

ORDINANCE NO. 87-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE
AS IT RELATES TO FLOOD DAMAGE PREVENTION

THE CITY COUNCIL OF THE CITY OF RIDGECREST ORDAINS as
follows:

Section 1. Purpose

The City has adopted flood damage prevention regulations in compliance with Federal Regulations. This ordinance amends the Municipal Code by incorporating recent amendments to the Federal Regulations.

Section 2. Amendment: Purpose and Scope

Section 21-2 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 21-2 Purpose and Scope

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

- 1) Protect human life and health;
- 2) Minimize expenditure of public money for costly flood control projects;
- 3) Minimize the need for rescue and relief efforts associated with flooding;
- 4) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

5) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazards so as to minimize future flood slide areas;

6) Insure that potential buyers are notified that property is in the area of special flood hazard; and

7) Insure that those who occupy areas of special flood hazard assume responsibility for their actions."

Section 3. Amendment: Definitions

Section 21-4 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 21-4 Definitions

For purposes of this chapter, unless otherwise apparent from context, certain words and phrases are defined as follows:

a) 'Appeal' means a request for a review of the Flood Plain Administrator's interpretation of any provision of this chapter or a request for a variance.

b) 'Area of Shallow Flooding' means a designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM). The flood plains depth range from 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and the velocity flow may be evident.

c) 'Area of Special Flood - Related Erosion Hazard' means an area subject to severe flood-related erosion losses. This area is designated Zone E on the FIRM.

d) 'Area of Special Flood Hazard' or 'Special Flood Hazard Area (SFHA)' means an area having special flood or flood related erosion hazards and shown on an FHBM or FIRM as Zone A,

AO, A1-30, AE, A99, AH, VO, V1-V30, VE or V.

e) 'Area of Special Mud Slide Hazard' is the area subject to severe mud slides. The area is designated as Zone M on the FIRM.

f) 'Base Flood' means the flood having a 1% chance of being equaled or exceeded in any given year.

g) 'Basement' means any area of a building having its floor subgrade below ground level on all sides.

h) 'Breakaway Walls' are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of a structure of this structural support of the building and which is designed to break away under abnormally tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 lbs. per square foot. The use of break away walls must be certified by a registered engineer or architect and shall meet the following conditions.

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood and that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the affects of wind and water loads acting simultaneously in the event of a

base flood.

i) '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.

j) 'Flood' or 'Flooding' means a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters, the unusual and rapid accumulation of runoff surface waters from any source, and or the collapse or subsidence of land along the shore of the lake or other body of water as a result of erosion or undermining caused by wave or currents of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash floods or abnormal tide surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

k) 'Flood Boundary and Floodway Map' means the official map on which the Federal Emergency Management Agency or Federal Insurance Agency has delineated both the areas of flood hazard and the floodway.

l) 'Flood Insurance Rate Map (FIRM)' means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

m) 'Flood Insurance Study' means the official report provided by the Flood Insurance Administration and includes flood

profiles, the FIRM, the Flood Boundary and Floodway Map, and the water service elevation of the base flood.

n) 'Floodplain or Flood-prone Area' means any land susceptible to being inundated by water from any source.

o) 'Floodplain Management' means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

p) 'Floodplain Management Regulations' means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power. The term describes such State or local regulations in combination thereof which provide standards for the purpose of flood damage, prevention and reduction.

q) 'Flood Proofing' means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damaged real estate or improved real property, water and sanitary facilities, structures and their contents.

r) '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 (1) foot. The floodway is delineated on the Flood Boundary Floodway Map.

s) 'Functionally Dependent Use' means a use which cannot be performed in its intended purpose unless it is located or

carried out in close proximity to water. Then 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 but does not include long term storage or related manufacturing facilities.

t) 'Highest Adjacent Grade' means the natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

u) 'Lowest Floor' means the lowest floor of the lowest enclosed area (including basement). An unfinished or floor resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

v) 'Manufactured Home' meaning is set forth in Title 9 of this Municipal Code provided, "Manufactured" includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

w) 'Manufactured Home Park or Subdivision' shall have the meaning set forth in Title 9 of this Municipal Code.

x) 'Mean Sea Level' means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which flood base elevations shown on the City's FIRM are referenced.

y) 'New Construction' means structures for which the start of construction commenced on or after the effective date of

a flood plain management plan adopted by the City.

z) '100 Year Flood' means a flood which has 1% annual probability of being equaled or exceeded. This term is identical to the term base flood.

aa) 'Remedy of Violation' means to bring a structure or other development into compliance with State or Local Floodplain Management Regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring similar future violations or reducing federal financial exposure with regard to the structure or other development.

bb) 'Riverline' means relating to, formed by, or resembling a river, including tributaries, streams, brooks and so forth.

cc) 'Sand Dune' means naturally occurring accumulation of sand in ridges or mounds land ward of a beach.

dd) 'Start of Construction' means the date a building permit is issued, provided the actual construction, repair, reconstruction, placement or other improvement is within 180 days of the permit date. The actual start means either the first placement of permanent construction of a slab on a site, such as the pouring of a slab or footings, the installation of pilings, 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 walkways; nor does it include excavation for a basement, footings, pilings, 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 structures.

ee) 'Structure' means a walled and roofed building including the gas or liquid storage tank, that is principally above ground as well as a manufactured home.

ff) 'Substantial Improvement' means any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50% of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition, 'Substantial Improvement' is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either:

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

Register of Historic Places or a California Inventory of Historic Places.

gg) 'Variance' means a grant of relief from the requirements of this chapter which permits construction in a manner which would otherwise be prohibited by this chapter.

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

Section 4. Amendment: Compliance

Section 21-5.1 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 21-5.1 Compliance

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the provisions of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements shall constitute a misdemeanor. Nothing herein shall prevent the Council from taking such lawful action as is necessary to prevent or remedy any violation."

Section 5. Amendment: Development Permits

Section 21-5.2 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"21-5.2 Development Permits

a) A development permit shall be obtained before construction or development begins within any area of special flood hazards, areas of flood related erosion hazards or areas of mud slides as established in conformance with the chapter.

b) Director of Public Works is hereby appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

c) For a development shall be made on forms furnished by the Director of Public Works and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage and materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- 1) Proposed elevation in relation to mean sea level of the lowest habitable floor (including basement) of all structures; in Zone AO, the elevation of existing grade and proposed elevation of existing grade and proposed elevation of lowest floor of all structures;
- 2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- 3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the floodproofing criteria of the Federal Emergency Management Agency; and
- 4) Description of the extent to which any watercourse

will be altered or relocated as a result of the proposed development."

Section 6. Amendment: Administration

Section 21-6.1 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 21-6.1 Administration

a) The Director of Public Works shall review all applications for development permits under this chapter to determine whether:

- 1) Whether the 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 the floodway. For the 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 not increase the water service elevation of the base flood by more than 1 foot at any point.

b) If base flood elevation data has not been provided in accordance with this chapter, the Director of Public Works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to insure that adequate provision is made for flood

hazard reduction. Any such information shall be submitted to the Council for adoption.

c) If the watercourse is to be altered or relocated, the Director of Public Works shall notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administrator and the Director of Public Works shall require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

d) The Director of Public Works shall obtain and maintain for public inspection and make available as needed:

- 1) Certification;
- 2) Certification of elevations in areas of shallow flooding;
- 3) Certification of elevation or floodproofing of nonresidential structures;
- 4) Certification of wet floodproofing standard;
- 5) Certified elevation to comply with subdivision standards;
- 6) Certification required for floodway encroachments;
- 7) The information required for coastal construction; and
- 8) The reports required for mud flow standards.

e) The Director of Public Works shall make interpretations where needed as to the exact location of the boundaries of special flood hazards, areas of flood related erosion hazards or areas of mud slide. Persons contesting the

location of the boundary shall be given reasonable opportunity to appeal the interpretation.

f) The Director of Public Works shall take action to remedy violations of this chapter."

Section 7. Amendment: Standards of Construction

Section 21-7.1 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"Section 21-7.1 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 anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

All manufactured homes shall meet the requirements of Section 21-7.5.

b) Construction Materials and Methods:

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall use methods and practices that minimize flood damage.
- 3) All new construction and substantial improvements shall be constructed 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.

- 4) Within Zones AH, AO or VO adequate drainage paths around structures shall be required on slopes to guide flood waters around and away from proposed structures.
- c) Elevation and Floodproofing:
- 1) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards set forth in the next subsection. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a Registered Professional Engineer or Surveyor or verified by the City Building Inspector that elevation requirements have been met.
 - 2) New construction and substantial improvement of any structure in Zone AH, AO or VO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards below. Upon completion of the structure, the elevation of the

Section 8. Amendment: Floodways

Section 21-7.6 is hereby added to read as follows:

"Section 21-7.6 Floodways

No encroachments, including full, new construction, substantial improvements, and other development shall occur within a floodway unless certification by a registered professional engineer or architect is provided demonstrating that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. If the foregoing is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this chapter."

Section 9. Amendment: Flood-related Erosion-prone
Areas

Section 21-7.7 is hereby added to the Ridgecrest Municipal Code to read as follows:

"Section 21-7.7 Flood-related Erosion-prone Areas

a) The Director of Public Works shall require permits for proposed construction and other development within all flood-related erosion-prone areas.

b) Such permits 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 FIRM, a setback is required for all new development from any lake, bay or river front or other body of water to create a safety buffer consisting of natural vegetation or a 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 wild life habitat areas and for other activities using temporary and portable structures only."

Section 10. Amendment: Appeal Board

Section 21-8.1 of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 21-8.1 Appeals

a) The Planning Commission shall hear and decide appeals and request for variances from the requirements of this ordinance.

b) The Planning Commission shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination by the Director of Public in the enforcement or administration of this chapter.

c) In reviewing an appeal, the Commission 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 unto other lands to the injury of others;
- 2) The danger to 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 individual owner;
- 4) The importance of services provided by the proposed facility to the community;
- 5) The necessity to the facility of a water front 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 developments;
- 8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- 9) The safety of access to property in time of flood for ordinary and emergency vehicles;
- 10) The expected heights, velocity, duration, rate of rise and sediment transportation of the flood waters expected at the site; and
- 11) The cost of providing governmental services during and after flood conditions, including maintenance and

repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to it surrounded by lots with existing structures constructed below the base flood level, provided the ongoing items have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

e) Upon consideration of the factors listed above and the purposes of this chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

f) The Director of Public Works shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administrator upon request."

Section 11. Amendment: Conditions for Variances

Section 21-8.2 of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

"Section 21-8.2 Conditions for Variances

a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the California Inventory of Historic Places, without regards to the procedures set forth in the remainder of this section.

b) Variances shall not be issued within any designated

floodway if any increase in flood levels during the base flood discharge would result.

c) Variances shall only be issued upon a determination that the variance is the minimum necessary considering flood hazard to afford relief.

d) 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 to the applicant; and
- 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or the victimization of the public, or conflict with existing City laws or ordinances.

e) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the factors listed above in this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation and at the cost of flood insurance will be commensurate

with the increase risk resulting from the reduced floor elevation. A copy of the notice shall be recorded by the Commission in the office of the Kern County Recorder and shall be recorded in a manner so that it appears in the chain title of the affected parcel of land."

Section 12. Repeals

Section 21-5.3, 21-5.4, 21-5.5, 21-6.2, and 21-6.3 of the Ridgecrest Municipal Code are hereby repealed.

Section 13. Other

Except as provided herein the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

APPROVED AND ADOPTED this 1st day of July, 1987, by the following vote:

AYES: Mayor Mower, Councilmembers Wiknich, Bergens, Condos and Corlett.

NCES: None.

ABSTAIN: None.

ABSENT: None.



Michael R. Mower, Mayor

ATTEST:



Joyce M. Taft
City Clerk