



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING OCTOBER 11, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order.**
2. **Pledge Of Allegiance.**
3. **Invocation.**
4. **Roll Call.**
5. **Declaration Of Conflicts Of Interest.**
6. **Ceremonial Matters.**
7. **Items from the Public - Non-Agenda Items.**
8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants. ([View Warrant Register](#))
 - c. Approval Of Minutes Of The September 27, 2016 Meeting. ([View Minutes](#))
 - d. Adopt Resolution No. 2016- , A Resolution Of The City Council Of The City Of Newman Accepting The Capital Facilities Fees Annual Report. ([View Report](#))
9. **Public Hearings**
 - a. Adopt Resolution No. 2016- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. ([View Report](#))
 - b. Second Reading And Adoption Of Ordinance No. 2016- , An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2016 Edition Of The California Building Standards Code And Authorizing Staff To Publish A Summary Of Said Ordinance. ([View Report](#))
10. **Regular Business**
 - a. First Reading And Introduction Of Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code. ([View Report](#))
11. **Items From District Five Stanislaus County Supervisor.**
12. **Items From The City Manager And Staff.**
13. **Items From City Council Members.**
14. **Adjournment.**

Calendar of Events

October 10-15 - Citywide Fall Clean-Up - 7:30 A.M. - 3:50 P.M.

October 11 - City Council - 7:00 P.M.

October 13 - Recreation Commission - 7:00 P.M.

October 20 - Planning Commission - Cancelled

October 25 - City Council - 7:00 P.M.

October 26 - 2016 Biggest Loser Weigh-Out - Gustine

October 31 - Halloween.



ACH Register for Council September 30, 2016

Vendor	Account No	Invoice No.	Description	Amount	Check date	ACH Check
SJV01	SJVIA	10-00-2260	Health insurance premium/Oct 2016	\$ 16,751.39	9/30/2016	TRUE
				\$ 16,751.39		TRUE Total
				\$ 16,751.39		Grand Total



Manual Check Register September 30, 2016

Vendor No	Vendor	Fund-Dept-Acct	Amount	Check #	Check Date	Description
BUS05	BUSINESS CARD	10-21-6300	\$ 221.91	110149	9/27/2016	Meth test kits/bags/evidence bags
BUS05	BUSINESS CARD	10-21-6200	\$ 10.00	110149	9/27/2016	ScheduleBase 8-19-16 to 9-19-16
BUS05	BUSINESS CARD	10-21-6530	\$ 12.00	110149	9/27/2016	Car wash
BUS05	BUSINESS CARD	10-21-6620	\$ 487.75	110149	9/27/2016	Supplies for back to school event
BUS05	BUSINESS CARD	10-21-6695	\$ 2,943.97	110149	9/27/2016	Lodging for 3 weeks for training
BUS05	BUSINESS CARD	10-45-6724	\$ 596.31	110149	9/27/2016	Supplies for Movie Night snack bar
BUS05	BUSINESS CARD	10-45-6738	\$ 789.57	110149	9/27/2016	Supplies for youth soccer snack bar
BUS05	BUSINESS CARD	10-45-6739	\$ 120.10	110149	9/27/2016	Supplies for teen center snack bar
BUS05	BUSINESS CARD	10-45-6722	\$ 16.71	110149	9/27/2016	Supplies for Westside Health Care event
BUS05	BUSINESS CARD	10-45-6735	\$ 13.99	110149	9/27/2016	Supplies for Youth soccer
BUS05	BUSINESS CARD	10-45-6300	\$ 31.35	110149	9/27/2016	Supplies for teen center
			\$ 5,243.66	110149 Total		
CWE01	CWEA Membership	60-50-6690	\$ 115.00	110150	9/27/2016	Northern Safety Day 2016 registration/Garcia/Millan
CWE01	CWEA Membership	63-56-6690	\$ 115.00	110150	9/27/2016	Northern Safety Day 2016 registration/Garcia/Millan
			\$ 230.00	110150 Total		
			\$ 5,473.66	Grand Total		



AP Check Register October 07, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
AMERICAN SOCCER COMPANY,	10-45-6735	\$ 57.49	110152	10/7/2016	High impact whistles/Neck lanyards
AMERICAN SOCCER COMPANY,	10-45-6735	\$ 104.87	110152	10/7/2016	Soccer jerseys with sponsorship printing
AMERICAN SOCCER COMPANY,	10-45-6735	\$ 34.47	110152	10/7/2016	Soccer shirts with sponsorship printing
		\$ 196.83	110152 Total		
AT&T	10-21-6420	\$ 208.47	110153	10/7/2016	Circuit line from 1125 Fresno St to Oakdale/8-20-16 to 9-19-16
		\$ 208.47	110153 Total		
Avid Identification Systems, Inc	10-21-6308	\$ 300.14	110154	10/7/2016	FriendChip sterile chip in single dose
		\$ 300.14	110154 Total		
Bertolotti Newman Disposal, Inc	10-00-5080	\$ (11,608.96)	110155	10/7/2016	Garbage franchise fees/Sept 2016
Bertolotti Newman Disposal, Inc	10-00-5730	\$ 15,755.02	110155	10/7/2016	Reclass franchise & street sweeping fees/Sept 2016
Bertolotti Newman Disposal, Inc	10-00-5733	\$ (4,146.06)	110155	10/7/2016	Garbage street sweeping fees/Sept 2016
Bertolotti Newman Disposal, Inc	10-41-6200	\$ 62,190.84	110155	10/7/2016	Garbage contract services/Sept 2016
		\$ 62,190.84	110155 Total		
B G AUTO	10-33-6300	\$ 25.63	110156	10/7/2016	Universal extension/air compressor
B G AUTO	10-33-6530	\$ 12.30	110156	10/7/2016	blower mtr resistor
B G AUTO	10-44-6530	\$ 12.30	110156	10/7/2016	blower mtr resistor
B G AUTO	60-50-6530	\$ 31.00	110156	10/7/2016	blower mtr resistor
B G AUTO	60-50-6530	\$ 3.86	110156	10/7/2016	5W30 motor oil
B G AUTO	63-56-6300	\$ 25.64	110156	10/7/2016	Universal extension/air compressor
B G AUTO	63-56-6530	\$ 6.23	110156	10/7/2016	Brake fluid
		\$ 116.96	110156 Total		
Bohannon Insurance Group	10-00-2260	\$ 822.28	110157	10/7/2016	Health insurance administration/Sept 2016
		\$ 822.28	110157 Total		
California Public Employees' Retirement System	10-14-6205	\$ 1,300.00	110158	10/7/2016	FY 15-16 GASB-68 Reports & schedules
California Public Employees' Retirement System	60-50-6205	\$ 1,300.00	110158	10/7/2016	FY 15-16 GASB-68 Reports & schedules
California Public Employees' Retirement System	63-56-6205	\$ 1,300.00	110158	10/7/2016	FY 15-16 GASB-68 Reports & schedules
		\$ 3,900.00	110158 Total		
CARTER JEFF	68-68-7722	\$ 100.00	110159	10/7/2016	
		\$ 100.00	110159 Total		
CBA (ADMIN FEES)	10-00-2261	\$ 253.50	110160	10/7/2016	Dental-vision admin fees/Oct 2016
		\$ 253.50	110160 Total		
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 33.35	110161	10/7/2016	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 16.68	110161	10/7/2016	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 33.36	110161	10/7/2016	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 16.67	110161	10/7/2016	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 16.68	110161	10/7/2016	



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CENTRAL SANITARY SUPPLY	10-44-6660	\$ 133.42	110161	10/7/2016	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 66.72	110161	10/7/2016	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 16.68	110161	10/7/2016	
		\$ 333.56	110161 Total		
Churchwell White, LLP	10-15-6200	\$ 1,588.40	110162	10/7/2016	Professional contract services/August 2016
		\$ 1,588.40	110162 Total		
CITY OF MODESTO	10-21-6200	\$ 5,916.00	110163	10/7/2016	SDEA contribution/actual expense calculation 3rd & 4th qtrr 2016
		\$ 5,916.00	110163 Total		
COELHO CARL J. (CHUCK)	10-22-6690	\$ 50.00	110164	10/7/2016	Fire stipend/Oct 2016
		\$ 50.00	110164 Total		
COMCAST CABLE	10-21-6200	\$ 43.58	110165	10/7/2016	High speed internet/PD
COMCAST CABLE	10-21-6420	\$ 150.81	110165	10/7/2016	Business internet 9-21-16 to 10-20-16 @ 245 N. 2nd-Oakdale
COMCAST CABLE	60-50-6200	\$ 43.58	110165	10/7/2016	High speed internet/sewer
COMCAST CABLE	63-56-6200	\$ 43.58	110165	10/7/2016	High speed internet/water
		\$ 281.55	110165 Total		
CROP PRODUCTION SERVICES	10-33-6270	\$ 45.93	110166	10/7/2016	2.5 gals Glyphos Aquatic
		\$ 45.93	110166 Total		
CSG Consultants, Inc	10-23-6215	\$ 18,263.54	110167	10/7/2016	Building permit issuances/Sept 2016
CSG Consultants, Inc	10-23-6215	\$ 2,456.25	110167	10/7/2016	Plan check services/Sept 2016
CSG Consultants, Inc	10-23-6215	\$ 90.00	110167	10/7/2016	Real estate inspect-1530 Canyon Creek Dr/Sept 2016
CSG Consultants, Inc	10-23-6243	\$ 50.00	110167	10/7/2016	Johnston Amusements-Gracies Fashion/Sept 2016
		\$ 20,859.79	110167 Total		
Custom Valley Harobeds	60-50-6230	\$ 704.20	110168	10/7/2016	Hay hauling @ WWTP
		\$ 704.20	110168 Total		
CWEA Membership	63-56-6635	\$ 172.00	110169	10/7/2016	Northern San Joaquin CWEA Membership dues/Millan
		\$ 172.00	110169 Total		
Dave's Drain Cleaning & Plumbing	63-56-6200	\$ 262.50	110170	10/7/2016	Hydro jetted sewer line @ 1120 T Street
		\$ 262.50	110170 Total		
Division of the State Architect	10-00-2601	\$ 511.00	110171	10/7/2016	SB 31186 Fees payable/Jul-Sept 2016
Division of the State Architect	10-00-5095	\$ (357.70)	110171	10/7/2016	SB 31186 Fees payable/Jul-Sept 2016
		\$ 153.30	110171 Total		
EVO	71-21-7010	\$ 13,962.02	110172	10/7/2016	2016 Ford police vehicle upfit
		\$ 13,962.02	110172 Total		
FERGUSON ENTERPRISES, INC 1423	63-56-6300	\$ 95.49	110173	10/7/2016	250 rubber meter gaskets
		\$ 95.49	110173 Total		
GEORGE W. LOWRY, INC	60-50-6500	\$ 451.80	110174	10/7/2016	200 gallons dyed diesel delivered @ WWTP
GEORGE W. LOWRY, INC	60-50-6500	\$ 1,009.81	110174	10/7/2016	400 gallons unleaded gas delivered @ WWTP
		\$ 1,461.61	110174 Total		



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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Gonzalez Maria P.	10-00-2841	\$ 80.00	110175	10/7/2016	Refund Sherman Park Deposit/Gonzalez
		\$ 80.00	110175 Total		
GRAINGER	60-50-6300	\$ 41.89	110176	10/7/2016	spray nozzle for WWTP
		\$ 41.89	110176 Total		
IEH-JL Analytical	60-50-6200	\$ 144.00	110177	10/7/2016	WWTP influent testing 8-24 and 8-31-16
		\$ 144.00	110177 Total		
IDEXX LABORATORIES, INC.	63-56-6300	\$ 359.36	110178	10/7/2016	Water testing supplies
		\$ 359.36	110178 Total		
IRRIGATION DESIGN & CONST	10-33-6270	\$ 440.99	110179	10/7/2016	Tyvek coveralls
IRRIGATION DESIGN & CONST	10-33-6270	\$ 2.58	110179	10/7/2016	Nitrile gloves/ WWTP
IRRIGATION DESIGN & CONST	10-44-6300	\$ 3.23	110179	10/7/2016	4" Banjo gasket
IRRIGATION DESIGN & CONST	60-50-6300	\$ 39.67	110179	10/7/2016	Parts for skid sprayer @ WWTP
IRRIGATION DESIGN & CONST	63-56-6300	\$ 3.23	110179	10/7/2016	4" Banjo gasket
		\$ 489.70	110179 Total		
Jerry Haag, Urban Planner	40-06-6245	\$ 1,750.00	110180	10/7/2016	Services for Master Plan #3 thru 9-30-16
		\$ 1,750.00	110180 Total		
KAISER PERMANENTE	10-00-2260	\$ 3,527.79	110181	10/7/2016	Health insurance premium/Nov 2016
		\$ 3,527.79	110181 Total		
Merced County Tax Collector	60-50-6680	\$ 77.02	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 507.76	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 4,061.00	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 800.56	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 1,184.12	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 1,998.40	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 8,693.34	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 1,274.62	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 972.22	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 2,471.14	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 709.24	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 10,428.90	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
Merced County Tax Collector	60-50-6680	\$ 7,076.66	110182	10/7/2016	Property tax 7-1-16 to 6-30-17
		\$ 40,254.98	110182 Total		
NAPA Auto Parts of Los Banos	10-01-6644	\$ 38.63	110183	10/7/2016	Cable ties
NAPA Auto Parts of Los Banos	10-21-6530	\$ 38.62	110183	10/7/2016	Napa synthetic oil
NAPA Auto Parts of Los Banos	10-33-6300	\$ 2.14	110183	10/7/2016	Ball joint stud
NAPA Auto Parts of Los Banos	60-50-6300	\$ 33.56	110183	10/7/2016	Battery for alarm back-up @ WWTP
NAPA Auto Parts of Los Banos	63-56-6300	\$ 2.15	110183	10/7/2016	Ball joint stud
NAPA Auto Parts of Los Banos	63-56-6530	\$ 36.40	110183	10/7/2016	Armor All wash, tire shine, protectant
		\$ 151.50	110183 Total		



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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
National Meter & Automation, Inc	63-56-6300	\$ 1,970.75	110184	10/7/2016	24 water meters
National Meter & Automation, Inc	63-56-6300	\$ 4,658.95	110184	10/7/2016	40 water meters
		\$ 6,629.70	110184 Total		
NBS	69-47-6200	\$ 2,644.25	110185	10/7/2016	Quarterly administration fees Oct 1 thru Dec 31, 2016
		\$ 2,644.25	110185 Total		
NEWMAN ROTARY	10-00-2841	\$ 10.00	110186	10/7/2016	Refund of Pioneer Park deposit/Rotary
		\$ 10.00	110186 Total		
NEWMAN SMOG AND LUBE	10-21-6530	\$ 1,082.96	110187	10/7/2016	Brake slide/front & rear brake pad sets/rotors
NEWMAN SMOG AND LUBE	10-21-6530	\$ 49.91	110187	10/7/2016	Oil & oil filter change
NEWMAN SMOG AND LUBE	10-21-6530	\$ 663.28	110187	10/7/2016	Battery/transmission fluid/engine cleaner
NEWMAN SMOG AND LUBE	10-21-6530	\$ 88.00	110187	10/7/2016	Mounted 4 new tires
NEWMAN SMOG AND LUBE	10-21-6530	\$ 779.85	110187	10/7/2016	Replaced rotors/cleaned & lubed caliper/installed new brake pads
		\$ 2,664.00	110187 Total		
NEWMAN ACE HARDWARE/JACT,	10-01-6644	\$ 75.24	110188	10/7/2016	marking paint/elect tape/extension cords
NEWMAN ACE HARDWARE/JACT,	10-07-6200	\$ 82.63	110188	10/7/2016	Sprinklers/sandpaper/CFL bulb/bleach
NEWMAN ACE HARDWARE/JACT,	10-21-6300	\$ 9.88	110188	10/7/2016	Staples/Hex key
NEWMAN ACE HARDWARE/JACT,	10-22-6530	\$ 46.78	110188	10/7/2016	Flex tubing/tube heat shrink/bolt cutter
NEWMAN ACE HARDWARE/JACT,	10-33-6300	\$ 97.14	110188	10/7/2016	Stihl oil/lithium grease/cable ties/red paint/misc fastners
NEWMAN ACE HARDWARE/JACT,	10-44-6300	\$ 290.93	110188	10/7/2016	Drain cleaner/hacksaw/qwik coupling/fuel can/spray paint
NEWMAN ACE HARDWARE/JACT,	10-44-6660	\$ 1.08	110188	10/7/2016	Dust pan
NEWMAN ACE HARDWARE/JACT,	10-45-6735	\$ 83.41	110188	10/7/2016	Striping paint/twine/cable ties/Stihl starter rope
NEWMAN ACE HARDWARE/JACT,	10-46-6300	\$ 18.89	110188	10/7/2016	Drill bit/misc fastners
NEWMAN ACE HARDWARE/JACT,	60-50-6300	\$ 180.75	110188	10/7/2016	Bleach/batteries/cob web duster/tote/trash bags/hose clamp
NEWMAN ACE HARDWARE/JACT,	62-60-6225	\$ 6.01	110188	10/7/2016	Hex nipple
NEWMAN ACE HARDWARE/JACT,	63-56-6300	\$ 142.07	110188	10/7/2016	PVC primer/tape/chain loop/pliers/ziplock bags/
NEWMAN ACE HARDWARE/JACT,	69-47-6300	\$ 11.81	110188	10/7/2016	PVC cement/primer glue/coupling
		\$ 1,046.62	110188 Total		
NORMAC, INC.	10-44-6300	\$ 9.68	110189	10/7/2016	Rainbird quik connect
NORMAC, INC.	10-44-6300	\$ 351.40	110189	10/7/2016	12 Rainbird falcon rotors/bushings
NORMAC, INC.	69-47-6300	\$ 9.69	110189	10/7/2016	Rainbird quik connect
		\$ 370.77	110189 Total		
Office Depot, Inc	60-50-6300	\$ 188.29	110190	10/7/2016	Wireless mouse/daily diary/deskpad monthly calendar
Office Depot, Inc	60-50-6300	\$ 94.63	110190	10/7/2016	HP ink cartridges/wireless mouse/permanent marker
		\$ 282.92	110190 Total		
Operating Engineers Public & Misc Employees	10-00-2260	\$ 1,498.00	110191	10/7/2016	Health insurance premium/Nov 2016
		\$ 1,498.00	110191 Total		
Otis Elevator Company	10-07-6200	\$ 592.10	110192	10/7/2016	Elevator contract service/10-01-16 to 12-31-16
		\$ 592.10	110192 Total		



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Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
Tank Town Media LLC	60-50-6600	\$ 71.94	110193	10/7/2016	Employment ad "Account Clerk 1"
Tank Town Media LLC	63-56-6600	\$ 71.94	110193	10/7/2016	Employment ad "Account Clerk 1"
		\$ 143.88	110193 Total		
P G & E	10-07-6410	\$ 2,110.42	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-07-6665	\$ 173.62	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-22-6410	\$ 654.75	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-33-6410	\$ 5,163.74	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-44-6410	\$ 1,646.53	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-44-6660	\$ 602.55	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-44-6670	\$ 389.10	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-45-6410	\$ 343.95	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	10-46-6410	\$ 350.35	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	60-50-6410	\$ (6,577.82)	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	60-50-6410	\$ 29.71	110194	10/7/2016	NEMA generation billing fees/solar meter
P G & E	62-60-6411	\$ 330.76	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	62-60-6412	\$ 1,202.06	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	63-56-6410	\$ 21,993.45	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
P G & E	69-47-6410	\$ 3,682.25	110194	10/7/2016	Gas and electric 8-16-16 to 9-14-16
		\$ 32,095.42	110194 Total		
PIONEER DRUG	10-33-6300	\$ 5.36	110195	10/7/2016	Supplies for Fall Festival booth
PIONEER DRUG	63-56-6300	\$ 5.36	110195	10/7/2016	Supplies for Fall Festival booth
		\$ 10.72	110195 Total		
PITNEY BOWES, Inc	10-14-6330	\$ 42.06	110196	10/7/2016	postage meter rent
PITNEY BOWES, Inc	60-50-6330	\$ 41.93	110196	10/7/2016	postage meter rent
PITNEY BOWES, Inc	63-56-6330	\$ 41.93	110196	10/7/2016	postage meter rent
		\$ 125.92	110196 Total		
R-SAFE SPECIALTY	63-56-6300	\$ 34.44	110197	10/7/2016	2 lime green safety vests
		\$ 34.44	110197 Total		
RALEY'S IN STORE CHARGE	10-14-6300	\$ 4.50	110198	10/7/2016	Lunch plates/bowls/fork/spoons/napkins
RALEY'S IN STORE CHARGE	60-50-6300	\$ 4.50	110198	10/7/2016	Lunch plates/bowls/fork/spoons/napkins
RALEY'S IN STORE CHARGE	63-56-6300	\$ 4.51	110198	10/7/2016	Lunch plates/bowls/fork/spoons/napkins
		\$ 13.51	110198 Total		
ROCHA BACKHOE SERVICE, IN	10-33-6300	\$ 250.00	110199	10/7/2016	12.59 tons concrete sand & 12.76 tons gravel delivered
ROCHA BACKHOE SERVICE, IN	63-56-6300	\$ 250.00	110199	10/7/2016	12.59 tons concrete sand & 12.76 tons gravel delivered
		\$ 500.00	110199 Total		
SAFE-T-LITE	10-33-6300	\$ 116.16	110200	10/7/2016	Marking paint/drive rivet with washer
		\$ 116.16	110200 Total		
SHARPENING SHOP	10-33-6200	\$ 35.97	110201	10/7/2016	Relay for AYP/fuel filter/spark plugs
SHARPENING SHOP	10-33-6200	\$ 81.55	110201	10/7/2016	spark plugs/fuel filter/carburetor/fuel line for pruning saw



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SHARPENING SHOP	10-44-6200	\$ 35.98	110201	10/7/2016	Relay for AYP/fuel filter/spark plugs
SHARPENING SHOP	10-44-6200	\$ 81.56	110201	10/7/2016	spark plugs/fuel filter/carburetor/fuel line for pruning saw
		\$ 235.06	110201 Total		
Solar Integrated Fund III	60-50-6410	\$ 11,866.83	110202	10/7/2016	Solar production 8-1-16 to 8-31-16
		\$ 11,866.83	110202 Total		
STAN CNTY CLERK RECORDER	10-00-2630	\$ 15.00	110203	10/7/2016	Release of lien for 1002 Blue Bonnet Dr
		\$ 15.00	110203 Total		
Stanislaus County Auditor-Controller	10-22-6615	\$ 5,419.25	110204	10/7/2016	Fire dispatch services July-Sept 2016
		\$ 5,419.25	110204 Total		
STAPLES ADVANTAGE	10-14-6300	\$ 66.18	110205	10/7/2016	Electric stapler
STAPLES ADVANTAGE	10-21-6300	\$ 116.18	110205	10/7/2016	Copy paper/vinder clips/glue/pens/dust destroyer/duct tape
STAPLES ADVANTAGE	10-21-6300	\$ 13.44	110205	10/7/2016	Canon pro paper
STAPLES ADVANTAGE	10-46-6300	\$ 29.23	110205	10/7/2016	Glade plug-ins/Epson ink
STAPLES ADVANTAGE	63-56-6300	\$ 44.12	110205	10/7/2016	Glade plug-ins/Epson ink
		\$ 269.15	110205 Total		
STANTEC CONSULTING SERVICE, Inc	60-50-6200	\$ 57,322.90	110206	10/7/2016	Water and wastewater On-call 2015-2016
		\$ 57,322.90	110206 Total		
Sun Valley Portables	69-47-6200	\$ 155.76	110207	10/7/2016	Portable restroom rental-service/Sept 2016
		\$ 155.76	110207 Total		
T&R ENTERPRISES	63-56-6300	\$ 457.41	110208	10/7/2016	Made 1 water meter cover
		\$ 457.41	110208 Total		
TelePacific Communications	10-14-6420	\$ 85.83	110209	10/7/2016	Telephone service/Oct 2016/long distance/Sept 2016
TelePacific Communications	10-21-6420	\$ 169.09	110209	10/7/2016	Telephone service/Oct 2016/long distance/Sept 2016
TelePacific Communications	10-45-6420	\$ 85.83	110209	10/7/2016	Telephone service/Oct 2016/long distance/Sept 2016
TelePacific Communications	60-50-6420	\$ 85.83	110209	10/7/2016	Telephone service/Oct 2016/long distance/Sept 2016
TelePacific Communications	63-56-6420	\$ 85.82	110209	10/7/2016	Telephone service/Oct 2016/long distance/Sept 2016
		\$ 512.40	110209 Total		
T.H.E. OFFICE CITY	10-07-6300	\$ 7.52	110210	10/7/2016	Assignment book
T.H.E. OFFICE CITY	10-14-6300	\$ 4.30	110210	10/7/2016	Highlighters
T.H.E. OFFICE CITY	10-14-6300	\$ 3.55	110210	10/7/2016	Windex cleaner
T.H.E. OFFICE CITY	10-14-6300	\$ 45.13	110210	10/7/2016	Copy paper
T.H.E. OFFICE CITY	60-50-6300	\$ 4.30	110210	10/7/2016	Highlighters
T.H.E. OFFICE CITY	60-50-6300	\$ 3.55	110210	10/7/2016	Windex cleaner
T.H.E. OFFICE CITY	60-50-6300	\$ 45.13	110210	10/7/2016	Copy paper
T.H.E. OFFICE CITY	63-56-6300	\$ 4.30	110210	10/7/2016	Highlighters
T.H.E. OFFICE CITY	63-56-6300	\$ 3.55	110210	10/7/2016	Windex cleaner
T.H.E. OFFICE CITY	63-56-6300	\$ 45.13	110210	10/7/2016	Copy paper
		\$ 166.46	110210 Total		
TOSTA BARBARA J.	10-45-6725	\$ 165.00	110211	10/7/2016	Young @ Heart instructor/Sept 2016



AP Check Register October 07, 2016

Vendor	Fund-Dept-Acct	Amount	Check #	Check date	Description
		\$ 165.00	110211 Total		
True Blue Veterinary Group	10-21-6208	\$ 1,830.20	110212	10/7/2016	Monthly animal contract service/misc services
		\$ 1,830.20	110212 Total		
Turlock Journal	60-50-6600	\$ 58.50	110213	10/7/2016	Employment ad "account clerk"
Turlock Journal	63-56-6600	\$ 58.50	110213	10/7/2016	Employment ad "account clerk"
		\$ 117.00	110213 Total		
UNIVAR USA, INC	63-56-6300	\$ 398.38	110214	10/7/2016	125 gallons sodium hypochlorite delivered @ well #6
UNIVAR USA, INC	63-56-6300	\$ 695.57	110214	10/7/2016	240 gallons sodium hypochlorite delivered @ well #8
		\$ 1,093.95	110214 Total		
USA BLUEBOOK	60-50-6300	\$ 597.28	110215	10/7/2016	Wastewater lagoon troubleshooting/element filter paper/ US flag
		\$ 597.28	110215 Total		
VARGAS GEORGE	10-22-6690	\$ 50.00	110216	10/7/2016	Fire stipend/Oct 2016
		\$ 50.00	110216 Total		
Verizon Wireless	10-21-6420	\$ 380.10	110217	10/7/2016	Mobile broadband service 8-19-16 to 9-18-16
		\$ 380.10	110217 Total		
Wally Falke's Air Conditioning, Inc	60-50-6200	\$ 77.50	110218	10/7/2016	Troubleshoot AC @ WWTP
		\$ 77.50	110218 Total		
MATTOS NEWSPAPERS, INC.	10-14-6635	\$ 35.00	110219	10/7/2016	Annual subscription to Index @ city hall
		\$ 35.00	110219 Total		
		\$ 290,319.25	Grand Total		



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING SEPTEMBER 27, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Martina 7: 02 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Day.
4. **Roll Call - PRESENT:** Graham, Mayor Pro Tem Candeia, Day And Mayor Martina.
ABSENT: None.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters** – None.

7. Items from the Public - Non-Agenda Items

Bob McConnell, 1024 “R” Street, Thanked The City Council For All Of Their Hard Work Related To The Proposed Swimming Pool. McConnell Noted That The Pool Measure’s Success Depended On Knocking On Doors At This Point. He Noted That He Would Provide The City Council With An Update At A Future Meeting.

Mayor Martina, Council Member Graham And Council Member Day All Thanked Mr. McConnell For His Efforts.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The September 13, 2016 Meeting.
- d. Adopt Resolution No. 2016-62, A Resolution Authorizing The Signing Of An Independent Contractor Services Agreement With Hart-Ransom Academic Charter School.
- e. Adopt Resolution No. 2016-63, A Resolution Rejecting The Claim Of Anthony Meza.

ACTION: On A Motion By Graham Seconded By Day, The Consent Calendar Was Approved By The Following Vote: AYES: Graham, Candeia, Day And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

9. Public Hearings – None.

10. Regular Business

- a. First Reading And Introduction Of Ordinance No. 2016- , An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2016 Edition Of The California Building Standards Code.

ACTION: On Motion By Day Seconded By Candea, Ordinance No. 2016- , An Ordinance Amending Title 4 Building Regulations Of The Newman City Code Incorporating The California Code Of Regulations Title 24, 2016 Edition Of The California Building Standards Code, Was Introduced By Council Member Day And Had Its First Reading By Title Only, By The Following Vote: AYES: Graham, Candea, Day And Mayor Martina; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Stated That He Thought The Health Summit Had Gone Well And Thanked The City For Hosting The Event. DeMartini Noted That The Biggest Loser Weight-Out Would Be In Gustine On October 26th. He Mentioned That The County Had Recently Completed Some Repairs To Pete Miller Road. DeMartini Reported That The Board Of Supervisors Had Approved All The CDBG CAPER Projects At Their Meeting Earlier In Day. He Concluded By Informing The City Council That The Crows Landing Air Base Environmental Impact Report Was Still Not Complete And That It Had Been Delayed At Least Six More Weeks.

12. Items From The City Manager And Staff.

City Manager Holland Reminded Everyone About The Upcoming City Wide Fall Clean-Up And About The Biggest Loser Weigh-Out.

Public Works Director Kim Reported That Public Works Staff Was In The Process Of Cleaning Sherman Ditch And That It Would Be Completed By October 1st. Kim Also Noted That Thirty-Two Large Willow Trees Had Been Removed From The Sherman Ditch Area And That Another Six Trees Would Be Removed By October 6th.

Chief Bowen Noted That All Four Students Enrolled In The Recent CPR Class Had Passed The Course And Mentioned That Local School Visits For Fire Prevention Week Had Been Scheduled.

13. Items From City Council Members.

Mayor Martina Thanked The Audience For Attending.

14. Adjournment.

ACTION: On Motion By Candea Seconded By Day And Unanimously Carried, The Meeting Was Adjourned At 7:18 P.M.

Honorable Mayor and Members
of the Newman City Council

**A RESOLUTION OF THE CITY COUNCIL ACCEPTING THE CAPITAL FACILITIES FEES
ANNUAL REPORT**

RECOMMENDATION:

It is recommended that the Newman City Council approve Resolution No. 2016- , accepting the Capital Facilities Fees Annual report.

BACKGROUND:

State law requires that the City make the following information available to the public for each separate fund on an annual basis, and that the City Council review that information at a public meeting. The law requires the report to include the following information for each individual fund for the fiscal year:

- The beginning and ending balance of the fund; and
- The amount of the fees collected and interest earned; and
- The amount of refunds made; and
- A description of each interfund transfer or loan made by the fund; and
- Identification of each public improvement on which fees were expended and the amount expended on each improvement.
- Current Fees

ANALYSIS:

The CFF Annual Report for Fiscal Year 2015-2016 has been prepared as an annual requirement by the State of California in accordance with Section 66006 of the Government Code. The City of Newman collects Capital Facilities Fees (CFF) on new development to fund infrastructure improvements that are necessary to accommodate new growth.

FISCAL IMPACT:

None.

CONCLUSION:

Staff recommends that the City Council accept the report.

ATTACHMENTS:

1. Resolution No. 2016- , a resolution of the City Council accepting the Capital Facilities Fees Annual Report.
2. Exhibit A – City of Newman Capital Facilities Fees Annual Report – Fiscal Year – 2015-2016

Respectfully submitted,



Lewis Humphries
Finance Director

REVIEWED/CONCUR



Michael Holland
City Manager

RESOLUTION NO. 2016-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN ACCEPTING THE
CAPITAL FACILITIES FEES ANNUAL REPORT**

WHEREAS, the City of Newman collects Capital Facility Fees to pay for the construction and development of Public and Capital Facilities; and

WHEREAS, California Government Code Section 66006 requires that the City produce on an annual basis a report of the collection, and usage of the fees; and

WHEREAS, California Government Code Section 66006 also requires that this report be reviewed and accepted by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the City Council approve and accept the City of Newman Capital Facility Fees Annual Report.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 11th day of October, 2016 by _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Bob Martina, Mayor

ATTEST:

Mike Maier, City Clerk



CAPITAL FACILITIES FEES ANNUAL REPORT

**Fiscal Year
2015-2016**

Prepared By:
City of Newman Finance Department
August 31, 2016

Introduction

This Capital Facilities Fees Annual Report for Fiscal Year 2015-2016 has been prepared as an annual requirement by the State of California in accordance with Section 66006 of the Government Code. The City of Newman collects Capital Facilities Fees (CFF) on new development to fund infrastructure improvements that are necessary to accommodate new growth.

State law requires that the City make the following information available to the public for each separate fund on an annual basis, and that the City Council review that information at a public meeting. The law requires the report to include the following information for each individual fund for the fiscal year:

- The beginning and ending balance of the fund; and
- The amount of the fees collected and interest earned; and
- The amount of refunds made; and
- A description of each interfund transfer or loan made by the fund; and
- Identification of each public improvement on which fees were expended and the amount expended on each improvement; and
- Current Fees

If the agency no longer needs the funds for the purposes collected, or if the agency fails to make required findings, or perform certain administrative tasks prescribed by AB 1600, the agency may be required to refund, on a prorated basis to owners of the properties upon which the fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

Beginning and Ending Balance of Funds, Amount of Fees Collected and Interest Earned

Table 1 “Combining Statement of Revenues, Expenditures, and Changes in Fund Balances” outlines the beginning and ending balance of each fund for Fiscal Year 2015-2016. Detailed expenditures are shown under each fund description. Furthermore, since this is a pay-as-you-go program, the City must accrue enough revenue to construct a project. This results in an “accumulation” of fund balances. The accumulation occurs until enough revenue is generated to construct a project.

**Table 1 - CAPITAL FACILITY FUNDS COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE Year ended June 30, 2016**

	Fund 16 Park Facility Fee	Fund 40 Public Facility Fees	Fund 41 Supplemental Impact Fees	Fund 42 Storm Drain Fee
Beginning Balance 7/1/15	\$ 518,398.46	\$ 4,129,594.99	\$ 411,011.75	\$ 180,530.56
Revenue 15/16	86,950.93	214,106.91	97,730.15	21,524.99
Interest Earned	3,653.24	27,215.41	3,024.85	1095.64
Loan Proceeds	0.00	0.00	0.00	0.00
Grant Proceeds	0.00	0.00	0.00	0.00
Expenditures 15/16	7,868.59	102,280.35	0.00	0.00
Refunds 15/16	0.00	0.00	0.00	27,791.03
Transfer In	0.00	0.00	0.00	0.00
Transfer Out	0.00	0.00	0.00	0.00
Ending Balance 6/30/16	\$ 601,134.04	\$ 4,268,636.96	\$ 511,766.75	\$ 175,360.16

Refunds

There were a total of zero CFF refunds this fiscal year. Table 2 details the refunds as they occurred throughout the year. Refunds are not uncommon and can occur for a variety of reasons such as a property owner deciding not to build a project, but the fees were paid or at times an overpayment was paid.

Table 2 – 2015-2016 Capital Facilities Fees Payment Refunds

Date	Applicant	Permit Number	Amount	Reason
N/A	N/A	N/A	N/A	N/A
Total of Refunds			\$ 0.00	

Revenues

Table 3 “Five Year Revenue History of CFF Funds” illustrates the revenue over a five-year period. These funds are based on new development and have suffered through the recession. In FY 2011/12 we saw revenues increase after many years of declining revenue. However, in FY 2012/13, we saw our lowest revenue totals in the last five years. This can be attributed to a reduction in the number of new homes constructed during the year. The highest revenue year for all funds was in fiscal year 2013/14 with the lowest in fiscal year 2012/13.

The second half of FY 2013/14 saw the new CFF rate structure put in place. The new rate structure puts an emphasis on transportation improvements and this can be seen with the large increase in transportation revenue.

Table 3 - Capital Facilities Fees - Revenue (Fiscal Years 2009-2010 through 2013-2014)

Fund	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16
Fund 16 Park Facility Fee	\$ 14,754	\$ 13,628	\$ 2,720	\$ 32,942	\$ 90,604
Fund 40 Public Facility Fees	\$ 84,430	\$ 111,218	\$ 73,739	\$ 136,942	\$ 241,322
Fund 41 Supplemental Impact Fees	\$ 13,349	\$ 13,448	\$ 1,820	\$ 51,950	\$ 100,755
Fund 42 Storm Drain Fee	\$ 8,575	\$ 4,099	\$ 10,236	\$ 10,138	\$ 22,620
Total Revenue All Funds	\$ 121,108	\$ 142,393	\$ 88,515	\$ 231,972	\$ 455,301

CFF Expenditures & Transfers

Capital Facilities Fees mitigate the impacts caused by new development on certain public facilities. They are used to finance the acquisition, construction and improvement of public facilities needed as a result of this new development. Separate funds have been established to account for the impact of new development on the following types of public facilities listed below.

The Funds are defined as follows:

Fund 16 – Park Facility Fee

The fees collected and deposited into this fund are used for the acquisition and development of Parks as defined in the Capital Facilities Fee Study Report performed by Charles A. Long Associates dated April 29, 2002.

Fund 40 – Public Facility Fees

The fees collected and deposited into this fund are for the acquisition and construction and improvement of Capital Facilities for Police, Fire, City Hall, General Plan Community Building, Corporation Yard, Wildlife Habitat and Traffic as defined in the Capital Facilities Fee Study Report performed by Charles A. Long Associates dated April 29, 2002.

Fund 41 – Supplemental Impact Fees

The fees collected and deposited into this fund are for the acquisition, construction and improvement of Sewer, Water, Downtown Plaza, General Planning, and Aquatic Center Capital Facilities as defined in the Capital Facilities Fee Study Report performed by Charles A. Long Associates dated April 29, 2002.

Fund 42 – Storm Drain Fee

The fees collected and deposited into this fund are for the expansion and improvements to the City's storm drain system as defined in the Capital Facilities Fee Study Report performed by Charles A. Long Associates dated April 29, 2002.

Table 4 “2015-2016 Expenses by Fund” outlines all CFF expenses by fund.

Fund	Project	Expenditure
Fund 16 Park Facility Fee	Louis J. Newman Memorial Building	\$ 7,868.59
	Total	\$ 7,868.59
Fund 40 Public Facility Fees	General Plan Study	\$ 62,396.52
	Payment on City Hall purchase	\$ 39,883.83
	Total	\$ 102,280.35
Fund 41 Supplemental Impact Fees	None Expended	\$ 0.00
	Total	\$ 0.00
Fund 42 Storm Drain Fee	Storm Drain Plan	\$ 27,791.03
	Total	\$ 27,791.03

Current Fees

EXHIBIT A

City of Newman - Development Fees 2016-2017

Inflation Factor - (-0.2%) (ENR - SF CCI Dec 2015 over Dec 2014)

Fees for Vested Maps - 03/01/16 through 02/28/17

	IMPACT FEES								PARKS		MUNICIPAL FACILITY FEES												TOTALS			
	Water		Traffic		Storm		Sewer		Park		Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT	
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New
Residential Land Use																										
Low Density	1,199.95	1,197.55	2,579.52	2,574.36	1,295.28	1,292.69	815.17	813.54	3,006.00	2,999.99	427.37	426.52	418.01	417.17	774.13	772.58	479.85	478.89	232.42	231.96	54.36	54.25	213.72	213.29	11,495.78	11,472.79
Medium Density	567.08	565.95	2,101.24	2,097.04	632.36	631.10	397.98	397.18	2,404.80	2,399.99	384.28	383.51	376.78	376.03	697.28	695.89	431.14	430.28	209.94	209.52	48.74	48.64	191.22	190.84	8,442.84	8,425.97
High Density	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Non-Residential Land Use																										
Downtown Commercial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
General commercial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Light Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Service Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Heavy Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Business Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Fees for New Development - 03/01/16 through 02/28/17

	IMPACT FEES								PARKS		MUNICIPAL FACILITY FEES												TOTALS			
	Water		Traffic		Storm		Sewer		Park		Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT	
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New
Residential Land Use																										
Low Density	1,239.22	1,236.74	4,494.04	4,485.05	2,060.09	2,055.97	841.85	840.17	5,783.49	5,771.92	N/A	N/A	990.72	988.74	520.37	519.33	1,331.72	1,329.06	N/A	N/A	56.13	56.02	228.78	228.32	17,546.41	17,511.32
Medium Density	604.99	603.78	4,003.49	3,995.48	1,005.76	1,003.75	411.00	410.18	5,713.55	5,702.12	N/A	N/A	978.79	976.83	514.08	513.05	1,315.65	1,313.02	N/A	N/A	50.34	50.24	225.99	225.54	14,823.64	14,793.99
High Density	378.13	377.37	3,160.69	3,154.37	628.59	627.33	256.87	256.36	5,194.26	5,183.87	N/A	N/A	889.78	888.00	467.37	466.44	1,196.02	1,193.63	N/A	N/A	44.53	44.44	205.47	205.06	12,421.71	12,396.87
Non-Residential Land Use																										
Downtown Commercial	676.38	675.03	N/A	N/A	808.15	806.53	258.86	258.34	N/A	N/A	N/A	N/A	320.34	319.70	168.23	167.89	430.58	429.72	N/A	N/A	N/A	N/A	73.97	73.82	2,736.51	2,731.03
General commercial	676.38	675.03	3,558.68	3,551.56	808.15	806.53	258.86	258.34	N/A	N/A	N/A	N/A	320.34	319.70	168.23	167.89	430.58	429.72	N/A	N/A	N/A	N/A	73.97	73.82	6,295.19	6,282.59
Light Industrial	676.38	675.03	1,802.77	1,799.16	808.15	806.53	258.86	258.34	N/A	N/A	N/A	N/A	213.55	213.12	112.17	111.95	287.05	286.48	N/A	N/A	N/A	N/A	49.30	49.20	4,208.23	4,199.81
Service Industrial	676.38	675.03	1,100.41	1,098.21	808.15	806.53	258.86	258.34	N/A	N/A	N/A	N/A	213.55	213.12	112.17	111.95	287.05	286.48	N/A	N/A	N/A	N/A	49.30	49.20	3,505.87	3,498.86
Heavy Industrial	676.38	675.03	749.20	747.70	808.15	806.53	258.86	258.34	N/A	N/A	N/A	N/A	213.55	213.12	112.17	111.95	287.05	286.48	N/A	N/A	N/A	N/A	49.30	49.20	3,154.66	3,148.35
Business Park	676.38	675.03	1,802.77	1,799.16	808.15	806.53	258.86	258.34	N/A	N/A	N/A	N/A	320.34	319.70	168.23	167.89	430.58	429.72	N/A	N/A	N/A	N/A	73.97	73.82	4,539.28	4,530.19

Connection Fees

Sewer Connection Fees per single family residence	\$2,330.00
Water Connection Fees per single family residence	\$1,035.00
Water Meter per single family residence	\$200.00

Summary

This is an Annual Report as required by Section 66006 of the Government Code. The City collects these fees on a pay-as-you-go basis for mitigation of impacts associated with new development. This Report reflects the annual reporting requirements as stipulated in the Government Code.

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2016- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, October 10, 2016. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

This staff report is submitted for City Council consideration and possible future action.

ATTACHMENTS:

1. Resolution No. 2016- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

Respectfully submitted,



Randy Richardson
Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

RESOLUTION NO. 2016-

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on October 11, 2016, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 11th day of October, 2016 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk

City of Newman
Abatement list

1. 1005 P St.

Concrete debris, tire, and bricks in the alley





Honorable Mayor and Members
of the Newman City Council

SECOND READING AND ADOPTION OF ORDINANCE AMENDING TITLE 4 BUILDING REGULATIONS OF THE NEWMAN MUNICIPAL CODE, AND ADOPTING BY REFERENCE, THE CALIFORNIA CODE OF REGULATIONS TITLE 24, 2016 EDITION OF THE CA BUILDING STANDARDS CODE

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct Public Hearing
2. Conduct Second Reading of Ordinance No. 2016- , amending Title 4 Building Regulations of the Newman Municipal Code, and adopting by reference, the California Code of Regulations Title 24, 2016 Edition of the California Building Standards Code with amendments.
3. Adopt said Ordinance and authorize staff to publish a summary of said ordinance.

BACKGROUND:

The model building codes are updated every three years. This allows for the codes to improve and adjust to the newest materials, methods of construction and technological advances in the industry. On September 27, 2016, the City Council was presented with and subsequently held the first reading and introduction of this Ordinance.

ANALYSIS:

The California Building Standards Commission adoption of the 2016 Code comes after a comprehensive multi-state agency and stakeholder update of the 2013 Building Code.

The objective is to produce a practical building code that ensures public safety first and foremost while implementing the most efficient technology available to conserve the state's natural resources and energy use. California's building code is applied to virtually every commercial and residential structure in the state.

The new 2016 California Building Standards Code contains thirteen (13) parts that incorporate public health, life safety, and general welfare standards used in the design and construction of buildings in California. These parts incorporate the latest national standards in the International Building, Residential and Fire Codes, California Green Building Code, California Energy Code, National Electrical Code and the Uniform Mechanical and Plumbing Codes.

Health and Safety Code Section 18941.5 mandates that the Building Standards contained in the 2016 California Building Standards Code shall be effective 180 days after publication by the California Building Standards Commission. If these codes are not adopted by ordinance they become effective by default without any amendments. The proposed effective date for the City of Newman will be January 1, 2017. As part of the adoption process, this Department has made every effort to notify all affected parties of the proposed changes.

FISCAL IMPACT:

None.

CONCLUSION:

Staff recommends council adopt the proposed ordinance amending Title 4 Building Regulations of the Newman Municipal Code and authorize staff to publish a summary of said Ordinance.

ATTACHMENTS:

1. Ordinance No. 2016- ,
2. Attachment "A" the amended version of Newman Municipal Code Title 4, Building Regulations.

Respectfully Submitted,



Mike Brinkman
Chief Building Official

REVIEWED/CONCUR:



Michael Holland
City Manager

ORDINANCE NO. 2016-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 4 BUILDING REGULATIONS - OF THE NEWMAN CITY CODE**

The City Council of the City of Newman does ordain as follows:

Section 1.

That Title 4 of the Newman City Code be amended as stated in Attachment "A", attached hereto and made a part hereof by this reference.

Section 2.

All other sections and provisions of Titles 4 shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council on October 11, 2016.

Section 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 27th day of September, 2016 by Council Member _____, and adopted at a regular meeting of said City Council held on the 11th day of October, 2016 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk

Title 4

BUILDING REGULATIONS

Chapters:

- 4.01 Building Code**
- 4.02 Plumbing Code**
- 4.03 Electrical Code**
- 4.04 Numbering Buildings**
- 4.05 Moving Buildings**
- 4.06 Television Antennas**
- 4.07 Repealed**
- 4.08 Housing Code**
- 4.09 Mechanical Code**
- 4.10 Abatement of Dangerous Buildings**
- 4.11 Floodplain Management**
- 4.12 Administrative Code**
- 4.13 The Historic Building Preservation of the City of Newman**
- 4.14 Repealed**
- 4.15 Historical Building Code**
- 4.16 Existing Building Code**
- 4.17 Energy Code**
- 4.18 ~~Elevator Safety Construction Code~~ Repealed**
- 4.19 Reference Standard Code**
- 4.20 Residential Code**
- 4.21 Green Code**
- 4.22 Safety Assessment Placards**
- 4.23 Small Residential Rooftop Solar Permitting Procedures**

Chapter 4.01 BUILDING CODE

Sections:

- 4.01.010 Purposes.
- 4.01.020 Adoption.
- 4.01.030 Definitions.
- 4.01.040 Violations and penalties.
- 4.01.050 Amendments.
- 4.01.060 Validity.
- 4.01.070 Board of Appeals.

4.01.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 1, 10-22-2002; Ord. 99-11 § 1, 3-23-1999; Ord. 92-9, 7-28-1992)

4.01.020 Adoption.

Those certain documents in book form entitled “California Building Code – ~~2013~~ **2016** Edition of Title 24 Part 2 Volume 1 and 2,” and including **Chapter 1, Division II Scope and Administration and the Appendices Chapter G – Flood-Resistant Construction**, Chapter H – Signs, Chapter I – Patio Covers, ~~and~~ Chapter J – Grading, ~~and~~ **Chapter K – Central Valley Flood Protection Plan** based on the ~~2012~~ **2015** International Building Code, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, one copy of which document is now on file in the Building Department of the City of Newman, except as to portions thereof which are herewith specifically amended, deleted and added to, are hereby adopted by reference together as “California Building Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 2, 10-22-2002; Ord. 99-11 § 2, 3-23-1999)

4.01.030 Definitions.

A. The name “Newman” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of this Code wherever the City or the State is left blank.

B. The term “Building Official” shall include the term “Chief Building Official,” and means the authority having jurisdiction/Director of the Building Department within the Community Development and Services Agency, and his or her deputies or designees. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 3, 10-22-2002; Ord. 99-11 § 3, 3-23-1999; Ord. 92-9, 7-28-1992)

4.01.040 Violations and penalties.

Section ~~205~~ **114.4** of the ~~1997 Uniform Administration Code~~ **California Building Code** as set forth in said Code is omitted, but in lieu thereof a new Section ~~205~~ **114.4** is added to read as follows:

Section ~~205~~114.4.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 4, 10-22-2002; Ord. 99-11 § 4, 3-23-1999)

4.01.050 Amendments.

A. Chapter J of the California Building Code Appendix is amended by adding Section J113 thereto, to read:

Section J113 Storm Water Drainage Requirement.

In all cases where proposed construction is for commercial, industrial, or public or quasi-public buildings or structures, for two-family, three-family, four-family, or multi-family dwellings, or for other uses which similarly involve structural ground coverage likely to affect storm drainage in the areas in which they are located, including but not limited to, trailer parks and parking lots, drainage facilities for the property shall be constructed in a manner approved by the Department of Public Works, which may include discharge into a publicly maintained storm drain system or ponding basin. Submission of the drainage plans for approval shall be the responsibility of the owner or the developer of the property on which the construction is proposed, and the application for a building permit shall be accompanied by a drainage plan suitable for review by the Department of Public Works.

B. Section 501.2 of the ~~2010~~ **2016** California Building Code is hereby amended by adding the following subsection:

501.2.1 Address Illumination. Addressing shall be illuminated at night in all new buildings. Address signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 5, 10-22-2002; Ord. 99-11 § 5, 3-23-1999)

4.01.060 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-10 § 6, 10-22-2002; Ord. 99-11 § 6, 3-23-1999; Ord. 92-9, 7-28-1992)

4.01.070 Board of Appeals.

Section ~~204~~ **113** of the ~~1997 Uniform Administrative Code~~ **California Building Code** is hereby added to read as follows:

Section ~~204~~ **113.4** Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the

next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Chapter 4.02
PLUMBING CODE

Sections:

- 4.02.010 Adoption.
- 4.02.020 Purposes.
- 4.02.030 Penalties.
- 4.02.040 Board of Appeals.
- 4.02.050 Validity.

4.02.010 Adoption.

That certain document in book form entitled “California Plumbing Code, ~~2013~~ **2016** Edition of Title 24 Part 5,” including **Chapter 1, Division II Administration and** the Appendices thereof, based on the ~~2012~~ **2015** Uniform Plumbing Code, as approved and copyrighted by the International Association of Plumbing and Mechanical Officials (IAPMO) and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of plumbing, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “the California Plumbing Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 1, 10-22-2002; Ord. 2002-5 § 1, 10-22-2002)

4.02.020 Purposes.

The purposes of this chapter are: providing for the protection of the public health and safety; requiring a permit and inspection for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; providing penalties for its violations; and repealing conflicting ordinances. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 2, 10-22-2002; Ord. 2002-5 § 2, 10-22-2002; Ord. 90-16, 10-16-1990)

4.02.030 Penalties.

Sections ~~402.4 and 402.5~~ **106.3** of the California Plumbing Code are hereby amended to read as follows:

Section ~~402.4 & 402.5~~ **106.3** ~~Violation and~~ Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 3, 10-22-2002; Ord. 2002-5 § 3, 10-22-2002)

4.02.040 Board of Appeals.

Section ~~402.3~~ **107.3** of the California Plumbing Code is hereby added to read as follows:

Section ~~402.3~~ **107.3** Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 4, 10-22-2002; Ord. 2002-5 § 4, 10-22-2002)

4.02.050 Validity.

The City Council of the City of Newman hereby declares that should any section, subsection, sentence, clause or phrase of this chapter or the Code hereby adopted be, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Newman hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-11 § 5, 10-22-2002; Ord. 2002-5 § 5, 10-22-2002)

Chapter 4.03
ELECTRICAL CODE

Sections:

- 4.03.010 Adoption.
- 4.03.020 Penalties.
- 4.03.030 Violations.

4.03.010 Adoption.

That certain document in book form entitled “California Electrical Code – ~~2013~~ **2016** Edition of Title 24 Part 3,” based on the ~~2011~~ **2015** National Electrical Code, published by the National Fire Protection Association, 1 Batterymarch Park (P.O. Box 9146), Quincy, MA 02269, and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, and approved by the United States of America Standards Institute, one copy of which document is on file in the Building Department of the City of Newman, is hereby adopted by reference, and enacted by the City Council of the City of Newman as the “California Electrical Code of the City of Newman,” in its present form, except as hereinafter amended, deleted and added to, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-12 § 1, 10-22-2002; Ord. 2002-9 § 1, 10-22-2002)

4.03.020 Penalties.

Annex H Section 80.23(B) of the California Electrical Code is hereby amended to read as follows:

Annex H Section 80.23(B). Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-12 § 2, 10-22-2002; Ord. 2002-9 § 2, 10-22-2002; Ord. 91-9, 7-16-1991)

4.03.030 Violations.

Annex H Section 80.23(A) of the California Electrical Code is hereby amended to read as follows:

Annex H Section 80.23(A). Violations.

Every person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a separate offense for each ten days thereof during which such violation continues and shall be punishable therefor as herein provided.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-12 § 3, 10-22-2002; Ord. 2002-9 § 3, 10-22-2002; Ord. 91-9, 7-16-1991)

Chapter 4.04

NUMBERING BUILDINGS

Sections:

- 4.04.010 System established.
- 4.04.020 North, south designations.
- 4.04.030 Director to supervise.

4.04.010 System established.

The following system of numbering the houses in the City is hereby established as follows:

A. South of Fresno Street. All blocks fronting on the streets lying south of Fresno Street, and extending in a southerly direction, shall commence with number one on each street on the southerly line of Fresno Street, and thence continue southerly with 100 numbers to each block to the southern City limits; provided, that the odd numbers be placed on the houses fronting on the westerly line of said streets, and the even numbers be placed on the houses fronting on the easterly line of said streets.

B. North of Fresno Street. All blocks fronting on the streets lying north of Fresno Street and extending in a northerly direction shall commence with number one on each street on the northerly line of Fresno Street, and thence continue northerly with 100 numbers to each block to the northern City limits; provided, that odd numbers be placed on the houses fronting on the westerly side on said streets, and the even numbers be placed on the houses fronting on the easterly side on said streets.

C. East of O Street. All blocks fronting on the streets lying east of O Street and extending in an easterly direction shall commence with number one on each street on the easterly line of O Street, and thence continue easterly with 100 numbers to each block to the eastern City limits; provided, that the odd numbers shall be placed on the houses fronting on the northerly side of said streets and the even numbers be placed on the houses fronting on the southerly side of said streets.

D. West of O Street. All blocks fronting on the streets lying west of O Street, and extending in a westerly direction, shall commence with number one on each street on the westerly line of O Street, and thence continue westerly with 100 numbers to each block to the western City limits; provided, that the odd numbers shall be placed on the houses fronting on the northerly side of said streets, and the even numbers be placed on the houses fronting on the southerly side of said streets. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.04.020 North, south designations.

All numbers lying north of Fresno Street shall be designated as No. ____ North, and all numbers lying south of Fresno Street shall be designated as No. ____ South. All numbers lying east of O Street shall be designated as No. ____ East, and all numbers lying west of O Street shall be designated as No. ____ West. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 79, 10-22-1918)

4.04.030 Director to supervise.

The work of numbering the houses as above provided shall be under the supervision of the Director of Public Works. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 77-2, 2-8-1977; Ord. 79, 10-22-1918)

Chapter 4.05
MOVING BUILDINGS

Sections:

- 4.05.010 House mover's and relocation permits.
- 4.05.021 Relocation permits – Application for permit.
- 4.05.022 Relocation permits – Investigation of applicant.
- 4.05.023 Relocation permits – Issuance of permit denied.
- 4.05.024 Relocation permits – Issuance of permit.
- 4.05.025 Relocation permits – Bond required.
- 4.05.026 Relocation permits – Conditions of bond.
- 4.05.027 Relocation permits – Default in performance of conditions.
- 4.05.028 Relocation permits – Bond period and termination of bond.
- 4.05.031 House mover's permit – Permit prerequisites.
- 4.05.032 House mover's permit – Contents of application.
- 4.05.033 House mover's permit – Action upon application.
- 4.05.034 House mover's permit – Deposits.
- 4.05.041 Procedure for house movers – Conditions of permit.
- 4.05.042 Procedure for house movers – Inspection of structures.
- 4.05.043 Procedure for house movers – Police escort.
- 4.05.044 Procedure for house movers – Methods of moving.
- 4.05.045 Procedure for house movers – Damage to streets.
- 4.05.046 Procedure for house movers – Deposit deductions.
- 4.05.047 Procedure for house movers – Red light required.
- 4.05.050 Insurance.
- 4.05.060 Appeals.

4.05.010 House mover's and relocation permits.

A. Defined.

1. No person shall move any building or structure or any portion thereof over, upon, along or across any public street, alley or sidewalk without a written permit therefor from the City Planning Department. Such permit may be referred to as a "house mover's permit."
2. No person shall relocate any building or structure or any portion thereof upon any premises in the City without a permit therefor. Such permit may be referred to as a "relocation permit."

B. Permits Required. No house mover's permit shall be issued until the Planning Director or his/her designee has first issued to the owner of the premises to which the building is to be moved a relocation permit. No relocation permit shall be required if the building or structure is to be moved to a place located outside the limits of the City or if the building or structure is to be used by a governmental agency for a governmental purpose. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.021 Relocation permits – Application for permit.

A. Every application to the Planning Department for a relocation permit shall be in writing upon a form furnished by the City and shall set forth such information as may be reasonably required in order to carry out the purposes of this chapter. The application shall have attached thereto:

1. Photograph of the building of not less than eight inches by 10 inches in dimension of all sides of such building or structure, showing the general architectural design and appearance thereof.
2. Plot plan showing proposed location of building.
3. Plan of reconstruction.

4. Written report of a licensed pest control operator showing whether there is infestation, infection or damage to the building, or any hazardous or dangerous conditions to the structure related to wood-destroying organisms.

B. Such application shall be filed with the Planning Department accompanied by an application fee of \$375.00. The application fee shall be in addition to the regular building permit fee required in the City Building Code. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.022 Relocation permits – Investigation of applicant.

A. Upon the filing of the application, the City Clerk shall refer the matter to the Planning Commission of the City for its review, and no such permit shall be issued until the same has been approved by said body. The Planning Commission shall set a hearing thereon. Written notice of the time and place of such hearing shall be mailed to the known owners of property within a radius of 300 feet of the property to which said building is to be moved, and notice thereof shall also be posted on said proposed location. Such notice mailed and posted shall set forth the character of the building to be moved, and the place from which and the place to which it is to be moved, in addition to the time and place of hearing upon the application. Such mailing and posting of notices shall be completed at least 10 days before the date of said hearing.

B. Any person aggrieved by the decision of the Planning Commission upon any application for a permit as herein provided may, within 15 days from the date said action is taken by the Planning Commission, appeal to the City Council. Said appeal shall be in writing and filed with the City Clerk. Upon the filing of any such appeal the same shall be set for hearing before the City Council and notice of the time and place of such hearing and the purpose thereof shall be given by the mailing of notices to the owners of all property within a radius of 300 feet of the property to which any building or structure is to be moved, and to the applicant. Such mailing of notices shall be completed at least 10 days before the date of said hearing. After such hearing by the City Council, the City Council may grant or deny the application or may modify in any particular the action taken by the Planning Commission. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.023 Relocation permits – Issuance of permit denied.

No permit shall be issued to relocate any building or structure which in the opinion of the Planning Commission is so constructed or in such condition as to be dangerous; or which is infested with pests or unsanitary; or which, if it be a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsanitary or in such a condition of deterioration or disrepair that its relocation at the proposed site would be materially detrimental to the property or improvements in the district within a radius of 300 feet from the proposed site; or if the proposed use is prohibited by the zoning laws of the City; or if the structure is of a type prohibited, at the proposed location, by any fire district ordinance, or by any other law or ordinance; provided, however, that if the condition of the building or structure in the judgment of the Planning Commission admits of practicable and effective repair, the permit may be issued subject to appropriate conditions as hereinafter provided. If the unlawful, dangerous or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the permit shall be denied. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.024 Relocation permits – Issuance of permit.

If the granting of a permit is not prohibited by NCC 4.05.023, the Planning Commission may, after the necessary investigation and hearing, authorize the Planning Director to issue a relocation permit and, in authorizing such permit, may impose such terms and conditions as he may deem reasonable and proper, including but not limited to the requirement of changes, alterations, additions or repairs to be made to or upon the building or structure to the end that the relocation thereof will not be materially detrimental to public welfare or to the property and improvements, or either, in the district within a radius of 300 feet of the proposed site to which it is to be moved. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.025 Relocation permits – Bond required.

A. No relocation permit shall be issued by the Planning Director unless the applicant therefor shall first post with the City a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company, authorized to do business in this State, as surety. The bond, which shall be in form joint and several,

shall name the City as obligee and shall be in an amount equal to the cost plus 50 percent of the work required to be done in order to comply with all of the conditions of such relocation permit, as such cost is estimated by the Director of Public Works, City Engineer and/or City Manager. In lieu of a surety bond, the applicant may post a bond executed by said owner, as principal, and which is secured by a deposit in cash in the amount named above and conditioned as required in the case of a surety bond; such a bond as so secured is hereafter called a “cash bond” for the purposes of this chapter.

B. Any bond executed pursuant to any provision of this chapter shall contain a provision indemnifying and saving harmless the City and each officer or employee thereof from any loss or liability arising out of or resulting from any of the acts done pursuant to the provisions of any such bond or permit. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.026 Relocation permits – Conditions of bond.

Every bond posted pursuant to this chapter shall be conditioned as follows:

A. That each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the Directors of Planning, Public Works and/or City Engineer.

B. That all of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the time limit specified in the relocation permit; or, if no time limit is specified, within 90 days after the date of the issuance of the house mover’s permit elsewhere in this chapter provided for. The time limit herein specified, or the time limit specified in any permit, may be extended for good and sufficient causes by the Director of Public Works. No such extension of time shall be valid unless written and no such extension shall release any surety upon any bond. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.027 Relocation permits – Default in performance of conditions.

A. Whenever the Directors of Planning, Public Works and/or City Engineer shall find that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal and to the surety of the bond.

B. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Directors of Planning, Public Works and/or City Engineer to be reasonably necessary for the completion of such work.

C. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, must pay over to the City the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to 10 percent of the said estimated cost. Upon the receipt of such moneys, the City shall proceed by such mode it deems convenient to cause the required work to be performed and completed, but no liability shall be insured therein other than for the expenditure of the said sum in hand therefor.

D. If a cash bond has been posted, notice of default as provided above shall be given to the principal and if compliance is not had within the time specified, the City shall proceed without delay and without further notice or proceedings whatever to use the cash deposit, or any portion of such deposit, to cause the required work to be done by contractor or otherwise in the discretion of the City Manager or his/her designee. The balance, if any, of such cash deposit shall, upon the completion of the work, be returned to the depositor, or to his successors or assigns, after deducting the cost of the work plus 10 percent thereof. If upon investigation or failure to secure offers or bids to do said work, it appears that the cash deposit is not adequate to complete the same, the Director of Public Works shall report the facts to the City Council for such action as it shall order after due investigation.

E. When any default has occurred on the part of the principal under the preceding provisions, the surety shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site. If the surety defaults, the Director of Public Works shall report the facts to the City Council for its order, which order may include all actions herein placed in the power of the surety. The City Council may, at its discretion, bring suit against the surety and principal and such other defendants as it may be advised to obtain a judgment authorizing demolishing the building or structure or for such other remedies as the court shall decree. Costs of such proceeding shall be paid by the principal and surety and other defendants as the court may decree. Any building or structure maintained after default shall constitute a public nuisance and be subject to abatement as such.

F. In the event of any default in the performance of any term or condition of the relocation permit, the surety, or any person employed or engaged on its behalf, shall have the right to go upon the premises to complete the required work or to remove or to demolish the building or structure.

G. No person shall interfere with or obstruct the ingress or egress to or from any such premises by any authorized representative or agent of any surety engaging in the work of completing, demolishing or removing a building or structure for which a relocation permit has been issued after a default has occurred in the performance of the terms or conditions thereof. The provisions of this subsection as well as all subsections of this section shall also extend to representatives of the City. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.028 Relocation permits – Bond period and termination of bond.

The term of each bond posted pursuant to this chapter shall begin upon the date of the posting thereof, and shall end upon completion to the satisfaction of the City of the performance of all of the terms and conditions of the relocation permit. Such completion shall be evidenced by a statement thereof signed by the Director of Public Works, a copy of which will be sent to any surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this chapter provided. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.031 House mover's permit – Permit prerequisites.

No house mover's permit shall be granted by the City Planning Department except as follows:

A. The applicant must first furnish evidence that the applicant has already been issued a relocation permit for the particular building or structure when such a permit is required by the provisions of this chapter.

B. The applicant shall pay to the City an application fee of \$50.00 for each permit requested.

C. A separate application upon a form furnished by the City must be filed, and a separate permit obtained, for the moving of each separate building or structure or portion of a building or structure. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.032 House mover's permit – Contents of application.

Each application for a house mover's permit must show:

A. The kind of building or structure to be moved.

B. The street location or other identifying description from which it is proposed to be moved if such location is within the City, and the street location or other identifying description to which it is proposed to be moved, and the route over, along, across and upon which such building or structure or section or portion thereof is to be moved.

C. The number of sections in which the building or structure will be moved.

D. The time when it is proposed to be moved and within which removal will be completed. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.033 House mover's permit – Action upon application.

The Planning Director, immediately upon receipt of such application, shall notify the Chief of Police and Director of Public Works that such application has been filed. The Director of Public Works shall investigate the route designated in the application to ascertain whether the moving of the building can be made without damage to the trees adjacent thereto. If the moving would damage such trees, he shall prescribe another route which will not cause such damage. If the moving of the building requires any tree trimming, such tree trimming shall be performed by a street trimmer designated by the Director of Public Works, and charge an hourly rate equal to the tree trimmer's fully burdened hourly wage for the services of such tree trimmer. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.034 House mover's permit – Deposits.

No permit shall be issued to any house mover pursuant to the terms of this chapter until the applicant therefor shall have deposited \$500.00 with the City. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.041 Procedure for house movers – Conditions of permit.

Where the building or structure is to be moved from one street location to another street location within the City, or from one street location within the City to a place located outside the City, the house mover shall comply with the following conditions with respect to such parcel:

- A. Immediately upon removal of said building, securely cap and seal all gas, water and oil pipes disconnected from the building.
- B. Securely seal all sewer and other sanitary facilities remaining on the land.
- C. Fill with dirt, sand or small rock all openings and excavations in the land, including cesspools and septic tanks, if any.
- D. Remove therefrom all refuse, debris, old foundations, walls, slabs, waste material and other impediments.
- E. Within 10 days after such removal, the house mover shall file a letter with the Director of Public Works certifying that all of the provisions of this section have been complied with. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.042 Procedure for house movers – Inspection of structures.

Every building or structure or section or portion thereof moved over, upon, along or across any street shall be moved under the inspection and supervision of the Director of Public Works. The Director of Public Works shall appoint an Inspector for the moving of any building or structure and of each section or portion thereof; provided, that in case two or more buildings or structures, or two or more sections or portions thereof, are being moved at the same time along a route or routes so situated that one person can inspect the same, only one person shall be appointed therefor. Such inspection and supervision in each case shall be for such time as the Director of Public Works shall deem necessary for the performance of such service and a charge of an hourly rate equal to the inspector's fully burdened hourly wage or fraction thereof shall be made for the time required for such inspection and supervision. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.043 Procedure for house movers – Police escort.

The Director of Public Works shall notify the Chief of Police of the time of moving the building through the public streets. If the Chief of Police determines that the protection of the public requires a police escort, he shall provide such escort and charge an hourly rate equal to the City's average fully burdened police officer hourly wage or fraction thereof shall be made therefor. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.044 Procedure for house movers – Methods of moving.

- A. It shall be the duty of any house mover when required by the Director of Public Works to cause boards of sufficient strength to carry the load without breaking to be placed under all of the rolls or wheels to serve as a runway for such rolls or wheels during the moving of any building or structure, or section or portion thereof, along every street improved in any other manner than by Portland cement, concrete, asphalt or brick, and at no time shall such rolls or wheels be permitted to revolve, except upon such board runway when the same is required by the Director of Public Works.
- B. The Director of Public Works may direct that steel- or rubber-tired dollies may be used when any building or structure is moved on any unimproved or oil, gravel street.
- C. In the event that the equipment of the house mover is not sufficient for the work required, or if the street or the use thereof or the property of any public utility will be at any time endangered or damaged by such moving or if such house mover or his servants or employees at any time violate any of the terms, conditions or restrictions of the permit required by NCC 4.05.041 either as to the size or dimensions of the building or structure being moved or the route of

such moving, or otherwise, the Inspector shall report such fact to the Director of Public Works and, when properly authorized by the Director of Public Works, the Inspector shall be empowered to stop the progress of such moving. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.045 Procedure for house movers – Damage to streets.

In case of damage to any street by reason of the moving of any building or structure or section or portion thereof, the Director of Public Works shall do such work as may be necessary to restore the street to as good a condition as the same was in prior to such damage, and shall charge the cost thereof to the house mover to whom the permit was issued for the moving of such building or structure or section or portion thereof. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.046 Procedure for house movers – Deposit deductions.

There shall be deducted from each deposit the cost of the service of the Inspector provided for in NCC 4.05.042, the cost of the tree trimmer provided for in NCC 4.05.033, the cost of the police escort provided for in NCC 4.05.043, and the cost of repairs, if any, made by the Director of Public Works as provided in NCC 4.05.045. The remainder of such deposit, if any, shall be refunded to the person making such deposit or to his assigns. In case the deposit made pursuant to NCC 4.05.034 shall not be sufficient to pay the cost of the service of the Inspector, the police escort, the tree trimmer and the cost of the repairs, if any, the person making such deposit shall, upon demand, pay to the City a sufficient sum to cover all such costs. Upon failure to pay such sum, it may be recovered by the City in any court of competent jurisdiction. No permit fee shall be required for the moving of temporary buildings or structures over public streets or alleys if such buildings or structures are to be used for a governmental purpose. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.047 Procedure for house movers – Red light required.

No person moving any building or structure or section or portion thereof over, upon, along or across any street, alley or sidewalk shall fail, neglect or refuse to keep a red light illuminated at all times between sunset and sunrise at each corner of such building or structure or section or portion thereof, and at the end of any projection thereon while the same or any part thereof is located in or upon any street, alley or sidewalk. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.050 Insurance.

A. No permit to move a building authorized by the Planning Director or other City officer shall be issued until the permittee has filed with the City a policy of public liability and property damage, or approved certificate thereof, issued by a responsible insurance company authorized to do business in the State of California.

B. Said policy shall insure the permittee and shall inure to the benefit of any and all persons suffering loss or damage either to person or property by reason of wrongful or negligent acts in moving the building. Said policy shall also contain a clause or special endorsement indemnifying and saving harmless the City, its officers, agents and employees against any loss, damage, costs and expenses which may in anywise accrue against the City, its officers, agents or employees in consequence of the granting of the permit for moving any building.

C. Such policy, at a minimum, shall include the following:

1. General liability (including operations, products and completed operations): \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If commercial general liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile liability: \$1,000,000 per accident for bodily injury and property damage.
3. Workers' compensation: As required by the State of California.
4. Employer's liability: \$1,000,000 per accident for bodily injury or disease.

D. Such policy shall certify therein that it shall not be cancelled except upon 30 days' prior written notice thereof to the City. Said liability insurance shall be a continuing liability up to the full amount thereof notwithstanding any recovery thereon.

E. The City Manager, in his/her discretion, may require additional insurance coverage(s) and/or higher limits of coverage. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.05.060 Appeals.

Any person aggrieved by any decision of the Planning Director, Director of Public Works and/or Chief of Police in carrying out the provisions of this chapter may, within 10 days after decision, appeal to the City Council by filing a written notice thereof with the City Clerk, and the City Council shall hold a hearing on the matter and its decision thereon shall be final and conclusive. (Ord. 2014-9 § 2, 10-28-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 77-2, 2-8-1977; Ord. 282, 4-8-1975)

Chapter 4.06

TELEVISION ANTENNAS

Sections:

- 4.06.010 Definitions.
- 4.06.020 Permit required – Fees.
- 4.06.030 Technical requirements.
- 4.06.040 Electrical Inspector – Rights, duties and powers.
- 4.06.050 Existing antennas.

4.06.010 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

“Antenna” means the outdoor portion of the receiving equipment used for receiving or radiating television waves.

“Height” means the overall vertical length of the antenna system above the ground, or, if such system be located on a building, then above that part of the level of such building upon which the system rests.

“Mast” means that portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation, excluding towers. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.06.020 Permit required – Fees.

A. No person shall erect a television antenna mast or tower or add to or replace the guy lines and fastenings on an existing mast without obtaining a permit from the Electrical Inspector.

B. Before a permit is issued, a permit fee of \$1.00 shall be paid to the Electrical Inspector.

C. A reinspection fee of \$1.00 shall be made for each trip when extra inspections are necessary due to any of the following reasons:

1. Wrong address on permit.
2. Condemned work resulting from faulty construction.
3. Repairs or corrections not made when inspection is called.
4. Work not ready for inspection when called. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007)

4.06.030 Technical requirements.

It shall be unlawful for any person hereafter to install, repair or maintain, either as owner or as agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, any outside television antenna, or to make any additions to, or substitutions for, said antenna, except in accordance with the following rules and regulations:

A. Materials, Height. Every mast and antenna hereafter erected shall be of noncombustible and corrosive-resistant material, except that in the case of ground support a wooden pole may be used when adequately treated with a wood preservative. No mast or antenna hereafter erected shall exceed the maximum height of 45 feet above a roof support and 65 feet above a ground support; provided, however, that in areas where reception is affected by obstruction or ground elevation, special permission may be granted by the Electrical Inspector upon request to exceed the above-specified height limitations.

B. Mounting. Every mast and antenna installed on a roof shall be mounted on its own platform or plate covering one or more rafters of the roof. Whenever a plate is used, it shall be of wood at least two inches thick, six inches wide and 18 inches long, or of metal one-eighth inch thick, six inches wide and 12 inches long.

C. Method of Erection. Masts shall be erected by means of the telescope method, and the base of the mast shall be at least one and three-fourths inches in diameter, and at least three-fourths inch in diameter at the top of the mast except that no rotor shall be mounted on any mast the top dimension of which is less than one inch in diameter. Masts shall be made of tubing material of a minimum thickness of 16 gauge. Each mast shall be securely fastened to the building structure by not less than three guy wires as equally separated as is practically possible and guyed every 10 feet in height. Guy wires shall be at least 20-gauge, six-strand galvanized cable. The distance that the guy wire shall be fastened from the base of the television mast shall be the ratio of one-third of its height; e.g., a 45-foot mast shall be guyed at least 15 feet away from the mast.

D. Wind Load Requirements. Notwithstanding any other provisions of this chapter, antennas shall be designed and installed to withstand a wind pressure of 25 pounds per square foot.

E. Anchor Screws. Anchor screws or lead expansion shields must be used in masonry at anchor points of masts and guy wire supports.

F. Eye Bolts. All eye bolts shall be galvanized and a minimum of one-quarter inch in diameter, set one and one-half inches into wood.

G. Public Ways. In no case shall an antenna be installed nearer to the street, sidewalk or any primary power line than the height of the antenna plus 10 feet unless approved by the Electrical Inspector, and no wires, cables or guy wires shall cross or extend over any part of any street or sidewalk.

H. Safety Wire. Whenever it is necessary to install an antenna near primary power lines (2,200 volts or over), or where damage would be caused by its falling, a separate safety wire shall be attached to the top of the mast and secured to a separate eye bolt in a direction away from the hazard.

I. Fire Protection. No antenna shall be installed in such a manner as to prevent access to any building for fire fighting or fire prevention purposes.

J. Grounding. Each mast and tower shall be grounded at its lowest point with wires of at least No. 8 copper, or with other conductors of equivalent carrying capacity. Ground shall be a cold water pipe, if available, or if not, by an approved ground rod driven a minimum of six feet into the ground and fastened with an approved ground connector. Grounding means shall be by approved grounding fittings. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 216, 9-8-1959)

4.06.040 Electrical Inspector – Rights, duties and powers.

A. The Electrical Inspector, or his authorized assistants, shall be authorized to inspect any television antenna hereafter erected to ascertain if the work has been done in a workmanlike manner and in compliance with this chapter.

B. Nothing contained in this chapter shall be construed to prevent the City, through a duly authorized Inspector, from inspecting any antenna system in use in the City, heretofore or hereafter installed, in order to ascertain whether or not the same is reasonably safe to life or property. In case any condition is found which might result in danger to life or property, the Electrical Inspector is authorized to give written notice to the owner or operator of such antenna at his last known address, specifying the dangerous condition, indicating the corrective action that must be taken to make the same safe, and requiring the same to be corrected within five days after such notice, or, in the case of serious safety hazards, within such shorter time as the Electrical Inspector may specify, not less than 48 hours after such notice. If such conditions are not corrected within such time, the maintenance thereafter of any such defective installation by the owner or use thereof shall be unlawful. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 216, 9-8-1959)

4.06.050 Existing antennas.

Every television antenna erected prior to the effective date of the ordinance codified in this chapter may be maintained and operated in its present location, unless said antenna is so constructed and maintained as to be unsafe and dangerous

as determined by the Electrical Inspector in accordance with the provisions of NCC 4.06.040. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 216, 9-8-1959)

Chapter 4.07

SWIMMING POOL, SPA, AND HOT TUB CODE

(Repealed by Ord. 2013-3)

Chapter 4.08
HOUSING CODE

Sections:

- 4.08.010 Purposes.
- 4.08.020 Adoption.
- 4.08.030 Definitions.
- 4.08.040 Interpretation and appeals.
- 4.08.050 Violations and penalties.
- 4.08.060 Validity.

4.08.010 Purposes.

The purposes of this chapter are to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public in the incorporated area of the City of Newman by regulating the erection, construction, enlargement, alteration, repair, removal, conversion, use and maintenance of all buildings or portions thereof used, or designed, or intended to be used, for human habitation; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 1, 3-23-1999; Ord. 92-8, 7-28-1992)

4.08.020 Adoption.

That certain document in book form entitled “Uniform Housing Code, 1997 Edition” including the appendices thereof, as approved and copyrighted by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, one copy of which is now on file in the Building Department of the City of Newman, is adopted and enacted as the “Housing Code of the City of Newman” in its present form, except as to certain portions of said Uniform Housing Code, 1997 Edition, are hereafter specifically amended. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 2, 3-23-1999)

4.08.030 Definitions.

Wherever the following words appear in the Uniform Housing Code, they shall be deemed to mean:

- A. “City” shall mean the incorporated area of the City of Newman.
- B. “State” shall mean the State of California. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 3, 3-23-1999; Ord. 92-8, 7-28-1992)

4.08.040 Interpretation and appeals.

Section 203 of the Uniform Housing Code is hereby amended to read as follows:

Section 203

In order to provide for a final interpretation of the provisions of this ordinance and to hear appeals provided for hereunder, the City Council is hereby designated as a Board of Appeals. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the council and shall notify the appellant by mail of the time and place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 4, 3-23-1999; Ord. 92-8, 7-28-1992)

4.08.050 Violations and penalties.

Section 204 of the Uniform Housing Code, 1997 Edition, as set forth in said Code, is omitted, but in lieu thereof a new Section 204 is added to read as follows:

Section 204.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 5, 3-23-1999)

4.08.060 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any portion as may be declared invalid or unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-14 § 6, 3-23-1999; Ord. 92-8, 7-28-1992)

Chapter 4.09

MECHANICAL CODE

Sections:

- 4.09.010 Purposes.
- 4.09.020 Adoption.
- 4.09.030 Interpretation and appeals.
- 4.09.040 Violations and penalties.
- 4.09.050 Validity.

4.09.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 1, 10-22-2002; Ord. 2002-6 § 1, 10-22-2002; Ord. 92-11, 7-28-1992)

4.09.020 Adoption.

That certain document in book form entitled “California Mechanical Code – ~~2013~~ **2016** Edition of Title 24 Part 4,” including **Chapter 1, Division II Administration and** the Appendix thereof, based on the ~~2012~~ **2015** Uniform Mechanical Code, as approved and copyrighted by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “California Mechanical Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 2, 10-22-2002; Ord. 2002-6 § 2, 10-22-2002)

4.09.030 Interpretation and appeals.

Section ~~408.1~~ **107.1** of the California Mechanical Code is hereby amended to read as follows:

~~Section 408.1~~ **107.1**

In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this Code, the City Council shall appoint a Board of Appeals in accordance with administrative regulations of the Building Codes. Any person dissatisfied with any decision of the Building Official may appeal in writing to the Board of Appeals, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the Board shall set the same for hearing for a time not later than the next regular meeting and shall notify the appellant by mail of the time and place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The decision of the Board of Appeals on such appeal may be appealed in writing to the City Council by any person. Said appeal shall be set for hearing for a time not later than the next regular meeting of the Council. Notification of hearing and action shall be the same as indicated above for the Board of Appeals.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 3, 10-22-2002; Ord. 2002-6 § 3, 10-22-2002)

4.09.040 Violations and penalties.

Sections ~~444 106.1 and 106.3~~ of the California Mechanical Code —2013 Edition, as set forth in said Code, is omitted, but in lieu thereof a new Sections ~~444 106.1 and 106.3~~ is added to read as follows:

Section ~~444 106.1 General: Violations and Penalties.~~

It shall be unlawful for any person, firm or corporation, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilation, cooling or refrigeration equipment in the jurisdiction, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Code. Maintenance of equipment which was unlawful at the time it was installed, and which would be unlawful under this Code if installed after the effective date of this Code, shall constitute a continuing violation of this Code.

Section 106.3 Penalties:

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 4, 10-22-2002; Ord. 2002-6 § 4, 10-22-2002)

4.09.050 Validity.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Newman hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-13 § 5, 10-22-2002; Ord. 2002-6 § 5, 10-22-2002; Ord. 92-11, 7-28-1992)

Chapter 4.10

ABATEMENT OF DANGEROUS BUILDINGS

Sections:

- 4.10.010 Purpose.
- 4.10.020 Adoption.
- 4.10.030 Definitions.
- 4.10.040 Interpretation and appeals.
- 4.10.050 Violations and penalties.
- 4.10.060 Validity.

4.10.010 Purpose.

The purpose of this chapter is to provide a just, equitable, and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 1, 3-23-1999; Ord. 92-12, 7-28-1992)

4.10.020 Adoption.

That certain document in book form entitled "Uniform Code for the Abatement of Dangerous Buildings – 1997 Edition," as approved and copyrighted by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, one copy of which document is now on file in the Building Department of the City of Newman, is hereby adopted by reference and enacted by the City Council of the City of Newman as the "Dangerous Buildings Code of the City of Newman" in its present form, except as certain portions thereof are hereinafter specifically amended, deleted or added to, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 2, 3-23-1999)

4.10.030 Definitions.

A. The name "Newman" and/or "California" shall be inserted in the appropriate places provided therefor in each and every section of this Code wherein the City or the State is left blank.

B. The term "Building Official" shall include the term "Building Inspector."

C. "Fire Marshal" shall mean "Fire Chief." (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 3, 3-23-1999; Ord. 92-12, 7-28-1992)

4.10.040 Interpretation and appeals.

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is hereby amended to read as follows:

Section 205.

In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the City Council is hereby designated as a Board of Appeals. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the grounds of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and the place of such hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 4, 3-23-1999)

4.10.050 Violations and penalties.

Section 203 of the Uniform Code for the Abatement of Dangerous Buildings as set forth in said Code is omitted, but in lieu thereof a new section is added to read as follows:

Section 203.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain, any building, structure or premises or cause or permit the same to be done in the City of Newman contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 5, 3-23-1999)

4.10.060 Validity.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Newman hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases may be declared invalid or unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 99-9 § 6, 3-23-1999; Ord. 92-12, 7-28-1992)

Chapter 4.11
FLOODPLAIN MANAGEMENT

Sections:

Article I. Statutory Authorization, Findings of Fact, Purpose and Methods

- 4.11.010 Statutory authorization.
- 4.11.020 Findings of fact.
- 4.11.030 Statement of purpose.
- 4.11.040 Methods of reducing flood losses.

Article II. Definitions

- 4.11.050 Definitions.

Article III. General Provisions

- 4.11.060 Lands to which this chapter applies.
- 4.11.070 Basis for establishing the areas of special flood hazard.
- 4.11.080 Compliance.
- 4.11.090 Abrogation and greater restrictions.
- 4.11.100 Interpretation.
- 4.11.110 Warning and disclaimer of liability.
- 4.11.120 Severability.

Article IV. Administration

- 4.11.130 Establishment of development permit.
- 4.11.140 Designation of the Floodplain Administrator.
- 4.11.150 Duties and responsibilities of the Floodplain Administrator.
- 4.11.160 Appeals.

Article V. Provisions for Flood Hazard Reduction

- 4.11.170 Standards of construction.
- 4.11.180 Standards for utilities.
- 4.11.190 Standards for subdivisions.
- 4.11.200 Standards for manufactured homes.
- 4.11.210 Standards for recreational vehicles.
- 4.11.220 Floodways.

Article VI. Variance Procedure

- 4.11.230 Nature of variances.
- 4.11.240 Appeal Board.
- 4.11.250 Conditions for variances.

Article I. Statutory Authorization, Findings of Fact, Purpose and Methods

4.11.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Newman does hereby adopt the following floodplain management regulations. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.020 Findings of fact.

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

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities also contributes to the flood loss. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.030 Statement of purpose.

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

A. Protect human life and health;

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

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

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; 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. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.040 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 flood waters;

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 flood waters or which may increase flood hazards in other areas. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 1.4, 9-12-2000; Ord. 95-1, 3-28-1995)

Article II. Definitions

4.11.050 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 its most reasonable application.

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

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

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

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter.

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

Area of Special Flood Hazard. See “special flood hazard area (SFHA).”

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

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

Building. See “structure.”

“Development” means any manmade 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.

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

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 29, 1978.

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

“Flood,” “flooding,” or “flood water” means:

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

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

“Flood Hazard Boundary Map (FHBM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

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

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

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

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

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

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

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

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

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

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

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

“Governing body” is the 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.

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

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

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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.

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

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

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

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:
 - a. The wet floodproofing standard in NCC 4.11.170(C)(3);
 - b. The anchoring standards in NCC 4.11.170(A);
 - c. The construction materials and methods standards in NCC 4.11.170(B); and
 - d. The standards for utilities in NCC 4.11.180.
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “basement”). This prohibition includes below-grade garages and storage areas.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a recreational vehicle.

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

“Market value” shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

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

“New construction,” for floodplain management purposes, means structures for which the “start of construction” commenced on or after September 29, 1978, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 29, 1978.

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

One-Hundred-Year Flood or 100-Year Flood. See “base flood.”

“Public safety and nuisance” as related to Article VI, 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.

“Recreational vehicle” means a vehicle which is:

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

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

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

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

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

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

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs 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.

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

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

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of an historic structure; provided, that the alteration will not preclude the structure’s continued designation as an historic structure.

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

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

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. “Watercourse” includes specifically designated areas in which substantial flood damage may occur. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 2.0, 9-12-2000; Ord. 95-1, 3-28-1995)

Article III. General Provisions

4.11.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Newman. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) or the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated March 1, 1978, and accompanying Flood Insurance Rate Maps (FIRMs), and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City of Newman by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at 1162 Main Street, City Hall. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City of Newman from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.4, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.100 Interpretation.

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

A. Considered as minimum requirements;

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

C. Deemed neither to limit nor repeal any other powers granted under State statutes. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.5, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Newman, any officer or employee thereof, the State of California, the Federal Insurance Administration, Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.6, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a

whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 3.7, 9-12-2000; Ord. 95-1, 3-28-1995)

Article IV. Administration

4.11.130 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in NCC 4.11.070. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Site plan, including but not limited to:

1. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site; and
2. Proposed locations of water supply, sanitary sewer, and utilities; and
3. If available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
4. If applicable, the location of the regulatory floodway; and

B. Foundation design detail, including but not limited to:

1. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and
2. For a crawl-space foundation, location and total net area of foundation openings as required in NCC 4.11.170(C)(3) and FEMA Technical Bulletins TB 1-93 and TB 7-93; and
3. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test method); and

C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in NCC 4.11.170(C)(2) and FEMA Technical Bulletin TB 3-93; and

D. All appropriate certifications listed in NCC 4.11.150(D); and

E. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.140 Designation of the Floodplain Administrator.

The City Manager or designee is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.150 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include but not be limited to the following:

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

1. Permit requirements of this chapter have been satisfied;
2. All other required State and Federal permits have been obtained;

3. The site is reasonably safe from flooding; and
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review, Use and Development of Other Base Flood Data.

1. When base flood elevation data has not been provided in accordance with NCC 4.11.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Article V of this chapter. Any such information shall be submitted to the City Council for adoption; or

2. If no base flood elevation data is available from a Federal or State agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-Year) Flood Elevations,” dated July 1995, in order to administer Article V of this chapter:

a. Simplified Method.

- i. One-hundred-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method; and
- ii. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or

b. Detailed Method.

- i. One-hundred-year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers’ HEC-HMS computer program; and
- ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers’ HEC-RAS computer program.

C. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

- a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- b. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base flood elevation changes due to physical alterations:

- a. Within six months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or ensure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
- b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

c. Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

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

1. Certification required by NCC 4.11.170(C)(1) (lowest floor elevations) and 4.11.200;
2. Certification required by NCC 4.11.170(C)(2) (elevation or floodproofing of nonresidential structures);
3. Certification required by NCC 4.11.170(C)(3) (wet floodproofing standard);
4. Certification of elevation required by NCC 4.11.190(B) (subdivision standards); and
5. Certification required by NCC 4.11.220(A) (floodway encroachments).

E. Map Determinations. 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, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI of this chapter.

F. Remedial Action. Take action to remedy violations of this chapter as specified in NCC 4.11.080. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.160 Appeals.

The City Council of the City of Newman shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 4.4, 9-12-2000; Ord. 95-1, 3-28-1995)

Article V. Provisions for Flood Hazard Reduction

4.11.170 Standards of construction.

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

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of NCC 4.11.200.

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With flood-resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. If within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. (See NCC 4.11.050 definitions for “basement,” “lowest floor,” “new construction,” “substantial damage” and “substantial improvement.”)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

a. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified. (The State of California recommends that in AO Zones without velocity the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two feet or elevated at least four feet above the highest adjacent grade if no depth number is specified.) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the Community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator and is required within six months of project completion, submittal of technical data to FEMA for a letter of map revision.

b. In an A Zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in NCC 4.11.150(B). (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation, as determined by the community.) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the Community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator and is required within six months of project completion, submittal of technical data to FEMA for a letter of map revision.

c. In all other zones, elevated to or above the base flood elevation. (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation.)

2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (C)(1) of this section or together with attendant utility and sanitary facilities:

a. Be floodproofed below the elevation recommended under subsection (C)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;

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

c. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:

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

b. Be certified by a registered professional engineer or architect.

4. Manufactured homes shall also meet the standards in NCC 4.11.200. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.180 Standards for utilities.

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

1. Infiltration of flood waters into the systems; and
2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.190 Standards for subdivisions.

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

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

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

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

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

F. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.3, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.200 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved, within Zones A1 – 30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 – 30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to

the provisions of subsection (A) of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation); or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the Community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.4, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.210 Standards for recreational vehicles.

A. All recreational vehicles placed on sites within Zones A1 – 30, AH, and AE on the community's Flood Insurance Rate Map will either:

1. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use – a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions; or
2. Meet the permit requirements of Article IV of this chapter and the elevation and anchoring requirements for manufactured homes in NCC 4.11.200(A). (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.5, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.220 Floodways.

Located within areas of special flood hazard established in NCC 4.11.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

B. If subsection (A) of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this article. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 5.6, 9-12-2000; Ord. 95-1, 3-28-1995)

Article VI. Variance Procedure

4.11.230 Nature of variances.

A. The variance criteria set forth in this article are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

B. It is the duty of the City Council 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 chapter are more detailed and contain multiple provisions that must be met before a variance can be

properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 6.1, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.240 Appeal Board.

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

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

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

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Stanislaus County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The Floodplain Administrator will 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 Insurance Administration, Federal Emergency Management Agency. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 6.2, 9-12-2000; Ord. 95-1, 3-28-1995)

4.11.250 Conditions for variances.

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

B. Variances may be issued for the repair or rehabilitation of historic structures (as defined in NCC 4.11.050) 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.

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

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional hardship (as defined in NCC 4.11.050) to the applicant; and
3. 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 (as defined in NCC 4.11.050 – see "public safety and nuisance"), cause fraud or victimization (as defined in NCC 4.11.050) of the public, or conflict with existing local laws or ordinances.

F. 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 (E) 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.

G. Upon consideration of the factors of NCC 4.11.240(A) and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 2014-4 § 2 (Att. A), 6-10-2014; Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2000-4 § 6.3, 9-12-2000; Ord. 95-1, 3-28-1995)

Chapter 4.12

ADMINISTRATIVE CODE

Sections:

- 4.12.010 Purposes.
- 4.12.020 Adoption.
- 4.12.030 Definitions.
- 4.12.040 Interpretation and appeals.
- 4.12.050 Violations and penalties.
- 4.12.060 Validity.

4.12.010 Purposes.

The purposes of this chapter are to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public in the incorporated area of the City of Newman by regulating the erection, construction, enlargement, alteration, repair, removal, conversion, use and maintenance of all buildings or portions thereof used, or designed or intended to be used, for human habitation; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 1, 10-22-2002; Ord. 2002-7 § 1, 10-22-2002; Ord. 99-12 § 1, 3-23-1999; Ord. 90-15, 10-16-1990)

4.12.020 Adoption.

That certain document in book form entitled “California Administrative Code California Code of Regulations, 2016 Edition of Title 24, Part 1,” as approved and copyrighted by the International Code Council (ICC), 500 New Jersey Avenue, NW, 6th Floor Washington, D.C. 20001 and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “the California Administrative Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. ~~That certain document in book form entitled “Uniform Administrative Code, 1997 Edition,” including the Appendices thereof, as approved and copyrighted by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, one copy of which is now on file in the Building Department of the City of Newman, is adopted and enacted as the “Uniform Administrative Code of the City of Newman” in its present form, except as to certain portions of said Uniform Administrative Code, 1997 Edition, are hereby specifically amended.~~ (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 2, 10-22-2002; Ord. 2002-7 § 2, 10-22-2002; Ord. 99-12 § 2, 3-23-1999; Ord. 95-14, 12-19-1995)

4.12.030 Definitions.

Wherever the following words appear in the ~~Uniform~~ **California** Administrative Code, they shall be deemed to mean:

A. “City” shall mean the incorporated area of the City of Newman.

B. “State” shall mean the State of California. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 3, 10-22-2002; Ord. 2002-7 § 3, 10-22-2002; Ord. 99-12 § 3, 3-23-1999; Ord. 90-15, 10-16-1990)

4.12.040 Interpretation and appeals.

In order to provide for a final interpretation of the provisions of this chapter and to hear appeals provided for hereunder, the City Council shall designate a Board of Appeals. Any person dissatisfied with any decision of the Administrative Official may appeal in writing to the Board of Appeals of the City of Newman, which statement shall specify the grounds of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Board and shall notify the appellant by mail of the time and place of such

hearing, and at such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Administrative Official, with a duplicate copy to the appellant. The decision of the City Council on such appeal shall be final. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 4, 10-22-2002; Ord. 2002-7 § 4, 10-22-2002; Ord. 99-12 § 4, 3-23-1999; Ord. 90-15, 10-16-1990)

4.12.050 Violations and penalties.

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

B. Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than 180 days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 5, 10-22-2002; Ord. 2002-7 § 5, 10-22-2002; Ord. 99-12 § 5, 3-23-1999; Ord. 95-14, 12-19-1995)

4.12.060 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-18 § 6, 10-22-2002; Ord. 2002-7 § 6, 10-22-2002; Ord. 99-12 § 6, 3-23-1999; Ord. 90-15, 10-16-1990)

Chapter 4.13

THE HISTORIC BUILDING PRESERVATION OF THE CITY OF NEWMAN

Sections:

- 4.13.010 Title.
- 4.13.020 Findings and purposes.
- 4.13.030 Area of application.
- 4.13.040 Ordinary maintenance and repair.
- 4.13.050 Definitions.
- 4.13.060 Architectural Review Committee.
- 4.13.070 Powers and duties of the Architectural Review Committee.
- 4.13.080 Criteria for historic designation.
- 4.13.090 Procedures for historic designation of homes not on the City of Newman local historic resources inventory.
- 4.13.100 Zoning regulations.
- 4.13.110 Scope of alterations.
- 4.13.120 Alteration of an historic resource – Permit required.
- 4.13.130 Duty to keep in good repair.
- 4.13.140 Enforcement.
- 4.13.150 Penalties.
- 4.13.160 CEQA.

4.13.010 Title.

This chapter shall be known as the Historic Building Preservation of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.020 Findings and purposes.

A. Findings. It is hereby found that:

1. The City has many places, sites, buildings, and structures which possess special historic, architectural and cultural interest and value to the community and its citizens; and
2. There is great value in the protection and enhancement of such important places, sites, buildings, and structures which often necessitates appropriate and reasonable consideration upon their appearance and use; including their alteration and reuse, which preserves their unique character and economic value; and
3. The proper use of historic places, sites, buildings, and structures is essentially desirable to the community, but, because of their age, structural nature, or threats from modernization, require special considerations in regard to the applicability of present construction and zoning codes affecting any change in use or structural alteration which could have a negative effect on their unique and important character and economic value.

B. Purposes. The purpose of this chapter is to promote health, safety and general welfare of the citizens of the City through:

1. The protection, enhancement, and perpetuation of structures, sites and areas that are reminders of past eras, events and persons important to local, State or national history, or which provide significant examples of architectural styles of the past, or are elements in the history of architecture, or reflect the phases of the City's development, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.
2. The enhancement of tourism and the economy of the City by protecting and preserving places having special and unique character and interest.

3. Support of the efforts of property owners to preserve, protect, and/or renovate historic and architecturally significant buildings/structures through financial incentive programs such as the Mills Act and the City's Downtown Facade Improvement Program and Housing Rehabilitation Program.
4. Fostering public appreciation of, and civic pride in, the beauty of the City and the accomplishments of its past.
5. Allowing the use of the State Historic Building Code (SHBC) by declaring the importance of designated structures to Newman's history, architecture, and local culture. The SHBC provides an alternative to the California Building Code by recognizing the unique construction problems inherent in historical buildings while maintaining acceptable life safety standards.
6. Promoting the enhancement of property values, the stabilization and improvement of neighborhoods and areas of the City, and the increase of economic and financial benefits to the City and its inhabitants.
7. Contributing to the preservation and encouragement of a City of varied architectural styles, reflecting the distinct phases of its history – cultural, social, economic, political and architectural.
8. Promoting the public's awareness of the benefits of preservation including encouragement of public participation in identifying and preserving historical and architectural resources, thereby increasing community pride in the City's cultural heritage. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.030 Area of application.

This chapter shall apply to all cultural and historical resources within the City as identified on the City of Newman's Inventory of Historic Resources. In addition, historic structures as defined herein shall include the exterior portions of any primary building and also related accessory structures of the same period construction but shall not apply to the interior of the designated structure. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.040 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on an historic resource that does not involve a change in design, material or appearance thereof. This chapter does not prevent the construction, reconstruction, restoration, demolition, or removal of any such feature when the Chief Building Official certifies to the Architectural Review Committee that such action is required for the public safety due to an unsafe condition which cannot be rectified through the uses of the State Historical Building Code and following of the California Health and Safety Code as the same exists or may hereafter be amended. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.050 Definitions.

"Alteration" means any change to or modification of an historic resource.

"Architectural" means anything pertaining to the science, art or profession of designing and constructing buildings.

"Architectural Review Committee" means the Committee established under this Code.

"Culture" or "cultural" means anything pertaining to the concept, skills, habits, arts, instruments, or institutions of a given people at a given point in time.

"District" or "historic district" or "historic preservation area" means a geographically definable area within the City of Newman possessing a significant concentration, linkage, or continuity of historic resources and which has been so designated pursuant to this chapter.

"Historic resource" means a structure, natural feature, site or other artifact of architectural, artistic, cultural, engineering, aesthetic, archaeological, historical, political, or social significance to the citizens of the City of Newman, the State, or the Nation and formally designated by the City of Newman in accordance with the provisions of this chapter. A "historic resource" also includes a resource listed in the State and/or National Register of Historic Resources.

“Local historic resources inventory” means the inventory of historic resources (including structures of architectural, cultural and historical significance) located within the City of Newman.

“Material change” means a change, as defined herein, in the design, material, or appearance of an exterior architectural feature in or on an historic resource.

“Natural feature” means any tree, plant life, geographical or geological site or feature.

“Owner” means any person, association, partnership, firm, corporation or public entity appearing as the holder of title on any property as shown on the records of the County Assessor or on the last assessment roll of the County of Stanislaus, as applicable.

“Preservation” means the identification, study, protection, restoration, rehabilitation, or acquisition of cultural resources.

“Residentially used property” shall mean any owner-occupied building or structure, and accessory structures, located within an R District and used for single-family residential purposes, when used within the context of this chapter.

“Site” means a place or plot of land where something was, is or will be.

“Structure” means a building or any other manmade object affixed on or under the ground. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.060 Architectural Review Committee.

A. The City’s Architectural Review Committee shall be the advisory agency for carrying out the duties and responsibilities identified under this chapter.

B. As per this Code, the Architectural Review Committee shall consist of the following five members:

1. One Planning Commissioner;
2. One member of the Newman Historical Society;
3. One City resident at large;
4. One member of the business community and/or Chamber of Commerce; and
5. One professional in one or more of the following disciplines:
 - a. Architecture;
 - b. Architectural history;
 - c. Historical remodeling or reconstruction;
 - d. Historic archaeology;
 - e. Historical conservation; or
 - f. Related discipline to the extent such professionals are available in the community of Newman.

C. At least one member of the Architectural Review Committee should be a licensed building contractor. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.070 Powers and duties of the Architectural Review Committee.

The Architectural Review Committee shall have the following powers and duties:

A. Following formal notification to the property owner of record, the designation of historic resources within the City.

- B. Review design and/or building permit plans for construction, alteration, or demolition of designated historic resources.
- C. Consult with and consider the general ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation.
- D. View structures, sites and areas which it has reason to believe are worthy of preservation.
- E. Disseminate information to the public concerning those structures, sites and areas deemed worthy of preservation, and encourage and advise property owners and members of the community generally in the protection, enhancement, perpetuation and use of property designated historic.
- F. Consider methods other than those provided for in this chapter for encouraging and achieving historical or architectural preservation.
- G. Conduct a review of the inventory of historic resources and update the inventory every two years or as deemed appropriate. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.080 Criteria for historic designation.

An historic resource structure is normally considered a structure of over 50 years of age as determined by the records of the Stanislaus County Assessor's Office. In considering a proposal for designation as an historic resource, the Architectural Review Committee shall apply a minimum of two of the following criteria:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation.
- B. Its location as a site of a significant historic event.
- C. Its identification with a person or persons who significantly contribute to the culture and development of the City, the State or the Nation.
- D. Its exemplification of a particular architectural style or way of life.
- E. Its exemplification of the best remaining architectural type in the City.
- F. Its identification as the creation, design or work of a person or persons whose efforts have significantly influenced the heritage of the City, the State or the Nation.
- G. Its embodiment of elements demonstrating outstanding attention to artistic, architectural and/or engineering design, detail, materials, or craftsmanship.
- H. Its relationship to any other historic resource if its preservation is essential to the integrity of the other historic resource.
- I. Its unique location or singular physical characteristics representing an established and familiar visual feature of the City.
- J. Its potential of yielding significant information of archaeological interests.
- K. Its integrity as a natural feature that strongly contributes to the well-being of the people of the City, the State, or the Nation.
- L. The Architectural Review Committee shall, in making its determination for historic resource designations, consider the above criteria and make the following findings:
 - 1. The property, place, site, building, structure, or use has special local historical, architectural, archaeological, or cultural interest that embodies the character and history of the City;

2. The unique character and history of the City are reflected in the cultural, historical, economic and architectural heritage embodied in said property, place, site, building, structure or use which should be preserved as living parts of the community;
3. The property, place, site, building, structure or use is facing increasing pressures of modernization and may be threatened with demolition or decay;
4. The request for designation represents an area of special natural beauty and aesthetic interest, the preservation of which would enhance the economy of the City by promoting such areas as market draws or tourist attractions;
5. The property is listed on the National Register of Historic Places or any State or County official register of historical or architecturally significant sites, places, or landmarks or is to be listed on the City register of historically or architecturally significant sites, places, or landmarks;
6. The property owner of record has been formally notified by certified U.S. mail that their property was being considered for designation as an historic resource and was provided with an opportunity to address the Committee regarding the merits of designation and that the property owner's comments were considered in the determination. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.090 Procedures for historic designation of homes not on the City of Newman local historic resources inventory.

A. Commercially Used Property. Upon its own application, or upon an application filed with the Architectural Review Committee by the property owner, the Architectural Review Committee may designate a commercially used historic resource, subject to appeal to the Planning Commission and the City Council.

B. Residentially Used Property. Upon an application filed with the Architectural Review Committee by the property owner, the Architectural Review Committee may designate a residentially used historic resource, subject to appeal to the Planning Commission and the City Council.

C. Designation Procedure. The procedure for designation of historic resources is as follows:

1. The application shall include the following data:
 - a. Assessor's parcel number of the site or legal description;
 - b. Description detailing the proposed resource's special aesthetic, cultural, architectural, artistic, or engineering interest or value of an historic nature;
 - c. Sketches, drawings, photographs, or other descriptive materials;
 - d. Statement of condition of structures;
 - e. Other material or information requested by the Architectural Review Committee.
2. Prior to approval or approval with modification, the Architectural Review Committee shall find:
 - a. That the proposed structure, natural feature, site or district has significance as an historic resource; and
 - b. That the proposed designation may be made without imposing an undue hardship upon the owner(s) of the property(ies); and
 - c. That approval or approval with modification(s) of the application is consistent with the purpose and criteria of this chapter.
3. The recommendation of the Architectural Review Committee, approved by at least three affirmative votes, shall be approved unless reversed by the Planning Commission or on appeal by the City Council.

4. Following approval of the designation, the Architectural Review Committee shall send to the owner(s) of the property(ies) so designated a letter outlining the basis for such designation, and the regulations resulting from such designation. The Architectural Review Committee may also forward a copy of the letter to any other department or agency requesting it or that the Architectural Review Committee considers affected by the designation.

5. Once designated, the property shall then be listed on the Inventory of Historic Resources. The inventory shall be reviewed by the Architectural Review Committee every two years.

6. Within 90 days of designation of a building or structure as an historic resource in accordance with the provisions of this chapter, a document shall be recorded by the City in the office of the Stanislaus County Recorder. The document to be recorded shall contain the name of the owner or owners, a legal description of the property, the date and substance of the designation, a statement explaining that the demolition, alteration, or relocation of the structure is restricted, and a reference to this section authorizing the recordation.

7. For 24 months from the effective date of the ordinance codified in this chapter, all appeal fees attributable to the implementation of these provisions shall be paid by the City and/or the Newman Redevelopment Agency. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.100 Zoning regulations.

The provisions of this chapter are intended to complement and support the provisions of NCC 5.13.030. Where an historic resource is located within an H District, and the provisions of this chapter are more restrictive than the provisions of the H District, the provisions of this chapter shall apply. Similarly, although a building or structure is located within an H District, unless the building or structure is designated as an historic resource, the provisions of this chapter shall not apply to any proposed construction and such work shall be governed exclusively by the provisions of the H District, any underlying zoning or other building code or similar provisions. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.110 Scope of alterations.

A. Any replacement of elements of any structure in a manner which may become inconsistent with proposed regulations preserving the original construction of such structure is hereby limited. Structural elements regulated herein are defined as any exterior visible portion of the structure, including:

1. Roof;
2. Eaves;
3. Fascia and siding;
4. Masonry walls and supports;
5. Porches, landings, outside stairs;
6. Columns of walls;
7. Windows and frames;
8. Auxiliary buildings;
9. Doors.

B. Except as otherwise provided in this chapter, no exterior alteration to any and/or all of the above-listed structural elements shall be carried out unless the Chief Building Official and/or the Architectural Review Committee has determined that the alteration utilizes materials in a manner compatible with the existing or original construction and design of the structure. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.120 Alteration of an historic resource – Permit required.

Except as otherwise provided in this chapter:

A. No person shall carry out or cause to be carried out on an historic resource any material change through alteration, construction, or relocation, unless the applicant has secured the required building permit.

B. Any person who plans the demolition, construction, alteration, relocation or removal of an historic resource or part thereof shall first submit an application to the City. Copies of the plans for the proposed work shall accompany the application. As a minimum, the application and plans shall contain the following data:

1. A clear statement of the proposed work;
2. Plans describing the size, height and appearance of the proposed work and its relationship to adjacent structures;
3. A site plan showing all existing buildings and structures and the proposed work;
4. Reasons for demolition if demolition is proposed;
5. Other information deemed necessary by the City to properly evaluate the proposal.

C. Except as otherwise provided in this chapter, no permit for the demolition, exterior construction, or alteration, relocation or removal of an historic resource or part thereof shall be issued until such application has been reviewed and approved by the Architectural Review Committee.

D. In the case where a permit has been applied for and the property owner plans to alter (utilizing materials not compatible with existing or original materials), demolish, relocate or remove an historic resource, the following shall apply:

1. The Architectural Review Committee shall consider, among other things, the purpose of this chapter and the historic architectural value and significance of the historic resource, as well as present and prospective effects or hardships (economic, financial, or otherwise) upon the owners and occupants of the affected properties. The Architectural Review Committee shall take into consideration architectural features of the building or structure in question, other buildings within any Historic District, and the position of such building or structure in relation to the street or public way and to other buildings and structures. The United States Secretary of the Interior's Guidelines for Rehabilitation shall provide base criteria for evaluating proposed alterations to an historic resource.
2. The Committee may approve, approve with modifications, or disapprove the application.
3. Prior to approval, or approval with modifications, the Architectural Review Committee shall find that:
 - a. The action proposed is consistent with the purposes of this chapter; and
 - b. The action proposed will not be detrimental to a structure or feature of significance as an historic resource; and
 - c. The applicant has demonstrated that the action is necessary to correct an unsafe or dangerous condition on the property; or
 - d. The applicant has demonstrated that denial of the application will result in immediate, undue, or substantial hardship (economic, financial, or otherwise); and
 - e. If the finding in subsection (D)(3)(a) of this section, and either finding in subsection (D)(3)(b), (c), or (d) of this section, cannot be made, then the building permit shall be denied.

4. A final determination, along with the written findings, shall be rendered by the Architectural Review Committee within 45 calendar days of receipt of the application, unless extended by mutual consent of the owner and the Architectural Review Committee.

5. Action of the Architectural Review Committee shall be deemed final, unless appealed. No building permit shall be issued until the time period for appeal has expired. Such appeal by the applicant, owner, or any person or entity dissatisfied with the action of the Architectural Review Committee shall be filed with the City Clerk within 10 days of the date of approval, conditional approval, or disapproval by the Architectural Review Committee.

The appeal shall set forth specifically where the petitioner believes the Architectural Review Committee's findings to be in error, and shall be accompanied by such fees as established from time to time by resolution of the City Council (as per NCC 1.16.010). On appeal, the Planning Commission may grant or deny the appeal, conditionally grant the appeal, or refer the matter to the Architectural Review Committee for further consideration.

6. The provisions of this section shall not apply to the following:

a. Where an historic resource has been damaged by fire, earthquake or other act of God to the extent that it cannot be repaired or restored with reasonable diligence, and where demolition of such structure, natural feature or site is being undertaken with prior approval of the City's Chief Building Official.

b. Where hazardous conditions exist as determined by the Chief Building Official and said hazardous conditions must be corrected immediately in the interest of the public health, safety and welfare. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.130 Duty to keep in good repair.

The owner, occupant, or other person in actual charge of an historic resource, or part thereof, shall keep in good repair all of the exterior portions of such building(s), or structure(s), and all interior portions whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature. It shall be the duty of the Chief Building Official to enforce this section. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.140 Enforcement.

In addition to the regulations of this chapter, other parts of this Municipal Code and other provisions of law which govern the approval or disapproval of applications for permits or licenses covered by this chapter, the Chief Building Official shall have the authority to implement enforcement of this chapter by any of the following means:

A. Serve notice requiring the removal of any violation of this chapter upon the owner, agent, occupant or tenant of the historic resource.

B. Call upon the City Attorney to initiate any necessary legal proceedings for enforcement of this chapter, and the City Attorney is hereby authorized to institute any legal actions toward that end.

C. Call upon the Police Chief and/or other sworn police officer to assist in the enforcement of this chapter. In addition to any of the foregoing remedies, the City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.150 Penalties.

Any person violating or failing to comply with the provisions of this chapter shall be guilty of a misdemeanor. Any violation of this chapter may be alternatively charged as an administrative citation. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

4.13.160 CEQA.

A. Pursuant to the California Environmental Quality Act (CEQA), this chapter is exempt under the provision of Section 15061(B)(3), known as the "general or common sense" rule exemption. This section of the guidelines

provides that where it can be seen with certainty that an action will not have a significant effect on the environment, it is exempt from CEQA.

B. In addition, this chapter is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines, because it is a regulatory action taken by the City in the exercise of its authority pursuant to Government Code Section 65858, to assure completion of a contemplated change to City standards which the City is studying, revising and contemplating adopting within a reasonable period of time. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 96-8, 10-22-1996)

Chapter 4.14

SOLAR ENERGY CODE

(Repealed by Ord. 2013-3)

Chapter 4.15

HISTORICAL BUILDING CODE

Sections:

- 4.15.010 Adoption.
- 4.15.020 Purposes.
- 4.15.030 Penalties.
- 4.15.040 Board of Appeals.

4.15.010 Adoption.

That certain document in book form entitled "California Historical Building Code, ~~2013~~ **2016** Edition of Title 24 Part 8," including the Appendices thereof, as approved and copyrighted by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of historic buildings, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as "the Historical Building Code of the City of Newman," and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 1, 10-22-2002)

4.15.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 2, 10-22-2002)

4.15.030 Penalties.

Section 8-104.4 of the California Historical Building Code is hereby amended to read as follows:

Section 8-104.4 Violation and Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 3, 10-22-2002)

4.15.040 Board of Appeals.

Section 8-104.3 of the California Historical Building Code is hereby added to read as follows:

Section 8-104.3 Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-14 § 4, 10-22-2002)

Chapter 4.16

EXISTING BUILDING CODE

Sections:

- 4.16.010 Adoption.
- 4.16.020 Purposes.
- 4.16.030 Penalties.
- 4.16.040 Board of Appeals.

4.16.010 Adoption.

That certain document in book form entitled “California Existing Building Code, ~~2013~~ **2016** Edition of Title 24 Part 10,” including **Chapter 1, Division II Scope and Administration and** the Appendices thereof, based on the ~~2012~~ **2015** International Existing Building Code, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “the Existing Building Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 1, 10-22-2002)

4.16.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 2, 10-22-2002)

4.16.030 Penalties.

Section ~~A102.3~~ **A113.4** of the California Existing Building Code is hereby added to read as follows:

Section ~~A102.3~~ **A113.4** Violation and Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 3, 10-22-2002)

4.16.040 Board of Appeals.

Section ~~A102.4~~ **A112.4** of the California Existing Building Code is hereby added to read as follows:

Section ~~A102.4~~ **A112.4** Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-15 § 4, 10-22-2002)

Chapter 4.17

ENERGY CODE

Sections:

- 4.17.010 Adoption.
- 4.17.020 Purposes.
- 4.17.030 Penalties.
- 4.17.040 Board of Appeals.

4.17.010 Adoption.

That certain document in book form entitled “California Energy Code, ~~2013~~ **2016** Edition of Title 24 Part 6,” including the Appendices thereof, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of energy-efficient equipment, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “the Energy Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 1, 10-22-2002)

4.17.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 2, 10-22-2002)

4.17.030 Penalties.

The following section is hereby added to the California Energy Code to read as follows:

Violation and Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 3, 10-22-2002)

4.17.040 Board of Appeals.

The following section is hereby added to the California Energy Code to read as follows:

Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-16 § 4, 10-22-2002)

Chapter 4.18

ELEVATOR SAFETY CONSTRUCTION CODE

Sections:-

4.18.010 — Adoption.

4.18.020 — Purposes.

4.18.030 — Penalties.

4.18.040 — Board of Appeals.

4.18.010 — Adoption.

That certain document in book form entitled “California Elevator Safety Construction Code, 2007 Edition of Title 24 Part 7,” including the Appendices thereof (refer to the California Code of Regulations, Title 8, for the Part 7 item), prescribing regulations governing the installation, construction, maintenance, alteration, repair and inspection of elevators, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “the Elevator Safety Construction Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013 3 § 1 (Att. A), 11 12 2013; Ord. 2010 7 § 1 (Att. A), 10 12 2010; Ord. 2007 10 § 1, 11 27 2007; Ord. 2002 17 § 1, 10 22 2002)

4.18.020 — Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013 3 § 1 (Att. A), 11 12 2013; Ord. 2010 7 § 1 (Att. A), 10 12 2010; Ord. 2007 10 § 1, 11 27 2007; Ord. 2002 17 § 2, 10 22 2002)

4.18.030 — Penalties.

The following section is hereby added to the California Elevator Safety Construction Code to read as follows:

Violation and Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013 3 § 1 (Att. A), 11 12 2013; Ord. 2010 7 § 1 (Att. A), 10 12 2010; Ord. 2007 10 § 1, 11 27 2007; Ord. 2002 17 § 3, 10 22 2002)

4.18.040 — Board of Appeals.

The following section is hereby added to the California Elevator Safety Construction Code to read as follows:

Board of Appeals.

~~The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.~~

~~(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-17 § 4, 10-22-2002)~~

FYI: This code requirement is no longer used and is enforced in all the pertinent sections of California State Law, Department of Industrial Relations, Title 8, Division 1, Chapter 4 regulations.

Chapter 4.19

REFERENCE STANDARD CODE

Sections:

- 4.19.010 Adoption.
- 4.19.020 Purposes.
- 4.19.030 Penalties.
- 4.19.040 Board of Appeals.

4.19.010 Adoption.

That certain document in book form entitled “California Reference Standard Code, ~~2013~~ **2016** Edition of Title 24 Part 12,” including the Appendices thereof, as approved and copyrighted by the International Code Council, 500 New Jersey Avenue NW, 6th Floor, Washington, D.C. 20001, and California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833, one copy of which document is now on file in the Building Department of the City of Newman, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as “the Reference Standard Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 1, 10-22-2002)

4.19.020 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 2, 10-22-2002)

4.19.030 Penalties.

The following section is hereby added to the California Reference Standard Code to read as follows:

Violation and Penalties.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 3, 10-22-2002)

4.19.040 Board of Appeals.

The following section is hereby added to the California Reference Standard Code to read as follows:

Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the Building Official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the Building Official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010; Ord. 2007-10 § 1, 11-27-2007; Ord. 2002-19 § 4, 10-22-2002)

Chapter 4.20
RESIDENTIAL CODE

Sections:

- 4.20.010 Purposes.
- 4.20.020 Adoption.
- 4.20.030 Definitions.
- 4.20.040 Violations and penalties.
- 4.20.050 Validity.
- 4.20.060 Board of Appeals.
- 4.20.070 Amendments.

4.20.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.020 Adoption.

Those certain documents in book form entitled “California Residential Code – ~~2013~~ **2016** Edition of Title 24 Part 2.5,” and including **Chapter 1, Division II Administration and** the all Appendix Chapters ~~H—Patio Covers~~, based on the ~~2012~~ **2015** International Residential Code, as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, one copy of which document is now on file in the Building Department of the City of Newman, except as to portions thereof which are herewith specifically amended, deleted and added to, are hereby adopted by reference together as the “California Residential Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.030 Definitions.

A. The name “Newman” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of this Code wherever the City or the State is left blank.

B. The term “Building Official” shall include the term “Chief Building Official,” and means the authority having jurisdiction/Director of the Building Department within the Community Development and Services Agency, and his or her deputies or designees. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.040 Violations and penalties.

Sections ~~205~~ **R113.1 and R113.4** of the ~~1997 Uniform Administration~~ **California Residential** Code as set forth in said Code is omitted, but in lieu thereof a new Sections ~~205~~ **R113.1 and R113.4** is added to read as follows:

Section ~~205~~ **R113.1 Unlawful acts:**

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Section R113.4 Violation penalties:

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.050 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.060 Board of Appeals.

Section ~~204~~ **R112.5** of the ~~1997 Uniform Administrative~~ **California Residential** Code is hereby added to read as follows:

Section ~~204~~ **R112.5** Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the building official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.20.070 Amendments.

Section R319.1 of the ~~2013~~ California Residential Code is hereby amended by adding the following subsection:

R319.1.2 Address Illumination.

Addressing shall be illuminated at night in all new buildings. Address signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Chapter 4.21

GREEN CODE

Sections:

- 4.21.010 Purposes.
- 4.21.020 Adoption.
- 4.21.030 Definitions.
- 4.21.040 Violations and penalties.
- 4.21.050 Validity.
- 4.21.060 Board of Appeals.

4.21.010 Purposes.

The purposes of this chapter are to provide minimum standards to safeguard life or limb, health, property and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Newman; to encourage and instruct people to build safely and economically, rather than to discourage building; and to provide a minimum of restrictive enforcement and a maximum of good building information and encouragement; by enhancing the design and construction of buildings through the use of building concepts having and encouraging sustainable construction practices in the following categories:

- A. Planning and design;
- B. Energy efficiency;
- C. Water efficiency and conservation;
- D. Material conservation and resource efficiency;
- E. Environmental quality. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.020 Adoption.

Those certain documents in book form entitled “California Green Code ‘CALGreen’ – ~~2013~~ **2016** Edition of Title 24 Part 11,” as approved and copyrighted by the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, one copy of which document is now on file in the Building Department of the City of Newman, except as to portions thereof which are herewith specifically amended, deleted and added to, are hereby adopted by reference together as the “California Green Code of the City of Newman,” and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Newman. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.030 Definitions.

- A. The name “Newman” and/or “California” shall be inserted in the appropriate places provided therefor in each and every section of this Code wherever the City or the State is left blank.
- B. The term “Building Official” shall include the term “Chief Building Official,” and means the authority having jurisdiction/Director of the Building Department within the Community Development and Services Agency, and his or her deputies or designees. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.040 Violations and penalties.

Section 205 of the 1997 Uniform Administration Code as set forth in said Code is omitted, but in lieu thereof, a new Section 205 is added to read as follows:

Section 205.

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City of Newman, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Any violation of this chapter may be alternatively charged as an administrative citation.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.050 Validity.

The City Council of the City of Newman hereby declares that should any section, paragraph, sentence or word of this chapter or of the Codes hereby adopted be declared for any reason to be invalid or unconstitutional, it is the intent of the City Council of the City of Newman that it would have passed all other portions of the ordinance codified in this chapter independently of the elimination herefrom of any such portion as may be declared invalid or unconstitutional. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.21.060 Board of Appeals.

Section ~~204~~ **113** of the ~~1997 Uniform Administrative Code~~ **California Building Code, Part 2** is hereby added to read as follows:

Section ~~204~~ **113.4** Board of Appeals.

The City Council is hereby designated as a Board of Appeals to make correct determination of any appeal arising from actions of the Administrative Authority. Any person dissatisfied with any decision of the building official may appeal in writing to the City Council of the City of Newman, which statement shall specify the ground of such dissatisfaction and shall set forth the address of appellant to which notice may be sent by mail. At the next regular meeting after filing of such appeal, the City Council shall set the same for hearing for a time not later than the next regular meeting of the Council and shall notify the appellant by mail of the time and place of such hearing, and such hearing may take such evidence as it shall deem proper, and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. The appellant shall cause to be made at his own expense any tests or research required by Council to substantiate his claims. The decision of the City Council on such appeal shall be final.

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Chapter 4.22

SAFETY ASSESSMENT PLACARDS

Sections:

- 4.22.010 Intent.
- 4.22.020 Application of provisions.
- 4.22.030 Definitions.
- 4.22.040 Placards.

4.22.010 Intent.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. This chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.22.020 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Newman. The City Council may extend the provisions as necessary. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.22.030 Definitions.

“Safety assessment” is a visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued occupancy. (Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

4.22.040 Placards.

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

1. “INSPECTED – Lawful Occupancy Permitted” is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
2. “RESTRICTED USE” is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
3. “UNSAFE – Do Not Enter or Occupy” is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

B. This ordinance number, the name of the jurisdiction and its address and phone number shall be permanently affixed to each placard.

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

INSPECTED

LAWFUL OCCUPANCY PERMITTED

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

Date: _____
Time: _____

Inspected Exterior Only

(Caution: Aftershocks since inspection may increase damage and risk)

Inspected Exterior and Interior

This facility was inspected under emergency conditions by:

Report any unsafe condition to local authorities; re-inspection may be required.



City of Newman, California
1247 Main Street, 209-862-1506

Inspector comments:

Inspector ID/Agency: _____

Facility Name and Address:

**Do Not Remove, Alter or Cover this Placard
until Authorized by the Building Official
(Municipal Code Title 4, Chapter 4.22)**

(Printed on GREEN colored paper)

RESTRICTED USE

Caution: This structure has been inspected and found to be damaged as described below:

Date: _____
Time: _____

(Caution: Aftershocks since inspection may increase damage and risk)

Entry, occupancy and lawful use are restricted as Indicated below:

This facility was inspected under emergency conditions by:



City of Newman, California
1247 Main Street, 209-862-1506

Inspector ID/Agency: _____

Facility Name and Address:

**Do Not Remove, Alter or Cover this Placard
until Authorized by the Building Official
(Municipal Code Title 4, Chapter 4.22)**

(Printed on YELLOW colored paper)

UNSAFE

DO NOT ENTER OR OCCUPY (THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

Date: _____
Time: _____

(Caution: Aftershocks since inspection may increase damage and risk)

This facility was inspected under emergency conditions by:



City of Newman, California
1247 Main Street, 209-862-1506

Inspector ID/Agency:

**Do Not Remove, Alter or Cover this Placard
until Authorized by the Building Official
(Municipal Code Title 4, Chapter 4.22)**

(Printed on RED colored paper)

(Ord. 2013-3 § 1 (Att. A), 11-12-2013; Ord. 2010-7 § 1 (Att. A), 10-12-2010)

Chapter 4.23

SMALL RESIDENTIAL ROOFTOP SOLAR PERMITTING PROCEDURES

Sections:

- 4.23.010 Purpose.
- 4.23.020 Definitions.
- 4.23.030 Permitting process.
- 4.23.040 Inspection process.

4.23.010 Purpose.

Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. (Ord. 2015-4 § 1 (Att. A), 8-11-2015)

4.23.020 Definitions.

“Electronic submittal” means the utilization of one or more of the following:

1. E-mail;
2. The Internet;
3. Facsimile.

“Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single- or duplex-family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time. (Ord. 2015-4 § 1 (Att. A), 8-11-2015)

4.23.030 Permitting process.

The expedited, streamlined permitting process for small residential rooftop solar energy systems shall comply with the applicable requirements contained in this title, Building Regulations, and all of the following:

- A. The Department shall develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review.
- B. The checklist and required permitting documentation shall be published on a publicly accessible Internet website.
- C. As allowed by available resources, the Department shall allow for electronic submittal of a permit application and associated documentation and shall allow electronic signature in lieu of a wet signature.

D. Upon confirmation by the Department that the application and supporting documentation are complete and meet all requirements of the California Building Standards Code, the Department shall approve the application and issue all required permits. (Ord. 2015-4 § 1 (Att. A), 8-11-2015)

4.23.040 Inspection process.

Small residential rooftop solar energy systems eligible for expedited, streamlined permitting process shall only require one inspection, unless the installation is found to be out of compliance with the California Building Standards Code or a separate fire safety inspection is required. Inspection requests shall be made in compliance with this title, Building Regulations. (Ord. 2015-4 § 1 (Att. A), 8-11-2015)

**REPORT ON PROPOSED ORDINANCE AMENDING TITLE 7 FIRE REGULATIONS OF THE
NEWMAN CITY CODE AND INCORPORATING THE CALIFORNIA CODE OF REGULATIONS
TITLE 24, PART 9, 2016 EDITION OF THE CALIFORNIA FIRE CODE**

RECOMMENDATION:

It is recommended that the City Council introduce by title Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code And Incorporating The California Code Of Regulations Title 24, Part 9, 2016 Edition Of The California Fire Code.

BACKGROUND:

The Newman City Code (NCC) Title 7 Fire Regulations was last updated during the release of the 2007 edition of the California Fire Code (CFC). During this time, the regulations primarily amended the NCC to reflect necessary fire code changes. Since the CFC is on three (3) year revision cycles, Title 7 of the NCC (Fire Regulations) is outdated, including language established at the City's incorporation. It is in the best interest of the City to amended the current City Code to update the fire regulations established throughout.

ANALYSIS:

During staff's review of the current NCC Fire Regulations (i.e. Title 7), it was found that many references are out of date or missing, language is hard to follow, and some references are not necessary. As a result of said review and the 2016 Edition Of The California Fire Code, the following amendments are proposed:

- Chapter 07.01.010-Members-Appointments: The fire department organization was updated to include current and industry standardized positions.
- Chapter 07.01.020-Oath of Officer: Language was amended to remove gender specific orientations.
- Chapter 07.01.030-Fire Chief-Powers and Duties: Language was amended to meet current practices established for the fire department.
- Chapter 07.01.040-Obedience to Orders: Language was amended to represent current fire department structure.
- Chapter 07.01.050-Compensation of Department Members: Language was amended to remove gender specific orientations.
- Chapter 07.01.060-Badge of Officer: Language was amended to represent current positions and titles. Added language to allow long time members to purchase badge under discretion of City Manager.
- Chapter 07.01.070-Powers and Duties of Department: Language was amended to represent current department titles and positions. This language includes authority of powers for the ability of Fire Chief to arrest and carry a firearm. Language was amended to remove gender specific orientations.
- Chapter 07.01.080-Violations, Penalty: Language was amended to include infraction and administrative penalty.
- Chapter 07.02.020-Use of Water During Fire: Language was amended to represent current legal limits and penalties.
- Chapter 07.02.030-Codition of Premises, Fire Hazards: Language was amended to represent current fire department positions and titles.
- Chapter 07.03-Storage Regulations: Renamed title to better represent the contents of the chapter.
- Chapter 07.03.020-Storage Quantities Enumerated: Language was added to require approved or listed closed metal cans or tanks. Language was amended to also represent current fire department titles and positions.
- Chapter 07.03.030-Storage Tank Regulations: Language was amended to represent current fire department titles and positions.
- Chapter 07.03.040-Permit Required-Fee: Language was amended to represent current fire department titles and positions.
- Chapter 07.03.060-Enforcement: Language was amended to represent current fire department titles and positions.

- Chapter 07.03.070-Zoning: Chapter was added; moving language from chapter 07.05.030 of the 2007 NCC fire code.
- Chapter 07.04-Fire Zones: Removed from NCC due to the requirement of fire zones becoming obsolete.
- Chapter 07.05-Fire Code: Re-numbered as Chapter 07.04-Fire Code. Replacing the chapter on Fire Zones.
- Chapter 07.05.010-Adoption: Re-numbered as Chapter 07.04.010-Adoption. Language was amended to represent current fire code adoption including appendices.
- Chapter 07.05.020-Deletions: Re-numbered as Chapter 07.04.020-Deletions. Language was amended to represent current fire code adoption.
- Chapter 07.05.030-Amendments: Re-numbered as Chapter 07.04.030-Amendments. Language was amended to represent current fire code adoption and regulations with considerations for local climatic, topographical or geological conditions. Updated references to CFC sections and standards established throughout the county. Removed language for R Occupancy as the CFC requires fire sprinklers in residential occupancies. Removed language established for existing buildings and structures and adopted CFC-Chapter 11-Construction Requirements for Existing Buildings. Language was amended to represent current City zoning references. Amended Table and Figure to represent CFC requirements.
- Chapter 07.05.040-Violations: Removed from NCC, language is similar and appears in a different chapter; removed to reduce redundancy.

FISCAL IMPACT:

There is no fiscal impact to the City of Newman. However, the NCC does establish violations, permits, fees, and penalties for requirements that are established through the ordinance.

CONCLUSION:

The California Fire Code is on a three-year revision cycle and the City of Newman has local conditions that require adopting, amending, and deleting sections of the California Fire Code. Therefore, the Newman City Code must be amended to reference these changes. Staff has reviewed the California Fire Code to make necessary amendments and revisions to the Newman City Code. It is the recommendation of staff that the Newman City Council introduce by title and waive the reading of Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code.

ATTACHMENTS:

1. Proposed Ordinance No. 2016- , An Ordinance Amending Title 7 Fire Regulations Of The Newman City Code And Incorporating The California Code Of Regulations Title 24, Part 9, 2016 Edition Of The California Fire Code

Respectfully submitted,



Keith Bowen
Fire Chief

REVIEWED/CONCUR



Michael Holland
City Manager

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING TITLE 7 FIRE REGULATIONS OF THE NEWMAN CITY CODE AND INCORPORATING THE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9, 2016 EDITION OF THE CALIFORNIA FIRE CODE

The City Council of the City of Newman does ordain as follows:

Section 1.

That Title 7 of the Newman City Code be amended as stated in Attachment "A", attached hereto and made a part hereof by this reference.

Section 2.

All other sections and provisions of Title 7 shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council on October 11, 2016.

Section 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 27th day of September, 2016 by Council Member _____, and adopted at a regular meeting of said City Council held on the 11th day of October, 2016 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

City Clerk

ATTACHMENT "A"

**Title 7
FIRE REGULATIONS**

Chapters:

- 7.01 Fire Department**
- 7.02 Fire Regulations**
- 7.03 Explosives Storage Regulations**
- ~~**7.04 Fire Zones**~~
- 7.054 Fire Code**

**Chapter 7.01
FIRE DEPARTMENT**

Sections:

- 7.01.010 Members – Appointments.
- 7.01.020 Oath of office.
- 7.01.030 Fire Chief – Powers and duties.
- 7.01.040 Obedience to orders.
- 7.01.050 Compensation of Department members.
- 7.01.060 Badge of officer.
- 7.01.070 Powers and duties of Department.
- 7.01.080 Violation, penalty.

7.01.010 Members – Appointments.

The Fire Department of the City shall consist of a Fire-Division Chief (*Fire Chief*), ~~a First and Second Assistant Fire Chief, and active firemen~~, and staffing as necessary to perform the duties as assigned; the department will maintain a ratio of firefighter to officers, which will be no more than 5:1; the recognized positions of the fire department shall consist of Fire Chief, Battalion Chief, Captain, Engineer, Firefighter; all of whom shall be appointed by the City Manager or Department Head, if designated, pursuant to the provisions of Chapter 1.06 NCC. (Ord. 2008-1, 2-12-2008; Ord. 77-10, 4-12-1977)

7.01.020 Oath of office.

The Fire Chief, ~~his assistants and all firemen~~, *fire officers, and firefighters* before entering upon the duties of their offices, shall take an oath or affirmation to well and truly perform the duties of the same. (Ord. 2008-1, 2-12-2008; Ord. 151, 11-13-1945)

7.01.030 Fire Chief – Powers and duties.

A. The powers and duties of the Fire Chief shall be as follows:

~~A 1.~~ In all cases of fire ~~the Fire Chief or designee~~ shall have control of all the members of the Fire Department and of all engines and apparatus belonging thereto or connected with the same, and he ~~or she~~ shall adopt such measures as ~~he shall~~ deem necessary for the effectual extinguishment of fires and for the prevention of their spreading.

~~B 2.~~ ~~He~~ *The Fire Chief* shall have the general charge of all the property of the City connected with the Fire Department and shall preserve and keep the same in complete repair and in the best order for immediate use.

~~C 3.~~ ~~He~~ *The Fire Chief* shall submit to the City Manager ~~at the end of each quarter, i.e., on or before the first meeting of the City Council following the close of each calendar quarter, as required, a full-~~

ATTACHMENT "A"

~~and complete report of the activities of the Fire Department during the quarter. a complete report of the fire departments activities. Said report shall indicate the number, location, and condition of the hydrants; the condition of the fire apparatus and all property of the City in keeping of the Fire Department; and of all fires and with their cause of origin, thereof, if known; and the number and a description of the buildings destroyed, or injured damaged, and the estimated loss of the same; and the names of the firemen firefighters reporting to each fire and/or regularly called drills; and such other information as the City Manager may deem proper. or which the City Manager shall from time to time direct him to include in such report.~~

~~D 4. He~~ *The Fire Chief or delegate shall perform such other duties pertaining to his the office as may from time to time be prescribed by the City Manager.*

~~E 5. Whenever the Fire Chief shall be absent from the City or unable to attend to his the assigned duties, the First Assistant a qualified designee as assigned by the Fire Chief shall perform the duties of the Chief office. and in case of his absence, the Second Assistant shall perform said duties.~~ (Ord. 2008-1, 2-12-2008; Ord. 77-10, 4-12-1977)

7.01.040 Obedience to orders.

It shall be unlawful for any member of the Fire Department to disobey any order or direction given by the Fire Chief or ~~either of the Assistant Chiefs~~ *their designee* at a drill, alarm of fire, or while on duty; ~~and they~~ *Such a member* may be dismissed by the Fire Chief from the Department for infraction of any duty or the rules thereof. (Ord. 2008-1, 2-12-2008; Ord. 151, 11-13-1945)

7.01.050 Compensation of Department members.

The compensation of members of the Fire Department, with the exception of the Fire Chief, shall be an amount recommended by the Fire Chief and approved by the City Council at the time the budget for each fiscal year is approved by the City Council. The Fire Chief shall report to the City Council, at its last meeting in June each year, the amount of compensation due each member of the Department for that particular year, and thereupon warrants shall be drawn for the said amounts in favor of the Secretary of the said Department, who shall immediately distribute to each member the compensation due ~~him~~ *them*. (Ord. 2008-1, 2-12-2008)

7.01.060 Badge of officer.

The City shall supply to the Fire Chief, ~~First Assistant Fire Chief, Second Assistant Fire Chief, Battalion Chiefs, Captains, Engineers, and each fireman~~ *firefighters*, upon assuming ~~his~~ *their* office, a suitable badge, indicative of ~~his~~ *their* membership and rank. Such badges shall remain the property of the City and shall be returned to the City upon ~~the member's retirement or~~ separation from the Department. *The City Manager or designee may consider allowing members that have met predetermined criteria, as set by department policy, to purchase their badge.* (Ord. 2008-1, 2-12-2008; Ord. 77-10, 4-12-1977)

7.01.070 Powers and duties of Department.

A. Engage Aid of Residents. The Fire Chief or any ~~Assistant Chief~~ *Fire Officer*, or the Chief of Police, in case of fire, may command the service of any or all residents of the City to assist in extinguishing the

ATTACHMENT "A"

same, and it shall be unlawful for any person to refuse to render reasonable assistance in extinguishing a fire when directed to do so by the Fire Chief, ~~an Assistant Chief~~ *Fire Officer*, or Chief of Police.

B. Police Powers. Pursuant to the provisions of California Penal Code 836.5, the Fire Chief and Fire Officers are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence, which is a violation of NCC or a violation of any other ordinance or statute, which he or she has a duty to enforce. Every ~~fireman~~ *firefighter*, during the time of any fire, shall have the powers of a ~~police man~~ *police officer*, and may, with or without complaint, arrest any disorderly person or any person attempting to steal any property. (Ord. 2008-1, 2-12-2008; Ord. 151, 11-13-1945)

C. Authority to carry firearms. Pursuant to the provisions of California Penal Code 830.37, the Fire Chief and such employees as he or she may designate, in writing with consultation from the Police Chief, are authorized to carry weapons when acting in the course and scope of their employment.

7.01.080 Violation, penalty.

Any person who violates any of the provisions of this ~~chapter~~ *title* shall be deemed guilty of a misdemeanor¹, *infraction, or administrative penalty in the determination of the City Attorney.* (Ord. 2008-1, 2-12-2008; Ord. 77-5, 2-22-1977; Ord. 151, 11-13-1945)

¹ See NCC 1.04.010.

**Chapter 7.02
FIRE REGULATIONS**

Sections:

- 7.02.010 Storage of combustible materials.
- 7.02.020 Use of water during fire.
- 7.02.030 Condition of premises, fire hazards.

7.02.010 Storage of combustible materials.

It shall be unlawful for any person to place, keep or maintain any stack of unbaled hay or straw or any pile or stack of other inflammable materials without being enclosed in a proper house or barn, within the fire limits of the City as set out under the Building Code of the City¹. (Ord. 2008-1, 2-12-2008; Ord. 270, 1-21-1973; Ord. 69, 8-10-1915)

7.02.020 Use of water during fire.

A. No person shall use or draw water from the mains or pipes of the City waterworks from the time an alarm of fire is given until the fire is extinguished, except for the purpose of extinguishing said fire, or for necessary household purposes. Nor shall any person drive or haul, or cause to be driven or hauled, any automobile, wagon or other vehicle or thing, over or upon any fire hose in use at any fire, or ride, drive or cause any horse or other animal or thing to be ridden or driven or moved over or upon said hose.

B. Any person ~~who violating~~ violates any provision of this section shall be deemed guilty of a ~~misdemeanor~~ *an infraction, and shall be punished by a fine not to exceed \$500.00; unless punishable as a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$25.00 \$1000.00,*

ATTACHMENT "A"

or by imprisonment in the ~~City County~~ jail not exceeding ~~25 days~~ *six (6) months*, or by both such fine and imprisonment. (Ord. 2008-1, 2-12-2008; Ord. 70, 9-28-1915)

7.02.030 Condition of premises, fire hazards.

As a protection against fire, all yards or vacant land on any premises in the City must be kept clean of all trash, rubbish, paper, paper boxes, excelsior or other highly inflammable materials of like character. All of said materials must be either promptly destroyed or removed at once; provided, however, that such a quantity of said materials as can be enclosed in a box or other receptacle and properly covered to the satisfaction of the ~~Chief Engineer~~ *authorized city fire official*, may remain on any premises for such time as the ~~Chief Engineer~~ *authorized city fire official* may permit. (Ord. 2008-1, 2-12-2008; Ord. 50, 11-29-1910)

¹ See NCC 4.01.010.

Chapter 7.03
EXPLOSIVES STORAGE REGULATIONS

Sections:

- 7.03.010 Liquids prohibited by storage temperatures.
- 7.03.020 Storage quantities enumerated.
- 7.03.030 Storage tank regulations.
- 7.03.040 Permit required – Fees.
- 7.03.050 Certain substances prohibited.
- 7.03.060 Enforcement.

7.03.010 Liquids prohibited by storage temperatures.

It shall be unlawful for any person or the agent or manager thereof to keep or store, or permit the keeping or storing, within the City limits any gasoline, benzine, naphtha or distillate, without regard to the degree of heat Fahrenheit or other test at which it will flash or emit an inflammable vapor, or any other product of petroleum or hydrocarbon liquid which will so flash or emit an inflammable vapor at a temperature lower than 110 degrees Fahrenheit, in any building or in any manner, except as hereinafter provided. (Ord. 2008-1, 2-12-2008)

7.03.020 Storage quantities enumerated.

A.4. ~~A~~ *The* quantity not exceeding one gallon of any of the liquids or articles mentioned in NCC 7.03.010 may be kept or stored inside the walls of any building in the City; provided, the same be kept or stored in closed cans, bottles or other vessels; provided, however, that this subsection shall not apply to public or private garages or to engine rooms where the aforesaid articles or liquids are kept or stored in the tanks of automobiles or gas engines; and provided further, that this subsection shall not apply to merchants dealing in said articles or liquids where the same are kept or stored in metal cans or tanks, as hereinafter provided.

1. Retail automobile filling stations, which term shall also include public garages selling gasoline at retail, shall be permitted to have maximum storage facilities for gasoline of 10,000 gallons, at any one location, providing the storage facilities shall comply with the requirements of subsection (A)(3) of this section, and that no single storage tank on said premises shall have a maximum storage capacity of over 6,000 gallons.

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2. In addition to the quantity of the articles or liquids mentioned in NCC 7.03.010, no more than five gallons of any such articles or liquids mentioned in said section shall be kept or stored on any one premises in the City, except as hereinafter provided, and the said additional five gallons or less must be kept or stored in *approved or listed* closed metal cans or tanks, outside the walls of any building.

3. Any of the articles or liquids mentioned in NCC 7.03.010 may be kept or stored in bulk in quantities of not more than 12,000 gallons on any one premises in addition to the quantity thereof mentioned in subsections (A)(1) and (2) of this section, if the same be kept or stored in tanks installed pursuant to rules and regulations as found in the California Fire Code and any Federal, State, County or Municipal Code, ordinance, law or regulation pertaining to storage of such substances.

4. In addition to the quantity of the article or liquid mentioned in NCC 7.03.010, hereinbefore permitted to be kept or stored within the walls of any building by the provisions of subsection (A)(2) of this section, merchants dealing in such articles or liquids may keep or store a quantity thereof, not exceeding 100 gallons, if the same be kept or stored in the original package, to be only disposed of in unbroken packages, said original packages to be kept or stored within the walls of a warehouse, hereinafter in subsection (B) of this section described and provided for, for the keeping or storing of ordinary commercial coal oil or kerosene.

B. The article or liquid known and described ordinarily in commerce as coal oil or kerosene may be kept or stored in metal tanks or in metal cans, properly closed, in quantities of not to exceed 500 gallons, on any one premises in the City, provided the same shall be kept or stored in a warehouse, which shall be properly closed and ventilated, and constructed of brick, stone, concrete or a combination of these materials, or, if the said warehouse is erected at least 30 feet from any other structure, it may be built of corrugated iron; in warehouses constructed of corrugated iron the floor shall be either earth or cement concrete. Said warehouse, of whatever material constructed, shall be provided with doors either of iron or wood covered with iron, and the roof shall be composed of some fire-resisting substance, and the said building shall in every respect be as nearly fireproof as possible, and be constructed to the satisfaction of the ~~Chief Engineer~~ *Fire Chief*, hereinafter mentioned.

~~C.1.~~ In that portion of the City lying west of the west line of N Street or its extension, no more than 15,000 gallons of the article or liquid commonly known as fuel oil shall be kept or stored on any one premises, and the same shall be kept or stored in tanks sunk in the ground, which shall be properly covered and vented so as to prevent ignition of the contents, to the satisfaction of the ~~Chief Engineer~~ *Fire Chief* of the Fire Department.

1. After the effective date of the ordinance codified in this chapter, no new tanks for the aforementioned purposes shall be constructed in that portion of the City abovementioned, except on the written permission of the City Council first had and obtained, which permission shall be signed by the Mayor and countersigned by the City Clerk and the ~~Chief Engineer~~ *Fire Chief*.

2. The article or liquid mentioned in the preceding subsection may be kept or stored in quantities of not more than 50,000 gallons on any one premises in that portion of the City which lies east of the east line of N Street or its extension, but the same must be so kept or stored in tanks sunk in the

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ground, which tanks must be constructed and maintained in a safe condition and to the satisfaction of the ~~Chief Engineer~~ *Fire Chief*. And after the effective date of the ordinance codified in this chapter no new tanks for the aforementioned purpose shall be constructed in that portion of the City, in this subsection mentioned, except on the written permission of the City Council first had and obtained, which permission shall be signed and countersigned as in the preceding subsection provided.

3. When such article of liquid commonly known as fuel oil is used as a fuel in stoves, furnaces or ovens in the City, the same shall be kept or stored and used from a tank not exceeding 200 gallons in capacity. Said tank shall not be placed nearer than 10 feet to any building or structure or any part thereof. The feed pipe from said tank to the burner shall not exceed one-fourth inch in diameter inside, and shall be fitted with an automatic control or shut-off at the burner, and a shut-off at or near the tank. Said tank may be installed either above or below ground in tanks installed pursuant to rules and regulations as found in the California Fire Code and any Federal, State, County or Municipal Code, ordinance, law or regulation pertaining to storage of such substances; providing, however, that no such fuel oil may be kept, stored or used for fuel as herein provided, until after the system, plant, device or apparatus has been inspected by the Fire Chief of the City, and a permit issued therefore by said Fire Chief. (Ord. 2008-1, 2-12-2008; Ord. 87-8, 7-14-1987; Ord. 156, 11-12-1946; Ord. 50, 11-29-1910)

7.03.030 Storage tank regulations.

The storage tank, herein provided for, shall not be covered with earth until the same and its connections have been inspected by the ~~Chief Engineer~~ *Fire Chief*, who shall have the authority to condemn all work under this chapter, including the warehouse provided for herein, from whose order of condemnation the person aggrieved may appeal to the City Council, whose decision shall be final. (Ord. 2008-1, 2-12-2008)

7.03.040 Permit required – Fees.

Upon the completion and inspection of work hereunder, the ~~Chief Engineer~~ *Fire Chief* shall issue a permit allowing the maintenance of the tank or other thing requiring his permission and sign the same and deliver it to the Chief of Police, who shall countersign the said permit and deliver the same to the person for whom it is intended, collecting the sum of \$1.00 as a fee for the same, which shall be paid to the City Treasurer as other moneys of the City are paid ~~by the Chief of Police~~. Upon the delivery of said permit, and not before, the permittee shall be authorized to do or maintain the thing named in said permit. (~~Ord. 2008-1, 2-12-2008~~) (Ord. 2008-1, 2-12-2008, Ord. 87-8, 7-14-1987; Ord. 156, 11-12-1946; Ord. 50, 11-29-1910)

7.03.050 Certain substances prohibited.

No person or agent thereof shall keep, store or maintain dynamite, nitroglycerine or giant powder in any quantity within the City without the permission of the Council first being had and obtained; nor shall any person keep in any one building or place more than 100 pounds of ordinary commercial explosive powder, which said powder shall be kept only in a box which shall have on the outside the word "Powder" in large letters, painted thereon so the same can be easily seen, the said box to be provided with handholds or handles so that the same can be easily removed in case of danger. Nor shall any such person keep any quantity of phosphorus, unless the same be enclosed in glass jars, or metal cans, which must be filled with water and properly closed. (Ord. 2008-1, 2-12-2008)

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7.03.060 Enforcement.

It is made the duty of the ~~Chief Engineer~~ *Fire Chief* to enforce the provisions of this chapter, and for that purpose the *Fire Chief or fire official* shall have authority to enter upon any premises in the City, at any reasonable hour of the day, for the purpose of inspecting the same or any of the structures, tanks and appliances herein mentioned. (Ord. 2008-1, 2-12-2008; Ord. 50, 11-29-1910)

7.03.070 Zoning.

The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City of Newman zoned Heavy Industrial. All existing nonconforming bulk plants for storage of flammable or combustible liquids, which substantially comply with the requirements of this title or any chapter of the California Fire Code, and may be continued in use if the Chief grants a permit.

**Chapter 7.04
FIRE ZONES**

Sections:

~~7.04.010 Established and designated.~~

7.04.010 Established and designated.

A. All that portion of the City included in the:

~~C-N District or "Neighborhood Commercial District"~~

~~C-1 District or "Retail Business District"~~

~~C-2 District or "General and Service Commercial District"~~

~~C-8 District or "Highway Commercial District"~~

~~M District or "Industrial District"~~

~~I District or "Controlled Manufacturing District"~~

~~B. As said designations, locations and boundaries are delineated upon the map entitled zoning map for the City is established and declared as Fire Zone 2 of the City. All other lands and premises situated within the corporate limits of the City is established and declared as Fire Zone 3 of the City.~~

~~C. Provided, however, that any uses regularly permitted in the areas designated as Fire Zone 2, which may be permitted in Fire Zone 3, by reason of a regularly issued conditional use permit or variance, shall nevertheless be subject to the rules and regulations of Fire Zone 2. (Ord. 2008-1, 2-12-2008; Ord. 79-1, 12-26-1979)~~

**Chapter 7.05 04
FIRE CODE**

Sections:

~~7.05 4.010 Adoption.~~

~~7.05 4.020 Deletions.~~

~~7.05 4.030 Amendments.~~

~~7.05 4.040 Violation.~~

7.05 4.010 Adoption.

That a certain document, ~~three a copies~~ *copy* of which are on file in the office of the Stanislaus County Fire Prevention Bureau, being marked and designated as the California Fire Code, ~~2007~~ *2016* Edition, including Appendix Chapters ~~4 and~~ *4*, Appendices A, B, *BB*, C, *CC*, D, E, F, G, *I*, K, and ~~H~~ *Division II*

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Administration as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Newman, in the State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Newman are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any. (Ord. 2008-1, 2-12-2008)

7.05 4.020 Deletions.

There are deleted from the 2016 California Fire Code the following Sections:

~~Appendix Chapter 1 Sections 105.6.15, 105.6.19 and 105.6.30, related to permits.~~ (Ord. 2008-1, 2-12-2008)

7.05 4.030 Amendments.

The following sections of the California Fire Code, 2007 2016 Edition, are amended to read as follows:

A. Title. Section 101.1 of the 2016 California Fire Code is hereby amended to read as follows:

1. These regulations shall be known as the Fire Code of the City of Newman, hereinafter referred to as "this code."

~~A B. Board of Appeals. Appeals.~~ Section 108.1 of the 2007 2016 California Fire Code, ~~Appendix Chapter 1, Administration,~~ is hereby amended to read as follows:

1. Applicant may appeal the decision of the Chief to the City of Newman within thirty (30) days from the date of the decision being appealed whenever the Chief:

1 a. Disapproves an application for use of alternate materials, methods and/or types of construction,

2 b. Disapproves an application for permit or refuses to grant a permit applied for,

3 c. When it is claimed that the provisions of the code do not apply, or

4 d. That the true intent and meaning of the code have been misconstrued or wrongly interpreted.

~~B C. Compliance with Orders, Notices and Tags. Violations Penalties.~~ Section ~~109.2.2~~ 109.4 of the 2007 2016 California Fire Code, ~~Appendix Chapter 1, Division II, Administration,~~ is hereby amended to read as follows:

1. Criminal Violations. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter title or any chapter of the California Fire Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this chapter code shall constitute a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the City of Newman Attorney, be charged and prosecuted as an infraction. Any person convicted of a

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misdemeanor under the provisions of this chapter, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise herein made, shall be punishable by a fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250.00) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500.00).

2. Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

~~€~~ *D. Administrative Penalties.* In addition to any other remedies set forth in this chapter, administrative penalties may be imposed against any person, as defined in ~~Section 109.3~~ *Section 109.4.1 Abatement of violation* of the California Fire Code, for violating any of the requirements set forth in this ~~chapter~~ *code*.

1. Any administrative penalties assessed shall be as follows:

~~1~~ *a.* For violations of ~~this Code~~ *Section 5601.1.3 Fireworks*, possession, sale, use or discharge of dangerous fireworks, the administrative penalty shall be \$500.00 for each specific act found to be in violation of that section.

~~2~~ *b.* For all *other* violations of this *title or any chapter of the California Fire Code* ~~chapter~~, possession, sale, use or discharge of dangerous fireworks, the amount of the administrative penalty shall be \$100.00 for the first violation, \$200.00 for a second violation within any 12-month period and \$500.00 for any subsequent violations within any 12-month period.

~~Đ~~ *E. Fees.*

1. Permit Fee. The Board of the City of Newman may, by resolution adopted from time to time, charge a fee for any permit issued pursuant to the Fire Code.

2. Plan Check Fee. When a plan is required to be submitted, the plan-checking fee shall be paid at the time of submitting plans and specifications for checking.

3. Where plans are incomplete, or changed so as to require an additional plan check, an additional plan-check fee shall be charged at a rate shown in a schedule setting forth fees as adopted from time to time by resolution of the City of Newman.

~~€~~ *F. Water Supplies and Fire Hydrants.* ~~Section 508.5.1~~ *507.5.1, Where Required* of the 2007 2016 California Fire Code is hereby amended to read as follows:

~~Required Water Supply for fire protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the faculty or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.~~

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1. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet (45,720 mm) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

a. Exception: For Group R-3 and Group U occupancies, equipped throughout with an approved automatic sprinkler system installed in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3, the distance requirement shall not be more than 500 feet (152,400 mm).

2. Fire hydrants shall be located on the supply side of the fire suppression system check valve.

3. Fire hydrants shall be accessible to the Fire Department apparatus by roads meeting the requirements of Section 503.1 and Appendix D.

F G. Fire Extinguishing Systems, Chapter 9, is amended as follows:

1. Section 903.2.1.1 (A-1 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

2. Section 903.2.1.2 (A-2 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

3. Section 903.2.1.3 (A-3 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

4. Section 903.2.1.4 (A-4 Occupancy). Amend as follows:

~~1 a. The building fire area exceeds 5,000 square feet (465 m²).~~

5. Section ~~903.2.2~~ 903.2.3 (E Occupancy). Amend as follows:

~~1 a. The building exceeds~~ Throughout all Group E fire areas greater than 5,000 square feet (465 m²) in area.

6. Section ~~903.2.3~~ 903.2.4 (F-1 Occupancy). Amend as follows:

~~1 a. The building exceeds~~ A Group F-1 fire area exceeds 5,000 square feet (465 m²).

7. Section ~~903.2.6~~ 903.2.7 (M Occupancy). Amend as follows:

~~1 a. The building exceeds~~ A Group M fire area exceeds 5,000 square feet (465 m²).

~~8. Section 903.2.7 (R Occupancy). Amend as follows:~~

~~1. The building exceeds 5,000 square feet (465 m²).~~

~~2. All residential structures containing 5 or more dwelling units under a single roof.~~

~~3. For buildings and structures classified as R-3 occupancies, the square footage of the structures shall include garages and all other enclosed spaces under one roof. Garages that share at least one common wall, roof or attic with the dwelling shall be considered under the same roof as the dwelling and shall be provided with automatic fire sprinklers when required by this chapter.~~

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~~9. Section 903.2.7.1 (R Occupancy). Amend to read as follows:
Buildings 30 feet or 3 stories in height. An automatic fire sprinkler system shall be installed throughout buildings with a floor level that is located 30 feet (9.144 m) or more above the lowest level of fire department vehicle access or 3 or more stories in height.~~

~~10. Section 903.2.7.2 (R Occupancy). Add to read:
Cluster homes will be defined as a community of three or more buildings or structures over 120-square feet (11 m²) in area, with a single point of fire truck access, when the access is less than 30 feet (9 m) in width. Constructed of lightweight building materials spaced ten feet or less apart. The construction is Type 5, in which walls, beams, girders, trusses and roofs are made of dimensional lumber. They have narrow travel lanes separating each occupancy.~~

~~11. Section 903.2.7.3 (R Occupancy). Add to read:
Any building on plot sizes less than 5,000 square feet.~~

~~12 8. Section 903.2.8 903.2.9 (S-1 Occupancy). Amend as follows:
4 a. The building A Group S-1 fire area exceeds 5,000 square feet (465 m²).~~

~~13 9. Section 903.2.8.1 (Repair Garages). Amend as follows:
4 a. The building Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeds exceeding 5,000 square feet (465 m²).~~

~~14 10. Section 903.2.10.4 903.2.11 Specific buildings areas and hazards (B Occupancy). Add to read:
a. An automatic fire sprinkler system shall be installed throughout all buildings:
4 I. The building exceeds 5,000 square feet (465 m²).~~

~~15. Section 903.2.19 (U Occupancy). Amend as follows:
1. The building exceeds 5,000 square feet (465 m²).~~

~~b. EXCEPTION:~~

~~4 I. Non-residential buildings and unoccupied structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A).~~

~~16. Section 903.2.18 (Existing Buildings and Structures).
903.2.18 Existing Buildings and Structures. An approved automatic fire sprinkler system shall be installed in all existing buildings and structures when additions, alterations, or repairs are made within any twelve month period that exceed fifty (50) percent of the total value (current county assessed valuation or valuation determined by a certified real estate appraiser) of an existing building or structure that exceeds five thousand (5,000) square feet (total floor area under roof) or which result in said building or structure exceeding five thousand (5,000) square feet (total floor area under roof).~~

~~EXCEPTION:~~

- ~~1. Non-residential buildings and structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A).~~
- ~~2. All buildings and structures classified as R-3 or U occupancies.~~
- ~~3. Each portion of an existing building or structure separated by one or more area separation walls, constructed in accordance with the current adopted edition of the Building Code, when each portion does not exceed five thousand (5,000) square feet.~~
- ~~4. Existing buildings or structures and their addition(s) are exempt from automatic sprinklers when the cost of the remodel of the existing building(s) or structure(s) is less than fifty (50) percent of the~~

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~~value (current county assessed valuation for improvements) of the buildings or structures, and sprinklers are permitted to be omitted from the addition(s), due to type of construction, use, or other special situations, by the California Fire Code or National Fire Protection Association Standard 13.~~

11. Section 903.2.18 Group U private garages and carports accessory to Group R-3 occupancies, will have added Section 903.2.18.1 to read as follows:

*a. For isolated buildings or groups of buildings meeting the ~~requirements~~ definition of ~~subsection 6 or 7~~ Miscellaneous Group U, in rural area where no water is available from a municipal water system, a fire sprinkler system meeting all of the following criteria shall be considered as an alternative to systems that are in full compliance with *sections 903.3.1.2 - 903.3.1.3* ~~the applicable NFPA Standard.~~*

*1 I. Sprinklers will be designed and installed per ~~the applicable NFPA Standards~~ *section 903.3.1.2 – 903.3.1.3.**

2 II. The required sprinkler demand (not including hose stream allowance) shall be provided by a hydro pneumatic tank for a minimum duration of 15 minutes. The tank may be pressurized by the domestic well pump and may serve both the fire supply and domestic supply for the building. The tank must have a capacity equal to or greater than the calculated sprinkler demand. Calculations shall be provided to determine the actual size of tank required for each project.

3 III. A separate storage tank or other water source acceptable to the chief shall be provided to accommodate sprinkler and hose demand for an additional 30 minutes beyond the storage required in 8(b).

*4 IIII. An approved sprinkler system monitoring alarm as defined in ~~section 4003.3.1~~ *903.4.1* of the ~~Stanislaus County~~ *California* Fire Code shall be provided.*

~~EXCEPTION: Buildings and structures classified as R-3 are exempt from the storage tank requirements of 8(c).~~

~~G H. Fire Alarm Systems. Section ~~907.1.5~~ *907.1.3* *Equipment* of the ~~2007~~ *2016* California Fire Code is hereby amended by adding the following:~~

1. A certificate from Underwriters Laboratories (UL) shall be required on all commercial fire alarm systems installed after the effective date of this ordinance. UL certification is required to be maintained for commercial fire alarm systems throughout the life of the alarmed building.

~~H I. Open Burning, Recreational Fires, and Portable Outdoor Fireplaces. Section ~~307.1~~ *General* of the ~~2007~~ *2016* California Fire Code is hereby amended by adding the following:~~

1. Open burning. No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and compliance with all safeguards pursuant thereto. Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the City of Newman in which agricultural uses are lawful.

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~~I J.~~ Type of Lock or Latch for Premises Where Gold or Bullion is Traded (Note: Building Code). Section ~~4008.1 1010.1.9.3~~ of the ~~2007 2016~~ California Fire Code is amended to add ~~subsection 10~~ as follows:

~~1. Special Latching Devices.~~ An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which is not able open from inside without the use of a key or which requires special knowledge or effort so long as all of the following conditions are met during all times that the business is open to the public:

~~1 a.~~ The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;

~~2 b.~~ The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;

~~3 c.~~ Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and

~~4 d.~~ A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that the management electronically controls ingress and egress.

~~J K.~~ False Alarms. Section ~~405.10 908.8~~ of the ~~2007 2016~~ California Fire Code is hereby ~~amended~~ added to read as follows:

~~1.~~ False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted. The City of Newman may adopt by resolution reasonable fees to recover the costs associated with responses to buildings or structures that have excessive false alarms.

~~K L.~~ Hot Works. Section ~~2604.2.6 3504.2.6~~ *Fire Extinguisher* of the ~~2007 2016~~ California Fire Code is hereby amended to add the following:

~~When required by the Chief a minimum 2-A: 20B: C rated fire extinguisher shall be mounted to each portable welding cart.~~

~~1. Not less than one portable fire extinguisher complying with Section 906 and with a minimum 2-A:20-B:C rating shall be mounted to each portable welding cart or as required by the Fire Chief.~~

~~L M.~~ Fireworks. See Stanislaus County Code Chapter 9.84, Fireworks.

~~M.~~ Restricted Locations of Flammable and Combustible Liquids in Tanks. Section ~~3404.2.9.5.1~~ of the ~~2007~~ California Fire Code is hereby amended to read as follows:

~~Storage of Class I and II Liquids in aboveground tanks outside of buildings is prohibited, with the exception of protected tanks designed, installed and maintained in accordance with the 2007 California Fire Code. The provisions of this section shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the City of Newman.~~

~~N.~~ Operating Heating, Lighting, and Cooking Appliances Prohibited. Section ~~3405.3.3 5705.3.3~~ of the ~~2007 2016~~ California Fire Code is hereby amended to include the following:

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1. Heating, lighting, and cooking appliances that utilize Class I, Class II, and III Liquids shall not be operated within a building or structure.

a. Exception: Operation in single-family dwellings.

~~O. Location of Bulk Plants for Storage of Flammable and Combustible Liquids. Section 3406.4 of the 2007 California Fire Code is hereby amended to read as follows:~~

~~The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City of Newman zoned Heavy Industrial Zones. All existing noneconforming bulk plants for storage of flammable or combustible liquids, which substantially comply with the requirements of this Code, may be continued in use if the Chief grants a permit.~~

~~P O. Transfer Operations. Section 3406.5.1.1 5706.6.2 Parking of the 2007 2016 California Fire Code is hereby amended by adding to the following:~~

~~1. Parking of tank vehicles shall be in accordance with sections 5706.6.2.1 through 5706.6.2.3. Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Unless otherwise approved, a tank car shall not be allowed to remain on a siding at the point of delivery for more than twenty-four (24) hours while connected for transfer operations.~~

~~Q P. Hazardous Materials Permits. Subsection 3 is added to Section 2701.5 of the 2007 California Fire Code Key Boxes. Section 506.1 Where Required of the 2016 California Fire Code is amended to read as follows:~~

~~Key Box. When required by the Chief, an approved key box, sized to contain emergency information, shall be provided.~~

~~1. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, an approved key box shall be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the Fire Chief.~~

~~R Q. Deposits of Hazardous Materials – Cleanup, Abatement, or Mitigation Required – Liability for Costs. Section 2703.3.1.4 5003.3.1.4 of the 2007 2016 California Fire Code is hereby amended to read as follows:~~

~~1. Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the Chief, cleanup may be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge. The remedy provided by this section shall be in addition to any other remedies provided by law.~~

~~2. For purposes of this section, costs incurred by the City of Newman shall include, but shall not necessarily be limited to, the following: actual labor costs of City of Newman personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City of Newman; and cost of any contract labor and materials. The authority to recover costs under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.~~

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§ R. General Safety Precautions. Section 312.2 *Posts* of the ~~2007~~ 2016 California Fire Code is hereby amended to read as follows:

1. Protection from vehicles: Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

1 a. Constructed of steel not less than six (6) inches in diameter and concrete filled,

2 b. Spaced not more than four (4) feet between posts on center,

3 c. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter,

4 d. Set with the top of the posts not less than three (3) feet above ground, and

5 e. Located not less than five (5) feet from the tank.

¶ S. Outside Storage and Use of Liquefied Petroleum Gases. Section ~~3804.2~~ 6104.3 *Container Location*, of the ~~2007~~ 2016 California Fire Code is amended *to add* as follows:

1. The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of ~~Stanislaus County~~ *City of Newman* zoning ordinances. The outside storage and use of liquefied petroleum gases is restricted as specified in this section.

1 a. Storage and dispensing of LP-gas for resale purposes, into approved containers and vehicles, is restricted to those areas of the ~~Stanislaus County~~ *City of Newman* zoned as Commercial-Light Industrial, Heavy Industrial, and, in addition thereto, to other commercially zoned properties used as automotive service stations. Only qualified persons shall perform dispensing.

2 b. Dispensing of LP-gas for private use is restricted to those zones identified *above* in subsection S:1, and when approved by the Chief, may be permitted in those areas of the ~~Stanislaus County~~ *City of Newman* zoned ~~designated~~ *General* Commercial. Only qualified persons shall perform dispensing.

3 c. For cooking, lighting, or heating in a building, only on a property that does not have natural gas service existing on a boundary line of said property or when prohibition of such storage would cause undue hardship.

4 d. For temporary use on construction sites, when authorized by the Chief.

5 e. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Chief.

6 f. For use with certain mobile vending and certain commercial barbecue equipment and other specific uses when authorized by the Chief.

7 g. For use by Artisans in pursuit of their trade, when authorized by the Chief.

8 h. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the ~~Stanislaus County~~ *City of Newman*, ~~including those zoned Neighborhood~~

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~~Commercial~~, when approved by the Chief and stored in accordance with Section ~~6109 3809~~. ~~Such storage shall be located a minimum of twenty (20) feet from any fuel dispenser.~~

9 i. Containers that exceed 2,000 gallons shall comply with procedure FPB 82-01.

U T. Permits and Plans for Liquefied Petroleum Gases. Section ~~3801.2 6101.2~~ of the ~~2007 2016~~ California Fire Code is hereby amended to read as follows:

1. Permits. Permits shall be required as set forth in ~~Appendix Chapter 1, Sections 105.6 and 105.7 sections 105.6 and 105.7.~~

2. *Distributor shall not fill an LP-Gas container for which a permit is required unless the fire code official has issued a permit for installation for that location.*

a. EXCEPTION:

~~1 I.~~ Containers not exceeding five (5) gallon water capacity, used for "barbecue" cooking, when used and stored outside of buildings.

~~2 II.~~ Approved containers not exceeding sixteen and four-tenths (16.4) ounces when displayed for sale in mercantile occupancies.

~~3 III.~~ Factory installed containers for recreational vehicles not exceeding ten (10) gallon water capacity.

~~4 IIII.~~ Factory installed tanks that are permanently attached to recreational vehicles.
~~Distributors shall not fill an LP-gas container for which a permit is required unless the fire-code official has issued a permit for installation for that location.~~

V U. Supervision and Communication System. Section 907.2.1.4 of the ~~2007 2016~~ California Fire Code is hereby added to read as follows:

1. Supervision. Places of assembly shall be under the constant supervision of a competent adult on the premises during the time that the premises are open to the public.

2. Communications. When required by the chief, places of assembly shall be provided with a method for notifying the fire department in the event of an emergency. Such method can consist of a telephone, an alarm system connected to the fire department or other approved agency, or other approved means. Methods of notifying the fire department shall be readily available to the public.

W V. Powered Industrial Truck Operation. Section 309.7 of the ~~2007 2016~~ California Fire Code is hereby ~~added amended~~ to read as follows:

1. Powered Industrial trucks shall be listed and labeled for use in the environment intended and shall be in accordance with nationally recognized standards.

X W. Maintenance of Protected Aboveground Tanks. Section ~~3404.2.7.3.5.4 5704.2.9.11~~ of the ~~2007 2016~~ California Fire Code is hereby added to read as follows:

1. Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be maintained in accordance with their listings. Damage

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to protected aboveground tanks shall be repaired using material having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.

¶ X. Fire Apparatus Access Roads (Appendix D).

1. Appendix D. Table D103.4 is amended as follows:

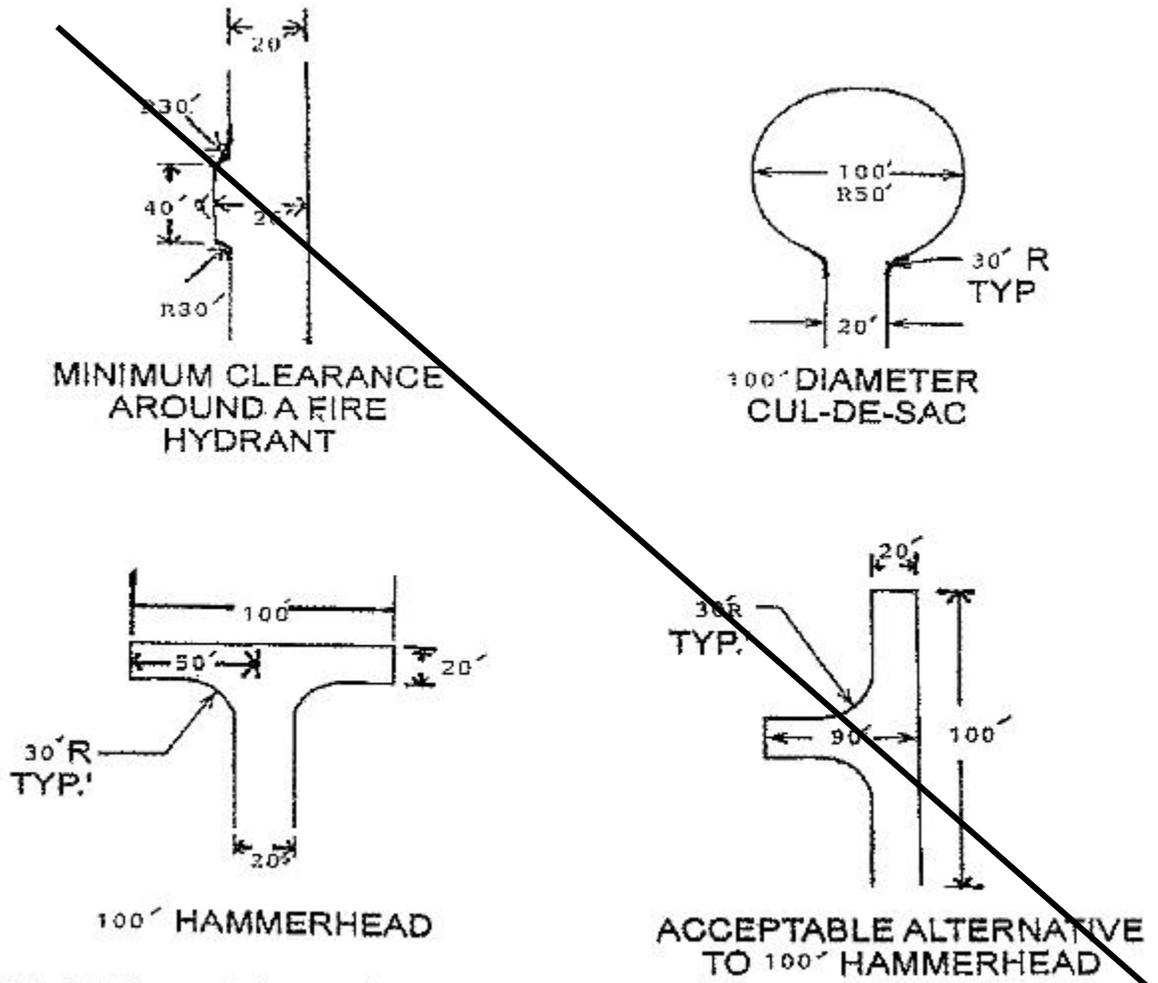
**Requirements for Dead-End Fire Apparatus
Access Roads**

Length (feet)	Width (feet)	Turnarounds Required
0 – 150	20	None Required
151 – 500	20	100 120-foot hammerhead, 60-foot "Y" or 100-foot cul-de-sac <i>in accordance with Figure D103.1</i>
501 – 750	26	100 120-foot hammerhead, 60-foot "Y" or 100-foot cul-de-sac <i>in accordance with Figure D103.1</i>
Over 750	Special Approval Required	

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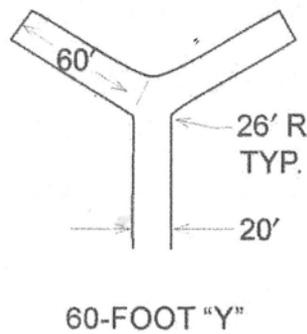
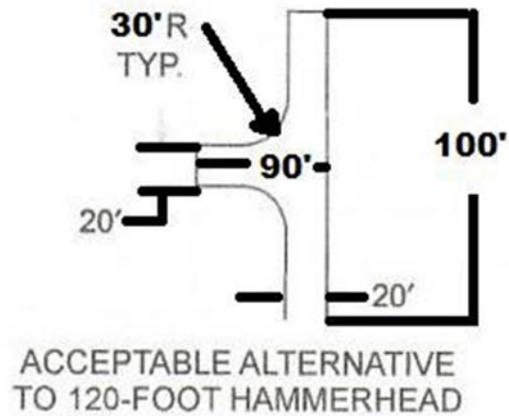
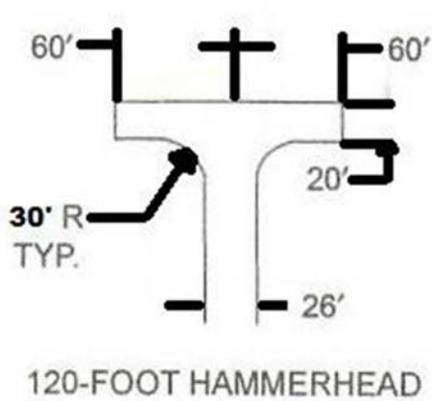
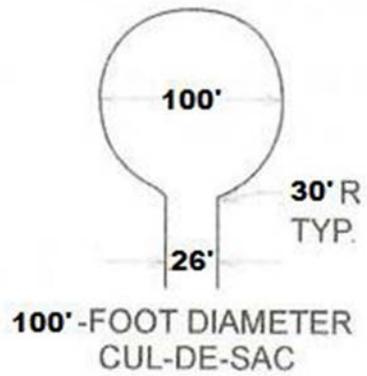
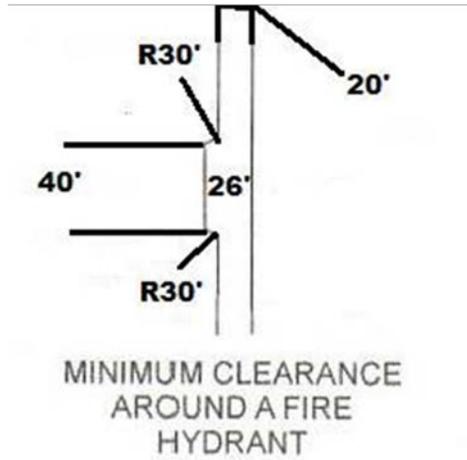
2. Appendix D. Figure D103.1 is amended as follows:

Dead-End Fire Apparatus Access Road Turnaround



Note: Drawing not to scale.

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Note: Drawing not to scale
(Ord. 2008-1, 2-12-2008)

7.05.040 — Violation.

It shall be unlawful for any person to violate any of the provisions of this Code, or violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or violate any of the provisions of a certificate or permit issued thereunder. Said person, for each and every violation and noncompliance respectively, shall be guilty of a misdemeanor, punishable by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (Ord. 2008-1, 2-12-2008; Ord. 84-2, 1-24-1984).



AGENDA
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF OCTOBER 20, 2016
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

OCTOBER 20, 2016 MEETING CANCELLED