

ORDINANCE 1255

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF INYO, STATE OF CALIFORNIA, REPEALING AND REPLACING TITLE 14 OF THE INYO COUNTY CODE RELATED TO BUILDING AND SAFETY STANDARDS

The Board of Supervisors of Inyo County ordains as follows:

SECTION ONE. PURPOSE.

The purpose of this Ordinance is to update Title 14 of the Inyo County Code to reflect changes in building and safety standards that have occurred since Title 14's last update.

SECTION TWO. AUTHORITY.

This Ordinance is enacted pursuant to the authority given the Inyo County Board of Supervisors by California Health and Safety Code Sections 17958 and 17958.5, which authorize the County to adopt building and safety standards, and Title 24 of the California Code of Regulations, which imposes mandatory building and safety standards on all construction in California.

SECTION THREE. REPEAL AND REPLACEMENT OF TITLE 14.

The current version of Title 14 of the Inyo County Code is hereby repealed in its entirety and replaced with the new version of Title 14, attached hereto as Exhibit A.

SECTION FOUR. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

SECTION FIVE. CEQA COMPLIANCE.

This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly.)

SECTION SIX. EFFECTIVE DATE.

This ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby

instructed and ordered to so publish this ordinance together with the names of the Board members voting for or against the same.

PASSED AND ADOPTED this 12th day of May, 2020, by the following vote:

AYES: -5- Supervisors Griffiths, Kingsley, Pucci, Tillemans, Totheroh
NOES: -0-
ABSTAIN: -0-
ABSENT: -0-



MATT KINGSLEY, Chairperson
Inyo County Board of Supervisors

ATTEST: Clint Quilter
Clerk of the Board

By: 

Darcy Ellis, Assistant
Assistant Clerk of the Board

Exhibit A

Title 14

BUILDING AND SAFETY

Chapters:

- 14.04 General Provisions**
- 14.08 Building Regulations**
- 14.12 Construction Site Regulations**
- 14.16 Building Moving and Demolition**
- 14.20 Fire Mitigation Fees**
- 14.24 Water Wells**
- 14.28 Flood Damage Prevention**

Chapter 14.04 – GENERAL PROVISIONS

Sections:

14.04.010	Title.
14.04.020	Administration.
14.04.030	Scope.
14.04.040	Habitation restrictions.
14.04.050	Permits—Application.
14.04.060	Building Permit Expiration.
14.04.070	Applicability restriction.
14.04.080	Planning, health, public works and other required approvals prerequisite to building permits issuance.

14.04.010 Title.

Title 14 shall be known as the “County Building and Safety Ordinance.”

14.04.020 Administration.

For the purpose of administering and enforcing this title, there is established in the county, within the Department of Public Works, a Building Official.

- A. The Building Official is authorized and directed to enforce all the provisions of this title, and for such purpose, he shall have the powers of a peace officer, provided that he has obtained the required peace officer certifications under California law.
- B. The determination of value or valuation under any of the provisions of this title shall be made by the Building Official.
- C. The Director of the Inyo County Public Works Department shall serve as the Inyo County Building Official. The Director of Public Works may appoint such deputies, officers, inspectors, assistants and other employees as shall be authorized by the Board of Supervisors in order to carry out his duties as the Building Official.
- D. The Building Official is designated as the county enforcement official referred to in Section 19121 of the Health and Safety Code of the State of California.
- E. Upon presentation of proper credentials and during the time that a building permit for a structure, building, or premises is in effect, the Building Official may enter at reasonable times said structure, building, or premises to perform any duty imposed upon him by this Title and to make any inspections, re-inspections or tests of any installation.

14.04.030 Scope.

The provisions of this Title shall apply to all buildings and structures in the unincorporated territory of Inyo County, except to the extent that any building or structure may be exempted from compliance by the California Building Code, state, or federal law.

14.04.040 Habitation restrictions.

Notwithstanding any provisions of this title, no one shall use as a place of habitation, residence or business any discarded, used, secondhand, salvaged, abandoned boxcar, refrigerator car, recreational

vehicle, motor bus body or similar vehicle body; provided however, nothing herein shall prohibit the use of said structures for other than places of abode, habitation or business; and provided further, nothing contained herein shall prohibit the use of said structures for places of abode, habitation or business providing such structures are altered, changed or reconstructed so as to comply with all other conditions and requirements of this Title.

14.04.050 Permits—Application.

Notwithstanding any state or federal law or County ordinance exempting certain buildings or structures from the application of this Title, any person may submit an application for a permit to construct any building or structure otherwise exempted from the application of this title. If a permit is granted, the provisions of this Title shall thereafter apply to said construction.

14.04.060 Building Permit Expiration.

All building permits and planchecks will expire under the following conditions:

- A. All applications and plans submitted for plan review shall become void after a period of twelve months (one year) from the time of application. At this time any further application for the project will require a new plan check fee and new application submitted.
- B. All building division permits will become void thirty-six months (three years) after issuance, unless:
 1. A written request for a permit extension is submitted;
 2. The construction is progressing at a proponent's best rate; and
 3. The construction activity is posing no life-safety threat to the public or to any person.
- C. If the building or work authorized by such permit is not commenced within one year from the date of permit issuance, or work authorized by such permit is suspended or abandoned at any time after the work is commenced, the permit's suspension and/or abandonment shall be determined by a lack of progress inspections for a period of more than one year since the last previously documented inspection. If a permit has expired, no work can recommence until a new application is applied for, plan check is completed, all permit fees are paid, and a new permit is issued.
- D. To receive an extension of time on an expired building permit, the applicant shall submit a written request detailing the extenuating circumstances that prevented the completion of the project in the allotted time limits of the issued permit.
 1. Upon review and approval by the Building Inspector, an extension may be granted for an additional year. Should this additional twelve months (one year) time elapse, a new building permit shall be obtained prior to the continuation of work on the project.
 2. The new permit fee will be calculated on the hourly amount of plancheck required to reissue the permit, the balance of the work to be completed, and number of inspections estimated to final the issued permit.

14.04.070 Applicability restriction.

The provisions of this Title or any amendment thereto, shall not apply to any building or structure, the foundations of which were completed prior to the effective date of the ordinance codifying this Title, provided the construction is continued without undue interruptions or delays after the completion of such foundations. Provided, however, that nothing in this section shall be construed to exempt any building or structure from compliance with any pre-existing state or federal laws.

14.04.080 Planning, health, public works and other required approvals prerequisite to building permits issuance.

No building permits shall be issued for any building for which an individual sewage disposal system, a connection to a public sewage collection system, an individual water supply system and/or a connection to a public water supply system must be installed, altered or added to until the Building Official is satisfied that all required application reviews for permits issued by any other County department have been completed.

Chapter 14.08 – BUILDING REGULATIONS

Sections:

14.08.010	Purpose of chapter.
14.08.020	Express findings.
14.08.030	Codes adopted by reference.
14.08.040	Building permit fees.
14.08.050	Plancheck.
14.08.060	Violation – penalties.
14.08.070	Election of remedy.
14.08.080	Liability of county employees.
14.08.090	Board of appeals.
14.08.100	Utility connection.
14.08.110	Early connection of utility service; temporary power poles.
14.08.120	Snow loads.
14.08.130	Wind loads.
14.08.140	Defensible space and fire hazard reduction.
14.08.150	Manufactured truss submittal requirements.

14.08.010 Purpose of Chapter

This Chapter is enacted for the purpose of adopting rules and regulations for the protection of the public health, safety and general welfare of the occupants and the public; governing the creation, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court area, sanitation, ventilation, and maintenance of any building used for human habitation; provided, however, that nothing in the codes adopted in this Chapter shall be construed to prevent any person from performing his own building, mechanical, plumbing, or electrical work when performed in compliance with this Chapter.

14.08.020 Express Findings

The Inyo County Board of Supervisors makes express findings that the listed local modifications, additions, and amendments to the building standards contained in California Building Standards Codes, Title 24, are reasonably necessary because of local climatic, geological or topographical conditions, including snow loads, freezing temperatures, high winds, and remote mountain terrain. These local government amendments also provide a more restrictive building standard than that contained in California Building Standards Codes, Title 24, by including listed appendices and codes detailing requirements specific to the local climatic, geological or topographical conditions of Inyo County.

14.08.030 Codes adopted by reference.

All Parts of the most recent version of the California Code of Regulations, Title 24, are hereby adopted in the County of Inyo as a matter of state law, subject to the modifications and amendments contained in this Chapter.

14.08.040 Building Permit Fees

All permit fees, including building, electrical, plumbing, and mechanical permits, shall be paid to the Building Department in an amount set forth and adopted by resolution of the Board of Supervisors. The

fee shall be calculated so as to recover the total cost of administration and enforcement of all rules and regulations surrounding building permits, but shall not exceed the actual cost of the regulatory program authorized by this Title.

14.08.050 Plancheck.

Permit applications containing engineered design submitted to the Inyo County Building Department for plancheck review exceeding conventional light-frame construction code provisions in order to address seismic design, wind load, ground snow load, or because of unconventional or irregular design, may be subject to plancheck review by in-house personnel or contract engineering consultants as determined on a case-by-case basis by the Building Official. All commercial structures containing engineering design requirements shall be subject to plancheck review. The expense for such plancheck and design review by in house personnel and/or contract engineering consultants shall be paid by the project applicant.

14.08.060 Violation – penalties.

- A. Unlawful Acts. It shall be unlawful for any person, vendor, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure, or building service equipment or cause or permit the same to be done in violation of this Title and the technical codes as amended and adopted by the County. The use or occupancy of any building in violation of any of the provisions of this code or the technical codes as adopted by the county is declared to be a public nuisance per se.
- B. Notice of Violation. The Building Official shall be vested with the necessary powers and duties to enforce the provisions of this Title. The Building Official and his or her deputy inspectors may issue citations for violations and serve a notice of the citation on the person responsible for the erection, construction, alteration, expansion, repair, moving, removal, demolition or occupancy of a building or structure in violation of this Title or in violation of a permit or certificate issued under this Title.
 - 1. The Building Official shall have the discretion to determine the time within which the citation will require the cessation of the unlawful act(s). The Building Official is authorized to order the immediate cessation of unlawful act(s) if he determines that immediate cessation is necessary to preserve public health and safety.
 - 2. In determining the timeframe within which cessation of the unlawful act must occur, the Building Official may consider the following list of non-exclusive factors:
 - i. The degree of danger posed to any occupants or inhabitants of the structure in question;
 - ii. The degree of danger posed to the public due to the unlawful condition of the structure in question;
 - iii. Any good faith efforts by the owner of the structure in question to voluntarily abate the unlawful condition;
 - iv. The availability of contractors, engineers, or other construction professionals whose expertise will be necessary to abate the unlawful condition.
 - 3. A citation issued pursuant to this subsection shall constitute an order or final determination as that term is used in Section 14.08.090.
- C. Violation Penalties.

1. Where work for which a permit is required by this code has been started prior to obtaining the required permits, the permit fees shall be assessed at a rate to recoup the time and materials spent by the building division staff to mitigate the violation. The payment of such assessed fees shall not relieve any persons from fully complying with the requirements of this Title in execution of the work nor from any other penalties, prescribed herein.
 2. In addition to any remedy set forth in any of the codes enumerated in this Chapter, any person, association or corporation violating any of the provisions of this Title is guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars per day that the offense is maintained or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each day's maintenance of a violation of this Title shall be considered a separate offense.
- D. The procedures described in section 14.08.060 and section 14.08.090 shall constitute the means of enforcing the provisions of this Title. Except where expressly adopted, the abatement procedures described in Title 22 of the Inyo County Code shall not apply to any alleged violations of this Title.

14.08.070 Election of remedy.

The prosecution of a criminal action pursuant to Section 14.08.060 shall not preclude the initiation of any civil or administrative action, or vice versa.

14.08.080 Liability of county employees.

This Title shall not be construed as imposing upon the county, or upon any of its officers or employees, any liability or responsibility for damage resulting from defective building, plumbing or electrical work; nor shall the county, or any officer or employee thereof, be held as assuming any such liability or responsibility by reason of any inspection under this Title.

14.08.090 Board of Appeals.

Any individual who believes that he has been aggrieved by an order or final determination made by the Building Official relative to the application and interpretation of this Title must challenge that order or determination via the process set forth below:

- A. Initial challenge. Within thirty days of the date of issuance of the order or determination that the individual seeks to challenge, the individual must file with the Director of Public Works and the Building Official or inspector who issued the order being challenged a written statement that sets out:
 1. The order or determination being challenged;
 2. The date of issuance of that order or determination;
 3. The basis for challenging the order or determination;
 4. The alleged defects in the order or determination.
- B. The Director of Public Works shall review the initial challenge described in subsection (A) and determine the appropriate course of action. The Director of Public Works shall inform the property owner of his decision in writing within thirty days of the receipt of the initial challenge.
- C. Right of Appeal. If the initial challenge is denied, the individual who filed the initial challenge may appeal the Director of Public Works' decision. The appeal must be in writing and must be

filed with the Building Official and the Director of Public Works. The appeal must set forth all reasons why the decision of the Director of Public Works should be modified or reversed.

1. The Director of Public Works shall forward the appeal to the County Administrative Officer. After determining that the appeal is timely and complies with all procedural requirements set forth in this section, the County Administrative Officer shall designate at least three but no more than five individuals who will serve as a hearing board to decide the appeal. The individuals appointed to the hearing board may consist of Inyo County employees or community members with knowledge of construction principles, the California Building Code, or public safety and planning matters.
2. The individuals who make up the hearing board shall have had no prior involvement with the order or determination that is being challenged in the appeal.
3. Within sixty days of the receipt of the appeal, the hearing board shall hear the appeal.
4. The Building Official shall have the burden of proving that his order or determination is consistent with this Title or other applicable building and safety regulations.
5. The individual who filed the appeal may present written and oral evidence to show that the Building Official's decision was erroneous.
6. The rules of evidence shall not apply to the hearing.
7. The decision of the hearing board must be in writing and shall be served on the individual who filed the appeal within twenty days of the hearing.

D. Finality of Decision. The decision of the hearing board shall be the final administrative decision. No further administrative appeals to the county board of supervisors or any other county board or commission shall be permitted.

14.08.100 Utility connection.

It is unlawful for any person, including utility companies, to connect electric power lines or liquefied petroleum gas permanently to any building or structure for which a permit is required by this Title until such structure complies with all applicable ordinances and codes and has been approved by the Building Official in a final inspection as required under the California Building Code. This section shall not prohibit the erection and use of temporary power poles when approved by the Building Official; provided that such temporary electrical connections and facilities must be removed prior to connection of permanent lines.

14.08.110 Early connection of utility service; temporary power poles.

Where no building is located on a lot or parcel, no permit shall be issued for an electrical connection, a septic system, or an accessory building prior to issuance of a permit for a primary structure to be constructed on the lot or parcel.

A. Exception – Temporary power poles to be used during construction.

1. Such power poles may be issued prior to the main use being established, provided the following conditions have been met:
 - i. All required plans have been submitted.
 - ii. All plan check fees, building permit fees, and any special fees have been paid in full.
 - iii. All temporary electric power poles shall be installed per the requirements found in Article 590 of the most current version of the California Electrical Code (California Code of Regulations, Title 24, Part 3).

2. All permits for temporary power poles are valid for a maximum of 6 months from the date of issuance; provided, however, that the Building Official may, at his or her discretion, extend the permit for additional 6-month periods if he determines that construction has commenced and that reasonable progress has been made.
3. Permanent electrical service may be connected to a building or structure prior to building division final inspection and approval provided:
 - i. The applicant completes a Temporary Power Agreement, on a form supplied by the Building Official stating that the project is ninety percent complete and meets all requirements of the building division, and executes a disconnect order which authorizes the county to disconnect, under the applicants' liability and expense, in the event of unauthorized usage and/or failure to meet the executed schedule.
 - ii. The applicant completes a temporary power agreement and executes a disconnect order which authorizes the county to disconnect. Under the applicants' liability and expense the power will be disconnected and the bond forfeited in the event of unauthorized usage and/or failure to meet schedule.

B. Exception – Non-residential electrical service

1. Permanent electrical service may be connected to machinery permanently affixed to the parcel provided all of the following conditions have been met:
 - i. All required permits have been obtained and all required permit fees have been paid in full.
 - ii. The applicant completes a Non-Residential Power Agreement, on a form supplied by the Building Official, stating that the electrical service is necessary to power machinery permanently affixed to the parcel; that the Building Official may, at his discretion and without notice, inspect the electrical connection to ensure that it is not being used to service a human habitation; and that the County is authorized to disconnect the electrical service, at the applicant's liability and expense, should the electrical service be used to service a human habitation.
 - iii. The parcel is zoned as Open Space (OS), Rural Residential (RR), Rural Residential Starlite (RR-Starlite) One Family Residences (R1), Single Residence Mobile Home Combined (RMH), Multiple Residential (R2) and Multiple Residential (R3), Commercial Recreation (C5), Light Industrial (M-2) and Heavy Industrial (M-1).
 2. Any permits issued under this exception shall be valid for a maximum of two years.
- C. The fee for any agreements required by this subsection shall be set by resolution of the Board of Directors. The fee shall be calculated so as to recover the total cost of administration and enforcement of this Chapter, but shall not exceed the actual cost of the regulatory program authorized by this Chapter.**
- D. Expedited Abatement Procedure.** If the Building Official identifies a violation of this subsection, he will provide written notice of the violation to the property owner. The notice shall state that the property owner has 15 days to remedy the violation. If the property owner does not remedy the violation within 15 days, the Building Official is permitted to disconnect the electrical service to that property.

All of the unincorporated areas of Inyo County shall be declared a snow area and shall comply with the Inyo County Snow Load Design Criteria described below in subsection (A). This declaration shall pertain to all structures within these areas as defined by the most recent version of the California Building Code, section 202. Mobile homes, modular homes, factory-built houses, and commercial coaches shall be subject to the specific design provisions of California Code of Regulations, Title 25. The snow loads, and the conditions of their application, may be revised from time to time based on minimum California Building Code requirements, site specific case studies, and updated information as determined by the Building Official.

A. Inyo County Snow Load Design Criteria

Aberdeen	30 PSF
Aspendell	100 PSF
Big Pine	40 PSF
Bishop	40 PSF
Bishop Creek	100 PSF
Coso Junction	30 PSF
Death Valley	20 PSF
Glacier Lodge	100 PSF
Independence	30 PSF
Little Lake	20 PSF
Lone Pine	30 PSF
Olancho	30 PSF
Personville	20 PSF
Starlite	60 PSF
Tecopa	20 PSF
Whitney Portal	100 PSF
Alabama Hills	40 PSF
Rovana	40 PSF

B. All flues, chimneys, or other projections through the roof shall be protected from damage by sliding snow or ice. This shall be accomplished by using guys, formed metal guards, saddles, or other methods approved by the Building Official.

14.08.130 Wind Loads

All of the unincorporated areas of Inyo County shall be declared a wind area and shall comply with the Inyo County Wind Load Design Criteria described below in subsection (A). This declaration shall pertain to all structures within these areas as defined by the most recent version of the California Building Code, section 202. Mobile homes, modular homes, factory-built houses, and commercial coaches shall be subject to the specific design provisions of California Code of Regulations, Title 25. The wind loads, and the conditions of their application, shall be revised from time to time based on minimum California Building Code requirements, site specific case studies, and updated information as determined by the Building Official.

- A. Inyo County Wind Load Design Criteria: 85 MPH sustained winds with 110 MPH 3 second gusts

14.08.140 Defensible Space and Fire Hazard Reduction

- A. All of the unincorporated areas of Inyo County are hereby designated as a Wildland-Urban Interface Fire Area. All construction must comply with all chapters of the most recent version of the California Building Code applicable to Wildland-Urban Interface Fire Areas. Properties shall be maintained in accordance with the defensible space requirements contained in Government Code § 51182 (unless exempted by Government Code § 51183 or 51184) and Public Resources Code § 4291, as applicable.
- B. The existence or maintenance of any of the following conditions is prohibited:
1. Tree branches within ten feet of a chimney outlet or stovepipe outlet;
 2. Dead or dying tree branches adjacent to or overhanging a building;
 3. Leaves, needles, or other dead vegetative growth on the roof of any structure;
 4. Flammable vegetation or other combustible growth within thirty feet of an occupied dwelling or structure which prevents the creation of a firebreak;
 5. Brush, flammable vegetation, or combustible vegetation located between thirty and one hundred feet of an occupied dwelling or structure which prevents the creation of a reduced fuel zone; or
 6. Brush or other flammable material within ten feet of a propane tank.
- C. No person shall be required to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon or damage property that is owned by another person without the consent of that person.

14.08.150 Manufactured truss submittal requirements.

All manufactured trusses shall be designed by a California licensed civil or structural engineer. Truss design submittals and calculations may be deferred submittals and shall be submitted prior to or at the time of roof sheathing inspection. If the truss design submittals and calculations are not submitted at this time, no further inspections will be conducted until this information has been provided for review and approval.

Chapter 14.12 – CONSTRUCTION SITE REGULATIONS

Sections:

14.12.010	Scope.
14.12.020	Hours of Working.
14.12.030	Sanitation Facilities.
14.12.040	Encroachment.
14.12.050	Construction Site Nuisance.
14.12.060	Violation of Construction Site Regulations.

14.12.010 Scope.

All construction or grading and any work related thereto in the unincorporated areas of Inyo County shall comply with this Title and the requirements of this Chapter.

14.12.020 Hours of Working.

If operations under a building permit are within five hundred feet of residential or commercial occupancies, this work shall be limited to the hours between seven a.m. and seven p.m. Monday to Friday, with Saturday and Sunday operations between nine a.m. and five p.m.

A. Exceptions

- a. Concrete pouring work is permitted during daylight hours of sunrise to sunset.
- b. Construction work not involving the use of noise-producing, mechanically powered tools shall be allowed at any time.

14.12.030 Sanitation Facilities.

Unless adequate water closets are otherwise provided, a water closet shall be provided at all construction sites, and shall consist of a chemical-type privy approved by the Environmental Health Department. All other requirements shall be according to Health and Safety Code § 5416.

14.12.040 Encroachment.

All materials encroaching on a county public right-of-way without an appropriate permit from the Road Department pursuant to Title 12 are prohibited.

14.12.050 Construction Site Nuisance.

Operations on construction sites shall maintain preventive controls of blowing dust from construction work, protection of drainage diversion from site development, and control of erosion from removal of natural vegetation.

14.12.060 Violation of Construction Site Regulations.

A violation of any of the construction site regulations stated in this Chapter shall be noticed and abated pursuant to the procedures set forth in sections 14.08.060 and 14.08.090.

Chapter 14.16 – BUILDING MOVING AND DEMOLITION

Sections

14.16.010	Permits required – Limitations
14.16.020	Application for Relocation Permit
14.16.030	Corrections of Defects Before Issuance
14.16.040	Terms and Conditions of Issuance
14.16.050	Application Fee
14.16.060	Debris and Excavation
14.16.070	Denial of Permit
14.16.080	Expiration
14.16.090	Relocation Bond – Requirement
14.16.100	Relocation Bond – Conditions
14.16.110	Relocation Bond – Default
14.16.120	Relocation Bond – Termination and Refund

14.16.010 Permits required – Limitations

- A. No person shall move any building or structure within or into the unincorporated area of the county, without first obtaining from the Building Official a relocation permit and a building permit. No person shall effect any demolition of any building or structure, or any part thereof, without first obtaining from the Building Official a demolition permit.
- B. Except as otherwise provided in this section, there shall not be issued a relocation permit for any building or structure which is included within any one or more of the following categories:
 1. So constructed or in such condition as to constitute a danger of injury or death through collapse of the building, fire, defects in electrical wiring or any other substantial hazard, to the persons who will occupy or enter said building after relocation;
 2. Infested with rats or other vermin or the wood members of the building are infested with rot, decay or termites;
 3. So unsanitary or filthy that it would constitute a hazard to the health of the persons who will occupy said building after relocation or, if not intended for occupancy by human beings, would make it unsuitable for its intended use;
 4. In such condition or of a type, character, size or value and is so inharmonious with other buildings in the neighborhood of the relocation site, that placing the building at the proposed relocation site would substantially diminish the value of other property or improvements in the district into which the building is to be relocated;
 5. The proposed use of the building is prohibited at the proposed relocation site under any zoning ordinance or other law of the county; or
 6. The building, structure, or relocation site does not conform to all applicable provisions of law.

14.16.020 Application for Relocation Permit

Every application for a relocation permit shall be in writing upon a form furnished by the Building Official and shall set forth such information as may reasonably be required in order to carry out the purposes of this Chapter. Such information may include:

- A. Photographs of the building or structure to be moved and photographs of the buildings on the properties contiguous with the premises onto which the building or structure is to be moved;
- B. A report from a licensed structural pest control contractor stating the condition of the building or structure as to decay and pest infestation;
- C. A report from a registered engineer or architect stating the structural condition of the building, and clearly indicating steps to be taken to preserve/enhance said condition.

14.16.030 Corrections of Defects Before Issuance

If the building or structure to be moved fails to meet any of the standards set forth in Section 14.16.010, but it appears to the Building Official that the deficiencies can be corrected, the permits shall be issued only on condition that all deficiencies be corrected.

In order to determine any matter regarding relocation of a building or structure, the Building Official may cause any investigation to be made which he believes necessary.

14.16.040 Terms and Conditions of Issuance

In granting a relocation permit, there may be imposed such terms and conditions as are reasonable, including, but not limited to changes, alterations, additions or repairs to the building or structure so that its relocation will not be materially detrimental or injurious to the public safety or welfare or to the property or improvements in the district to which it is to be moved. The terms and conditions upon which each permit is granted shall be in writing upon application and permit or appended thereto.

14.16.050 Application Fee

The fee for relocation investigation services and relocation and demolitions permits shall be set by resolution of the Board of Directors. The fee shall be calculated so as to recover the total cost of administration and enforcement of this Chapter, but shall not exceed the actual cost of the regulatory program authorized by this Chapter.

14.16.060 Debris and Excavation

It shall be the duty of any person to whom any permit is issued for the demolition or for the removal of any building, or any section or portion of any building pursuant to the provisions of this Chapter, and of any person leasing, owning, or occupying or controlling any lot or parcel of ground from which a building is removed or demolished, to remove all weeds, concrete or stone foundations, at concrete, concrete patios, masonry walls, garage floors, driveways, and similar structures and all loose, miscellaneous, and useless material from such lot or parcel of ground, and to properly cap the sanitary sewer house connection, and to properly fill or otherwise protect all basements, cellars, septic tanks, wells, and other excavations.

14.16.070 Denial of Permit

If the unlawful, dangerous or defective condition of the building or structure proposed to be relocated is such that remedy or correction cannot practicably and effectively be made, the relocation permit shall be denied.

14.16.080 Expiration

A relocation permit shall expire and become null and void if the moving of the building or structure is not completed within sixty days from the date of the permit.

14.16.090 Relocation Bond – Requirement

No relocation permit required by this Chapter shall be issued by the Building Official unless the applicant therefor first posts a bond executed by the owner of the premises where the building or structure is to be located, as principal, and a surety company authorized to do business in the state, as surety. The bond shall be in form joint and several, shall name the county as obligee and shall be in an amount equal to the cost plus ten percent of the work required to be done in order to comply with all of the conditions of such relocation permit as such cost is estimated by the Building Official. In lieu of a surety bond the applicant may post a bond executed by the owner, as principal, and which is secured by a deposit in cash in the amount named above and conditioned as required in the case of a surety bond; such a bond as so secured is hereafter called a "cash bond" for the purposes of this section.

14.16.100 Relocation Bond – Conditions

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

- A. That each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the Building Official;
- B. That all of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the time limit specified in the relocation permit; or, if no time limit is specified, within ninety days after the date said building is moved to its new location. The time limit herein specified, or the time limit specified in any permit, may be extended for good and sufficient cause by the Building Official. No such extension of time shall be valid unless written and no such extension shall release any surety upon any bond.

14.16.110 Relocation Bond – Default

- A. Whenever the Building Official finds that a default has occurred in the performance of any term or condition of any permit required by this section, written notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, must pay over to the Building Official the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to ten percent of the estimated cost. Upon receipt of such moneys, the Building Official shall proceed by such mode as he deems convenient to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of the sum in hand therefor. The balance, if any, of such moneys shall, upon completion of the work, be returned to the depositor, or to his successors or assigns, after deducting the cost incurred in obtaining the completion of the work.
- B. If a cash bond has been posted, notice of default as provided above shall be given to the principal and if compliance is not had within the time specified, the Building Official shall proceed without delay and without further notice or proceedings whatever to use the cash deposited, or any portion of such deposit, to cause the required work to be done by contract or otherwise in the discretion of the Building Official.
- C. When any default has occurred on the part of the principal under the preceding provisions, the surety shall have the option, in lieu of completing the work required, to demolish the building

or structure and to clear, clean and restore the site. If the surety defaults, the Building Official shall have the same option.

- D. In the event of any default in the performance of any term or condition of the relocation permit, the surety, or any person employed or engaged on its behalf, or the Building Official, or any person employed or engaged on his behalf, shall have the right to go upon the premises to complete the required work or to remove or to demolish the building or structure.
- E. No person shall interfere with or obstruct the ingress or egress to or from any such premises by any authorized representative or agent of any surety or of the county engaged in the work of completing, demolishing or removing a building or structure for which a relocation permit has been issued after a default has occurred in the performance of the terms or conditions thereof.

14.16.120 Relocation Bond – Termination and Refund

The term of each bond posted pursuant to this section shall begin upon the date of the posting thereof and shall end upon completion to the satisfaction of the Building Official of the performance of all the terms and conditions of the relocation permit required by this section. Such completion shall be evidenced by a statement thereof signed by the Building Official, a copy of which will be sent to any surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor or to his successors or assigns upon the termination of the bond, except any portion thereof that may have been used or deducted as elsewhere in this Chapter provided.

Chapter 14.20 – FIRE MITIGATION FEES

Sections:

14.20.010	Purpose
14.20.020	Definitions
14.20.030	Findings
14.20.040	Prior Agreements and Conditions of Approval
14.20.050	Fire Agency Findings and Contents of Resolution
14.20.060	Adjustment of Fire Mitigation Fee Amounts
14.20.070	Fee Payment
14.20.080	Fees Held in Trust
14.20.090	Fee Fund Records
14.20.100	Termination of Fee Collection
14.20.110	Exemptions
14.20.120	In-Lieu Payments
14.20.130	Penalties and Stop Orders

14.20.010 Purpose.

The purpose of this Chapter is to carry out Inyo County policies requiring new development within the unincorporated areas of the County to bear its fair share of the costs of facilities and equipment necessitated by such development.

14.20.020 Definitions.

When the following words are used in this Chapter, they shall have the meaning ascribed to them in this section.

- A. "Chief" means the chief of a fire agency serving an unincorporated area of the County.
- B. "Covered space" means floor space enclosed by walls and a ceiling or roof.
- C. "Development" means all construction for which a building permit or other permit is required.
- D. "Director" means the Building Official of the Inyo County Building Department.
- E. "District service area" means (1) the geographic area served by a fire agency within the boundaries of such fire agency, and (2) the geographic area served by such fire agency by agreement with owners of private property located outside of the boundaries of such fire agency.
- F. "Facilities and equipment" means any long-term capital facilities and equipment used by agencies for fire suppression or emergency medical services, including station construction, station expansion and fire or emergency medical apparatus.
- G. "Fire agency" and "agency" means any special district providing fire protection services within the unincorporated area of the county. The terms also mean the county when it provides fire protection services through a county service area.

14.20.030 Findings.

In enacting this Chapter, the Board of Supervisors finds and declares:

- A. Fire agencies provide fire protection services for the purpose of protecting the health and safety of persons and property within their district service areas.

- B. The construction and occupancy of additional residential, commercial and other structures within their district service areas adversely impacts the ability of fire agencies to provide fire protection services and increases fire hazards to persons and property.
- C. In order to protect the health and safety of the occupants of new or reconstructed structures within their district service areas, it is necessary for fire agencies to acquire additional land, facilities and equipment to serve such new development.
- D. It is County policy, by and through the land use element of its general plan and the provisions of this Chapter, to assure that necessary additional land and fire protection facilities and equipment required by new development projects are either available or will be made available as a condition of approval of such projects, and that the costs of providing such additional land, facilities and equipment are collected on an equitable basis from the beneficiaries thereof.
- E. The failure to assure that such additional land, facilities and equipment are available may endanger the health and safety of persons affected by new development projects.
- F. The costs of operating fire agencies, including escalating liability and workers' compensation costs, make it extremely difficult or impossible for the agencies to provide, from existing funding sources, the land, facilities and equipment necessary to provide adequate fire protection associated with new development.
- G. The funds collected pursuant to this Chapter shall be used only for the financing of the acquisition of land and fire protection facilities, equipment and accessories. Funds so collected and not used for such purposes shall be refunded or otherwise utilized pursuant to Government Code § 66001(g) and (f).
- H. For the foregoing reasons, fire mitigation fees may be imposed on new development in order to pay the incremental costs for land and fire protection facilities and equipment necessitated by such development.

14.20.040 Prior agreements and conditions of approval.

- A. Any enforceable agreement existing prior to the operative date of the ordinance codified in this Chapter between an applicant for development and a fire agency pertaining to the dedication of land or payment of fees for facilities and equipment to serve the property which is the subject of the application, or any portion thereof, satisfies the requirements of this Chapter.
- B. If land, facilities or equipment was dedicated or donated to a fire agency as a condition of approval of a discretionary permit prior to the operative date of this Chapter, such dedication or donation shall be considered as satisfying the requirements of this Chapter for such discretionary permit.

14.20.050 Fire agency findings and content of resolution.

This Chapter shall become applicable to development within the district service area of a fire agency when the following actions are taken:

- A. The governing body of a fire agency adopts a resolution making substantially the following findings:
 - 1. The agency does not have existing fire protection facilities and equipment which could be used to provide an adequate level of services to all reasonably anticipated new development within the agency's district service area,

2. The agency does not have sufficient funds available to acquire land, construct additional facilities, purchase additional equipment from fund balances, capital facility funds, property tax sources, or other appropriate sources,
 3. The lack of fire protection facilities and equipment to serve new development would create a situation perilous to the public health and safety if fire mitigation fees are not collected within the agency's district service area,
 4. The fees, if any, charged by the fire protection agency do not include a payment toward the costs of facilities and equipment expansion as a component of the fee;
- B. The resolution so adopted contains substantially the following resolved clauses:
1. The agency requests that the county collect a specified fire mitigation fee on the agency's behalf from applicants for building permits or other permits for development in its district service area,
 2. The purpose of collecting fire mitigation fees is to expand the availability of facilities and equipment to provide fire protection services to new development in its district service area,
 3. By prior resolution the agency has determined that there is a reasonable relationship between the fee's use and the development projects on which it is to be imposed,
 4. If fire mitigation fees are to be used in whole or part to construct a public facility, the agency has determined by prior resolution that there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed,
 5. The agency will place all funds received from the county under this program, and all interest subsequently accrued on those funds, in a separate account and budget accounting category to be known as the "fire mitigation fee account,"
 6. The agency will expend funds from the account only for the purpose of acquiring land, facilities and equipment to mitigate the impacts of new development on the agency's fire protection capabilities,
 7. The agency will submit a fire mitigation fee annual report for each fiscal year, no later than October 31st following the close of the fiscal year, to the director. The report shall include the balance in the account at the end of the previous fiscal year, the fee revenue received, the amount and type of expenditures made, and the ending balance in the account;
- C. The governing body of the fire agency shall send a certified copy of the resolution to the clerk of the Inyo County board of supervisors. The clerk shall transmit a copy of the resolution to the director. Within thirty days from the date of receipt of the resolution by the clerk, the provisions of this Chapter shall be applicable to all building permits and any other permits issued for new construction within the district service area of the fire agency.

14.20.060 Fire mitigation fee established.

- A. The fire mitigation fee amount requested by the agency shall be equal to or less than the ceiling amounts set by this Chapter. The ceiling amounts are as follows:
1. Two dollars per square foot for all covered space in the first three floors of all buildings or structures.
 2. Three dollars per square foot for all covered space above the third floor of all buildings or structures.

- B. The fire mitigation fee established by the agency shall be based upon the estimated costs for the acquisition of necessary land, facilities and equipment to provide fire protection services to mitigate the impact of new development on existing facilities. The resolution of the agency governing board which sets the fee schedule shall contain findings which justify the fee amounts.
- C. As an alternative to the fee-setting procedure set forth above in subdivisions A and B of this section, the Board of Supervisors may and does hereby reserve the right to directly set the fee amounts applicable to property within the territorial boundaries of any fire protection district or other defined territory within the County's unincorporated area. Unless otherwise provided by state law, said fee amounts may be set by resolution of the Board of Supervisors. Said fees shall not be limited by the ceiling amounts specified by subdivision A, nor be required to be set by square footage or any other methodology prescribed by this Chapter; rather, they need be consistent only with applicable state law. The Board of Supervisors likewise reserves the right to impose lawful fire mitigation measures through conditions of approval as an alternative to the fees set forth by this Chapter. In the event of a conflict between an action of the Board of Supervisors and an action by a fire protection district related to fire mitigation fees set under this Chapter, the Board of Supervisors' action's shall prevail.

14.20.070 Adjustment of fire mitigation fee amounts.

- A. The ceiling amounts set forth in Section 14.20.060 may be increased or decreased from time to time but not more than once each year, by resolution of the Board of Supervisors, in proportion to the increase or decrease in the costs of construction as determined by the Engineering News Record, Cost of Construction Index for the Los Angeles area published by the McGraw-Hill Publishing Company, or a similar index accepted by the board by resolution in the event the foregoing index is not available.
- B. The amount of the fire mitigation fee established by a fire agency may be increased no more than once each year by use of the foregoing index or resolution.

14.20.080 Fee payment.

- A. Prior to the issuance of any building permit or other permit for development, the applicant shall pay to the director the fees prescribed by the relevant fire agency's resolution, or shall present written evidence that the provisions of this Chapter have otherwise been satisfied with respect to the development for which any such permits are sought.
- B. The amount of such fees shall be determined by the fee standard in effect on the date of the payment.
- C. When application is made for a new building permit for the same construction following the expiration of a previously issued building permit for which fire mitigation fees were paid, the fee payment shall not be required.
- D. In the event subsequent development occurs with respect to a permit for which fees have been paid, additional fees shall be required only for additional square footage of development which was not included in computing the prior fee.

14.20.090 Fees held in trust.

Fees paid under this Chapter shall be held in trust by the County. Such fees shall be transferred quarterly to the fire agency serving the area from which the fees were collected. The County shall retain

any interest accrued during the period before transfer as reimbursement for its service and handling costs.

14.20.100 Use of fees.

All fees collected pursuant to this Chapter and transferred to a fire agency shall be used by the agency for the purpose of providing for land, facilities and equipment.

14.20.110 Fee fund records.

Any fire agency receiving funds pursuant to this Chapter shall maintain a separate budget accounting category for any such fees. The category shall be known as the "fire mitigation fee" account.

14.20.120 Termination of fee collection.

If the governing body of a fire agency submits a copy of a resolution to the clerk of the Board of Supervisors requesting termination of fee collection, the clerk shall promptly notify the director and fee collection shall terminate thirty days after receipt of the resolution by the clerk.

14.20.130 Exemptions.

- A. The requirements of this Chapter shall not apply to public works projects.
- B. The requirements of this Chapter shall not apply to the replacement on the same parcel by the owner of a dwelling or dwellings destroyed by fire or other calamity, provided that the application for a building permit to replace such dwelling is filed with the director within one year after destruction of the dwelling, and the new structure is equal to or of less square footage than the structure destroyed. Regardless of when application is made for a building permit for a replacement structure, the fire mitigation fee shall be computed only on the basis of the square footage in excess of that of the destroyed structure.

14.20.140 "In-lieu" payment.

Upon written and verified application by all owners of the subject real property, approved by resolution of the governing body of the fire agency, "in-lieu" payment may be credited against the fee required to be paid pursuant to this Chapter. "In-lieu" payment may include improved or unimproved real property, improvements to real property, fire protection equipment, motor vehicles, office equipment, fire station accessory equipment, or any combination thereof. The amount of the credit shall not exceed the fair market value of the "in-lieu" property at the time of the adoption of the resolution.

14.20.150 Penalties and stop orders.

If, at any time after the effective date of the ordinance codified in this Chapter, work is commenced on construction or continues to be performed on construction of any project subject to this ordinance without previous full payment of the fire mitigation fee required to be made pursuant to this Chapter, the fire mitigation fee payable pursuant to this Chapter shall be doubled. The fire agency shall have the authority to place a lien on the property in the amount of any unpaid fire mitigation fees, along with the costs incurred by the fire agency in obtaining the lien.

Chapter 14.24 – WATER WELLS

Sections:

14.24.010	Purpose of provisions.
14.24.020	Definitions.
14.24.030	Permit—Required when—Emergency work.
14.24.040	Permit—Application—Contents required.
14.24.050	Permit—Issuance conditions.
14.24.060	Permit—Cash deposit or bond required.
14.24.070	Permit—Fees.
14.24.080	Permit—Term—Work completion notification required.
14.24.090	Permit—Appeal procedure.
14.24.100	Standards and specifications applicable—Exceptions.
14.24.110	Inspection.
14.24.120	Log of well—Contents required.
14.24.130	Abandoned or unused wells.
14.24.140	Stop order—Issuance authorized when—Effect.
14.24.150	Enforcement—Notice of violation and corrective work required.
14.24.160	Violation—Abatement by county authorized when—Costs.
14.24.170	Violation—Penalty.
14.24.180	Wells—Use restrictions.

14.24.010 Purpose of provisions.

It is the purpose of the ordinance codified in this Chapter to provide for the construction, repair, modification and destruction of wells in such a manner that the groundwater of this county will not be contaminated or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of this county.

14.24.020 Definitions.

Words used in this Chapter shall have the definitions set forth in this section:

- A. "Board of supervisors" means the board of supervisors of Inyo County.
- B. "Cathodic protection well" means any artificial excavation in excess of fifty feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.
- C. "Community water supply well" means a water well for domestic purposes in systems subject to Chapter 7 of Part 1 of Division 5 of the California Health and Safety Code.
- D. "Completion" or "completion operation" means any work conducted after artificial excavation to include:
 - 1. Placement of well casing;
 - 2. Gravel packing;
 - 3. Sealing;
 - 4. Casing perforation; or
 - 5. Other operations deemed necessary by the health officer.

- E. "Contamination" means an impairment of the quality of water to a degree which creates a hazard to the public health through poisoning, or through spread of disease.
- F. "Destruction" or "destroy" means the proper filling of a well that is no longer useful so as to assure that the groundwater is protected and to eliminate any potential physical hazard.
- G. "Health officer" means the health officer of Inyo County, or his duly authorized representative.
- H. "Individual domestic well" means a water well used to supply water for domestic needs of an individual residence or commercial establishment.
- I. "Modification or repair" means the deepening of a well or any modification of a well casing.
- J. "Pollution" means an alteration of the quality of water to a degree which unreasonably affects such waters for beneficial uses, or which affects facilities which serve such beneficial uses. Pollution may include contamination.
- K. "Well" or "water well" means any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection, for making tests or observations of underground conditions, or any other wells whose regulation is necessary to fulfill the purpose of this Chapter. Wells shall not include:
 - 1. Oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or
 - 2. Wells used for the purpose of:
 - i. Dewatering excavation during construction, and
 - ii. Stabilizing hillside or earth embankments;
 - 3. Test or exploratory holes for soil testing and monitoring or seismic exploration where such holes are less than twenty-five feet deep; and
 - 4. Holes or excavations for soil percolation tests where such holes are less than ten feet deep.

14.24.030 Permit—Required when—Emergency work.

No person, firm, corporation or governmental agency formed under the laws of this state shall, within the unincorporated area of Inyo County, construct, repair, modify or destroy any well unless a written permit has first been obtained from the health officer of the county, as provided in this Chapter. In case of emergency affecting life, health, crops or livestock, a well driller may start work immediately, but shall notify the enforcing agency within seventy-two hours of the work being done, and at that time apply for a permit application. Under emergency construction, all work must be done in conformance with standards set forth in this Chapter. (Ord. 309 § 2, 1976.)

14.24.040 Permit—Application—Contents required.

Applications for permits shall be made to the Health Officer of the County of Inyo, and shall include the following:

- A. A plot plan indicating the exact location of the well with respect to the following items within a radius of two hundred feet of the well:
 - 1. Property lines,
 - 2. Sewage disposal systems or works carrying or containing sewage,
 - 3. All intermittent or perennial, natural or artificial water bodies or watercourses,
 - 4. Drainage pattern of the property,
 - 5. Existing wells,
 - 6. Access roads;

- B. Location of the property;
- C. Name, address, and California Contractor's License number of the person doing the work;
- D. Depth of well;
- E. Use of well;
- F. Other information as may be necessary to determine if underground waters will be protected.

14.24.050 Permit—Issuance conditions.

Permits shall be issued subject to compliance with the standards provided in this chapter, except that such standards shall be inapplicable or modified by the health officer when, upon his finding, inapplicability or modification will accomplish the purposes of this chapter. A permit to be valid must comply with all other state and county laws.

14.24.060 Permit—Cash deposit or bond required.

Prior to the issuance of a permit, the applicant shall post with the health officer a cash deposit or bond to guarantee compliance with the terms of this chapter and the applicable permit, such cash or bond to be in an amount deemed necessary by the health officer to remedy improper work, but not in excess of the total estimated cost of work. Such deposit or bond may be waived by the health officer where other assurances of compliance are deemed adequate by him.

14.24.070 Permit—Fees.

Permit application fees for the new construction of water wells, and for the repair, modification and destruction of water wells shall be established under separate ordinance.

14.24.080 Permit—Term—Work completion notification required.

The permittee shall complete work authorized by the permit prior to the expiration date set in the permit. The permittee shall notify the health officer in writing upon completion of the work, and work shall not be deemed to have been completed until such written notification has been received.

14.24.090 Permit—Appeal procedure.

Any person aggrieved by the refusal of a permit or terms of the permit may request in writing that the matter be heard by the board of supervisors. If such request is made, the health officer shall within ten days schedule the matter for review by said board and give reasonable notice of the time and place thereof to the applicant. At the time and place of the hearing, the board will allow the applicant and other interested parties an adequate opportunity to present any facts pertinent to the matter at hand. The board may place any person involved in the matter, including the applicant, under oath. The board may, when it deems necessary, continue any hearing by giving notice to the applicant of such action. At the close of the hearing, or at any time within ten days thereafter, the board will order such disposition of the application or permit as it has determined is proper and will make such disposition known to the applicant. Determination made by the health officer relating directly to the public health, or to Chapter 7 of Part 1 of Division 5 of the California Health and Safety Code, may not be overruled or modified by the board.

14.24.100 Standards and specifications applicable—Exceptions.

Standards for the construction, repair, modification or destruction of wells shall be the most recent version of Bulletin 74-81 Water Well Standards and as modified by Bulletin 74-90, California Well

Standards, June 1991 and/or any future modifications made by the California Department of Water Resources with the following exceptions:

- A. The health officer may adopt rules and regulations more stringent than state requirements to be applicable in all of the unincorporated area of the county.
- B. Every new, repaired or modified community water-supply well or domestic water well, after construction, modification or repair, and before being placed into service, shall be thoroughly cleaned of all foreign substance and shall be thoroughly disinfected. Procedures delineated in Appendix "E" of aforementioned Department of Water Resources Bulletin No. 74, or equivalent, are required.

14.24.110 Inspection.

The health officer may, at any and all reasonable times, enter any and all places, property, enclosures and structures for the purpose of making examinations and investigations to determine whether any provision of this chapter is being violated. The health officer may require that each completion, modification, repair or destruction operation be inspected prior to any further work.

14.24.120 Log of well—Contents required.

Any person who has drilled, dug, excavated or bored a well shall, upon completion of the well, submit to the health officer within thirty days an accurate and complete log to include:

- A. A detailed record of the boundaries, character, size, distribution and color of all lithologic units penetrated;
- B. Type of well casing;
- C. Location of perforations and sealing zones; and
- D. Any other data deemed necessary by the health officer.

In areas where insufficient subsurface information is available, the health officer may require inspection of the well log prior to any completion operation. Submittal of a copy of the "Water Well Drillers Report," completed in accordance with Section 13751 of the California Water Code, and including all the above items, will satisfy this requirement.

14.24.130 Abandoned or unused wells.

- A. The owner of an abandoned well must, within thirty days, destroy it in accordance with the standards contained in Section 14.28.100 of this chapter.
- B. The owner of a well, the use of which has been or is soon to be discontinued, must apply to the county, in writing, declaring his intention to use the well again for its original or other approved purpose. The county shall review such a declaration and grant an exemption from the requirement that it be destroyed, provided no undue hazard to health or safety is created by the continued existence of the well. Such an exemption must be applied for every five years and may be terminated for cause by the county at any time.

14.24.140 Stop order—Issuance authorized when—Effect.

In the event a well subject to the provisions of this chapter is being constructed, repaired, modified, destroyed or abandoned contrary to the terms of this chapter, the health officer may order the work stopped by posting a stop order at the well site. No further work shall be done after the posting of the stop order until such time as the stop order is removed by the health officer.

14.24.150 Enforcement—Notice of violation and corrective work required.

In the event a well subject to this chapter is constructed, repaired, modified, destroyed, abandoned or operated contrary to the terms of this chapter or a permit issued for such well pursuant to this chapter, the health officer may mail written notice, postage prepaid, to the owner of the land as shown upon the most recent equalized assessment roll, or the permittee at his address listed upon the permit, which notice shall state the manner in which the well is in violation, what corrective measures must be taken, the time within which such corrections must be made, and that if the land owner or permittee fails to make corrections within the period provided, the corrections may be made by the county and the land owner or permittee shall be liable for the costs thereof.

14.24.160 Violation—Abatement by county authorized when—Costs.

If the corrections listed in the notice given pursuant to Section 14.28.150 above are not made as required in said notice, the health officer may cause the condition to be abated and the cost thereof shall be a charge against the person notified.

14.24.170 Violation—Penalty.

Any person who does any work for which a permit is required by this chapter, and who fails to apply for and pay the fee for a permit within five working days after notice from the health officer to do so, or who otherwise violates any other provision of this chapter shall be guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted, and shall be subject to the same punishment as for the original offense.

14.24.180 Wells—Use restrictions.

No person, firm, corporation or governmental agency formed under the laws of this state, shall provide water for purposes other than the use originally set forth on the well permit application, unless a written permit has first been obtained from the health officer of the county, as provided in this chapter. The health officer may require repair, modification, and additional well information to determine whether to approve or deny the permit application to change the use of the well.

Chapter 14.28 – FLOOD DAMAGE PREVENTION

Sections:

14.28.010	Authority.
14.28.020	Findings.
14.28.030	Purpose.
14.28.040	Methods of reducing flood losses.
14.28.050	Definitions.
14.28.060	Lands to which this chapter applies.
14.28.070	Basis for establishing the areas of special flood hazard.
14.28.080	Compliance.
14.28.090	Abrogation and greater restrictions.
14.28.100	Interpretation.
14.28.110	Warning and disclaimer of liability.
14.28.120	Severability.
14.28.130	Establishment of development permit.
14.28.140	Designation of the floodplain administrator.
14.28.150	Duties and responsibilities of the floodplain administrator.
14.28.160	Appeals.
14.28.170	Standards of construction.
14.28.180	Standards for utilities.
14.28.190	Standards for subdivisions.
14.28.200	Standards for manufactured homes.
14.28.210	Standards for recreational vehicles.
14.28.220	Floodways.
14.28.240	Flood-related erosion-prone area.
14.28.250	Nature of variances.
14.28.260	Appeal board.
14.28.270	Conditions for variances.

14.28.010 Authority.

This chapter is enacted pursuant to Section 7 of Article XI of the California Constitution, Section 25207 of the Government Code, and Sections 59 and 60.3 - 60.6 of Title 44 of the Code of Federal Regulations, which together give the county of Inyo, acting through its board of supervisors, authority to enact regulations designed to promote the public health, safety, and general welfare of its residents, including such regulations related to protection from the hazards of flood.

14.28.020 Findings.

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

14.28.030 Purpose.

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

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

14.28.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

14.28.050 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.

As used in this chapter the following terms have the following meanings:

1. "Accessory use" means a use that is incidental and subordinate to the principal use of the parcel of land on which it is located.
2. "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.

3. "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
4. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.
5. "Area of shallow flooding" means an area designated as Zone AO or AH on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
6. "Area of special flood hazard." See "Special flood hazard area."
7. "Area of special flood-related erosion hazard" is the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the flood insurance rate map (FIRM).
8. "Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.
9. "Basement" means any area of the building having its floor subgrade, i.e. below ground level, on all sides.
10. "Building." See "Structure."
11. "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.
12. "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.
13. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
14. "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).
15. "Flood, flooding, or floodwater" means:
 - A. 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
 - B. The condition resulting from flood-related erosion.
16. "Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

17. "Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
18. "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.
19. "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusually and unforeseeable event which results in flooding.
20. "Flood-related erosion area" or "Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
21. "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.
22. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood, flooding, or floodwater."
23. "Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.
24. "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.
25. "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 that provide standards for preventing and reducing flood loss and damage.
26. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood proofing.)
27. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway".

28. "Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.
29. "Fraud and victimization," as related to Section 14.29.270 (concerning variances), means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Inyo County board of supervisors will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
30. "Functionally dependent use" means a use that 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.
31. "Governing body" is the local governing unit, i.e. county or municipality, which is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
32. "Hardship," as related to Section 14.29.270 (concerning variances), of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The county 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.
33. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
34. "Historic structure" means any structure that is:
 - A. 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;
 - B. 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;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

35. "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
36. "Levee system" means a flood protection system that 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.
37. "Lowest floor" means the lowest floor of the lowest enclosed area, including basement. See "Basement." An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
- A. The wet flood-proofing standard in subsection (C)(3) of Section 14.29.170;
 - B. The anchoring standards in Section 14.29.170A;
 - C. The construction materials and methods standards in Section 14.29.170B; or
 - D. The standards for utilities in Section 14.29.180.
 - E. For residential structures, all subgrade-enclosed areas are prohibited as they are considered to be basements. See "Basement." This prohibition includes below-grade garages and storage areas.
38. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
39. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
40. "Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation, which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.
41. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
42. "New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.
43. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

44. "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.
45. "One-hundred-year flood" or "100-year flood." See "Base flood."
46. "Public safety and nuisance" as related to Section 14.29.270 (concerning variances) 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.
47. "Recreational vehicle" means a vehicle that is:
 - A. Built on a single chassis;
 - B. Four hundred square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
48. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
49. "Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.
50. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
51. "Sheet flow area." See "Area of shallow flooding."
52. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.
53. "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 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on

the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

54. "Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
55. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
56. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - A. 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
 - B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."
57. "Variance" means a grant of relief from the requirements of this ordinance, which permits construction in a manner that would otherwise be prohibited by this chapter.
58. "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
59. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
60. "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.

14.28.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the County of Inyo. (Ord. 1076 § 2 (part), 2004.)

14.28.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS), if any, and accompanying flood insurance rate maps (FIRMs), and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. The most current FIRM and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the board of supervisors by the floodplain administrator.

14.28.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered in the unincorporated part of Inyo County without full compliance with the term of this chapter and other applicable regulations. A violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the county from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 1076 § 2 (part), 2004.)

14.28.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the ordinance codified in this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1076 § 2 (part), 2004.)

14.28.100 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. 1076 § 2 (part), 2004.)

14.28.110 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 the county or upon any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 1076 § 2 (part), 2004.)

14.28.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable; should any section of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, nor any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1076 § 2 (part), 2004.)

14.28.130 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 14.29.070. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- A. Site plan, including but not limited to:

1. For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site, and
 2. Proposed locations of water supply, sanitary sewer, and utilities, and
 3. If available, the base flood elevation from the flood insurance study and/or flood insurance rate map, and
 4. If applicable, the location of the regulatory floodway; and
- B. Foundation design detail, including but not limited to:
1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, and
 2. For a crawl-space foundation, location and total net area of foundation openings as required in subsection (C)(3) of Section 14.29.170 and FEMA Technical Bulletins 1-93 and 7-93, and
 3. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent using the Standard Proctor Test method); and
- C. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in subsection (C)(2) of Section 14.29.170 and FEMA Technical Bulletin TB 3-93; and
- D. All appropriate certifications listed in Section 14.29.150D; and
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 1076 § 2 (part), 2004.)

14.28.140 Designation of the floodplain administrator.

The director of the Inyo County department of public works is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 1076 § 2 (part), 2004.)

14.28.150 Duties and responsibilities of the floodplain administrator.

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

- A. Permit Review. Review all development permits to determine that:
1. Permit requirements of this chapter have been satisfied;
 2. All other required state and federal permits have been obtained;
 3. The site is reasonably safe from flooding; and
 4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
- B. Review Use and Development of Other Base Flood Data.
1. When base flood elevation data has not been provided in accordance with Section 14.29.070, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or

- other source, in order to administer Sections 14.29.170 through 14.29.240. Any such information shall be submitted to the board of supervisors for adoption; or
2. If no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication "Managing Floodplain Development in Approximate Zone A Areas — A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995 in order to administer Sections 14.29.170 through 14.29.240:
 - a. Simplified method:
 - i. 100-year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method, and
 - ii. Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA; or
 - b. Detailed method:
 - i. 100-year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program, and
 - ii. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.
- C. Notification of Other Agencies. In alteration or relocation of a watercourse:
1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
- D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed, the following:
1. The certification required by subsection (C)(1) of Section 14.29.170 and by Section 14.29.200 (lowest floor elevations);
 2. The certification required by subsection (C)(2) of Section 14.29.170 (elevation or flood proofing of nonresidential structures);
 3. The certification required by subsection (C)(3) of Section 14.29.170 (wet floodproofing standard);
 4. The certification of elevation required by Section 14.29.190B (subdivision standards);
 5. The certification required by Section 14.29.220A (floodway encroachments).
- E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 14.29.260 and 14.29.270.
- F. Remedial Action. Take action to remedy violations of the ordinance codified in this chapter as specified in Section 14.29.080. (Ord. 1076 § 2 (part), 2004.)

14.28.160 Appeals.

The Inyo County board of supervisors 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. 1076 § 2 (part), 2004.)

14.28.170 Standards of construction.

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

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section 14.29.200.

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

1. With flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
4. Within Zone AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Flood-Proofing. (See Section 14.29.050 for definitions of "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
 - a. In a Zone AO, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified. (The State of California recommends that in Zone AO without velocity, the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least two feet, or elevated at least four feet above the highest adjacent grade if no depth number is specified).
 - b. In a Zone A, elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in subsection B of Section 14.29.150. (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation, as determined by the community.)
 - c. In all other zones, elevated to or above the base flood elevation. (The State of California recommends the lowest floor be elevated at least two feet above the base flood elevation.)
2. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

3. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (C)(1) of this section or together with attendant utility and sanitary facilities:
 - a. Be flood-proofed below the elevation recommended under subsection (C)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer or architect that the standards of subsection (C)(2) of this section are satisfied. Such certification shall be provided to the floodplain administrator.
4. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed the following minimum criteria:
 - a. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; or
 - b. Be certified by a registered professional engineer or architect.
5. Manufactured homes shall also meet the standards in Section 14.29.200. (Ord. 1076 § 2 (part), 2004.)

14.28.180 Standards for utilities.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 1. Infiltration of flood waters into the systems; and
 2. Discharge from the systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 1076 § 2 (part), 2004.)

14.28.190 Standards for subdivisions.

- A. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 1076 § 2 (part), 2004.)

14.28.200 Standards for manufactured homes.

- A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on Inyo County's flood insurance rate map(s), on sites located:
1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision; or
 4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation) and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on Inyo County's flood insurance rate map(s) that are not subject to the provisions of subsection A of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either:
1. The lowest floor of the manufactured home is at or above the base flood elevation (the State of California recommends at least two feet above the base flood elevation); or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.
- C. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. (Ord. 1076 § 2 (part), 2004.)

14.28.210 Standards for recreational vehicles.

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on Inyo County's flood insurance rate map(s) will either:

- A. Be on the site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use; a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- B. Meet the permit requirements of Sections 14.29.130 through 14.29.160 and the elevation and anchoring requirements for manufactured homes in Section 14.29.200. (Ord. 1076 § 2 (part), 2004.)

14.28.220 Floodways.

Located within areas of special flood hazard established in Section 14.29.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Encroachments, including fill, new construction, substantial improvement, and other new development is prohibited unless certification by a registered professional engineer is provided demonstrating that the encroachments will not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
- B. If, with respect to any encroachment, the requirements of subsection A of this section are met, the new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 14.29.170 through 14.29.240. (Ord. 1076 § 2 (part), 2004.)

14.28.240 Flood-related erosion-prone area.

- A. The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.
- B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
- D. Within Zone E on the flood insurance rate map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only. (Ord. 1076 § 2 (part), 2004.)

14.28.250 Nature of variances.

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

It is the duty of the county board of supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and 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. 1076 § 2 (part), 2004.)

14.28.260 Appeal board.

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

1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger of life and property due to flooding or erosion damage;
 3. The 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. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 11. The 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. Any applicant to whom a variance is granted shall be given written notice over the signature of the designated county 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 for one hundred dollars of insurance coverage; and
 2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Inyo County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- C. The floodplain administrator will maintain a record of all variance actions, including the justification for their issuance, and report such issued variances in the administrator's biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency. (Ord. 1076 § 2 (part), 2004.)

14.28.270 Conditions for variances.

- A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the applicable procedures set forth in Sections 14.29.130 through 14.29.240 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures (as defined in Section 14.29.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a 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 ordinance. For example, in the case of variances to an elevation requirement, this means the board of supervisors 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 board of supervisors believes will both provide relief and preserve the integrity of this chapter.
- E. Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship, as defined in Section 14.29.050, to the applicant; and
 - 3. A determination that the granting of a variance will not create or result in: increased flood heights, additional threats to public safety, extraordinary public expense, or a nuisance, as defined in Section 14.29.050 under “Public safety and nuisance,” nor cause fraud or victimization as defined in Section 14.29.050, of the public, nor conflict with existing local laws or ordinances.
- F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections A through E of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- G. Upon consideration of the factors in subsection A and the purposes of this chapter, the board of supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 1076 § 2 (part), 2004.)