Title 15
BUILDINGS AND CONSTRUCTION

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Chapter 15.03
ADMINISTRATION

Sections:

15.03.010 Adoption of Chapter I, Division II Scope and Administration
15.03.015 Department of Building and Safety
15.03.020 Amendments to Chapter I, Division II Scope and Administration

15.03.010 Adoption of Chapter I, Division II Scope and Administration **E**xcept as otherwise provided in this Chapter, the California Building Code, Title 24, California Code of Regulations, Part 2, Volume 1, Chapter 1 "Administration," including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the Administrative Code of the City. This administrative chapter shall apply to all codes listed in this title.

15.03.015 Department of Building and Safety The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*. The *building official* shall be appointed by the City Manager. With the concurrence of the City Manager, the *building official* shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers delegated by the *building official*.

15.03.020 Duties and Powers of Building Official The *building official* is authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

15.03.025 Amendments to Chapter I, Division II Scope and Administration The Administrative code is amended in part as follows:

101.4 Deleted in its entirety

105.3.2 Time limit of application. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 90 days upon request by the applicant. The extension shall be requested in writing and justifiable cause demonstrated showing that circumstances beyond the control of the applicant which has prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Section 109, Fees is amended to read as follows:

109.1.1 Plan Review Fees

When submittal documents are required by Section 109.3.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate established by the Building Official.

109.4 Work commencing before permit issuance

Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

109.4.1 Investigation fee - An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be equal to the minimum fee as defined in Section 109.2. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.6 Fee Refunds - The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit or which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

109.7 Re-inspections - A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work or which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official.

To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee in accordance with the fee schedule adopted by the jurisdiction.

In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

<u>Section 110 Inspections</u> is amended to read as follows:

110.3.5 Lathe and gypsum board inspections

The exception is deleted in its entirety.

Chapter 15.04
BUILDING CODE

Sections:

15.04.010 Adoption of California Building Code
15.04.020 Amendments to the California Building Code
15.04.030 Violation—Penalty

15.04.010 Adoption of California Building Code. Except as otherwise provided in this Chapter, the California Building Code, Title 24, California Code of Regulations, Part 2, Volumes 1 and 2, including, Appendix C, Group U-"Agricultural Buildings", Appendix F "Rodent Proofing", Appendix I "Patio Covers", and Appendix J "Grading", is hereby adopted by this reference as the Code for the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City providing for the issuance of permits and collection of fees therefore; and each and all of the amendments to such Building Code as may hereafter be adopted by the State of California shall be made a part of this Chapter without further action by the City Council.

15.04.020 Amendments to the California Building Code. The Building Code is amended in part as follows:

Chapter 18: SOILS AND FOUNDATIONS, Section 1801.1 is amended to add:

"Where relevant to grading, drainage and soil investigation, 'Building Official' shall also mean and include City Engineer/Director of Public Works or his/her designee."

Appendix "J" GRADING, Section J103.1 is amended by adding:

"Wherever the word 'Building Official' is used, it shall also mean and include City Engineer/Director of Public Works or his/her designee."

Section J109.4 is amended to read:

"Drainage across property lines. All graded lots shall drain to the street or publicly maintained facility. Cross lot drainage may be allowed at the sole discretion of the City Engineer/Director of Public Works. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained onsite or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by the installation of nonerosive down drains or other devices acceptable to the City Engineer."

Section J110-Erosion Control – first paragraph is amended to read:

"General. The faces of cut and fill slopes and graded surfaces shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting and other practicable means."

15.04.030 Violation—Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Building Code is an infraction.

Chapter 15.08
BUILDING FEES

Sections:

15.08.010 Permit Issuance Fees
15.08.020 Additional Fee

15.08.010 Permit Issuance Fees. The following fees, the amount of which shall be established from time-to-time by action of the City Council, shall be collected prior to the issuance of a permit:

A. Plan Check Fees and Deposits.

B. Permit Fees.

C. Re-inspection Fees.

15.08.020 Additional Fee. In addition to the permit fees, the following fee is to be collected prior to the issuance of a permit:

Strong Motion Instrumentation Program (SMIP), 0.007 percent per thousand dollars of valuation with a minimum of fifty cents for each permit. (S.B. 1374 Chapter 1152 ALQUIST).

Chapter 15.10
ELEVATOR SAFETY CONSTRUCTION CODE

Sections:

15.10.010 Adoption of California Elevator Safety Construction Code
15.10.020 Violation--Penalty

15.10.010 Adoption of California Elevator Safety Construction Code. Except as otherwise provided in this Chapter, the California Elevator Safety Construction Code, Title 24, California Code of Regulations, Part 7, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Elevator Safety Construction Code.

15.10.020 Violation—Penalty.

A. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Elevator Safety Construction Code is an infraction.

Chapter 15.11
HISTORICAL BUILDING CODE

Sections:

15.11.010 Adoption of California Historical Building Code
15.11.020 Violation—Penalty

15.11.010 Adoption of California Historical Building Code. Except as otherwise provided in this Chapter, the California Historical Building Code, Title 24, California Code of Regulations, Part 8, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Historical Building Code.

15.11.020 Violation—Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Historical Building Code is an infraction.

Chapter 15.12
ELECTRICAL CODE

Sections:

15.12.010 Adoption of California Electrical Code
15.12.020 Violation—Penalty

15.12.010 Adoption of California Electrical Code. Except as otherwise provided in this Chapter, the California Electrical Code, Title 24, California Code of Regulations, Part 3, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Electrical Code.

15.12.020 Violation—Penalty.

A. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Electrical Code is an infraction.

B. It shall be a violation of this Chapter, punishable as an infraction, for any person, firm or corporation to make connection from a source of electrical energy to an installation for which a permit is required, unless such person, firm or corporation has obtained a certificate of approval from the building inspector that such wiring devices, appliances or equipment are in conformity with all the requirements of this code.

Chapter 15.13
CALIFORNIA EXISTING BUILDING CODE

Sections:

15.13.010 Adoption of California Existing Building Code
15.13.020 Violation—Penalty

15.13.010 Adoption of California Existing Building Code. Except as otherwise provided in this Chapter, the California Existing Building Code, Title 24, California Code of Regulations, Part 10, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Existing Building Code.

15.13.020 Violation—Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Existing Building Code is an infraction.

Chapter 15.15
RESIDENTIAL CODE

Sections:

15.15.010 Adoption of the California Residential Code
15.15.020 Violation – Penalty

15.15.010 Adoption of the California Residential Code. Except as otherwise provided in this Chapter, the California Residential Code, Title 24 California Code of Regulations, Part 2.5, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Residential Code.

15.15.020 Violation-Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Residential Code is an infraction.

Chapter 15.16
PLUMBING CODE

Sections:

15.16.010 Adoption of California Plumbing Code
15.16.020 Violation—Penalty

15.16.010 Adoption of California Plumbing Code. Except as otherwise provided in this Chapter, the California Plumbing Code, Title 24, California Code of Regulations, Part 5, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the Plumbing Code of the City.

15.16.020 Violation—Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Plumbing Code is an infraction.

Chapter 15.17
MECHANICAL CODE

Sections:

15.17.010 Adoption of California Mechanical Code
15.17.020 Violation—Penalty

15.17.010 Adoption of California Mechanical Code. Except as otherwise provided in this Chapter, the California Mechanical Code, Title 24, California Code of Regulations, Part 4, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the Mechanical Code of the City.

15.17.020 Violation—Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Mechanical Code is an infraction.

Chapter 15.19
ENERGY CODE

Sections:

15.19.010 Adoption of California Energy Code
15.19.020 Violation—Penalty

15.19.010 Adoption of California Energy Code. Except as otherwise provided in this Chapter, the California Energy Code, Title 24, California Code of Regulations, Part 6, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Energy Code.

15.17.020 Violation—Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Energy Code is an infraction.

Chapter 15.20
FIRE CODE

Sections:

15.20.010 Title
15.20.020 Adoption of 2013 Fire Code
15.20.030 Violation—Penalty

15.20.010 Title. This Chapter shall be cited as the "Fire Code" of the City, and any reference in the Beaumont Municipal Code or any Chapter thereof to the Fire Code refers to and applies to this Chapter and the Fire Code adopted by reference in accordance with this Chapter. (Ord. 1042, 2.4.14)

15.20.010 Adoption of 2013 Fire Code. Subject to the particular additions, amendments and deletions set forth in this Chapter, all of the rules, regulations, provisions and conditions set forth in that certain document being marked and designated as "An Ordinance of the County of Riverside Amending Ordinance No. 787 and Adopting the 2013 California Fire Code as Amended", certified copies of which are on file in the office of the City Clerk, are hereby adopted as the Fire Code of the City, and each and all of the rules, regulations, provisions and conditions thereof are hereby referred to, adopted and made part of this Chapter as though fully set forth at length herein. (Ord. 1042, 2.4.14)

15.20.030 Violation—Penalty. In the discretion of the Enforcement Officer, any person violating the provisions of this Chapter shall be issued an Administrative Citation pursuant to Beaumont Municipal Code Chapter 1.17 or shall be guilty of an infraction pursuant to Beaumont Municipal Code Chapter 1.16. In either case, the amount of the fine shall be the appropriate amount set forth in Section 1.16.030 of this Code. Each such violation shall be deemed a separate offense as specified in Section 1.16.040.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor, punishable by a fine of $1,000.00 or 6 months in jail, or both.

In addition to the penalties provided in this Section, any condition caused or permitted to exist in violation of any of the provision of this Chapter shall constitute a public nuisance and may be abated by the City by civil process by means of a restraining order, preliminary or permanent injunction or in any manner provided by law for the abatement of such nuisance.

All remedies herein are cumulative and non-exclusive.

(Ord. 1042, 2.4.14)

Chapter 15.22
GREEN BUILDING CODE

Sections:

15.22.010 Adoption of California Green Building Code
15.22.020 Violation-Penalty

15.22.010 Adoption of California Green Building Code. Except as otherwise provided in this Chapter, the California Green Building Code, Title 24, California Code of Regulations, Part 11, including any and all amendments thereto that may hereafter be made and adopted by the State of California, is hereby adopted as the City Green Building Code.

15.22.020 Violation- Penalty. Violation of the provisions of this Chapter or failure to comply with any of the requirements of the Green Building Code is an infraction.

Chapter 15.24
FLOODPLAIN MANAGEMENT

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15.24.010 Statutory Authorization. The Legislature of the State of California has in Government Code Sections 65302 (General Plans, subsection (d)), 65560 (Open-Space Element of General Plan), and 65800 (Zoning) conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. No. 928, § 1,2, 3-4-08)

15.24.020 Findings of Fact.

A. Certain areas of the City of Beaumont 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 result from land uses that are inadequately elevated, flood proofed, or protected from flood damage. The cumulative effect of land development in flood-prone areas increase flood heights and velocities, thereby increasing flood losses.

C. Therefore, the City Council of City of Beaumont does hereby adopt the following floodplain management regulations. (Ord. No. 928, § I, 2, 3-4-08)

15.24.030 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 of the City by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land. These regulations are designed to:

A. Protect human life and health;
B. Minimize expenditure of public money for costly flood control projects;
C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. Minimize prolonged business interruptions;
E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
F. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas 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 area; and
H. Ensure that those who occupy special flood hazard areas assume responsibility for their actions. (Ord. No. 928, § 1, 2, 3-4-08)

15.24.040 **Methods of Reducing Flood Losses.** In order to accomplish its purposes, this Chapter includes regulations to:

A. Restrict or prohibit land 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 land uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

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

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

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. No. 928, § 1, 2, 3-4-08)

15.24.050 **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.

"A" Zone" - see "Special flood hazard area".

"Accessory structure" means a structure that is either:

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

2. A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and one thousand five hundred dollars ($1,500.00) in value.

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

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

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

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (I) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, AI-3D, VE and VI-V30 that indicates the water surface elevation resulting from a flood that has a one percent (I %) or greater chance of being equaled or exceeded in any given year.

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

"Building" - see "Structure".

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

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

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both special flood hazards areas 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 Director of Public Works or his/her designee.

"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. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

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

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

"Fraud and victimization" as related to Section 15.24.220 of this Chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the following facts: (i) that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years; (ii) that 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; and (iii) 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 used in Section 15.24.220 et seq. of this Chapter means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individual1y listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usual1y an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

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

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

1. An unfinished or flood resistant enclosure below that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
   a. The anchoring standards in Section 15.24.l60.A;
   b. The construction materials and methods standards in Section 15.24.160.B;
   c. The flood openings standard in Section 15.24.160.C.3; and
   d. The standards for utilities in Section 15.24.170.
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one (I) 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 (2) or more manufactured home lots for rent or sale.

"Market value" is defined in the City of Beaumont substantial damage/improvement procedures. See Section 15.24.l30.B.1.

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

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after 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 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 "IOO-year flood" - see "Base flood."

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

"Public safety and nuisance" as related to Section 15.24.220 et seq. 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 (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (l) 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 damage, 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 (I%) or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, AI-A30, AE, A99, or, AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of

streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally 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 fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (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 or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"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, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or ravine 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. No. 928, §§ 1, 2, 3-4-08)

15.24.060 **Lands to Which this Chapter Applies**. This Chapter shall apply to all special flood hazard areas within the jurisdiction of City of Beaumont. (Ord. No. 928, § 1,2, 3-4-08)

15.24.070 **Basis for Establishing the Areas of Special Flood Hazard.** The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for the City of Beaumont" dated April, 1978, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated October 17 1978, 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 theminimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City Council by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at City of Beaumont, 550 E. Sixth Street. (Ord. No. 928, § 1,2,3-4-08)

15.24.080 **Compliance**. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City of Beaumont from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. No. 928, § I, 2, 3-4-08)

15.24.090 **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. No. 928, § 1,2, 3-4-08)

15.24.100 **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. No. 928, § I, 2, 3-4-08)

15.24.110 **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 man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of City of Beaumont, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder. (Ord. No. 928, § I, 2, 3-4-08)

15.24.115 **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. No. 928, § I, 2, 3-4-08)

15.24.120 Designation of the Floodplain Administrator. The Director of Public Works is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions. (Ord. No. 928, § I, 2, 3-4-08)

15.24.130 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:

1. Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (I) foot at any point within the City of Beaumont; and
5. All Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Develop Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.24.70, 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 the provisions of Section 15.24.160 et seq. Alternatively, a base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (lOD-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

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

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

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. 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 City clearly delineating the new corporate limits.

E. Document Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 15.24.160.C.1 and Section 15.24.190 (lowest floor elevations);
2. Certification required by Section 15.24.160.C.2 (elevation or flood proofing of nonresidential structures);
3. Certification required by Sections 15.24.160.C.3 (wet flood proofing standard);
4. Certification of elevation required by Section 15.24.180.A.3 (subdivisions and other proposed development standards);
5. Certification required by Section 15.24.21O.B (floodway encroachments); and
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.24.150.

G. Remedial Action. Take action to remedy violations of this Chapter as specified in Section 15.24.80.

H. Biennial Report. Complete and submit Biennial Report to FEMA.

I. Planning. Assure City's General Plan is consistent with floodplain management objectives herein. (Ord. No. 928, § 1,2,3-4-08)

15.24.140 **Development Permit.** A development permit shall be obtained before any construction or other development, including manufactured homes, within any special flood hazard areas established in Section 15.24.70. Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:
   1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
   2. Proposed locations of water supply, sanitary sewer, and other utilities;
   3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
   4. Location of the regulatory floodway when applicable;
   5. Base flood elevation information as specified in Section 15.24.70 or Section 15.24. 130.C;
   6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
   7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 15.24.160.C.2 of this Chapter and detailed in FEMA Technical Bulletin TB 3-93.
B. Certification from a registered civil engineer or architect that the nonresidential flood proofed building meets the flood proofing criteria in Section 15.24.160.C.2.
C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.24.160.C.3 of this Chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.
D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
E. All appropriate certifications listed in Section 15.24.130.E of this Chapter. (Ord. No. 928, §§ I, 2, 3-4-08)

15.24.150 **Appeals**. The City Council of City of Beaumont 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. No. 928, §§ I, 2, 3-4-08)

15.24.160 **Standards of Construction.** In all special flood hazard area the following standards are required:

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

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

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Flood proofing.

1. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
   a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
   b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.
   c. In an A zone, without BFEs specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 15.24.130.C. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 15.24.160.C.1 or:
   a. Be flood proofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 15.24.160.C.l, so that the structure is watertight with walls substantially impermeable to the passage of water;
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
   c. Be certified by a registered civil engineer or architect that the standards of Section 15.24.160.C.2.a & b are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
   a. For non-engineered openings:

1. Have a minimum of two (2) openings on different sides having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one (1) foot above grade;
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
4. Buildings with more than one (l) enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or

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

4. Manufactured homes.

a. See Section 15.24.190.

5. Garages and low cost accessory structures.

a. Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See Section 15.24.160.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section l5.24.160.B.

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

b. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.24.50, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

a) Use of the accessory structure must be limited to parking or limited storage;
b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
d) Any mechanical and utility equipment in the accessory structure must be elevated or flood proofed to or above the BFE;

e) The accessory structure must comply with floodplain encroachment provisions in Section 15.24.210; and

f) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 15.24.160.C.3.

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.24.160. (Ord. No. 928, § I, 2, 3-4-08)

15.24.170 Standards for Utilities.

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

1. Infiltration of floodwaters into the systems; and

2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. No. 928, § I, 2, 3-4-08)

15.24.180 Standards for Subdivisions and Other Proposed Development.

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

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

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

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

   a. Lowest floor elevation.

   b. Pad elevation.

   c. Lowest adjacent grade.

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

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

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. No. 928, § 1,2,3-4-08)

15.24.190 Standards for Manufactured Homes.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones AI-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones AI-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 15.24.l90.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

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

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (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 civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator. (Ord. No. 928, § 1,2,3-4-08)

15.24.200 Standards for Recreational Vehicles.

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

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of Section 15.24.140 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 15.24.190.A. (Ord. No. 928, § 1, 2, 3-4-08)

15.24.210 Floodways. Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

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

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

C. If Sections 15.24.21O.A and B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 15.24.160 et seq. (Ord. No. 928, § 1, 2, 3-4-08)

15.24.220 Nature of Variances. The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the Chapter 15 are based on the general principle of zoning law that variances pertain to real 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. 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.

An objective of the City is 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 of this Chapter are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this 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. No. 928, § I, 2, 3-4-08)

15.24.230 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 *(l/2)* acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.24.120 through 15.24.210 of this Chapter have been fully considered. As the lot size increases beyond one-half (l/2) 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 Section 15.24.50) 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 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 believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a City 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 twenty-five dollars ($25.00) for each one hundred dollars ($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 be recorded by the Floodplain Administrator in the Office of the County of Riverside Recorder in a manner so that it appears in the chain of title of the affected parcel of land.

F. 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 Emergency Management Agency. (Ord. No. 928, § 1,2, 3-4-08)

15.24.240 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 City;
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 floodwaters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

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

C. 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 Section 15.24.240.A through 15.24.240.D 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.

D. Upon consideration of the factors of Section 15.24.230.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. No. 928, § 1, 2, 3-4-08)

Chapter 15.26
REASONABLE ACCOMMODATIONS

Sections:

15.26.010 Purpose
15.26.020 Definitions
15.26.030 Procedures
15.26.040 Findings
15.26.050 Notice

15.26.010 Purpose. The purpose of this Chapter is to establish a formal procedure for individuals with disabilities seeking equal access to housing to request a reasonable accommodation as provided by the federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, and to establish criteria to be used when considering such requests. Reasonable accommodation means providing individuals with disabilities, or developers of housing for individuals with disabilities, flexibility in the application of land use and zoning regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to housing opportunities. (Ord. 981, 12.7.2010)

15.26.020 Definitions. Whenever the following terms are used in this Chapter, they shall have the meanings established by this Section:

A. "Acts": The Federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act.

B. "Individual with a disability": As defined under the Acts, a person who has a physical or mental impairment that limits one or more major life activity, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. (Ord. 981, 12.7.2010)

15.26.030 Procedures.

A. A written request for reasonable accommodations shall be made by any individual with a disability, or his or her representative, or a developer or provider of housing for individuals with disabilities when the application of a land use or zoning regulation or policy acts as a barrier to fair housing opportunities.

B. A request for reasonable accommodation shall state the basis of the request including, but not limited to, a modification or exception to the regulations, standards and practices for the sitting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity to housing of his or her choice.

C. The Director of Planning or designee may request additional information necessary for making a determination on the request for reasonable accommodation that complies with the fair housing law protections and the privacy rights of the individual with a disability to use the specified housing. If additional information is requested, the 45-day time period for making a determination on the request stops running until the additional information is provided.

D. The Director of Planning or designee shall issue a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation.

E. While a request for a reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect. (Ord. 981, 12.7.2010)

15.26.040 Findings. The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with Acts, shall, if granted, be granted to an individual and shall not run with the land (unless the Director or designee determines that much a modification is physically integrated into the residential structure and cannot easily be removed), and shall be based on consideration of the following factors:

A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities under the Acts;

B. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the Acts;

C. Whether the requested accommodations would impose an undue financial or administrative burden on the City;

D. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use and zoning program and;

E. Whether there are any alternative reasonable accommodations which may provide an equivalent level of benefit to the applicant.

All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodations in the appeals process as set forth in Section 15.26.060. (Ord. 981, 12.7.2010)

15.26.050 **Notice.** Notice of the determination shall be provided to abutting owners of the property which is the subject of the request for reasonable accommodation. The notice shall provide a general description of the accommodation that was deemed necessary for the use of the house or dwelling unit, as a result of the applicant's disability. (Ord. 981, 12.7.2010)

15.26.060 **Appeal of Determination.**

A. A determination by the Director of Planning shall be final unless appealed to City Council within 15 days.

B. Only the aggrieved applicant and abutting owners who received notice of the reasonable accommodation determination have a right to appeal the decision.

C. An appeal shall be made in writing, pursuant to procedures established in Section 17.02 of the Municipal Code." (Ord. 981, 12.7.2010)

Chapter 15.28
MOVING BUILDINGS

Sections:

15.28.010 Definitions.
15.28.020 Permit-Required
15.28.030 Permit-Application.
15.28.040 Deposit for expense to City.
15.28.050 General deposit.
]5.28.060 Duties of Building Inspector.
15.28.070 Duties of permittee.
15.28.080 Enforcement.
15.28.090 Duration of permit.
15.28.100 Violation-Penalty.

15.28.010 **Definitions.** For the purposes of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Building" is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes.

"Community Development Director" and "Building Inspector" refer to the officials of those titles in this City or their designees.

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 667 § 2, 1988; Ord. 399 § I, 1968)

15.28.020 Permit-Required. No person shall relocate or move any building without first obtaining a moving permit from the Community Development Director. The fee therefor shall be two hundred dollars ($200.00) or such greater amount as shall hereafter be set by Resolution of the City Council of the City of Beaumont. (Ord. 667 § 2, 1988; Ord. 423 § 4, 1971; Ord. 399 § 2, 1968)

15.28.030 Permit-Application. A person seeking issuance of a permit under this Chapter shall file an application for such permit with the Community Development Director.

A. Form. The application shall be made in writing, upon forms provided by the Community Development Director, and shall be filed in the office of the Community Development Director.

B. Contents. The application shall be set forth:
   1. The description of the building proposed to be moved giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
   2. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City;
   3. A legal description of the lot to which it is proposed such building be removed, giving lot, block and tract number, if located in the City;
   4. The portion of the lot to be occupied by the building when moved;
   5. The highways, streets and alleys over, along or across which the building is proposed to be moved;
   6. Proposed moving date and hours;
   7. Any additional information which the Building Inspector shall find necessary to a fair determination of whether a permit should be issued.

C. Accompanying Papers.
   1. Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances and that all taxes and any City charges against the same are paid in full.
   2. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building. (Ord. 667 §2, 1988; Ord. 399 §3, 1968)

15.28.040 **Deposit for expense to City.** Upon receipt of an application it shall be the duty of the Community Development Director to procure an estimate of the expense that will be incurred for 'inspecting the building and route of moving before and after removal, and in removing and replacing any electric wires, street lamps, or pole lines belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, the Community Development Director shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense. (Ord. 667 §2, 1988; Ord. 399 §4, 1968)

15.28.050 **General deposit.** Any person filing an application under this Chapter, prior to the commencement of any removal, shall furnish to the City satisfactory evidence in writing that the permittee has in force and will maintain in force at all times during the performance of any of the work permitted under such permit public liability insurance of not less than five hundred thousand dollars ($500,000) for anyone person and one million dollars ($1,000,000) for anyone accident, and property damage insurance of not less than three hundred thousand dollars ($300,000), duly issued by an insurance company authorized to do business in this State. (Ord. 667 §2, 1988; Ord. 399 §5, 1968)

15.28.060 **Duties of Building Inspector.**

A. Inspection. Upon notice from the Community Development Director that the application is complete and fees have been paid, the Building Inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met and shall make a written report thereon to the Community Development Director, including a report of time and mileage incurred in making the inspection.

B. Standards for Issuance. The Community Development Director shall refuse to issue a permit if he finds, based on his observations and the report of the Building Inspector:

1. That any application requirement or any fee or deposit requirement has not been complied with;
2. That the building is too large to move without endangering persons or property in the City.
3. That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City; and that the building is found not to be free of termites;
4. That the building is structurally unsafe or unfit for the purpose for which owned, if the removal location is in the City;
5. That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
6. That zoning or other ordinances would be violated by the building in its new location;
7. That for any other reason persons or property in the City would be endangered by the moving of the buildings.

C. Fees and Deposits.

1. Deposit. The Community Development Director shall deposit all fees and deposits, and all bonds or insurance policies, with the City Finance Director.

2. Return Upon Non-issuance. Upon his refusal to issue a permit, the Community Development Director shall return to the applicant after deduction of inspection costs all deposits, bonds and insurance policies.
Permit fees filed with the application and inspection costs shall not be returned.
3. Return Upon Allowance for Expense. After the building has been removed, the Community Development Director shall furnish the City Manager with a written statement of all expenses incurred for inspections and in removing and replacing all property belonging to the City, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the City; provided, however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the City Manager shall authorize the Community Development Director to return to the applicant all deposits, after deducting the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

D. Designate Streets for Removal. The Community Development Director shall procure a list of designated streets over which the building may be moved. The Community Development Director shall have the list approved by the Chief of Police and shall reproduce the list upon the permit in writing. In making their determinations, the Community Development Director and the Chief of Police shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets. (Ord. 667 §2, 1988; Ord. 399 §6, 1968)

15.28.070 **Duties of Permittee.** Every permittee under this Chapter shall:

A. Use Designated Streets. Move a building only over streets designated for such use in the written permit;

B. Notify of Revised Moving Time. Notify the Community Development Director in writing of a desired change in moving date and hours as proposed in the application;

C. Notify of Damage. Notify the Community Development Director in writing of any and all damage done to property belonging to the City within twenty-four (24) hours after the damage or injury has occurred;

D. Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building;

E. Street Occupancy Period. Remove the building from City streets after four (4) days of such occupancy, unless an extension is granted by the City Manager;

F. Comply with Governing Law. Comply with the Building Code, the Fire Zone, the Zoning Ordinance and all other applicable ordinances and laws upon relocating the building in the City;

G. Pay Expenses of Officer. Pay the expense of a Traffic Officer ordered to accompany the movement of the building to protect the public from injury;

H. Clear Old Premises. Remove all rubbish and material and fill all excavations to existing grade at the original building site so that the premises are left in a safe, sanitary and sightly condition. Such clearing shall be completed no later than sixty (60) days following such removal;

I. Remove Service Connection. See that the sewer line is plugged with a concrete stopper. The permittee shall notify the gas, electric and water service companies to remove their services;

J. Use Licensed Contractor. Where a building or structure, while in the process of being moved, must be moved on, over or across a public thoroughfare, it may be moved only by a contractor fully licensed as such by the State. (Ord. 667 §2, 1988; Ord. 399 §7, 1968)

15.28.080 Enforcement.

A. Enforcing Officers. The Community Development Director, the Building Inspector and the Police Department shall enforce and carry out the requirements of this Chapter.

B. Permittee Liable for Expense above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amount.

C. Original Premises Left Unsafe. The City shall proceed to do work necessary to leaving the original premises in a safe and sanitary condition, where the permittee does not comply with the requirements of this Chapter, and the cost thereof shall be charged against the general deposit. (Ord. 667 §2, 1988; Ord. 399 §8, 1968)

15.28.090 Duration of permit. All work pursuant to a permit issued for the removal of a building as set forth in this Chapter shall be completed within one hundred twenty (120) days from the date of the issuance of the permit. If such work is not completed within such time limitation, a new permit shall be required. (Ord. 667 §2, 1988; Ord. 399 §10, 1968)

15.28.100 Violation--Penalty. Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned i~ the County Jail for a period not exceeding sixty (60) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such under this Chapter. (Ord. 667 §2, 1988; Ord. 399 511, 1968)

Chapter 15.32
GENERAL PLAN REVISION FEES

Sections:

15.32.010 Designated.

15.32.010 Designated. The following general plan fund fees shall be collected prior to the issuance of a permit:

A. Single/Family residence, fifty dollars per unit;
B. Multiple residential units, fifty dollars per unit;
C. Mobile home park/subdivision, thirty-five dollars per lot;
D. Recreational vehicle parks, twenty-five dollars per lot;
E. Motels and/or resident hotels, thirty-five dollars per unit;
F. Commercial/industrial, five cents ($0.05) per square foot. (Ord. 503 §1, 1979)

Chapter 15.36
BASIC SERVICE FACILITY FEES

Sections:

15.36.010 Established.
15.36.020 Fee schedule.
15.36.030 Amendment by resolution.

15.36.010 Established. A basic service facility fee is established for all new living units constructed and/or approved in the city. The fee for mobile home rental parks and recreational vehicle parks shall be due upon approval of the final parcel, subdivision map or conditional use permit, all others upon issuance of building permit. The fee shall be in addition to all other fees in effect. (Ord. 506 (part), 1979)

15.36.020 Fee schedule. The fee shall be *in* accordance with the following schedule:

A. Single-family residence, five hundred dollars;
B. Multiple-family residential units, five hundred dollars per living unit;
C. Mobile home rental parks, five hundred dollars per space;
D. Recreational vehicle parks, five hundred dollars per recreational vehicle space;
E. Motels and hotels, five hundred dollars per unit. (Ord. 506 (part), 1979)

15.36.030 Amendment by resolution. The fees established in this chapter may be amended by resolution. The fees established in this chapter relate to taxes for the usual and current expenses of the city and are required for the preservation of the public peace, health and safety, for the reasons stated in this chapter. (Ord. 506(part), 1979)

Chapter 15.38
BUILDING INSPECTOR

Sections:

15.38.010 Enforcement.

15.38.010 Enforcement.

A. The building inspector is authorized to enforce all provisions of Title 15 of this code, including those uniform codes incorporated into Title 15 by express provisions and Section 17.100.010.

B. Pursuant to Section 836.5 of the California Penal Code, the building inspector may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of any of the provisions stated in subsection A of this section.

C. In any case in which a person is arrested pursuant to this section, and the person arrested does not demand to be taken before a magistrate, the building inspector making the arrest shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5 of the California Penal Code, commencing with Section 853.6. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this chapter. (Ord. 599 §l, 1984)

Chapter 15.40
PERMIT STREAMLINING

Sections:

ARTICLE I. GENERAL PROVISIONS
15.40.010 Purpose.
15.40.020 App1icabi1ity--Generally.
15.40.030 Definitions.
15.40.040 Exemptions.

ARTICLE II. ADMINISTRATION
15.40.050 App1icabi1ity--Zoning procedures and current decision-making structure.
15.40.060 Single administrative entity designated.

ARTICLE III. PERMIT APPLICATIONS
15.40.070 Unified form.
15.40.080 Determination of completeness.
15.40.090 Incomplete--Procedures.
15.40.100 Local permit assistance.

ARTICLE IV. TIME LIMITS
15.40.110 Requests for further information--Effect.
15.40.120 Decisions--Lead agency.
15.40.130 Decisions--Responsib1e agency.
15.40.140 Waivers.
15.40.150 Inapplicable--When.
15.40.160 Extension.
15.40.170 Moratorium--Effect.
15.40.180 Administrative appeals--Suspension.
15.40.190 Failure to meet.
15.40.200 Conditional approvals.
15.40.210 Denia1s--Effect.
15.40.220 CEQA compliance_
15.40.230 Multi-permit projects.

ARTICLE I. GENERAL PROVISIONS

15.40.010 Purpose.

A. The purpose and intent of this chapter is to implement the Permit Streamlining Act (Chapter 4.5, commencing with Section 65920 of Division 1 of Title 7 of the Government Code, as added by Assembly Bill 884 Chapter 1200, Statutes of 1977, and as subsequently amended)

B. It is further intended by this chapter to ensure that state and local agencies, and the general public have a clear understanding of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions of such projects. (Ord. 560 §1 (part), 1983)

15.40.020 Applicability--Generally. This chapter applies generally to all defined development projects approved by the city. (Ord. 560 §4, 1983)

15.40.030 Definitions. Whenever the following words are used in this chapter, they shall have the meaning given them in this section, unless otherwise defined. These def*initions* are intended to clarify but not replace or negate the definitions used in Chapter 4.5 of Division I of Title 7 of the Government Code.

A. Administrative Appeal. "Administrative appeal" means review, as provided by law, rule, regulation or ordinance, of an approval or denial of an application for a development project either by a body within the public agency or by an agency at another level of government, such as the California Coastal Commission.

B. Air Pollution Control District. "Air pollution control district" means any district created or continued in existence pursuant to the provisions of Part 3 (commencing with Section 4000) of Division 26 of the Health and Safety Code.

C. Applicant. "Applicant" means a person who requests *in* writing the approval of a lease, permit, license, certificate, or other entitlement for use from one or more public agencies which may be required for a development project proposed by that person.

D. Application. "Application" means the form and information submitted by an applicant. The form and information is to be used to determine whether to approve or deny permits or other entitlement for use. It shall also serve as the factual basis from which an Initial Study *is* conducted to determine potential significant environmental impacts. One development project may require one or more permits from the same public agency, depending on the number of entitlements for use required by individual agency procedures or regulations.

E. Approval. "Approval" means the issuance or commitment to issuance by a public agency of each lease, permit, license, certificate or other entitlement for use for a development project for which an application was accepted as complete. The exact date of approval of any development project is determined by each public agency according to its rules, regulations and ordinances, consistent with these guidelines. "Approval" includes all actions required by all public agency departments and organizational units which must act upon the permit in order for it to be validly issued, but does not include administrative appeals.

F. CEQA--California Environmental Quality Act. "California Environmental Quality Act (CEQA)" means California Public Resources Code Sections 21000, et seq.

G. Combined Environmental Impact Report—Environmental Impact Statements. A "combined EIR/EIS" means an environmental document prepared cooperatively by the state lead agency under the California Environmental Quality Act (CEQA) and the federal lead agency under the National Environmental Protection Act (NEPA) to comply with both the California Environmental Quality Act and the National Environmental Protection Act.

H. Development. "Development" means the:

1. Placement or erection of any solid material or structure on land, in water, or under water;

2. Discharge or disposal of solid, liquid, gaseous or 'thermal waste or any dredged material;

3. Grading, removing, dredging, mining or extraction of any materials;

4. Change in density or intensity of use of land including subdivisions (pursuant to Subdivision Map Act, commencing with Section 66410 of the Government Code) or other division of land, except land divisions produced by public agency acquisition of land for public recreation uses, and except the approval or disapproval of final subdivisions maps;

5. Change in intensity of use of water or altered access to water;

6. Construction, reconstruction, demolition or alteration of any structure;

7. Removal or harvesting of major vegetation, except for agricultural operations, kelp harvesting, or timber operations which comply with an approved timber harvest plan submitted pursuant to the Z'berg-Nejedly Forest Practices Act of 1973 (Chapter 8, commencing with Section 4511, of Part 2, Division 4 of the Public Resources Code).

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. "Development" does not mean a "change of organization," as defined in Section 56028; a "change of organization of a city," as defined in Section 35027; a "reorganization," as defined in Section 56068; or a "municipal reorganization," as defined in Section 35042 of the Government Code.

I. Development Project. "Development project" means any project undertaken for the purpose of development. "Development project" includes a projection involving the issuance of a discretionary permit for construction or reconstruction. "Development project" does not include the issuance of a permit to operate after approval of construction or reconstruction, or any ministerial projects proposed to be carried out or approved by public agencies.'

J. Environmental Documents. "Environmental documents" means Initial Studies, Notices of Preparation, Negative Declarations, Draft and Final Environmental Impact Reports (EIRs), Notices of Completion and Notices of Determination as defined in the state EIR Guidelines contained in Chapter 3, Division 6, of Title 14 of the California Administrative Code.

K. Lead Agency. "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project. "Lead agency" means the same lead agency as determined pursuant to the California Environmental Quality Act.

L. Local Agency. "Local agency" means any public agency other than a state or federal agency, board or commission. "Local agency" includes, but is not limited to cities, counties, charter cities, a city and county, districts, school districts, special districts, redevelopment agencies, and any board, commission or organizational subdivisions of a local agency are normally considered part of one local agency and are not separate local agencies.

M. Permit Streamlining Act. "Permit Streamlining Act" means Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, as added by Assembly Bill 884 (Chapter 1200, Statutes of 1977), and as subsequently amended.

N. Project. "Project" means any activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. "Project" differs in meaning from the same word in the California Environmental Quality Act. "Project" includes but is not limited to activities requiring the following entitlements for use:

1. The adoption or amendment of a zoning ordinance applied for by a private applicant (pursuant to Government Code Sections 65850, et seq.), which *is* limited *in* its effect to only one identified development project site. As used *in* this section, "site" means a specific, relatively small parcel or contiguous parcels of real property;
2. A tentative map or parcel map under the Subdivi*sion* Map Act (Government Code Sections 66410, et seq.);
3. A use permit or conditional use permit;
4. A variance;
5. Review under a discretionary ordinance, such as a design review ordinance;
6. Other applicable discretionary approvals.

“Project" does not include the following activities of a public agency:

1. Issuing a contract, grant, subsidy, loan, or other form of financial assistance;
2. Taking a legislative or quasi-legislative action, such as issuing rules or regulations;
3. Proposing development to be carried out by that public agency;
4. Adopting or amending a local agency general plan (pursuant to Government Code Sections 65350, et seq.); or zoning ordinance that regulates an area larger than one identified development project site, or that is proposed by a local agency (pursuant to Government Code Sections 65850, et seq.); or specific plans (pursuant to Government Code Sections 6550, et seq.);
5. Renewing, extending or assigning an entitlement for use; provided that no new development is proposed either by the applicant, or by the agency as a condition of approval;
6. Approving or denying activities requiring those ministerial permits as defined pursuant to the California Environmental Quality Act which can include, but are not limited to building permits, final subdivision maps, occupancy permits, permits to operate, and inspection permits.

O. Public Agency. "Public agency" means any state' agency, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision. It does not include courts of the state, or agencies of the federal government.

P. Responsible Agency. "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project. It

includes all public agencies other than the lead agency from which a lease, permit, license, certificate, or other entitlement for use is required for the development project.

Q. Shall, Should, May. "Shall is mandatory, "should" is advisory, and "may" is permissive.

R. Single Administrative Entity. "Single administrative entity" means the department or person within the department responsible for coordination of all permits and is able to provide information as to where the project is in the review process.

S. State Agency. "State agency" means any agency, board, or commission of state government. For all purposes of this chapter, the term "state agency" shall include an air pollution control district.

T. Trustee Agency. "Trustee agency" means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state. Trustee agencies include:

1. The California Department of Fish and Game, with regard to the fish and wildlife of the state;
2. The State Lands Commission with regard to state-owned "sovereign" lands;
3. The State Department of Parks and Recreation with regard to units of the state park system;
4. The University of California with regard to -sites within the Natural Land and Water Reserve System. (Ord. 560 § 2, 1983)

15.40.040 **Exemptions.** This chapter does not apply to the following actions:

A. Administrative appeals within a local agency or to a state agency.

B. Approval or disapproval of a final subdivision map pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code). However, approval or disapproval of a final subdivision map *is* still subject to *Gov*ernment Code Section 66458, which generally requires the local legislative body to act on a final map within ten days of the filing of the map or at its next regularly scheduled meeting, unless an extension *is* authorized. In addition, the approval or disapproval of a final subdivision map shall occur within one year from the date on which the final map *is* filed for approval (as required by Government Code Section 65922 (c), and this deadline *is* not extendable.

C. Change *in* organization or reorganization of the city. (Ord. 560 §5, 1983)

ARTICLE II. ADMINISTRATION

15.40.050 **Applicability--Zoning procedures and current decision-making structure.**

A. The provisions of the zoning ordinance, no. 590, or such other zoning ordinance that may be adopted, are incorporated by reference and are subject to all of the time limitations as specified *in* this chapter.

B. The existing decision-making structure remains intact, so actual decisions continue to be made *in* the usual manner by the legislative body, planning commission, design review *commission* and zoning administrator. (Ord. 560 §1 (part), 1983)

15.40.060 Single administrative entity designated. The single administrative entity *is* designated as the planning department. (Ord. 560 §3, 1983)

ARTICLE III. PERMIT APPLICATIONS

15.40.070 Unified form. The city shall upon initial submission provide the applicant with a list of all permits and standards needed to develop the project. A sample, Attachment 1, *is* on file with the ordinance codified in this title. (Ord. 560 §6 (part), 1983)

15.40.080 Determination of completeness. For any application received on or after January 1, 1983, a written determination must be made within thirty days or else application shall be deemed complete for purposes of the Permit Streamlining Act. This means that the time limits shall begin to run after the thirtieth day if the public agency has not determined in writing whether the application is complete or incomplete. (Reference, Government Code Section 65943.) (Ord. 560 §6 (part), 1983)

15.40.090 Incomplete--Procedures. In the event the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. (Ord. 560 §6(part), 1983)

15.40.100 Local permit assistance. The city shall assist the applicant to make the application complete within thirty' days after receiving the application. The determination whether an application is complete or incomplete may be made by agency staff, and should be transmitted to the address of the applicant indicated on the application form. (Ord. 560 §6(part), 1983)

15.40.110 Requests for further information--Effect.

A. After the city accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not required as part of the application originally determined to be complete. However, the city may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the original complete application. Making a request for supplemental information does not waive, extend or delay the time limits prescribed in this chapter for a decision on the completed application.

B. This section shall not be construed as requiring an applicant to submit with the initial application all of the information which shall be required in order to take final action on such application. Prior to accepting an application, the city shall inform the applicant in writing of any information which will subsequently be required from the applicant in order to complete final action on such application. However, the application shall contain enough information for the lead agency to prepare an Initial Study under CEQA.

C. This section shall not be construed as limiting the ability of the city to request and obtain information which may be needed in order to comply with the provisions of CEQA (California Environmental Quality Act). Therefore, the city shall request, and the applicant then shall supply, any additional information needed to prepare adequate environmental documents as identified by the city, responsible agencies, commenting agencies, and agencies with jurisdiction by law (as defined by the California Environmental -Quality Act) and the general public to assure that the environmental review process can be utilized to shape the design of a project. Further, some of the environmental data needed for decision on a permit may be gathered during the review process rather than supplied with the initial application. (Ord. 560 §6 (part), 1983)

ARTICLE IV. TIME LIMITS

15.40.120 Decisions--Lead agency. The city which *is* the lead agency for a development project shall after review and certification of an EIR, completion of a Negative Declaration, or other means of compliance with CEQA through city resolution no. 1980-45, or such other subsequently adopted ordinance or resolution, approve or disapprove such project within one year from the date on which an application requesting approval of such project has been received and accepted as complete by the city. All time limits specified by the lead agency are maximum time limits for approving or disapproving development projects. All city public agencies shall, if possible, approve or disapprove development projects in shorter periods of time. (Ord. 560 §6 (part), 1983)

15.40.130 Decisions--Responsible agency.

A. Any other public agency which *is* a responsible agency for a development project shall approve or disapprove such project within whichever of the following periods of time results in a later deadline date:

1. Within one hundred eighty days from the date on which the lead agency has approved or disapproved such project; or

2. Within one hundred eighty days of the date on which a completed application for such project has been received and accepted as complete by the responsible agency. This one-hundred-eighty-day period begins for each agency when the application has been accepted as complete by that
agency, regardless of the status of applications for the same development project with other responsible agencies.

B. The applicant should provide the responsible agency with written documentation of the date of the lead agency's approval or disapproval of the project immediately upon such agency's action.

C. All time limits specified for responsible agencies are maximum time limits for approving or disapproving development projects. All responsible agencies shall, if possible, approve or disapprove development projects in shorter periods of time. (Ord. 560 §6 (part), 1983)

15.40.140 Waivers. In the event that a combined environmental impact report-environmental impact statement is being prepared on a development project pursuant to Section 21083.6 of the Public Resources Code, the city may waive the time limits required by this chapter. To waive these time limits, the city must first find that a combined EIR/EIS would be shorter than to prepare each document separately. The lead agency then shall approve or disapprove such project within sixty days after the combined environmental impact report-environmental impact statement has been completed and adopted. (Ord. 560 §6 (part), 1983)

15.40.150 Inapplicable--When. The time limits specified by this chapter shall not apply in the event that federal statutes or regulations require time schedules which exceed such time limits, or to applications to appropriate water where such applications have been protested pursuant to Chapter 4 (commencing with Section 1330) of Part 2 of Division 2 of the Water Code, or to petitions for changes pursuant to Chapter 10 (commencing with Section 1700) of Part 2 of Division 2 of the Water Code. (Ord. 560 §6(part), 1983)

15.40.160 Extension. The time limits specified in this chapter may be extended once for a period not to exceed ninety days upon consent of the city and the applicant. The city shall not require the applicant to waive time limits specified in the Permit Streamlining Act or consent to an extension of time as part of the initial permit application. (Ord. 560 §6(part), 1983)

15.40.170 Moratorium--Effect. A moratorium on approving development projects that is adopted by the city does not automatically waive or extend the time limits specified by this chapter. Instead, a moratorium can provide the basis for the city to refuse in writing to accept an application as complete or to formally deny a development project application, within the time limits specified in this chapter. (Ord. 560 56 (part), 1983)

15.40.180 Administrative appeals--Suspension. The time limits specified in this chapter shall be suspended in the event of an administrative appeal. (Ord. 560 §6 (part), 1983)

15.40.190 Failure to meet. In the event that the city or responsible agency fails to act to approve or to disapprove a completed application for a development project within the time limits specified in this chapter, such failure to act shall deem the application automatically approved. (Ord. 560 §6 (part), 1983)

15.40.200 Conditional approvals. The city may establish reasonable standard conditions which would automatically be applicable to any development project deemed approved pursuant to this chapter. Such standard conditions shall be consistent with conditions attached to other projects of a similar type and *in* a similar location when previously approved by the city. (Ord. 560 §6 (part), 1983)

15.40.210 Denials--Effect.

A. In the event that information needed for the reasons shown in subdivisions 1 through 4 of this subsection is not provided by the applicant or cannot be developed by the city within the time limits specified by this chapter, the city may deny a permit for a development project to allow time to obtain the needed information. Information whose absence would constitute a reason for such a denial are:

1. Information which is to be supplied by the applicant and is necessary to prepare a legally adequate environmental document;

2. The results of year-long studies conducted by or prepared under contract for the city, when such results are necessary to prepare a legally adequate environmental document;
3. Information necessary to prepare a supplemental Environmental Impact Report *in* compliance with Public Resources Code Section 21166; or
4. Information without which the city's decision to approve would not be supported by substantial evidence.

B. Denials for these reasons may be deemed by the city to be a denial without prejudice to the applicant's right to reapply for the same permit. If a reapplication is made, it should be handled expeditiously by the city. (Ord. 560 §6 (part), 1983)

15.40.220 CEQA compliance. The city is required to complete and certify for private projects an environmental impact report within one year, or complete a negative declaration within one hundred five days. These time limits shall begin and run concurrently, and not consecutively, with the one-year time limit for the city to approve or disapprove a development project according, to this chapter except as provided by this section.

A. Subject to the one-year maximum time limit plus extension as described in Section 15.40.160, when existing statutes *require* the city to approve or deny a permit application within a period of time of less than *six* months or else the permit application will be approved by operation of law, such time period shall not begin to run until the environmental documentation required by the California Environmental Quality Act is completed and certified by the lead agency. Such permits would be, but are not limited to:

1. Action on a tentative subdivision map by a local government, pursuant to Article 2 (commencing with Section 66452) of Chapter 3; Division 2, Title 2 of the Government Code;
2. Action on a zoning variance permit;
3. Action on a special (conditional) use permit;
4. Action on a permit issued by a design review commission;
5. Action on a sign permit; and
6. Action on other discretionary permit(s) subject to subsection A of this Section.

B. In such case, the environmental document shall be completed or certified and the decision on the application shall be made by the City within one year from the date on which an application requesting approval of such project has been received and accepted as complete by such agency pursuant to the Permit Streamlining Act. This one-year time limit may be extended once for a period not to exceed ninety days upon consent of the City and the applicant. (Ord. 560 §6(part), 1983)

15.40.230 Multi-permit projects.

A. In the event that a development project requires more than one approval by the City, the agency may establish time limits:

1. For submitting the information required in connection with each separate request for approval; and
2. For acting upon each such request; provided, however, that the time period for acting on all such requests shall not, in aggregate, exceed those limits specified in this chapter.

B. The City should require the applicant to either submit a series of permit applications according to an established schedule, or require the applicant to file all applications simultaneously using a combined single unified application form.

C. The City may, however, allow an applicant to apply for each request for approval individually without adhering to a schedule, in which case each application will be processed and decided separately according to the time limits specified in this chapter. (Ord. 560 §6(part),1983).

Chapter 15.42
EARTHQUAKE HAZARD REDUCTION IN EXISTING UNREINFORCED MASONRY BEARING WALL BUILDINGS

Sections:

15.42.010 Purpose.
15.42.020 Scope.
15.42.030 Alternate Materials and Methods of Construction.
15.42.040 Definitions.
15.42.050 Administration.
15.42.060 General Requirements.
15.42.070 Material Requirements.
15.42.080 Quality Control.
15.42.090 Allowable Design Values.
15.42.100 Detailed System Design Requirements.
15.42.110 Tables and Standards.

15.42.010 Purpose. The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on unreinforced masonry bearing wall buildings. The provisions of this Chapter are intended as minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Compliance with these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to rehabilitated buildings. This Chapter does not require alteration of existing electrical, accessibility. plumbing, mechanical or fire safety systems unless they constitute a hazard to life or property. (Ord. 695 §l, 1991)

15.42.020 Scope. The provisions of this Chapter shall apply to all existing buildings not exceeding two (2) stories in height having at least one (1) unreinforced bearing wall as defined herein.

EXCEPTIONS: This Chapter shall not apply to the following:

1. Buildings classified as essential facilities in Table No. 23-K, 1988 Uniform Building Code.
2. Buildings classified as hazardous facilities in Table No. 23-K, 1988 Uniform Building Code.
3. Detached dwellings.
4. Detached apartment houses containing less than five (5) dwelling units which are used solely for residential purposes. (Ord. 695, §l, 1991)

15.42.030 Alternate Materials and Methods of Construction. Alternate materials, designs and methods of construction may be approved by the building official in accordance with the 1988 Uniform Building Code. (Ord. 695 §l, 1991)

15.42.040 Definitions. For the purpose of this Chapter, certain terms are defined as follows:

CROSS WALLS: Cross walls are interior walls of masonry or wood frame construction with surface finish of wood, lath and plaster, minimum one-half (1/2) inch thick gypsum wallboard of solid horizontal wood sheathing. In order to be considered as a cross wall within the intent of this Chapter, cross walls shall be spaced not more than forth (40) feet apart in each story, and shall be full story height with a minimum length of one and one-half (1-1/2) times the story height.

UNREINFORCED MASONRY BEARING WALL BUILDING: A building containing a minimum of one (1) wall having the following characteristics:

1. Provides the vertical support for a floor or roof.
2. The total superimposed load is over one hundred (100) pounds per linear foot.
3. The area of reinforcing steel, if any, is less than fifty (50%) percent of that required by section 2407(h)4B of the 1988 Uniform Building Code.

In an unreinforced masonry bearing wall building as defined above all unreinforced masonry walls (including non-bearing walls) shall be reinforced as per this Chapter. (Ord. 695 §l, 1991)

15.42.050 Administration.

A. Service of Order. The building official shall issue an order, as provided in Subsection B, to the owner of each building within the scope of this Chapter within one (1) year from the effective date of this Chapter.

B. Contents of Order. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner. The order shall specify that the building has been determined by the building official to be within the scope of this Chapter and, therefore, is required to meet the minimum standards of this Chapter. The order shall specify the degree of compliance required by this Chapter and shall be accompanied by a copy of this Chapter and shall specify the time limits for compliance.

C. Appeal from Order. The owner or the owner's authorized agent may appeal to the Planning Commission the building official's initial determination that the building is within the scope of this Chapter. Such appeal shall be filed with the City Clerk within sixty (60) days from the service date of the order described in Subsection B. Any such appeal shall be decided by the Planning Commission no later than sixty (60) days after the date that the appeal is filed. Such appeal shall be made in writing upon appropriate forms provided therefore by the building official and the grounds thereof shall be stated clearly and concisely. Each appeal shall be accompanied by a filing fee as set forth by resolution of the City Council. Any person not satisfied with a determination by the Planning Commission may appeal said determination by the manner set forth in Section l7.70.200b, 7, 8, and 9 of the Beaumont Municipal Code.

Appeals or requests for modifications from any other determinations, orders, or action by the building official pursuant to this Chapter, shall be made in accordance with the appeal procedures established in Section l7.70.200b of this Code.

D. Recordation. At the time that the aforementioned order *is* served, the building official shall file with the Office of the County Recorder a certificate stating that the subject building is within the scope of Chapter 15.42, Earthquake Hazard Reduction in Existing Unreinforced

Masonry Bearing Wall Buildings. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where it is not found to comply with this Chapter.

E. Termination of Status. If the building is found not be within the scope of this Chapter, or as a result of structural alterations or an analysis is found to be structurally capable of resisting *minimum* seismic forces required by this Chapter; or is demolished; the building official shall file with the Office of the County Recorder a certificate terminating the status of the subject building as being classified within the scope of this Chapter.

F. Enforcement. If the owner fails to comply with any order issued by the building official pursuant to this Chapter within any of the time limits set forth in Section 15.42.060, the building official shall order the entire building vacated and to remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90l days after the date the building has been ordered vacated, or by such additional time as may have been granted by the City Council, the building official may initiate proceedings in accordance with the Uniform Code for the Abatement of Dangerous Buildings. (Ord. 695 §l, 1991)

15.42.060 General Requirements.

A. General. Unreinforced masonry bearing wall buildings subject to this Chapter shall undergo structural alterations necessary to comply with the *minimum* requirements set forth in this Chapter. As an alternate, said buildings may be demolished subject to the requirements of the Uniform Building Code.

B. Mandatory Requirements.

1. Compliance with Standards. Unreinforced masonry buildings shall comply with provisions of this Chapter. Should an owner elect to strengthen a building beyond the mandatory requirements set forth herein, such additional strengthening work shall comply with other recognized standards as approved by the building official.
2. Change in Use After the effective date of' this Chapter the time limits set forth in Table No. 15.42-A shall not apply to any building which will undergo a change of use or occupancy which will result in the building being classified as a Group A Occupancy having an occupant load of one hundred (100) or more. Before such building may be used or occupied as a Group A Occupancy it shall be made to comply with provisions of this Chapter.

C. Responsibility of Owner. The owner of each building within the scope of this Chapter shall cause a structural analysis of the building to be made by civil or structural engineer licensed by the State of California. If the building does not meet the minimum earthquake standards specified in this Chapter, the owner shall either cause it to be structurally altered to conform to such standards; or shall initiate proceedings for demolition of the building. Within 270 days after the service of the order specified in Section 15.42.050, the owner shall comply with the requirements set forth in this Subsection by submitting to the building official one of the following:

1. A structural analysis which shall demonstrate that the building meets the minimum requirements of this Chapter; or
2. A structural analysis and plans for proposed structural alterations necessary to make the building comply with the minimum requirements of this Chapter; or
3. An application for the demolition of the building.

After plans are submitted and approved by the building official, the owner shall obtain a building permit, commence and complete the required construction or demolition within the time limits set forth in Table No.15.42-A. (Ord. 695 §l, 1991)

15.42.070 Material Requirements.

A. Existing Materials. All existing materials utilized as part of the lateral force resisting system shall be in sound condition or shall be removed and replaced with new materials.

B. Existing Unreinforced Masonry-

1. General. Unreinforced masonry walls shall be tested as specified in this Subsection. Masonry that does not meet or exceed the minimum standards established by this Chapter shall be removed and replaced by new materials or shall have its structural functions replaced by new materials and anchored to supporting elements.

2. Lay-up Walls. The facing and backing shall be bonded so that not less than four (4%) percent of the wall surface of each face is composed of solid headers extending not less than four (4) inches into the backing. The distance between adjacent full-length headers shall not exceed twenty-four (24) inches either vertically or horizontally. In walls in which a single header does not extend through the wall, headers from opposite sides shall overlap at least four (4l inches, or headers from opposite sides shall be covered with another header course overlapping the header below at least four (4l inches. Wythes of walls not bounded as described above shall be considered as veneer. The veneer wythe shall not be included *in* the effective thickness used in calculating the height to thickness ratio of the wall unless it is bonded and anchored to the backing in a manner acceptable to the building official.

3. Mortar.

a. Tests. The quality of mortar in unreinforced masonry walls shall be determined by performing in place shear tests in accordance with Standard 15.42-1. Alternate methods of testing may be approved by the building official.

b. Location of Tests. Shear tests shall be taken at locations representative of the mortar conditions throughout the entire building. The exact test location shall be determined at the building site by the engineer in responsible charge of the structural design work. An accurate record of such tests and their location in the building shall be recorded and these results shall be submitted to the building official for approval as part of the structural analysis.

c. Number of Tests. The minimum number of tests per wall or line of wall elements providing a common line of resistance to lateral forces shall be as follows: Two (2) tests per wall with a minimum total number of eight (8l tests or one test per 1,500 square feet of wall area, whichever results in the greater number of tests.

d .. Minimum Quality Mortar.

(i) Mortar shear test values, v to ' shall be obtained for each in-place shear test in accordance with the following equation:

v to = v test - PD+L lAW····· (7-1)

WHERE:

V to =	Mortar shear test value, in psi.
V test =	Shear stress at incipient cracking for each in-place test per Standard to 15.42-1.
PD+L =	Actual dead plus live load in place at the time of testing, pounds.
AW=	Area of the wall supporting PD+L at each in-place shear test.

(ii) Individual unreinforced masonry walls with Vto less than 30'psi shall be pointed prior to retesting.

(iii) The mortar sher strength, Vto ' is the value in psi that is exceed by eighty (80%) of" all of the mortar shear test values, Vto (iv) Unreinforced masonry with mortar shear strength, Vto ' less than thirty (30) psi shall be removed or pointed and retested or treated as veneer.

E. Pointing. All deteriorated mortar joints in unreinforced masonry walls shall be pointed according to Standard No. 15.42-2. Nothing shall prevent pointing with mortar of all masonry wall joints before the tests are made. (Ord. 695 §14, 1991)

15.42.080 Quality Control.

A. Pointing. Special inspection shall be provided during preparation and mortar pointing.

B. Shear Tests. In-place shear tests shall comply with Section 15.42.070B and Standard 15.42-1.

C. Existing Floor Level Wall Anchors. If existing rod anchors are to be utilized as all or part of the required wall anchorage system at the floor level, not less than *five* (5%) percent of such existing rod anchors shall be tested by an approved testing laboratory. The minimum number of anchors tested shall be four (4) per floor, with two (2) tests at walls with joists framing into the wall and two (2) tests at walls with joists parallel to the wall but not less than ten (10%) percent of the total number of existing tension anchors at each level. The test apparatus shall be supported on the masonry wall at a minimum distance of the wall thickness from the anchor tested. The rod anchor shall be given a preload of three hundred (300) pounds prior to establishing a datum for recording elongation. The tension test load reported shall be recorded at one-eighth (1/8) inch relative movement of the anchor and the adjacent masonry surface. Results of all tests shall be reported. The report shall include the test results as related to the wall thickness and joint orientation. Ends of *existing* anchors shall be secured into the wood framing by an approved method.

D. Testing of Bolts. One-fourth (1/4) of new embedded bolts *in* unreinforced masonry walls shall be tested by a special inspector using a torque calibrated wrench to the following minimum torques:
1/2" diameter bolts or dowels = 40 foot-lbs.
5/8" diameter bolts or dowels = 50 foot-lbs.
3/4" diameter bolts or dowels = 60 foot-lbs.
No bolts exceeding 3/4" diameter shall be used. Nuts shall be installed over malleable *iron* or cut plate washers when bearing on wood and heavy cut washers when bearing on steel. (Ord. 695 §1, 1991)

15.42.090 Allowable Design Values.

A. Tension Anchors. Allowable values for tension anchors are given in Table No. 15.42-B. A one-third (1/3) increase is not allowed for values listed in this Table.

B. Other Materials. Allowable values not specified in this Chapter shall be as specified elsewhere in the 1988 Uniform Building Code. (Ord. 695 §l, 1991)

15.42.100.

A. Lateral Force on Elements or Structures and Nonstructural Components. Parts or portions of structures, nonstructural components and their anchorage to the main structural system shall be designed for lateral forces in accordance with the following formula:

Fp = Cp Wp •••••••••••••••••••••••••••• (1 0-1)

W shall be as defined in Section 23l2(c) of the Uniform Building Code. The value of Co need not exceed the values set forth in Table No. l5.42-C.

B. Height to Thickness Limitations. Unreinforced masonry wall height to thickness ratios shall not exceed the ratios set forth in Table No. 15.42-D. If a wall height to thickness ratio exceeds the specified limits, the wall shall be laterally supported by bracing members complying with Subsection C. 1 or with Subsection C.2 Bracing systems shall be designed in accordance with Section l5.42.l00A.

C. Bracing Methods.

1. Vertical Bracing Members. vertical bracing members shall be attached to floor and roof construction for their design loads independent of required wall anchors. Horizontal spacing of vertical bracing members shall not exceed one-half (1/2) the unsupported height of the wall nor ten (10) feet. Deflection of such bracing members at design loads, as determined from Section 2312(g)2 (1988 Uniform building Code) and Formula (12-10), shall not exceed one-tenth (1/10) of the wall thickness.

2. Wall Bracing. The wall height may be measured to bracing elements other than a floor or roof. Horizontal spacing of the bracing elements and wall anchors shall not exceed six (6) feet on center nor six (6) times the wall thickness, whichever is less. Bracing elements shall be detailed to minimize the horizontal displacement of the wall by the vertical displacement of the floor or roof.

D. Wall Anchorage.

1. Anchor Locations. Unreinforced masonry walls shall be anchored at the roof and floor levels and at vertical bracing members in order to resist the forces specified in this Section.

2. Wall Anchor Requirements. Wall anchors shall be tension bolts through the wall having a maximum spacing of six (6) feet or six (6) times the wall thickness, whichever is less. Alternate anchors shall be combination tension and shear bolts complying with the requirements set forth in Table No. l5.42-B. Tension bolts used to resist required forces may be assumed to develop the allowable values listed in Table No. l5.42-B. If access to the exterior face of a masonry wall is prevented by proximity of an existing building or when the appearance of 'through the wall tension anchors will affect the architectural appearance of the building, embedded bolts conforming to Table No. l5.42-B may be used. Wall anchors shall be secured to the rafters or joists to transfer the required forces into roof or floor sheathing.

3. Minimum Wall Anchorage Force. Anchorage of masonry walls to each floor or roof shall resist a minimum force determined by Formula (10-1) or two hundred (200) pounds per linear foot, whichever is greater, acting normal to the wall at the level of the floor or roof.

Existing wall anchors installed under previous permits must meet or must be upgraded to meet the requirements of this Chapter.

4. Anchors at Corners. At the roof and floor levels, combination tension and shear anchors shall be provided within two (2) feet horizontally from the inside of the corners of the walls.

E. Parapets. Parapets and exterior wall appendages not capable of resisting the forces specified in this Section shall be removed, stabilized or braced to insure that the parapets and appendages remain in their original position. The maximum height of an un-braced unreinforced masonry parapet above the level of tension anchors shall not exceed one and one-half (1-1/2) times the thickness of the parapet wall. If the required parapet height exceeds this maximum height, a bracing system designed for the force determined by formula (10-1) shall be installed to support the parapet. Parapet corrective work shall be performed in conjunction with the installation of tension roof anchors. The maximum height of a parapet above the horizontal supports shall be twelve (12) inches.

F. Veneer.

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

2. Veneer shall be anchored with approved anchor ties, conforming to the required design capacity specified in this Code and placed at a maximum spacing of twenty-four (24) inches with a maximum supported area of two (2) square feet.

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

Existing veneer anchor ties shall be corrugated galvanized iron strips not less than one (1) inch in width, eight (8) inches in length and one-sixteenth (l/16) of an inch in thickness (l" X S" X 1/16") or equal and shall be located in every alternate course in the height of the wall at a spacing not to exceed eighteen (IS) inches on centers horizontally. As a result, such ties may be laid in every fourth (4th) course vertically at a spacing not to exceed nine (9) inches on centers horizontally.

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

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

b. The veneer in a selected area shall be removed to expose a representative sample of ties (not less than four (4) for inspection by the building official.

G. Mortar Joints. All deteriorated mortar joints in unreinforced masonry walls shall be pointed with Type S or N mortar. Masonry cements shall not be used. Prior to any pointing, the wall surface must be raked and cleaned to remove loose and deteriorated mortar. All preparation and pointing shall be done under continuous inspection by a special inspector certified to inspect masonry or concrete. At the conclusion of the project, the special inspector shall submit a written report to the building official setting forth the portion of the work inspected. (Ord. 695§l, 1991)

15.42.110 **Tables and Standards.** For Time Limits and Technical Specifications see Table Nos. 15.42-A, 15.42-B, 15.42-C, and 15.42-0; Standard Nos. 15.42-1 and 15.42-2:

TABLE NO. 15.42-A

TIME LIMITS FOR COMPLIANCE (3)

Required Action By Owner Within	Obtain Building Permit Within Within	Commence Construction	Complete Construction
Anchorage Installation	1 Year (1)	180 Days (2)	2 Years (2)
Buildings to be Demolished	1 Year (1)	180 Days (2)	2 Years (2)

(1) Measured from the date of the order.

(2) Measured from the date of building permit issuance.

(3) These time limits shall not apply to a change of occupancy involving a Group A Occupancy having an occupant load of 100 or more. See Section 15.42.060B2.

TABLE NO. 15.42-B
ALLOWABLE VALUES FOR TENSION ANCHORS

Type of Installation	Allowable Values (1)
EXISTING TENSION ANCHORS FOR FLOORS AND ROOFS, To be tested per Section 15.42.080C.	Allowable shall be the 40% of the average of the tests for anchors having the same wall thickness and joist orientation.
TENSION BOLTS, Bolts extending entirely through unreinforced masonry walls secured with bearing plates on far side of a 3 wythe minimum wall with a bearing plate having an area of at least 30 square inches. (2)(3)	1800 Ibs. per bolt. 900 Ibs. for 2 wythe walls.
COMBINATION TENSION AND SHEAR BOLTS, Combination tension and shear bolts are tension bolts centered in a 2-1/2 inch diameter by 8 inch minimum depth	Same as for tension bolts.

hole with dry-pack or nonshrink grout around the circumference of bolt.	
EMBEDDED BOLTS, Bolts extending to the exterior wall with a 2-1/2 inch round plate under the head and drilled at an angle of 22-1/2 degrees to the horizontal. Bolts shall be centered in 2-1/2 inch diameter holes with dry-pack or non-shrink grout around circumference of bolts. Bolts shall be tested per Section 15.42.080D. (2)(3)	Same as for tension bolts.

(1) A one-third increase in allowable stresses is not allowed.

(2) Bolts to be 1/2-inch minimum in diameter.

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

TABLE NO. 15.42-C
HORIZONTAL FORCE FACTOR "Cp" FOR PARTS OF PORTIONS OF BUILDINGS OR OTHER STRUCTURES

Part or Portion of Buildings	Direction of Force	Value of Cp
Exterior bearing and nonbearing walls; interior bearing walls and partitions; interior nonbearing walls and partitions over 10 feet in height.	Normal-to-flat surface	0.20
Cantilever parapet and other cantilever walls, Except retaining walls.	Normal-to-flat surface	1.00
Exterior and interior ornamentations and appendages.	Any direction	1.00
Prefacricated structural elements, other than walls, with force applied at center of gravity of assembly.	Any horizontal direction	0.30
Connections for exterior panels elements.	Any direction	2.00or

TABLE NO. 15.42-D

ALLOWABLE VALUE OF HEIGHT-THICKNESS RATIO OF UNREINFORCED MASONRY WALLS WITH MINIMUM QUALITY MORTAR (1)

	Buildings with Crosswalls As Defined by Section 15.42.040	All Other Buildings
Walls of one-story buildings	16	13
First-story walls of two-story buildings	16	15
Walls in top story of two-story buildings	14	9

(1) Minimum quality mortar shall be determined by laboratory testing in accordance with Section 15.42.070B3.

STANDARD NO. 15.42-1

IN-PLACE MASONRY SHEAR TESTS

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

STANDARD NO. 15.42-2

POINTING OF UNREINFORCED MASONRY WALLS

POINTING

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

Mortar *mix* shall be Type "5" or "N" proportions as called for in the construction specification. The tuck-pointing mortar should be pre-hydrated to reduce excessive shrinkage. The proper pre-hydration process *is* as follows:

All dry ingredients should be thoroughly mixed. Only enough clean water should be added to the dry mix to produce a damp, workable consistency which will retain its shape when formed into a ball. The mortar should stand in this dampened condition for one (1) to one and one-half (1-1/2) hours.

The joints to be tuck-pointed should be dampened, but to ensure a good bond, the brickwork must absorb all surface water. Add water to the pre-hydrated mortar to bring it to a workable consistency which *is* somewhat drier than conventional mortar. The mortar should be packed tightly into the joints in thin layers not to exceed one-quarter inch (1/4"). Each layer should become "thumbprint hard" before applying the next layer. The joints should be tooled to match the original profile after the last layer of mortar *is* "thumbprint hard".

RELAYING OF BRICK

Replacement bricks must match the originals with respect to size, color, and texture where exposed. A tuck-pointing toothing chisel should be used to cut out the mortar which surrounds the affected units. Power driven impact tools are not allowed. Once the units are removed, all of the old mortar shall be carefully chiseled out and all dust and debris shall be swept out with a brush. If used brick *is* to be relayed, it shall be cleaned of all old mortar. The brick surfaces in the wall shall be dampened before new units are placed, but the masonry should absorb all surface moisture to ensure a good bond. The appropriate surfaces of the surrounding brickwork and the replacement brick should be buttered with mortar. The replacement brick should be centered in the opening and pressed into position. The excess mortar should be removed with a trowel. Pointing around the replacement brick will help to ensure full head and bed joints. When the mortar becomes "thumbprint hard", the joints· shall be tooled to match the original profile. (Ord. 695 §l, 1991)

CHAPTER 15.44
BUILDING OCCUPANCY PLACARDS

Sections:

15.44.010 Purpose and Intent
15.44.020 Applicability
15.44.030 Authorized Placards
15.44.040 Unauthorized Tampering with Placard—Penalty

15.44.010 **Purpose and Intent** It is the purpose and intent of this Chapter to authorize standardized placards to be used by the City Building Official and his or her authorized representatives to provide public notice and warning of the potential for unsafe buildings and structures following a natural or man-made event, such as fire or earthquake.

15.44.020 **Applicability** The provisions of this Chapter are applicable to all public and private residential, commercial and industrial buildings and structures within the City of Beaumont.

15.44.030 **Authorized Placards**

A. The following placards are hereby authorized, by title and content:

1. Placard Title: "**INSPECTED-LAWFUL OCCUPANCY PERMITTED**": this placard shall inform the reader that the structure's exterior or exterior and interior has been inspected and that no apparent structural hazard was found. The reader shall also be informed and he/she is to report any unsafe condition that is subsequently discovered.

2. Placard Title: "**RESTRICTED USE**": this placard shall inform the reader that the structure has been inspected and shall identify generally the structural defects found after inspection. The reader shall also be informed of any restrictions regarding entry into the structure, and/or its occupancy and lawful use.

3. Placard Title: "**UNSAFE-DO NO ENTER OR OCCUPY**": this placard shall inform the reader that the placard is not intended to be a demolition order, that the structure has been inspected and found to be unsafe to occupy, and shall contain an order not to enter the structure as entry may result in serious injury or death.

B. All placards shall contain the following standard provisions:

1. The name, address and telephone number of the department of the City posting the placard;

2. The address of the structure;

3. The date and time the structure was inspected;

4. A list of the unsafe conditions, if applicable;

5. The following warning, to be printed at the bottom of each placard:

"It is a violation of law to remove, alter or cover this placard without the prior written consent of the City of Beaumont Building Official."

C. All placards shall have a minimum size of 8 ½" x 11", and the title of each placard shall be printed in letters that are not less than ½" tall.

15.44.040 Unauthorized Tampering with Placard—Penalty

A. Any person who removes, alters or covers a placard without the prior written consent of the City of Beaumont Building Official may be issued a citation; provided, however, that the remedies prescribed in this Section are intended to be in addition to any other procedures or penalties prescribed by law.

B. Any person removing, altering or covering a placard without the prior written consent of the City of Beaumont Building Official shall be guilty of an infraction, pursuant to the provisions of Government Code Section 36900 and the penalties provided therein, and upon conviction thereof, shall be punishable by a fine in the amount of $100.00 for the first conviction, $500.00 for the second conviction within one year, and $1,000.00 for the third and each additional conviction within one year.