduction.

In all areas of special flood hazard, the following standards are required and shall be administered by the Director of the Department of Public Works and Planning or his/her designee:

A. Standards of Construction.

1. Anchoring.

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

b) All manufactured homes, occupied for residences and commercial coaches shall meet the anchoring standards of Section 15.48.080.D.

2. Construction Materials and Methods.

a) All new construction, substantial improvements, including manufactured homes shall use methods and practices that minimize flood damage and be constructed with flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation.

b) Electrical Requirements. Except in watertight basements, all electrical wiring below the flood elevation shall be in a watertight conduit or approved direct burial cable and all electrical equipment below the base flood elevation shall be approved for use under water.

c) Plumbing Requirements. Except in watertight basements, water outlets connected to the water supply shall be located above the base flood elevation and all required vacuum breakers shall be six inches (6") above the base flood elevation. Sewer and on-site waste disposal systems shall be located and designed to minimize impairment, seepage, or infiltration by or into floodwaters.

d) Mechanical Requirements. Except in watertight basements, all heating and cooling ducts, plenums, mechanical equipment attached to the building, and other service facilities shall be installed above the base flood elevation.

e) Methods. All new construction and substantial improvements below the base flood elevation shall utilize methods and practices that minimize flood damage.

f) Materials. All materials utilized in a structure below the base flood elevation shall be only with flood resistant materials.

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

h) Exception. Minor improvements of any structure shall meet the above standards beginning at and extending below the bottom of the structure.

3. Elevation and Floodproofing.

a) Residential Construction. All new construction or substantial improvements of any structure shall have the lowest floor, including basement:

i) Elevated a minimum of twelve inches (12") above the base flood elevation.

ii) In an AO Zone, elevated above the highest adjacent grade to at least a minimum of twelve inches (12") above the depth number specified in feet on the Flood Insurance Rate Map (FIRM) or as provided for in Section 15.48.050.

iii) In an A Zone, without base flood elevations (BFEs) specified on the Flood Insurance Rate Map (FIRM), elevated to or above the base flood elevation as determined in Section 15.48.050 or Section 15.48.070.B.3.

iv) When an existing structure is remodeled, reconstructed or added to and such work is classified as substantial improvements, the entire existing structure shall be modified to comply with the base flood elevation requirements of the applicable zone.

v) Upon completion of the structure the elevation of the lowest floor, including basement, shall be certified by a Registered Civil Engineer or Licensed Surveyor that elevation requirements have been met. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 15.48.070.B.4.a, prior to the Final Inspection of the structure.

b) Nonresidential Construction. All new construction or substantial improvements of any structure shall have the lowest floor, including basement:

i) Elevated a minimum of six inches (6") above the base flood elevation.

ii) In an AO Zone, elevated above the highest adjacent grade to at least a minimum of six inches (6") above the depth number specified in feet on the Flood Insurance Rate Map (FIRM) or as provided for in Section 15.48.050.

iii) In an A Zone, without base flood elevations (BFEs) specified on the Flood Insurance Rate Map (FIRM), elevated to or above the base flood elevation as determined in Section 15.48.050 or Section 15.48.070.B.3.

iv) When an existing structure is remodeled, reconstructed or added to and such work is classified as substantial improvements, the entire existing structure shall be modified to comply with the base flood elevation requirements of the applicable zone.

v) Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a Registered Civil Engineer or Licensed Surveyor, that elevation requirements have been met. Such certifications shall be provided to the Floodplain Administrator as forth in Section 15.48.070.B.4.a, prior to the Final Inspection of the structure.

vi) As an alternative, together with attendant utility and sanitary facilities, new construction or substantial improvements shall conform to the following:

(a) Be floodproofed so that below an elevation six inches (6") above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water; structures in A Zones, without base flood elevations (BFEs) specified on the Flood Insurance Rate Map (FIRM), must be floodproofed to the base flood elevation, as determined in Section 15.48.050 or Section 15.48.070.B.3, and are exempted from the six-inch (6") increase stated herein; and

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

(c) Be certified by a Registered Civil Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this Subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 15.48.070.B.4, prior to Final Inspection of the structure.

vii) A variation for the lowest floor to be below the base flood elevation and watertight construction is not desired or feasible, new construction or substantial improvements shall conform to the following:

(a) Provide flood openings that comply with Section 15.48.080.A.3.c;

(b) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage in accordance to

Section 15.48.080.A.2 to the base flood elevation, as determined in Section 15.48.050 or 15.48.070.B.3; and

(c) Be certified by a Registered Civil Engineer or Architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this Subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 15.48.070.B.4, prior to Final Inspection of the structure.

c) Flood Openings. All new construction and substantial improvements of structures, with fully enclosed areas below the lowest floor (excluding basement) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must meet the following minimum criteria for non-engineered openings or be certified by a Registered Civil Engineer or Architect. For guidance on flood openings, see FEMA Technical Bulletin (TB) 1-93.

i) Have a minimum of two (2) openings on different sides having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

ii) The bottom of all openings shall be no higher than one-foot (1') above grade;

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

iv) Buildings with more than one (1) enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter.

d) Crawlspace Construction. This Subsection applies to building with crawl spaces up to two feet (2') below grade. Below grade crawl space construction in accordance with the requirements listed below will <u>not</u> be considered basements.

i) 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 (5') per second unless the design is reviewed by a qualified design professional, such as a Registered Architect or professional Engineer;

ii) The crawl space is an enclosed area below the base flood elevation 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 (TB) 1-93;

iii) 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;

iv) Portions of the building below the base flood elevation 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 base flood elevation; and

v) Any building utility systems within the crawl space must be elevated above base flood elevation or design so that floodwaters cannot enter or accumulate within the system components during flood conditions.

vi) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:

(a) The interior grade of a crawl space below the base flood elevation must not be more than two feet (2') below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Technical Bulletin (TB) 11-01;

(b) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (4') (shown as L in Figure 3 of Technical Bulletin [TB] 11-01) at any point;

(c) 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 72 (seventy-two) hours; and

(d) The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawl space. For velocities in excess of five feet (5') per second, other foundation types should be used.

e) Manufactured Homes. Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirements of any applicable portions of this Section. Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards of any applicable portions of this Section. Additional guidance may be found in FEMA Technical Bulletins (TB) 1-93 and 7-93.

f) Garages and Low Cost Accessory Structures.

i) Attached garages:

(a) A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for automatic entry of floodwaters. See Flood Openings, Subsection A.3.d of this Section. Areas of the garage below the base flood elevation must be constructed with flood-resistant materials. See Subsection A.2 of this Section.

(b) A Garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidelines on dry and wet floodproofing, see Federal Emergency management Agency (FEMA) Technical Bulletins (TB) 6, 1-93, 3-93 and 7-93.

ii) Detached garages and accessory structures:

(a) "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.48.050, may be constructed such that its floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements:

(i) Use of the accessory structure must be limited to parking or limited storage;

(ii) The portions of the accessory structure located below the base flood elevation (BFE) must be built using flood-resistant materials:

(iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

(iv) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the base flood elevation;

(v) The accessory structure must comply with floodplain encroachment provisions in Subsection (F) of this Section;

(vi) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with flood openings, Subsection A.3.d of this Section; and

vii. Be certified by a Registered Civil Engineer or Architect as to the design and construction in accordance with the requirements above.

(b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with Subsection A.3.g of this Section.

g) Minor Improvements. All lowest floors of a minor improvement of any structure shall meet or exceed the lesser of either the elevation requirement contained within this Chapter or those in effect when the main structure was built. In no event, however, shall any lowest floor of a minor improvement be lower than that of the structure to which it shall be attached.

h) Alternate Designs. All requirements of this Chapter shall be subject to the provisions of the 2013 California Building Code, Sections 104.11, as provided in Chapter 15.08 of this Code; which Sections allow the use of approved alternate designs, materials, equipment and methods of construction.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems, shall be designed to minimize or eliminate both infiltration of floodwaters into the system and discharge from the systems into the floodwaters.
2. All new on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for Subdivisions and other Proposed Development.

1. All subdivision proposals and other proposed development, including proposals of manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall

   i) Identify the special flood hazard areas (SFHA)-base flood elevations (BFEs).

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

   iii) If the site is filled above the base flood elevation, the lowest floor elevation, pad elevation, and lowest adjacent grade shall be certified by a Registered Civil Engineer or Land Surveyor and provided as part of an application for a Letter of Map Revision on fill (LOMR-F) to the Floodplain Administrator as set forth in Section 15.48.070.B.3.c for lowest floor elevation, pad elevation and lowest adjacent grade.
2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
4. All subdivision proposals and other proposed development shall have adequate drainage provided to reduce exposure to flood hazard and damage as set forth in Section 15.48.070.B.1.
5. Require that all subdivision proposals and other proposed developments include within such proposals base flood elevation data.

D. Standards for Manufactured Homes within Manufactured Home Parks or Subdivisions. All manufactured homes in special flood hazard areas shall meet the anchoring standards described below, construction materials and methods requirements in Section 15.48.080.A.2, flood openings requirements in Section 15.48.080.A.3.c, and garages and low cost accessory structure standards in Section 15.48.080.A.3.f.

Note: Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirements in Section 15.48.080.

1. All manufactured homes that are placed or substantially improved, on sites located in a new manufactured home park or subdivision; or as part of an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood shall:

   a) Be elevated such that the lowest floor of the manufactured home is elevated to or above the base flood elevation as described in Section 15.48.050 or 15.48.070.B.3 and meet the anchoring standards and be anchored to resist flotation, collapse or lateral movement:

      i) By providing an anchoring system designed to withstand a horizontal forces of fifteen (15) pounds per square-foot and uplift forces of nine (9) pounds per square-foot; or

      ii) By the anchoring of the units system, designed to be in compliance to the Department of Housing and Development Mobile Home Construction and Safety Standards; or

      iii) By construction of a pad in which the top of the finished pad is at or above the minimum required lowest floor elevation for the flood zone it is placed in; and

      iv) As set forth in Section 15.48.070.B.4 certification by a Registered Civil Engineer or Architect that the above standards have been met.

2. All manufactured homes that are placed or substantially improved, on sites located in existing manufactured home park or subdivision within Zones A2-30, AE, and AH on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 15.48.080.D.1, will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and be elevated so that either:

   a) The lowest floor of the manufactured home is at or above the base flood elevation; or

   b) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade.

3. Manufactured Home Parks and Subdivisions. The following standards are required for:

   a) New manufactured home parks or subdivisions; expansions to existing manufactured home parks or subdivisions; and repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

      i) Adequate surface drainage and access for a hauler or mobile home mover shall be provided.

      ii) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but not be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable anchoring requirements for wind forces.

      iii) Certification of compliance with this Section shall be by the Registered Civil Engineer or Architect responsible for the manufactured home park or subdivision.

E. Standards for Storage of Materials and Equipment.

1. The storage or processing of materials below the base flood elevation that, during flooding may become buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is prohibited.
2. Storage of other material or equipment below the base flood elevation may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation.

(Ord. 07-049 (part), Ord. 03-0001 (part), Ord. 98-015 §7, Ord. 90-003 §29, Ord. 88-004 §2 (part).)

F. Floodways.

Located within areas of special flood hazard established in Section 15.48.060.B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood elevation more than one-foot (1') at any point within the County.
2. Within an adopted regulatory floodway, the County shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a Registered Civil Engineer is provided demonstrating the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base discharge.
3. If Subsections F.1 and F.2 above are satisfied, all new construction, substantial improvement, and other proposed development shall comply with all other applicable flood hazard reduction provisions of Section 15.48.080.
4. If, in the opinion of the Floodplain Administrator, the land area for which development is proposed is subject to flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the development permit for such structures shall be denied.

(Amended by Ord. 11-005 (part), Amended by Ord. 10-008, Ord. 98-015 §8, Ord. 88-004 §2 (part).)

15.48.090 Variance procedure.

A. Nature of Variances.

1. 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.
2. The variance criteria set forth in this section of the Chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance 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 characteristics must pertain to the land itself, its inhabitants, or the property owners.
3. It is the duty of the Board of Supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are

strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and obtain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Conditions for Variances.

1. Generally, the Floodplain Administrator may issue Variances for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.48.070 and 15.48.080 of this Chapter have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the Variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 15.48.050 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.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the Variance is the "minimum necessary" considering the flood hazards, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this Chapter.
5. Any applicant to whom a Variance is granted shall be given written notice over the signature of a community official that:

   a) The issuance of a Variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty–five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

   b) Such construction below the base flood level increases risks to life and property.

   A copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
6. The Floodplain Administrator will maintain a record of all Variance actions, including justification of their issuance, and report such Variances issued in its biennial report submitted to the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA).

(Ord. 98-015 §9, Ord. 88-004 §2 (part).)

C. Appeal Board.

1. In passing upon an appeal of the Floodplain Administrator's determination of requests for Variances, the Appeals Board, as provided in Chapter 15.04 of this Code, shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter and:

   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 County;

   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 floodwaters 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) Showing of good and sufficient cause;

b) Determination that failure to grant the Variance would result in exceptional "hardship" as defined in Section 15.48.050 of this Chapter, 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 "public safety or nuisance" as defined in Section 15.48.050, cause fraud or victimization, as defined in Section 15.48.050, 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 A through D 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 Section 15.48.090 of this Chapter and the purposes of this Chapter, the Board of Supervisors may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Chapter.

(Amended by Ord. 10-008, Ord. 98-015 §10.)

Chapter 15.52

HOME FINANCING PROGRAM

Sections:

15.52.10 Adoption of home financing program.
15.52.20 Findings of the board of supervisors.
15.52.30 Home financing program area within the county.
15.52.40 Compliance with general plans.
15.52.50 Rules and regulations.
15.52.60 Delegation of authority.
15.52.70 Liberal construction.

15.52.10 Adoption of home financing program.

The county adopted a Home Financing Program (the "program") pursuant to Part 5 of Division 31 (Sections 52000, et seq.) of the Health and Safety Code of the State of California (the "Act"), for the purpose of increasing the housing supply for moderate and low-income families in the County and determines to issue Mortgage Revenue Bonds pursuant to said Act to provide funds for the program based upon the findings of the Board of Supervisors.
(Ord. 0-84-008 (part), Ord. 628 (part), 1980.)

15.52.20 Findings of the board of supervisors.

The Board of Supervisors finds and declares that:

A. Decent housing is an essential motivating force in helping people to achieve self-fulfillment in a free and democratic society.

B. A healthy housing market is one in which residents of this state have a choice of housing opportunities and one in which the housing consumer may effectively choose within the free market.

C. There exists within the County a shortage of housing available to moderate and low-income persons and that this shortage is exacerbated during periods of rising interest rates, particularly as high interest rates have the effect of diminishing the number of otherwise credit-worthy buyers from qualifying for private sector mortgage capital sources. The Board of Supervisors further finds that in order to remedy this adverse effect on potential home buyers on the lower end of the purchasing spectrum, it is necessary to implement a public program to reduce the cost of mortgage financing for single-family purchases for those persons unable to compete for mortgage financing in the conventional mortgage market.

D. It is necessary, in order to implement a public program to reduce the cost of mortgage financing, to authorize long-term, low-interest mortgages to persons not presently eligible for financing through the private sector lending institutions to finance construction, rehabilitation and acquisition of homes. The Board of Supervisors further finds and declares that in order to finance the program, Mortgage Revenue Bonds are authorized to be sold to fund the program.

(Ord. 0-84-008 (part), Ord. 628 §1 (part), 1980.)

15.52.30 Home financing program area within the county.

The County shall operate the program within the unincorporated area of the County and within the geographical boundaries of any city in the County which agrees to participate in the program.
(Ord. 0-84-008 (part), Ord. 628 §1 (part), 1980.)

15.52.40 Compliance with general plans.

The program shall comply with the Land Use Element and the Housing Element of the General Plan of the County and of any city participating in the program.
(Ord. 03-0001 (part), Ord. 0-84-008 (part), Ord. 628 §1 (part), 1980.)

15.52.50 Rules and regulations.

Rules and regulations are authorized to be adopted by Resolution of the Board of Supervisors and shall be promulgated in the form and the manner best suited to attain the objectives of the Home-Financing Program within Fresno County.
(Ord. 0-84-008 (part), Ord. 628 §1 (part), 1980.)

15.52.60 Delegation of authority.

The officers of the County are authorized, directed and empowered to perform any and all necessary and proper acts to implement and carry out the objectives of the Home-Financing Program.
(Ord. 0-84-008 (part), Ord. 628 §1 (part), 1980.)

15.52.70 Liberal construction.

The provisions of this Chapter, being necessary for the welfare of the County and its inhabitants, shall be liberally construed to effect the purpose of the program.
(Ord. 0-84-008 (part), Ord. 628 §1 (part), 1980.)

Chapter 15.60

STATE RESPONSIBILITY AREA
FIRE SAFE REGULATIONS OF THE COUNTY

Sections:

I. GENERAL PROVISIONS
- 15.60.010 Short Title and Purpose.
- 15.60.020 Regulating Authority.
- 15.60.030 Applicability.
- 15.60.040 Required Improvements.

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- 15.60.315 Road - Cul-de-sacs; Dead-end Roads.
- 15.60.320 Roads – One Way.
- 15.60.325 Driveways.
- 15.60.330 Gates.
- 15.60.335 Signs - Road.
- 15.60.340 Address Standards.
- 15.60.345 Flammable Vegetation and Fuels.
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VI. DEVELOPMENT STANDARDS

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15.60.535 Water Systems.
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I. GENERAL PROVISIONS

15.60.010 Short Title and Purpose.

This Chapter shall be known as and may be cited as the State Responsibility Area Fire Safe Regulations of the County, and is necessary in order to provide minimum uniform standards for basic emergency access, perimeter wildfire protection measures, signing and building numbering, private water supply reserves for emergency fire use and vegetation modification. The purpose of these regulations is to: create a safer environment for citizens within the wildlands of Fresno County; reduce the destruction and damage to structures and resources; and provide defensible space protecting citizens and firefighters.
(Amended by Ord. 10-008, Ord. 91-025 §1 (part).)

15.60.020 Regulating Authority.

Pursuant to the authority conferred by Sections 4290 and 4291 of the Public Resources Code of the State of California, the currently adopted edition of the California Fire Code, and in addition to any other regulations provided by law, the regulations in this Chapter contained are established herewith and shall apply to all future design and construction of both residential and commercial structures, subdivisions, parcel maps, and developments wholly or partly within state responsibility areas in the unincorporated area of the County.
(Amended by Ord. 10-008, Ord. 91-025 §1 (part).)

15.60.030 Applicability.

Application of fire regulations shall be required for the following applications for which approval has not been granted as of the effective date of this Chapter.

A. Applications for Building Permits for new construction except expansion of an existing structure, and construction of an accessory structure;
B. Applications for tentative subdivisions;
C. Applications for divisions of land regulated by Fresno County Ordinance Code Title 17, Division of Land, Section 17.72, Parcel Maps;
D. Applications for Use Permits and Site Plan Reviews for construction or development;
E. Construction of new roads, or extension of an existing road.

(Amended by Ord. 10-008, Ord. 07-049 (part), Ord. 91-025 §1 (part).)

15.60.040 Required Improvements.

A. As a condition precedent to acceptance and approval of a Subdivision Map or document, the divider shall make, or agree to make, the improvements required by this Chapter.
B. As a condition precedent to issuing occupancy for improvements on a parcel of land, the owner/permittee or Developer shall make the improvements required by this Chapter. The Director at his discretion may allow the deferment of the required improvements through the execution of an agreement and the posting of adequate securities.

(Ord. 07-049 (part), Ord. 91-025 §1 (part).)

II. DEFINITIONS

15.60.100 Word Interpretation.

"May" indicates an action which is permissive. "Shall" indicates an action which is mandatory. All words in the singular shall include the plural, and plural, the singular. Each gender shall include the other. Each tense shall include the other tense.
(Ord. 91-025 §1 (part).)

15.60.110 Definitions.

A. "Accessory structure" means any structure used as an accessory to residential, commercial, recreational, industrial or educational purposes for which a Building Permit is required.

B. "Board" means Board of Supervisors of the County.

C. "Building" means any structure used for residential, commercial, recreational, industrial or educational purposes including mobile and manufactured homes.

D. "Building Official" means the Director of the Department of Public Works and Planning or his/her designee.

E. "Cal Fire" means California Department of Forestry and Fire Protection.

F. "Cul-de-sac" means a road which terminates in a permanent turnaround and which by design is not intended to continue beyond its terminal point.

G. "Dead-end road" (stub road) means a road which is terminated at the boundary line of a parcel or lot but which will be extended at a later date to provide access to abutting land.

H. "Defensible space" means the area within the perimeter of a parcel or development including access thereto where basic wildland fire protection measures are implemented.

I. "Department" means the Department of Public Works and Planning of the County.

J. "Director" means the Director of the Department of Public Works and Planning of the County.

K. "Driveway" means vehicular access that serves no more than three (3) dwelling units within no more than two (2) buildings constructed after September 1, 1991.

L. "Dwelling unit" means two (2) or more rooms in a building designed for or occupied by one (1) family for living or sleeping purposes and having only one (1) kitchen and separate toilet facilities.

M. "Hammerhead/T" means a "T" shaped, three-point (3-point) turnaround space for emergency equipment, being no narrower than the road it serves.

N. "Roads" means new roads or extensions of existing roads, whether public or private, providing vehicular access to more than one (1) parcel, constructed after September 1, 1991; access to any industrial or commercial occupancy; or vehicular access to a single parcel with more than two (2) buildings or four (4) or more dwelling units.

O. "Roadway" means any surface designed, improved, or ordinarily used for vehicle travel.

P. "Roadway structures" means bridges and other appurtenant structures which supplement the roadway.

Q. "State Responsibility Area (SRA)" as defined in Public Resources Code Sections 4126 - 4127; and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article I, Sections 1220 - 1220.5.

R. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Subdivision (d) of Section 1351 of the Civil Code, or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Subdivision (m) of Section 1351 if the Civil Code. For the purposes of this Ordinance, the definition of a "subdivision" includes the subdivision of four (4) or more parcels.

S "Turnaround" means a roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment.

T. "Turnout" means a widening in a roadway to allow vehicles to pass.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.120 Distance Measurements.

All specified or referenced distances are measured in the true horizontal distance, unless otherwise stated.

(Ord. 91-025 §1 (part).)

III. PROCEDURES

15.60.200 Exceptions.

A. The applicant may request an exception to the development requirements of this Chapter.

B. The Director may authorize modifications of development requirements as set forth in this Chapter, whenever the following finding is made:

1. The modification provides the same overall practical effect as the development requirements towards providing defensible space.

(Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.210 Exception — Application for Approval.

Application for the approval of an exception shall be made by filing the following items with the Department:

A. A description of the request, including specific Sections of this Chapter for which the exception is requested;

B. Material facts supporting the request;

C. Details of alternative measures proposed;

D. A map showing the subject defensible space, improvements and alternative measures.

(Ord. 91-025 §1 (part).)

15.60.220 Appeal Procedure.

The applicant or any person or agency adversely affected may, within ten (10) days of the decision of the Director, appeal that decision to the Appeals Board. Such appeal shall be made in writing and shall state the reasons for the appeal. The Board shall render its decision on the appeal after the close of its hearing. If the appeal is granted, the Board shall provide a copy of its Findings to the Cal Fire unit headquarters that administers SRA fire protection in the County.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.230 Filing Fee.

The Board of Supervisors shall establish by resolution the fees for filing an exception, which shall be paid at the time of filing thereof.

(Ord. 91-025 §1 (part).)

IV. DEVELOPMENT REQUIREMENTS

15.60.300 Setbacks for Structures.

A. All lawfully permitted buildings and accessory structures shall have a minimum setback of thirty feet (30') from all property lines. Planned unit developments and condominium projects shall have a minimum separation of sixty feet (60') between buildings.

B. The above setbacks and separations may be reduced to the minimum setback required by the zone district property development standards for the project if any of the following conditions exist:

1. The building is served by a community water supply system; or
2. A one-hour (1-hour) fire wall is provided for all walls adjacent to the reduced setback area; or
3. The reduced setback area is adjacent to an outlet for open space or similar area where construction of buildings is prohibited and the fuel is modified and maintained for at least one hundred feet (100'), or to the greatest extent feasible as determined by the authority having jurisdiction, from the building so as to prevent or retard the spread of fire.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.305 Improvements - Roads.

All new roads or extensions of existing roads shall be improved in accordance with the appropriate County Improvement Standard, determined by the Fresno County Ordinance Code.
(Ord. 91-025 §1 (part).)

15.60.310 Road Width.

All new roads or extensions of existing roads shall:

A. Be constructed to provide a minimum ten-foot (10') travel lanes;
B. Be constructed to provide the equivalent of two (2) ten-foot (10') travel lanes for two-way roads.
C. Provide, for horizontal curves, an additional width of:
   1. Four feet (4') for curves having a centerline radius of fifty-nine to one hundred-nine feet (59' – 109');
   2. Two feet (2') for curves having a centerline radius of one hundred-nine to two hundred-nine feet (109' – 209').

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.315 Roads - Cul-de-sacs; Dead-end Roads.

A. The maximum length of new cul-de-sac roads, dead-end roads or extensions thereof, including all roads accessed from that road shall not exceed the following cumulative lengths:
   1. Eight hundred feet (800') for parcels zoned for less than one (1) acre;
   2. One thousand three hundred-twenty feet (1,320') for parcels zoned for one (1) to 4.99 acres;
   3. Two thousand six hundred-forty feet (2,640') for parcels zoned for five (5) to 19.99 acres;
   4. Five thousand two hundred-eighty feet (5,280') for parcels zoned for twenty (20) acres or larger.
B. Extensions of lengths may be approved providing that an emergency access easement, improved to a standard adequate for fire protection equipment, connects the end of the cul-de-sac to a public road.
C. Where cul-de-sac roads cross areas of differing zone districts, requiring different length limits, the shortest allowable length shall apply.
D. A turnaround shall be provided at the end of all cul-de-sac roads and at one thousand three hundred-twenty foot (1,320') maximum intervals for Subdivisions A.3 and A.4 of this Section.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.320 Roads - One-way.

One-way roads may be approved by the Director in accordance with the following:

A. Roads shall connect to a two-lane road at both ends;
B. Roads shall provide access to a maximum of ten (10) dwelling units;
C. Roads shall have a maximum length of two thousand six hundred-forty feet (2,640');
D. A turnout shall be provided at approximately the midpoint of the length of the road exceeding one hundred-fifty feet (150') in length or every four hundred feet (400') for roads exceeding eight hundred feet (800') in length;
E. A forty-foot (40') turning radius shall be provided at all gates.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.325 Driveways.

All driveways to buildings for which permits are issued on or after September 1, 1991, shall:

A. Be improved in accordance with the requirements of this Chapter;

B. Have turnouts near the midpoint of the length of driveways exceeding one hundred-fifty feet (150') in length or every four hundred feet (400') for driveways exceeding eight hundred feet (800') in length;
C. Provide a turn-around within fifty feet (50') of buildings served by driveways in excess of three hundred feet (300') in length;
D. Driveways shall be constructed to provide a minimum ten-foot (10') travel lane. All driveways required by this Chapter shall be constructed to provide a minimum ten-foot (10') travel lane and unobstructed vertical and horizontal clearance of fifteen feet (15') along its entire length.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.330 Gates.

All gates installed after September 1, 1991, on roads and driveways shall:

A. Be inset a minimum of thirty feet (30') from the intersection of a road and provide for opening of the gate without obstructing traffic on the intersecting road;
B. Have entrances a minimum of two feet (2') wider than the traveled way serving the gate.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.335 Signs - Road.

Signs shall be placed prior to occupancy of a building, for which a permit is issued on or after September 1, 1991, recordation of a map or document for the division of property or prior to acceptance of road improvements in accordance with the following:

A. At the intersections of all roads identifying the names of the roads;
B. At the intersection preceding a traffic limitation and no more than one hundred feet (100') before such limitation identifying the following limitations:
    1. Weight,
    2. Vertical clearance,
    3. One-way or single-lane conditions,
    4. Cul-de-sac roads, dead-end road,
    5. Other limitations identified by the Director;
C. Shall be visible and legible from both directions for a distance of at least one hundred feet (100');
D. Shall be placed at a height of seven feet (7') to the bottom of the sign.

(Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.340 Address Standards.

All buildings, for which a permit is issued on or after September 1, 1991, shall have a permanently posted address installed at the beginning of construction in accordance with the following:

A. Shall be physically installed on the building;
B. At the intersection of the road and driveway entrance serving the building or be visible from the road;
C. Shall be visible and legible for a minimum of one hundred feet (100') from both directions of travel along the road;
D. Shall be on a single post where multiple addresses are for a single driveway;
E. Shall be posted at intersections of roads and/or driveways to clearly indicate the direction to the structure served.
F. All signs required by this Chapter shall:
    1. Have a minimum four-inch (4") letter/number height, one-half inch (1/2") stroke;
    2. Be reflectorized;
    3. Have letter/number color contrasting with the background color;
    4. Be of a fire-retardant material mounted on a fire-retardant post;

5. Signs shall comply with the current adopted edition of the California Fire Code.
(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.345 Flammable Vegetation and Fuels.

All flammable vegetation and fuels caused by site development including road and driveway construction and fuel modification shall be properly disposed of prior to occupancy of a building or acceptance of road construction, whichever is appropriate.
(Ord. 91-025 §1 (part).)

15.60.350 Water Supply.

Emergency water for wildfire protection shall be provided for all subdivisions, divisions of parcels, Use Permits, Site Plan Reviews and existing lots used for single-family dwelling units which have an agreement and/or condition to provide water in accordance with the following:

A. Where community water systems are required, hydrants shall be installed consistent with the currently adopted fire code and as deemed necessary by the fire agency having jurisdiction prior to completion of road construction;
B. Where individual water systems are allowed, individual water supply facilities shall be provided prior to completion of building construction.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.355 Hydrant – Location (Individual Residential Systems).

A. Hydrants are required to be located along ~~a~~ an all weather surface road and shall be no closer than four feet (4') nor farther than twelve feet (12') from the roadway and in a location where fire equipment using it will not block traffic.
B. Hydrants shall not be less than fifty feet (50') nor more than five hundred feet (500') by road from the building it is to serve.
C. A turn-out or turn-around shall be provided at hydrants located on driveways or roads.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

V. GENERAL REQUIREMENTS

15.60.400 Improvement Plans.

Where improvements are required by the provisions of this Chapter, Improvement Plans shall be submitted to the appropriate Department for review and approval. The Director may require the plans to be prepared by a Registered Civil Engineer.
(Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.410 Hydrant/Fire Valve – Signing (Individual Residential Systems).

A sign shall be provided within three feet (3') of the hydrant/fire valve or access to water required by this Chapter in accordance with the following:

A. The sign shall be identified with a three-inch (3") reflectorized blue marker mounted on a fire-retardant post three to five feet (3' – 5') above the ground and visible from the driveway; or
B. The sign shall be identified as specified in the State Fire Marshal's Guidelines for fire hydrant markings along state highways and freeways.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.415 Maintenance.

Provisions shall be made for maintenance of all improvements required by this Chapter through a County Service Area or a Benefit Assessment District as authorized by Government Code Section 50078, or other method approved by the Director.
(Amended by Ord. 10-008, Ord. 91-025 §1 (part).)

15.60.505 Grades.

The grade for roads and new driveways shall not exceed twelve percent (12%) except that the Director may approve grades not exceeding twenty percent (20%) upon request where unusual physical features of the terrain exist. Approval may be granted upon submission of sufficient adequate information to evaluate the need to exceed the twelve percent (12%) maximum grade.
(Ord. 91-025 §1 (part).)

15.60.510 Roadway Radius.

All roadways required by this Chapter shall have a minimum centerline radius of fifty-nine feet (59') for horizontal curves and a minimum length of one hundred feet (100') for vertical curves.
(Ord. 91-025 §1 (part).)

15.60.515 Turnouts.

Turnouts shall be a minimum of ten feet (10') wide and thirty feet (30') long with a minimum twenty-five-foot (25') taper at each end.
(Ord. 91-025 §1 (part).)

15.60.520 Turnarounds.

Turnarounds shall provide a minimum unobstructed turning radius of forty feet (40') from the centerline of the road, or if a hammerhead/T is used, the top of the "T" shall be a minimum of sixty feet (60') in length.
(Amended by Ord. 10-008, Ord. 91-025 §1 (part).)

15.60.525 Roadway Structures.

All roadway structures for roads and driveways shall:

A. Be designed by a Registered Civil Engineer to provide structural adequacy for fire protection vehicles and constructed in accordance with plans approved by the Director;
B. Be signed to reflect limitations and capacities;
C. Shall provide for unobstructed visibility from one (1) end to the other and provide turnouts at both ends for one (1) lane structures.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.535 Water Systems.

Water systems for wildfire protection required by this Chapter shall meet or exceed the following standards:

A. Water systems for subdivisions and commercial structures shall comply with the current adopted edition of the California Fire Code and the most current edition of the National Fire Protection Association Standard 1142, "Standard on Water Supplies for Suburban and Rural Firefighting".
B. Individual residential systems shall comply with the most current edition of the National Fire Protection Association Standard 1142 "Standard on Water Supplies for Suburban and Rural Firefighting", which includes provisions for the use of ponds, streams, cisterns, two thousand five hundred (2,500) gallon above-ground storage tanks and swimming pools.

(Amended by Ord. 10-008, Ord. 03-0001 (part), Ord. 91-025 §1 (part).)

15.60.540 Hydrants/Fire Valves (Residential).

Fire hydrants or valves shall be eighteen inches (18") above grade and eight feet (8') from flammable vegetation. Heads shall be brass with two and one-half inch (2-1/2") National Hose male thread with cap for pressure and gravity flow systems and four and one-half inch (4-1/2") for draft systems.
(Amended by Ord. 10-008, Ord. 03-0001 (part).)