

**BUTTE COUNTY CODE
CHAPTER 8**

Chapter 8 EMERGENCY SERVICES*

Note to Chapter 8

Editor's note--Ord. No. 3296, § 1, adopted Dec. 10, 1996, repealed former Ch. 8, §§ 8-1--8-12, and enacted a new Ch. 8, §§ 8-1--8-12 to read as herein set out. Former Ch. 8 pertained to civil defense and disaster and derived from Ord. No. 965; Ord. No. 1323, § 1, adopted Jan. 30, 1973; and Ord. No. 2997, § 1, adopted April 21, 1992.

8-1 Purposes.

The declared purposes of this chapter are to provide for the preparation and execution of plans for the protection of persons, the environment, and property within the County of Butte in the event of an emergency, the direction of the emergency services organization and the coordination of the emergency functions of the County of Butte with the Cities of Chico, Oroville, Gridley, Biggs and the Town of Paradise and all other affected public agencies, corporations, organizations and private persons within the County of Butte. (Ord. No. 3296, § 1, 12-10-96)

8-2 Definitions.

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

- (a) Butte County Operational Area. The unincorporated areas of the County of Butte and the incorporated areas of the Cities of Chico, Oroville, Gridley, Biggs and the Town of Paradise.
- (b) Cities. The Cities of Chico, Oroville, Gridley, Biggs and the Town of Paradise.
- (c) Civil defense. The preparation for the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to prevent and minimize injury and damage resulting from disasters.
- (d) Local emergency. The duly proclaimed existence of disaster or of extreme peril to the safety of persons, the environment, and property within the territorial limits of the County of Butte, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, hazardous materials or other conditions, other than conditions resulting from a labor controversy, which conditions are, or are likely to be, beyond the control of the services, personnel, equipment and facilities of the County of Butte and require the combined forces of other political subdivisions to combat.
- (e) National plan. The national plan for civil defense promulgated by the President of the United States for implementation in the event of a national disaster.
- (f) Service chief Any person who has been appointed in accordance with this chapter, and who controls and directs individuals or employees performing emergency functions such as law enforcement, fire, medical and health, emergency welfare, and other public services in the protection of life and property within the Butte County Operational Area.
- (g) State emergency plan. The California Emergency Plan as approved by the governor. Included with the state emergency plan is the Standardized Emergency Management System (SEMS) as defined in section 8607 of the California Government Code.
- (h) State of emergency. When duly proclaimed by the governor or the director or the director of the office of emergency services, the existence of conditions of disaster or of extreme peril to the safety of persons, the environment, and property within the state, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, hazardous materials or other conditions, other than conditions resulting from a labor

controversy or conditions causing a "state of war emergency," which conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city, and require the combined forces of a mutual aid region or regions to combat.

(i) State of war emergency. The condition which exists immediately, with or without a proclamation thereof by the governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent. (Ord. No. 3296, § 1, 12-10-96)

8-3 Emergency services council membership.

The Butte County Emergency Services Council is hereby created and shall consist of the following:

- (a) Two (2) members of the Butte County Board of Supervisors, one of whom shall be the chair of the board of supervisors who shall serve as chair of the emergency services council, and one of whom shall be the vice-chair of the board of supervisors who shall serve as vice-chair of the emergency services council.
- (b) The mayor of each city or town in the county, or council member selected by the mayor of each city or town.
- (c) The Butte County Operational Area law-enforcement mutual-aid coordinator. This position is usually held by, but not limited to, the Butte County Sheriff.
- (d) The Butte County Operational Area fire mutual-aid coordinator. This position is usually held by, but not limited to, the Butte County Fire Warden.
- (e) The chief administrative officer of the County of Butte and the city manager or other administrative employee of each city or town, as determined by each city council, who shall serve as an ex-officio member of the emergency services council without vote.
- (f) The Butte County Emergency Services Officer, who shall serve as a non-voting member of the emergency services council.
- (g) The Butte County Superintendent of Schools, who shall serve as an ex-officio member of the emergency services council without vote. (Ord. No. 3296, § 1, 12-10-96)

8-4 Emergency services council powers and duties.

It shall be the duty of the Butte County Emergency Services Council, and it is hereby empowered, to review and recommend for adoption by the board of supervisors emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The members of the emergency services council shall elect such officers, other than the chair and vice-chair, as they deem necessary and they shall prescribe their own rules of procedure. The emergency services council shall meet upon call of the chair or, in his or her absence from the county or inability to call such a meeting, upon the call of the vice-chair. (Ord. No. 3296, § 1, 12-10-96)

8-5 Director of Butte County Emergency Services; powers and duties and line of succession.

There is hereby created a position of Butte County Director of Emergency Services. The director shall be the chair of the Butte County Board of Supervisors. The director is hereby empowered:

- (a) To request the board of supervisors to proclaim the existence or threatened existence of a "local emergency" and the termination thereof. If the board of supervisors is not in session, the director may issue such a proclamation; provided, however, that such a proclamation issued by the director shall not remain in effect for a period in excess of seven (7) days unless it is ratified by the board of supervisors.
- (b) With the approval of the emergency services council, to request the governor to proclaim a "state of emergency" when, in the opinion of the council the resources of the area or region are inadequate to cope with the emergency.
- (c) To control and direct civil defense and emergency service activities and efforts for the accomplishment of the purposes of this chapter.
- (d) To direct coordination and cooperation between divisions, services and staff of the emergency services organization of this county and to resolve questions of authority and responsibility that may arise between them.
- (e) To represent the emergency services organization in all dealings with public or private agencies pertaining to civil defense and disaster.
- (f) To appoint service chiefs subject to the approval of the emergency services council; provided, however, the service chiefs so appointed shall, insofar as possible, be employees who hold regular administrative positions with appropriate governmental agencies.
- (g) Prescribe in writing the duties of any assistants provided and the duties of chiefs of services, in conformance with the Butte County Emergency Plan. Such duties may be changed from time to time by the director, particularly for the purposes of conforming to recommendations of the director of the California Governor's office of Emergency Services or the Federal Emergency Management Agency.
- (h) The vice-chair of the board of supervisors, in the absence of the director, shall have the same powers and authority as the director under emergency conditions.
- (i) The county chief administrative officer, in the absence of the director and the vice-chair of the board of supervisors, shall have the same powers and authority as the director under emergency conditions. The chief administrative officer shall establish an order of succession for his or her position thereafter, for the purposes of fulfilling the powers and duties of the director. (Ord. No. 3296, § 1, 12-10-96)

8-6 Disaster and emergency powers of the director.

In the event of the proclamation of a "local emergency" as herein provided, or the proclamation of a "state of emergency" by the governor or the director of the California Governor's Office of Emergency Services, or the existence of a "state of war emergency," the director is hereby empowered:

- (a) To make and issue rules and regulations on matters reasonably related to the protection of life, the environment, and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the board of supervisors.
- (b) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life, the environment, and property and to bind the county for the fair value thereof and, if required immediately, to commandeer the same for public use.
- (c) To require emergency services of any county officer or employee and, in the event of the proclamation of a "state of emergency" in the county or the existence of a "state of war emergency," to command the aid of as many citizens of the County of Butte as deemed necessary in the execution of his or her duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers.
- (d) To requisition necessary personnel or material of any county department or agency.
- (e) To execute all of his or her ordinary powers as chair of the board of supervisors, all of the special powers conferred upon him or her by this chapter or by resolution or

emergency plan adopted pursuant to this chapter by the board of supervisors, all powers conferred upon him or her by any statute, by any agreement approved by the board of supervisors, and by any other lawful authority. (Ord. No. 3296, § 1, 12-10-96)

8-7 Butte County Emergency Services Officer; powers and duties.

There is hereby created the position of Butte County Emergency Services Officer. The individual so selected shall be responsible to the chief administrative officer for the day-to-day management of the emergency services program, and responsible to the director during emergency situations. His or her powers and duties are:

- (a) To coordinate the activities of all emergency services both in pre-emergency planning, during an emergency, and in post-emergency activities by functioning as the chief staff officer to the director, Butte County Emergency Services.
- (b) To serve as a non-voting member of the emergency services council.
- (c) To organize and develop the Butte County Emergency Services program.
- (d) To carry out any of the duties delegated by the director.
- (e) To administer the regular office staff of the Butte County Office of Emergency Services.
- (f) To prepare an annual budget.
- (g) To prepare and maintain the basic emergency plan for Butte County and to submit such plan to the emergency services council for approval. Such plan shall be consistent with the state and national plans. Such county emergency plan shall provide for the effective mobilization of all the resources of the county, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency and shall provide for the organization, powers and duties, services, and staff of the emergency organization.
- (h) To assist service chiefs in the preparation of service annexes, and to make recommendations thereon to the emergency services council.
- (i) To submit a Butte County program annually and progress reports at least semi-annually to the California Governor's Office of Emergency Services.
- (j) To prepare and submit all civil defense reports required by the civil defense agencies of the federal government and the State of California.
- (k) To review and approve or disapprove applications of several jurisdictions within the Butte County Operational Area participating in the federal contributions and surplus property programs, and to maintain inventories of such equipment. Those cities and towns and special districts desiring to carry out their own programs in this regard shall do so.
- (l) To develop emergency operation plans and capabilities in such areas as are not normally a function of any particular department of the county or cities of Chico, Oroville, Gridley, Biggs, and the Town of Paradise, and to make recommendations regarding such plans to the emergency services council. (Ord. No. 3296, § 1, 12-10-96)

8-8 Emergency services organization.

All officers and employees of the County of Butte, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of section 8-6 of this chapter, be charged with duties incident to the protection of life and property during such emergency shall constitute the Butte County Emergency Services Organization and shall accept and discharge such duties and responsibilities as they may be assigned. (Ord. No. 3296, § 1, 12-10-96)

8-9 Divisions, services and staff of the Butte County Emergency Services Organization.

The functions and duties of the Butte County Emergency Services Organization shall be distributed among such divisions, services and special staff as the Butte County Emergency Services Council shall prescribe by resolution, subject to the approval of the board of supervisors. (Ord. No. 3296, § 1, 12-10-96)

8-10 Prohibited acts; penalty.

It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500.00), or by imprisonment for not to exceed six (6) months, or both, for any person during a state of war emergency, state of emergency or local emergency:

(a) Willfully to obstruct, hinder or delay any member of the Butte County Emergency Services Organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon such person by virtue of this chapter;

(b) To do any act forbidden by lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of the County of Butte, or to prevent, hinder, or delay the defense or protection thereof.

(c) To wear, carry or display without authority any means of identification specified by the emergency agency of the state or by the County of Butte for use by the emergency services organization. (Ord. No. 3296, § 1, 12-10-96)

8-11 Expense.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County of Butte. (Ord. No. 3296, § 1, 12-10-96)

8-12 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this chapter are declared to be severable. (Ord. No. 3296, § 1, 12-10-96)

**BUTTE COUNTY CODE
CHAPTER 26**

Chapter 26 Buildings* Articles IV and V

Note to Article IV

*Editor's note--Section 1 of Ord. No. 2343, enacted March 18, 1983, amended ch. 26 by adding thereto a new art. III, §§ 26-20--26-21. Inasmuch as ch. 26 already contained an art. III, the provisions of Ord. No. 2343 are included herein as art. IV; and the article title was added by the editor in order to facilitate indexing and reference thereto, as were catchlines for several sections within the article, and the word "article" was substituted for "ordinance" where deemed appropriate.

Cross reference--Drainage impact fees, § 3-100 et seq.

26-20 Enforcement authority.

The department of development services is authorized and directed to enforce all the provisions of this article. The director of the department of development services or his duly authorized designee is designated as the "flood plain administrator." (Ord. No. 2343, § 1, 3-18-83; Ord. No. 3001, § 10, 5-5-92; Ord. No. 3270, § 1, 6-25-96; Ord. No. 3598, § 1, 4-11-2000)

26-21 Official maps.

The Butte County Board of Supervisors hereby adopts the flood insurance study ("FIS") produced by the Federal Insurance Administration ("FIA") of the Federal Emergency Management Agency ("FEMA"), and accompanying flood insurance rate maps ("FIRM") and flood boundary and floodway maps ("FBFM") with map index dated June 8, 1998, and all subsequent amendments and revisions, as the official maps to be used in determining those areas of special flood hazard. The FIS and attendant mapping present the minimum area of applicability of this article, which area may be supplemented by ordinance adopted by the board of supervisors based on studies and on recommendations from the flood plain administrator. The FIS, FIRM's, and FBFM's are on file with the Butte County Department of Development Services at 7 County Center Drive, Oroville, California. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 2775, § 1, 9-12-89; Ord. No. 3010, § 4, 5-19-92; Ord. No. 3270, § 2, 6-25-96; Ord. No. 3598, § 1, 4-11-2000)

26-22 Permits.

(a) Additional requirements in flood hazard zones. Within flood hazard Zones A, AE, AH, AO, and "shaded" X on the official maps there are additional requirements in conjunction with the issuance of development permits for new construction, substantial improvements and other developments, including the placement of manufactured homes, as set forth in this article.

(b) Application. To obtain a development permit in said zones, the applicant shall first file an application therefor in writing on a county form furnished for that purpose by the department of development services and approved by the director of development services. Every such application shall:

(1) Identify and describe the work to be covered by the permit for which application is made;

- (2) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Be accompanied by plans and specifications for the proposed development drawn to scale, and showing the dimensions and elevation of the site on which the proposed work is to be done, existing and/or proposed structures, fill, storage of materials and drainage facilities;
- (5) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority;
- (6) Be accompanied by:
 - a. The proposed National Geodetic Vertical Datum ("NGVD") elevation of the lowest floor of all structures or, in the case of any nonresidential structure which will be floodproofed, the proposed NGVD elevation to which it will be flood proofed; or
 - b. In AO zones, the minimum vertical distance above the highest adjacent grade for the lowest floor;
- (7) Be accompanied by all appropriate certifications required for lowest floor elevations for all structures, floodproofing of nonresidential structures, wet floodproofing and floodway encroachments;
- (8) Give such other information as reasonably may be required by the county. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 2588, § 1, 4-7-87; Ord. No. 2775, § 2, 9-12-89; Ord. No. 3001, § 10, 5-5-92; Ord. No. 3270, § 3, 6-25-96; Ord. No. 3598, § 1, 4-11-2000)

26-22.1 Review pursuant to CEQA.

An application for a permit pursuant to this Article, except a building permit, shall be subject to review pursuant to the California Environmental Quality Act. (Ord. 3849, § 2, 4-22-03)

26-23 Review of development permit applications--Generally.

- (a) The department of development services shall review all development permit applications to determine that:
 - (1) The site of the proposed development is reasonably safe from flooding;
 - (2) All necessary permits have been received as required by federal or state law;
 - (3) 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 designed. For purposes of this article, "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 on neighboring properties. The county will not allow development to increase the water surface elevation of the base flood more than one (1) foot at any point, nor will it allow any increase in the base flood elevation which adversely affects any neighboring property. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 3001, § 10, 5-5-92; Ord. No. 3598, § 1, 4-11-2000)

26-24 Same--Criteria for evaluation.

- (a) The county, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in section 26-29 of this article) will:

- (1) Obtain, review, and reasonably utilize, if available, any regulatory flood elevation and floodway data from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a flood insurance study;
 - (2) Require the use of construction materials and utility equipment that are resistant to flood damage;
 - (3) Require the use of construction methods and practices that will minimize flood damage;
 - (4) Require buildings and manufactured homes to be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding;
 - (5) Assure electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (6) Assure encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited in any floodway unless certification by a registered professional engineer demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - (7) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Openings in foundation walls shall comply with FEMA Technical Bulletin 1-93.
- (b) The county, in addition to the requirements in paragraph (a) will:
- (1) Require, within areas designated as Zones A, AE, AH, and shaded X on the official map, that the following standards are met;
 - a. The lowest floor elevation of new residential structures (including manufactured homes) and substantial improvements to residential structures shall be elevated a minimum of one (1) foot or more above the regulatory flood elevation. Upon 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 a county building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.
 - b. The lowest floor elevation of new or substantially improved nonresidential structures shall either meet section 26-24(b)(1)a; or, such nonresidential structures, together with attendant utility and sanitary facilities, shall:
 1. Be flood proofed so that below the regulatory flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.
 - (2) Require within any area designated as Zone AO on the official map, that the following standards are met;
 - a. The lowest floor elevation of new and substantially improved residential structures shall be elevated above the highest adjacent grade at least one (1) foot higher than the depth number specified in feet on the official map (at least three (3) feet if no depth number is specified). Upon 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 a county building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.
 - b. The lowest floor elevation of new or substantially improved nonresidential structures shall either meet section 26-24(b)(2)a; or, be flood proofed below the elevation as specified under section 26-24(b)(2)a in accordance with the requirements of FEMA Technical Bulletin 3-93.
 - (3) Assure that in regard to manufactured homes that the following standards are met:
 - a. Areas designated Zone AO:

1. All manufactured homes that are placed or substantially improved shall be elevated on a permanent foundation system such that the lowest floor is elevated above the highest adjacent grade at least one (1) foot or more than the depth number specified in feet on the official map (at least (3) feet if no depth number is specified).

2. All manufactured homes that are placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement, and installed in accordance to FEMA Publication 85 entitled "Manufactured Home Installation in Flood Hazard Areas".

3. Upon 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 a county building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

b. Areas designated Zones A, AE, AH, and Shaded "X":

1. Require that all manufactured homes to be placed or substantially improved be elevated on a permanent foundation system such that the lowest floor of the manufactured home is elevated one (1) foot or more above the regulatory flood elevation, and shall meet the provisions of paragraph (b)(3)a. 2 and 3 of this subsection.

(4) Require, within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 2588, § 2, 4-7-87; Ord. No. 2775, § 3, 9-12-89; Ord. No. 3001, § 10, 5-5-92; Ord. No. 3270, § 4, 6-25-96; Ord. No. 3598, § 1, 4-11-2000)

26-25 Subdivision applications.

All subdivision applications filed in Zones A, AE, AH, AO and Shaded "X" on the official map shall be reviewed to assure that:

(A) All such proposed developments are consistent with the need to minimize flood damage.

(B) Subdivisions and parcel maps shall, as a condition of approval, establish regulatory flood elevations and note same on final map prior to recordation of the final map.

(C) Adequate drainage is provided so as to reduce exposure to flood hazards.

(D) All public utilities and facilities are located so as to minimize or eliminate flood damage. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 2775, § 4, 9-12-89; Ord. No. 3598, § 1, 4-11-2000)

26-26 New water and sewer systems.

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration of floodwaters into systems, and discharge from systems into floodwaters. Moreover, on-site waste disposal systems will be designed and located to avoid impairment to them or contamination from them during flooding. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 2401, § 1, 4-24-84; Ord. No. 3598, § 1, 4-11-2000)

26-27 Cooperation with other agencies.

The county will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 3598, § 1, 4-11-2000)

26-27.1 Notice of proposed permit issuance.

Prior to issuance of any permit pursuant to this Article, except a building , not ice shall be given as follows:

(a) Notice shall be mailed by first class mail to the board of supervisors, the applicant, and all landowners owning real property within two thousand (2,000) feet of the boundaries of the property on which the development is proposed, not less than thirty (30) days prior to the proposed issuance date.

(b) Notice shall be published in a newspaper of general circulation in the County of Butte pursuant to Government Code section 6062a. (Ord. No. 3849 § 3, 4-22-03)

26-27.2 Protests.

(a) Protests to the issuance of a permit, except a building permit, may be submitted in writing to the clerk by any interested party or by any member of the board of supervisors. Each protest from an interested party, other than a member of the board of supervisors, must include:

(1) The name, address, and telephone number of the person protesting;

(2) A clear statement of the grounds for the protest, based solely on flood control or environmental concerns; and

(3) An explanation of how the person protesting will be adversely affected by the proposed project.

(b) Upon receipt of a protest the clerk shall notify the department of development services, which shall then refrain from issuing the permit.

(c) Within ten (10) days of receipt of a protest, the clerk shall set a hearing on the matter, shall mail notice thereof to the applicant and the person protesting, and shall publish notice pursuant to Government Code section 6062. (Ord. No. 3849, § 4, 4-22-03)

26-28 Conflicting ordinances.

This article shall take precedence over conflicting ordinances or parts of ordinances. The Butte County Board of Supervisors may, from time to time, amend this article to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this article are in compliance with the National Insurance Program Regulation as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976. (Ord. No. 2343, § 1, 3-18-83; Ord. No. 3598, § 1, 4-11-2000)

26-29 Definitions.

Terms or words as used in this chapter shall have the meaning as defined in 44 Code of Federal Regulations (CFR), Chapter 1, Subchapter B, Insurance and Hazard Mitigation, National Flood Insurance Program, Part 59-General Provisions, Subpart A-General unless specifically defined below. Words or phrases used in this article not defined in 44 CFR or below shall be interpreted so as to give them the same meanings as they have in common usage and so as to give this article its most reasonable applications:

(1) Areas of special flood hazard: The land within the county subject to a one (1) percent or greater chance of flooding in any given year. This land is identified as Zones A, AE, AH, AO and shaded X on the official maps.

(2) Development. Any manmade change to improved or unimproved real estate, including but not limited to the placement, construction, reconstruction, removal or abandonment of any building or other structure or encroachment, or agricultural practice, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials,

except agricultural practices in any A-5, A-10, A-15, A-20, A-40, or A-160 zone which can be demonstrated not to increase flood levels upstream or downstream.

(2.5) Encroachment. Any obstruction or physical intrusion, including, but not limited to those caused by a building or other structure, by a levee, or by the planting, abandonment or removal of vegetation (except planting or removal of vegetation in any A-5, A-10, A-15, A-20, A-40, or A-160 zone, for agricultural purposes and which can be demonstrated not to increase flood levels upstream or downstream).

(3) Flood: A temporary rise in a stream's flow or state that results in water overflowing its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff or surface waters from any source.

(4) Flood insurance rate map: 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.

(5) Flood insurance study: 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.

(6) Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(7) Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the regulatory flood without cumulatively increasing the water surface elevation more than one (1) foot.

(8) Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(9) Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in any area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this article.

(10) Manufactured home: For the purposes of this article, a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and does not include a recreational vehicle, or travel trailer.

(11) Manufactured home park (subdivision): "Manufactured home subdivision" means a parcel (or contiguous parcels) of land which has been divided into two (2) or more lots for rent or sale and the placement of manufactured homes.

(12) New construction: For the purposes of this article, means structures for which the "start of construction" commenced on or after the effective date of flood plain management regulations adopted by this county, and includes any subsequent improvements to such structures.

(13) Regulatory flood elevation: The water surface elevation of the 100-year flood.

(14) Structure: A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, and manufactured homes.

(15) Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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

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 a "historic structure."

(17) 100-year flood: The condition of flooding having a one (1) percent chance of annual occurrence. (Ord. No. 3849, §§ 5--6, 4-22-03; Ord. No. 2343, § 1, 3-18-83; Ord. No. 2588, § 3, 4-7-87; Ord. No. 2775, § 5, 9-12-89; Ord. No. 3270, § 5, 6-25-96; Ord. No. 3598, § 1, 4-11-2000)

26-30 Records; notice of water course alteration.

(1) The department of development services will maintain a record of elevation information required by section 26-22(b)(6).

(2) The department of development services will notify, in riverine situations, adjacent communities and the California Department of Water Resources (DWR) prior to any alteration or relocation of a watercourse, and will submit copies of such notification to the Federal Insurance Administration.

(3) The department of development services will assure that the flood-carrying capacity within any altered or relocated portion of any watercourse is maintained. (Ord. No. 2670, § 3, 3-22-88; Ord. No. 3001, § 10, 5-5-92; Ord. No. 3598, § 1, 4-11-2000)

Article V

26-40 Purpose.

The purpose of this article is to enact regulations to help prevent substantial obstruction to or adverse effect on flood flows within Special Permit Zone II and to protect persons and property within said zone, all in accordance with that certain memorandum of agreement entered into as of November 17, 1995, between the County of Butte and the Reclamation Board. (Ord. No. 3534, § 1, 7-13-99)

26-41 Definitions.

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

(a) Board of supervisors. Board of supervisors of the County of Butte.

(b) Building. Any structure used or intended for supporting or sheltering any use or occupancy, including but not limited to agricultural buildings.

(c) Clerk. The clerk of the board of supervisors of the County of Butte.

(d) Director of public works. The director of public works of the County of Butte.

(e) Encroachment. Any obstruction or physical intrusion caused by a levee or building or by the planting, abandonment or removal of vegetation (except planting or removal of vegetation in any A-5, A-10, A-15, A-20, A-40, or A-160 zone, for agricultural purposes and which can be demonstrated not to increase flood levels upstream or downstream).

(f) Flood plain elevation. The profile designated as "Water Surface 1958 Flood" on the map entitled "Profiles for Flood plain Regulation," dated March 1, 1960 as prepared by the U.S. Army, Corps of Engineers and on file with the director of public works, County of Butte.

(g) Floodway. The channel of any stream and that portion of the adjoining floodplain reasonably required to provide for the passage of a design flood within Special Permit Zone II. "Floodway" shall not be construed to be as defined and regulated by Federal Emergency Management Agency.

(h) Levee. A man-made embankment, dike or ridge constructed so as to prevent flooding, to divert floodwaters, or to confine an area to be irrigated. "Levee" excludes all of the following:

(1) Building pads of any height;

(2) Crop checks, ditch banks or ditch pads, that are less than three (3) feet in height above natural ground; and

(3) Private road fills or embankments, including driveways, that meet all of the following conditions:

a. Are less than one-quarter ($\frac{1}{4}$) mile in length;

b. Are less than three (3) feet in height above natural ground; and

c. Do not impede the flow of the natural water course or constructed overflow channel associated with a natural water course.

(i) Levee repair. Maintenance work to restore a levee to dimensions not exceeding its original width and elevation and not changing its location.

(j) Natural ground. The prevailing elevation of the surrounding or adjacent upstream ground.

(k) Reclamation Board. The State of California Reclamation Board.

(l) Reconstruction. Any work to raise, enlarge, or modify a levee, except work during a period of emergency as declared by the director of emergency services or the board of supervisors of the County of Butte, or by the Governor of the State of California, where there is imminent danger of injury to persons or property, to prevent damage to or destruction of a levee or to repair damage thereto and restore it to the same width, elevation and location as existed prior to the damage.

(m) Special Permit Zone II. All that unincorporated area lying within the boundaries of Zone No. II as shown on that certain map entitled "Floodway Limits for Flood Plain Regulations," dated March 1, 1960 as prepared by the U.S. Army, Corps of Engineers and on file with the director of public works, County of Butte. Said map is incorporated herein by reference and is made a part hereof. (Ord. No. 3849, § 8, 4-22-03: Ord. No. 3534, § 1, 7-13-99)

26-42 Permit required.

A permit is required for the placement, construction, reconstruction, or removal of any building or levee in Special Permit Zone II. No county permit shall be required pursuant to this article pertaining to any levee over which the Reclamation Board has retained jurisdiction or pertaining to a levee repair, as defined in section 26-41. An application for a permit pursuant to this Article, except a building permit, shall be subject to review pursuant to the California Environmental Quality Act. (Ord. No. 3849, § 7, 4-22-03: Ord. No. 3534, § 1, 7-13-99)

26-43 Fees.

Permit fees shall be payable for building and levee permits as specified for building permits in sections 3-40, 3-40.5 and 3-41, including but not limited to section 3-41(m), of Chapter 3 of this Code. In addition, for permits pertaining to levees, fees shall be payable for site improvement construction plan checking and inspection, as specified in section 3-81, subsections (c)(7) and (c)(8), and for environmental review in the amounts specified in section 3-43, subsections (16) and (38). (Ord. No. 3534, § 1, 7-13-99)

26-44 Review of permit applications.

(a) Levee permits. An application for a levee permit pursuant to this article shall be submitted to the department of public works, together with: four (4) complete copies; a list of the names and addresses of the owners of properties within two thousand (2,000) feet of the boundaries of the property on which the project is proposed, and the assessor parcel numbers for such properties; an engineered analysis of the hydraulic impacts of the proposed project; and all other required information and fees, in accordance with the procedures and requirements of this chapter, including Article IV. Applications shall be referred to the department of public works for review and comment and determination of the amount of the site improvement construction plan checking and inspection fees required.

(b) Building permits. An application for a building permit pursuant to this article shall be submitted to the building division of the department of development services, together with four (4) complete copies, and all other required information and fees, in accordance with the procedures and requirements of this chapter, including Article IV.

(c) Forwarding of applications to the state Reclamation Board. All complete applications will be forwarded via facsimile (except plans) and first class mail (including plans) to the Reclamation Board staff no more than ten (10) days after receipt. Not less than ten (10) days prior to issuance of a building permit and not less than thirty (30) days prior to issuance of a levee permit, county staff reports and, as to any application for a levee permit, documents prepared pursuant to the California Environmental Quality Act, shall be forwarded via first class mail to the Reclamation Board for review and comment. Prior to issuance of any permit pursuant to this article the county must consider in good faith any and all comments received from the Reclamation Board staff. (Ord. No. 3534, § 1, 7-13-99)

26-45 Criteria for grant or denial of permits.

(a) General. No permit shall be granted which may cause substantial obstruction to or adverse effect on flood flows.

(b) Buildings. Permits for buildings shall be subject to the requirements of Article IV of this chapter.

(c) Levees.

(a) Levees constructed, reconstructed, raised, enlarged, or modified after the effective date of this article shall, as a minimum, be designed and constructed in accordance with accepted engineering practices, as supplemented with the requirements of Article IV of this chapter and the following standards:

(1) Levee construction or reconstruction shall be designed by a civil engineer.

(2) An engineering analysis that evaluates levee embankment and foundation stability shall be submitted with the permit application. The analysis must verify that the levee is adequately designed and will be constructed to remain stable under loading conditions.

(3) A detailed settlement analysis must be submitted.

(4) A copy of all geotechnical studies and tests used in the design determination of the levee shall be provided when applying for a permit.

(5) All drains and abandoned conduits shall be removed from the proposed construction site prior to the start of construction.

(6) Prior to construction or enlargement of the embankment, all holes, depressions, and ditches in the foundation area shall be backfilled and compacted to a density equal to that of the adjacent undisturbed material.

(7) Prior to construction or enlargement of the embankment, all surface vegetation shall be removed from the area to receive fill to a depth of six (6) inches. Organic soil and roots one and one-half (1½) inches in diameter or larger, shall be removed from the area to receive fill to a depth of three (3) feet.

(8) An inspection trench shall be excavated to a minimum depth of six (6) feet beneath levees being constructed or reconstructed to a height of six (6) feet or greater. If necessary

to ensure a satisfactory foundation, the depth of the inspection trench may be required to exceed six (6) feet.

a. The minimum depth of an inspection trench excavated beneath levees to be constructed or reconstructed less than six (6) feet in height must be equal to the height of the design water surface above natural ground adjacent to the levee.

b. The inspection trench must have a minimum bottom width of twelve (12) feet, and the side slopes must be one (1) foot horizontal to four (4) feet vertical, or flatter.

c. The centerline of the inspection trench shall be located approximately under the outer edge of the shoulder of the waterside levee crown.

(9) When subsurface explorations disclose a pervious substratum underlying a levee to be constructed or reconstructed, a cutoff trench must be excavated to an impervious stratum, where practical.

(10) Cut off trenches shall have a minimum bottom width of twelve (12) feet and the side slopes shall be one (1) foot horizontal to four (4) feet vertical, or flatter.

(11) Impervious material, with twenty (20) percent or more of its passing the No. 200 sieve, and having a plasticity index of eight (8) or more, and having liquid limit of less than fifty (50), must be used for construction of new levees and the reconstruction of existing levees. Special construction details (e.g., 4:1 slopes) may be substituted where these soil properties are not readily attainable. Where the design of a new levee structure utilizes zones of various materials or soil types, the requirements of this subdivision do not apply.

(12) Fill material must be placed in four (4) to six (6) inch layers and compacted with a sheepsfoot roller, or equivalent, to a relative compaction of ninety (90) percent per ASTM D1557-91, dated 1991, which is incorporated by reference and above optimum moisture content, or ninety-seven (97) percent per ASTM D698-91, dated 1991, which is incorporated by reference and at or above optimum moisture content.

(13) Fill material placed within two (2) feet of a structure must be compacted by appropriate hand operated compaction equipment.

(14) Levee fill material must be free of stones or lumps exceeding three (3) inches in greatest dimension, and must be free of vegetative matter or other unsatisfactory material.

(15) Fill material may only be placed within the area indicated on the submitted plans.

(16) Fill on levee slopes must be keyed into the existing levee section wherever there is substantial fill, as determined by the Director of Public Works.

(17) Each layer of fill material applied on a levee must be keyed into the levee section individually in four (4) to six (6) layers.

(18) Density tests by a certified soils laboratory will be required to verify compaction of levee fill and trench backfill.

(19) Ditches, power holes, standpipes, distribution boxes, and other above-ground structures located within ten (10) feet of the levee toe must be relocated a minimum distance of ten (10) feet beyond the levee toe.

(20) Placement, construction, reconstruction, or removal of any levee may not be done during the period from November 1 of any year through April 15 of the subsequent year unless authorized by the Director of Public Works of the County of Butte.

(21) The area adjacent to the levee must drain away from the levee toes for a minimum distance of ten (10) feet.

(22) The finished slope of any levee construction or reconstruction must be three (3) feet horizontal to one (1) foot vertical, or flatter, on the waterside and two (2) feet horizontal to one (1) foot vertical, or flatter, on the landside of the levee.

(23) The finished slope of any bypass levee must be four (4) feet horizontal to one (1) foot vertical, or flatter, on the waterside and three (3) feet horizontal to one (1) foot vertical, or flatter, on the landside of the levee.

(24) An existing levee section being reconstructed, realigned, or otherwise altered, and having encroachments that are located within the levee that are to be replaced or changed, must have detailed plans of the proposed encroachment changes approved by the director of public works prior to start construction.

(25) The permittee may be required to modify, as necessary, existing pipelines within a levee section that is being raised to accommodate a higher design water surface elevation

in order to prevent seepage along the pipeline and to prevent backflow through the pipeline during the design event.

(26) A set of reproducible "as constructed" drawings of any levee project shall, upon completion of the project, be submitted to each of the following: the Reclamation Board, the department of public works of the County of Butte, and the United States Army Corps of Engineers.

(27) Stone revetment may be required on levee slopes where turbulence, flow, or wave action may cause erosion.

(28) Grasses or other approved ground covers may be required on levee slopes.

(29) The minimum crown width of a levee shall be at least twelve (12) feet on minor streams and twenty (20) feet on major streams. The levee crown width for a levee on a specific stream (is defined by the project document and/or operations manual in current use and) must be consistent with the minimum width requirements of existing levees on the specific stream.

(30) A levee having a crown width of fifteen (15) feet or less must have vehicular turnouts at approximately two thousand five hundred (2,500) foot intervals if there is no existing access ramp within that distance.

(31) As used in this section, the term "approved risk-based analysis" means an analysis which uses simulation modeling of river discharge versus probability of occurrence, river stage versus river discharge estimates, and river stage versus flood damage estimates and accounts for uncertainty in these functions to determine the performance of a proposed flood control feature.

a. All levees constructed or reconstructed must have a minimum of three (3) feet of freeboard above the design flood plane, or a crown elevation no lower than designed using an approved risk-based analysis except for levees or portions thereof including weirs specifically designed to allow overtopping in a controlled manner.

b. Unless designed using an approved risk-based analysis, the design freeboard of a levee to be constructed or reconstructed must be appropriately increased when any of the following conditions exist:

1. High velocity streamflow.

2. Excessive wave action.

3. Excessive hydrologic, hydraulic, or geotechnical uncertainty in the levee design parameters.

c. Unless designed using an approved risk-based analysis, levees within one hundred (100) feet of a bridge, or other structure which may constrict floodflows, must have one (1) foot of additional freeboard.

(b) Unreinforced pavement is not permitted on levee slopes.

(c) Pavement for roadways and similar uses is permitted within ten (10) feet of the levee toe.

(d) Pavement within ten (10) feet of the landside levee toe must have appropriate features that intercept seepage and prevent particle migration.

(e) Levee seepage control facilities (e.g., toe drains and toe ditches) must meet the following requirements:

(1) The seepage control facilities must be designed by a civil engineer.

(2) All studies and calculations relating to design and maintenance of the seepage control facility must be submitted with the permit application.

(3) The appropriate rights-of-way for the seepage control facilities must be included in the levee easements.

(f) See Figure 8.01, referred to in 23 California Code of Regulations, section 120(f), and incorporated herein by reference, for illustrated details, dimensions, and terminology for levees and floodways.

(g) If a proposed project which includes levee improvements would result in substantial residential development within an area that without the levee improvements would be subject to the Federal Emergency Management Agency's regulation 100-year flood plain constraints, the permittee may be required to mitigate for any increased average annual flood damage by increasing the level of protection provided by the levee improvement

project, up to and including the standard project flood as determined by the Reclamation Board. (Ord. No. 3534, § 1, 7-13-99)

26-46 Notice of proposed levee permit issuance.

Prior to issuance of any permit pursuant to this Article, except a building permit, notice shall be given as follows:

(a) Notice shall be mailed by first class mail to the board of supervisors, the applicant, all landowners owning real property within two thousand (2,000) feet of the proposed work, the Reclamation Board, the Tehama County Flood Control and Water Conservation District, and the Glenn County Department of Public Works, not less than thirty (30) days prior to the proposed issuance date.

(b) Notice shall be published in a newspaper of general circulation in the County of Butte pursuant to Government Code section 6062a. (Ord. No. 3849, § 9, 4-22-03: (Ord. No. 3534, § 1, 7-13-99)

26-47 Protests.

(a) Protests to the issuance of a permit, except a building permit, may be submitted in writing to the clerk by any interested party or by any member of the board of supervisors. Each protest from an interested party, other than a member of the board of supervisors, must include:

(1) The name, address, and telephone number of the person protesting;

(2) A clear statement of the grounds for the protest, based solely on flood control or environmental concerns; and

(3) An explanation of how the person protesting will be adversely affected by the proposed project.

(b) Upon receipt of a protest the clerk shall notify the department of development services, which shall then refrain from issuing the permit.

(c) Within ten (10) days of receipt of a protest, the clerk shall set a hearing on the matter, shall mail notice thereof to the applicant and the person protesting, and shall publish notice pursuant to Government Code section 6062. (Ord. No. 3849, § 10, 4-22-03: Ord. No. 3534, § 1, 7-13-99)

26-48 Appeals.

Appeals regarding the application and enforcement of this article regarding permits for buildings only shall be heard as specified in section 26-3 of this chapter. (Ord. No. 3534, § 1, 7-13-99)

26-49 Board decision.

When a protest has been submitted, an application for a permit pertaining to a levee must be acted upon by the board of supervisors following the holding of a public hearing. (Ord. No. 3534, § 1, 7-13-99)

26-50 Permit conditions.

Any permit pertaining to a levee issued pursuant to this article may include and be subject to such reasonable conditions as deemed appropriate by the departments of public works and development services and/or board of supervisors, as applicable, shall include the

condition that the County of Butte shall have the right to enter the property at reasonable times to inspect the levee, and may include mitigation for effects of the approved activity on the environment, including but not limited to mitigation to eliminate or reduce adverse hydraulic impacts to a level that is less than significant. (Ord. No. 3534, § 1, 7-13-99)

26-51 Maintenance of levees.

Levees shall be maintained by the landowner in such a manner as to prevent failure causing a sudden release of water onto adjacent land. (Ord. No. 3534, § 1, 7-13-99)

26-52 Enforcement of regulations and permit conditions.

(a) It shall be unlawful to violate the provisions of this article by constructing or reconstructing any levee or building or otherwise placing any building in Special Permit Zone II without first obtaining a permit therefor pursuant to this article.

(b) It shall be unlawful to fail to maintain a levee in accordance with section 26-51.

(c) It shall be unlawful to violate any condition of a permit issued pursuant to this article.

(d) It shall be unlawful to use, occupy, or maintain any building constructed after the effective date of this article unless such building is constructed pursuant to and in accordance with a permit therefor issued pursuant to this article.

(e) The provisions of this article may be enforced pursuant to Chapter 41 of this Code. (Ord. No. 3534, § 1, 7-13-99)

26-53 Regulation of flood depths greater than one foot.

Flood water of a depth greater than one (1) foot which is impounded behind a levee shall not be released by any person except in a controlled, gradual manner which will not cause personal injury or property damage downstream. (Ord. No. 3534, § 1, 7-13-99)