

ORDINANCE NO. 2025-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS REPEALING AND RECASTING TITLE 15 OF THE WINTERS MUNICIPAL CODE; ADOPTING BY REFERENCE THE 2025 CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), THE 2025 CALIFORNIA RESIDENTIAL CODE, THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 2025 CALIFORNIA ELECTRICAL CODE, THE 2025 CALIFORNIA FIRE CODE, THE 1997 UNIFORM HOUSING CODE, THE 2025 CALIFORNIA MECHANICAL CODE, THE 2025 CALIFORNIA PLUMBING CODE, THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2025 CALIFORNIA HISTORICAL BUILDING CODE, THE 2025 CALIFORNIA EXISTING BUILDING CODE, THE 2025 CALIFORNIA ADMINISTRATIVE CODE, THE 2025 CALIFORNIA ENERGY CODE, AND THE 2025 CALIFORNIA REFERENCED STANDARDS CODE, TOGETHER WITH LOCAL AMENDMENTS

WHEREAS, the California Building Standards Commission (“Commission”) adopted the 2025 edition of the California Building Standards Code; and

WHEREAS, pursuant to Government Code section 50022.1 *et seq.*, the City of Winters (“City”) may adopt by reference the California Building Standards Code, 2025 edition, as provided in Title 24 of the California Code of Regulations and other codes; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 allow for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, to make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, pursuant to California Health and Safety Code Sections 17958, the changes or modifications are substantially equivalent to changes or modifications that were previously filed by the City Council of the City of Winters and were in effect as of September 30, 2025 and/or relate to home hardening; and

WHEREAS, based upon the recommendations of the Building Code Official and the Fire Chief, the City Council finds that the proposed amendments to the 2025 California Building Standards Code set forth in this Ordinance are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the number of potential incidences of property damage, injury, and death due to fires and earthquakes, and are reasonable and necessary to mitigate local climatic, geological, or topographical conditions; and

WHEREAS, the City held a public hearing on November 18, 2025 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting these residential fire and building code amendments; and

WHEREAS, the City Council wishes to adopt this Ordinance to ensure that residential and commercial building and fire protection regulations are in place to protect the public.

NOW, THEREFORE, the City Council of the City of Winters does hereby ordain as follows:

SECTION 1. Recitals. The above recitals are true and correct and hereby incorporated into this Ordinance.

SECTION 2. Purpose. The purpose of this Ordinance is to adopt by reference, with certain local amendments, (A) the 2025 California Building Code, which incorporates the 2024 Edition of the International Building Code published by the International Code Council; (B) the 2025 California Residential Code, which incorporates and amends the 2024 Edition of the International Residential Code; (C) the 1997 Uniform Code for the Abatement of Dangerous Buildings; (D) the 2025 California Electrical Code, which incorporates and amends the 2023 Edition of the National Electrical Code; (E) the 2025 California Fire Code, which incorporates and amends the 2024 International Fire Code, together with all appendices and tables; (F) the 1997 Uniform Code published by the International Conference of Building Officials; (G) the 2025 California Mechanical Code, which incorporates and amends the 2024 Edition of the Uniform Mechanical Code; (H) the 2025 California Plumbing Code, which incorporates the 2024 Edition of the Plumbing Code published by the International Association of Plumbing and Mechanical Officials; (I) the 2025 California Green Building Standards Code; (J) the 2025 California Historical Building Code; (K) the 2025 California Existing Building Code; (L) the 2025 California Administrative Code; (M) the 2025 California Energy Code; and (N) the 2025 California Referenced Standards Code.

SECTION 3. Authority. The City Council enacts this Ordinance under the authority granted to the City as follows:

(A) California Government Code Section 50022 et seq. authorizes the City to adopt by reference the California Building Standards Code and authorizes the City to adopt other uniform codes by reference; and

(B) California Health & Safety Code Section 17958.7 and 18941.5 authorize the City to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions.

SECTION 4. Findings. The City Council hereby finds that the proposed amendments to the 2025 California Building Standards Code are more restrictive than the standards adopted by the California Building Standards Commission, and are reasonably necessary because of local climatic, geological, or topographic conditions, based on the express findings and determinations, marked in relation to the respective amendments provided in this ordinance, described in Exhibit A attached hereto, and hereby adopted by the City Council as the findings to support the modifications to the California Building Standards Code. In addition, the City Council finds that

the changes or modifications are substantially equivalent to changes or modifications that were previously filed by the City Council of the City of Winters and were in effect as of September 30, 2025 and/or relate to home hardening.

SECTION 5. Repeal and Recast. Title 15 of the Winters Municipal Code is hereby repealed and recast in its entirety, as provided in Exhibit B, attached hereto and incorporated herein by reference.

SECTION 6. Conflicting Ordinances Repealed. All former ordinances or parts conflicting or inconsistent with the provisions of this Ordinance or of the codes adopted by this Ordinance and any other ordinance in conflict herewith are hereby repealed.

SECTION 7. Severability. The provisions of this Ordinance are severable, and the invalidity, unenforceability, or unconstitutionality of any section, portion, or part of this Ordinance shall not affect the validity of the remainder of the Ordinance.

SECTION 8. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this Ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. Thus, the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 9. Publication. The City Clerk shall certify to the adoption of this Ordinance and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law.

SECTION 10. Effective Date. This Ordinance shall take effect January 1, 2026.

PASSED AND ADOPTED by the City Council of the City of Winters on this 18th day of November, 2025, by the following vote:

AYES:	Council Members Loren, Scianna, Mayor Pro Tem Biasi, Mayor Vallecillo
NOES:	Council Member Casavecchia
ABSTAIN:	None
ABSENT:	None

CITY OF WINTERS


Albert Vallecillo, Mayor

ATTEST:


Zorina Treat, Deputy City Clerk

Exhibit A

Findings to Support Amendments to the 2025 Edition of the California Building Standards Code

This Exhibit A provides the express findings and determinations (where necessary pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5) justifying the City of Winters' amendments to the 2025 Edition of the California Building Code, the 2025 Edition of the California Electrical Code, and the 2025 Edition of the California Fire Code, as reasonably necessary because of local climatic, geologic or topographic conditions.

Sec 15.08.020 Amendments to California Building Code

Winters Municipal Code Section	Building Code Section Impacted	Amendment	Justification (see below key to justifications)
15.08.020(A)	105.3	Requires project applicant to list subcontractors and specifies responsible party for permit fees	A

Sec 15.16.020 Amendments to California Electrical Code

Winters Municipal Code Section	Electrical Code Section Impacted	Amendment	Justification (see below for justifications)
15.16.020(A)	89.108.4.2	Adds text specifying that permit fees are set by resolution.	A

Sec 15.20.030 Amendments to California Fire Code

Winters Municipal Code Section	Fire Code Section Impacted	Amendment	Justification (see below key to justifications)
15.20.030(A)	108.2	Authorizes Council to set plan checking, inspection and permit fees by resolution.	A
15.20.030(B)	507.5.4	Requires curb markings or	B/C/D

Winters Municipal Code Section	Fire Code Section Impacted	Amendment	Justification (see below key to justifications)
		signage where fire hydrants are located, and prohibits parking in those locations	
15.20.030(C)	1103.5	Requires installation of automatic fire sprinkler systems in existing buildings with a square footage of 4,000 square feet or more	B/C/D
15.20.030(D)	903.2	Requires installation of automatic fire sprinkler systems in new buildings as specified in the added Table 903.2 listing occupancy classifications, type of construction and square footage	B/C/D
15.20.030(E)	903.2.8.1	Specifies the calculation of the total floor area of Group R-3 occupancies that triggers sprinkler installation requirements based upon square footage	B/C/D
15.20.030(F)	903.2.1	Requires the installation of	B/C/D

Winters Municipal Code Section	Fire Code Section Impacted	Amendment	Justification (see below key to justifications)
		automatic sprinkler systems in Group A occupancies	
15.20.030(G)	903.2.1.1	Requires the installation of automatic sprinkler systems in Group A-1 occupancies	B/C/D
15.20.030(H)	903.2.1.2	Requires the installation of automatic sprinkler systems in Group A-2 occupancies	B/C/D
15.20.030(I)	903.2.1.3	Requires the installation of automatic sprinkler systems in Group A-3 occupancies	B/C/D
15.20.030(J)	903.2.1.4	Requires the installation of automatic sprinkler systems in Group A-4 occupancies	B/C/D
15.20.030(K)	903.2.3	Requires the installation of automatic sprinkler systems in Group E occupancies	B/C/D
15.20.030(L)	903.2.4	Requires the installation of automatic sprinkler systems in Group F-1	B/C/D

Winters Municipal Code Section	Fire Code Section Impacted	Amendment	Justification (see below key to justifications)
		occupancies, as specified	
15.20.030(M)	903.2.7	Requires the installation of automatic sprinkler systems in Group M occupancies, as specified	B/C/D
15.20.030(N)	903.2.9	Requires the installation of automatic sprinkler systems in Group S-1 occupancies	B/C/D
15.20.030(O)	903.2.9.1	Requires the installation of automatic sprinkler systems in repair garages in Group S-1 occupancies where the square footage exceeds 4,000 square feet	B/C/D
15.20.030(P)	903.2.10	Requires the installation of automatic sprinkler systems in repair garages in Group S-2 occupancies where the square footage exceeds 4,000 square feet and in any building where an enclosed parking garage is located below	B/C/D

Winters Municipal Code Section	Fire Code Section Impacted	Amendment	Justification (see below key to justifications)
		other occupancy classifications in the added Table 903.2	
15.20.030(Q)	903.2.11.3	An automatic sprinkler system shall be installed in all occupancies regardless of type of construction, floor area, or occupant load if the building is three or more stories or more than 35 feet in height	B/C/D

**Justifications KEY: Findings to Support Amendments to the California Building Code,
the California Electrical Code, and the California Fire Code**

(A) This amendment is necessary for administrative clarification, and does not modify a building standard pursuant to California Health & Safety Code Sections 17958, 17958.7 and/or 18941.5. This amendment establishes administrative standards for the effective enforcement of the building standards in the City of Winters.

(B) This amendment is reasonably necessary because of the following local climatic conditions:

- i. The City of Winters is located on the western edge of Yolo County in Northern California, near the foothills of the Blue Ridge Mountains. The City has a hot-summer Mediterranean/Central Valley climate. The average-high temperature in July is 95°F, and can exceed 100°F some days. The Sacramento River Delta breeze usually cools overnight temperatures to 60°F. Wind speed varies from 6-10 mph. The average annual precipitation is 17 inches.
- ii. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought add to the fire danger and wildfire risk. This predisposes the area to vegetation fires that spread quickly and create a need for increased levels of fire protection. The added

protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting.

- iii. Local soil conditions (clay soils) tend to be highly expansive (i.e. shrink—swell behavior). The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the expansive characteristics of the soil.

(C) This amendment is reasonably necessary because of the following local geological conditions:

- i. The City of Winters is within an active seismic area and located near the Coast Range-Sierran Block Boundary, a segment of a complex zone of faults located at the western portion of the lower Sacramento Valley, where the Midland Vaca Faults are located. Tectonic compression could produce moderate to large earthquakes that damage buildings, structures, roads, and utilities. With the probability of aftershocks, additional protection is necessary for upper floors of buildings. Should a significant seismic event occur, hazardous materials and gases may be leaked and expose members of the public to significant health risks. Severe seismic events could disrupt communications, damage gas mains, and cause extensive electrical hazards that may exacerbate the size and number of emergencies, and consequently hinder the Fire Department's ability to respond to emergencies effectively and in a timely manner.
- ii. Local soil conditions (clay soils) tend to be highly expansive, thereby subject to shrinking and swelling during seasonal drying and wetting conditions, and can cause damage to the foundation and other parts of a structure. Higher expansive soils are closer to the agricultural fields where there is more groundwater pumping, which causes land subsidence, settling of buildings and structures, and shifting of pipelines.

D – This amendment is reasonably necessary because of the following local topographical conditions:

- (i) The City's topographical features include a creek, overpass, freeway, bridges, open space. The City is located near Lake Berryessa and Monticello Dam.
- (ii) Winters and Yolo County is mixed with urban and rural areas. The elevation of Winters is 135 feet. The Winters Fire Department provides fire protection services to the City and the surrounding areas. The City of Winters is an urban area with dense building and

structures, and alleys, in the downtown areas which impedes emergency access and response.

- (iii) The City is situated along Interstate 505, which runs north to south outside the eastern city limits, and connects to the Interstate 80. State Route 128 traverses from east to west through the City. The City is prone to traffic and congestion.
- (iv) City of Winters has hard water, which is corrosive to ferrous and non-ferrous metals.
- (v) These topographical conditions combine to create a situation, which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

Exhibit B

TITLE 15 BUILDINGS AND CONSTRUCTION

Chapters:

- 15.04 Codes Adopted by Reference**
- 15.08 Building Code**
- 15.10 Residential Code**
- 15.12 Abatement of Dangerous Buildings Code**
- 15.16 Electrical Code**
- 15.20 Fire Code**
- 15.24 Housing Code**
- 15.28 Mechanical Code**
- 15.32 Plumbing Code**
- 15.36 Green Building Standards Code**
- 15.40 Moving of Structures**
- 15.52 Permit Issuance Requirements**
- 15.56 Alternate Procedures for the Abatement of Dangerous and Unsafe Buildings**
- 15.60 Fee Schedule**
- 15.64 Flood Damage Prevention**
- 15.68 Job Site Recycling**
- 15.72 Development Agreements**
- 15.76 Facility Fees for Development Projects**
- 15.80 School Facilities Fees for Development Projects**
- 15.84 Historical Building Code**
- 15.86 Existing Building Code**
- 15.88 Administrative Code**
- 15.90 Drainage Impact Fee**
- 15.92 Energy Code**
- 15.96 Referenced Standards Code**

Chapter 15.04

CODES ADOPTED BY REFERENCE

Sections:

15.04.010 Model codes adopted by reference.

15.04.010 Model codes adopted by reference.

Pursuant to Section 50022.2 of the California Government Code, the following codes are adopted by reference, including the appendices and amendments listed in this chapter, save and except such portions as are deleted, modified or amended by this title.

A. The 2025 California Building Code contained in Part 2, Volumes 1 and 2 of Title 24 of the California Code of Regulations, which incorporates the 2024 Edition of the International Building Code published by the International Code Council, is hereby adopted by reference as the Building Code of the City of Winters.

B. The 2025 California Residential Code contained in Part 2.5 of Title 24 of the California Code of Regulations, which incorporates and amends the 2024 Edition of the International Residential Code published by the International Code Council, is hereby adopted by reference as the Residential Code of the City of Winters.

C. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as adopted and published by the International Conference of Building Officials; is hereby adopted by reference as the Abatement of Dangerous Buildings Code of the City of Winters.

D. The 2025 California Electrical Code, contained in Part 3 of Title 24 of the California Code of Regulations, which incorporates the 2023 Edition of the National Electric Code, published by the National Fire Protection Association, is hereby adopted by reference as the Electrical Code of the City of Winters.

E. The 2025 California Fire Code, contained in Part 9 of Title 24 of the California Code of Regulations, which incorporates the 2024 International Fire Code as published by the International Code Council, the 2025 National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, and the 2025 National Fire Protection Association 72 National Fire Alarm and Signaling Code, together with all appendices and tables, is hereby adopted by reference as the Fire Code of the City of Winters, save and except such portions as are deleted, modified or amended by Section 15.20.30.

F. The 1997 Uniform Housing Code, as published by the International Conference of Building Officials, is hereby adopted by reference as the Housing Code of the City of Winters.

G. The 2025 California Mechanical Code contained in Part 4 of Title 24 of the California Code of Regulations, which incorporates the 2024 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference as the Mechanical Code of the City of Winters.

H. The 2025 California Plumbing Code contained in Part 5 of Title 24 of the California Code of Regulations, which incorporates the 2024 Edition of the Plumbing Code published by the International Association of Plumbing and Mechanical Officials, is hereby adopted as the Plumbing Code of the City of Winters.

I. The 2025 California Green Building Standards contained in Part 11 of Title 24 of the California Code of Regulations, is hereby adopted as the Green Building Standards Code of the City of Winters.

J. The 2025 California Historical Building Code; contained in Part 8 of Title 24 of the California Code of Regulations, is hereby adopted as the Historical Building Code of the City of Winters.

K. The 2025 California Existing Building Code, contained in Part 10 of Title 24 of the California Code of Regulations is hereby adopted as the Existing Building Code of the City of Winters.

L. The 2025 California Administrative Code, contained in Part 1 of Title 24 of the California Code of Regulations, is hereby adopted as the Administrative Code of the City of Winters.

M. The 2025 California Energy Code, contained in Part 6 of Title 24 of the California Code of Regulations, is hereby adopted as the Energy Code of the City of Winters.

N. The 2025 California Referenced Standards Code, contained in Part 12 of Title 24 of the California Code of Regulations is hereby adopted as the Referenced Standards Code of the City of Winters.

Chapter 15.08

BUILDING CODE

Sections:

- 15.08.010 Adoption by reference.
- 15.08.020 Amendments to California Building Code
- 15.08.030 Reference to officials in adoption.
- 15.08.040 Misrepresentation in permit application.
- 15.08.050 Building permit fees.
- 15.08.060 Disconnection of utility service.
- 15.08.070 Additional plan check fees.
- 15.08.080 Additional requirements for issuance of building permits.
- 15.08.090 Capital acquisition recovery fee (CARF).

15.08.010 Adoption by reference.

See Section 15.04.010(A) adopting by reference the 2025 California Building Code.

15.08.020 Amendments to California Building Code.

The provisions of this section shall constitute local amendments to the cross-referenced provisions of the 2025 California Building Code, and shall be deemed to replace the cross-referenced section in said Code with the respective provisions set forth in this section.

A. Section 105.3 is amended by adding Item 8 at the end of the text of that section to read as follows:

8. Provide a list of the subcontractors whose services are required and will be part of the prime contract. The applicant, who shall be the owner of the improvements for which the permit is to be issued or the general contractor who has assumed the prime contract shall be responsible for the fees for all permits required for the completion of improvements for which the building permit applied for is to be issued. None of the foregoing shall be construed to prevent subcontractors from applying for and receiving permits upon payment of fees in accordance with other applicable ordinances.

15.08.030 Reference to officials in adoption.

In the codes adopted by reference in this title, reference to “city” means the City of Winters; to “state” means the state of California; to “building official” means the building official of the City of Winters or his or her designee, and “department” means the Building Division of the City of Winters.

15.08.040 Misrepresentation in permit application.

No person shall make false statement or misrepresentation in or in connection with an application for a permit under this title. Any permit issued under this title may be revoked or suspended at any time by the building inspector for fraud, misrepresentation or false statement contained in an application for a permit, or for violations of this title in connection with work done under the permit.

15.08.050 Building permit fees.

All permit fees required pursuant to this title shall be paid in the amount established and set forth in Chapter 15.60, entitled 'Fee Schedule' established by resolution of the city council.

15.08.060 Disconnection of utility service.

The building inspector may order or shut off or disconnect any or all utility service to any structure of facility or to any electrical conductor or apparatus which is found to be in violation of any state or county law or regulation relating thereto or to the public health, safety or welfare. If a violation involves an immediate danger to a person(s) or to other properties or to the public health, safety or welfare, the building inspector may have the action taken as quickly as determined necessary by the danger; otherwise ten (10) days advance notice will be given by mail to the utility and the owner of the property as shown in the last assessment roll and by conspicuously posting notice of the order and the actions taken, which no person shall remove, tamper with or disobey. Such action will be modified when it becomes proper to do so in view of the danger or violation.

15.08.070 Additional plan check fees.

For a plan check conducted by a consultant retained by the city, the city shall collect a plan check fee equal to one hundred (100) percent of the city's cost for the consultant, plus twenty (20) percent to reimburse the city for the cost of obtaining the consultant. For a plan check resubmission, the city shall collect a plan check fee equal to the actual cost for plan check review using the building inspector's full hourly reimbursable rate with a one-half hour minimum.

15.08.080 Additional requirements for issuance of building permits.

A. Completion of Infrastructure. No building permit shall be issued for any structure unless all on-site and off-site public improvements which are required by any ordinance, law, or regulation of the city or the state of California, or by the conditions of approval on any map or permit tentatively or finally approved by the city are completed to the satisfaction of the city council, upon recommendation of the community development director.

B. Model Homes Exception. Notwithstanding subsection A of this section, building permits may be issued for model homes, provided that a model home is defined as a home built for purposes of displaying the types of homes to be constructed in a subdivision which has been either tentatively approved or final approval by means of a map pursuant to the Subdivision Map Act, and no more than one model for each type of home to be constructed shall be issued a building permit, and no more than a maximum of seven building permits shall be issued for any such subdivision, and provided, further, that no building permit shall be issued for a model home, for emergency vehicles, by means of an all-weather surface road, and/or a public right-of-way acceptable to the city engineer, shall have been provided, and fire suppression facilities, to the satisfaction of the city engineer in consultation with the Winters fire department, shall have been provided.

C. Cessation of Inspection. At all times prior to issuance of a certificate of occupancy, the person to whom a building permit has been issued shall keep the street, right-of-way, and areas surrounding the structure clean and free of debris to the satisfaction of the community development director of the city or designee or if not so kept, the community development director or designee shall not conduct inspections requested by the permit holder.

D. Violation—Penalty. Any person who violates or fails to comply with any of the provisions of this section, or who violates or fails to comply with any order or regulation made thereunder, shall be guilty of a misdemeanor. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified in any citation or notice of violation, each day, or portion thereof, that such violations or defects continue shall constitute a separate offense. Fines and punishments for misdemeanors may be issued pursuant to Chapter 1.16.

15.08.090 Capital acquisition recovery fee (CARF).

A. A capital acquisition recovery fee shall be collected when a building permit is issued based on a schedule established by resolution of the city council.

B. Building permit fees shall be collected according to the building valuation schedule established by resolution of the city council. The plan check fee will be sixty-five (65) percent of building permit fee.

Reinspections. A reinspection fee shall be assessed for each reinspection. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee set forth in the schedule of fees established by resolution of the city council.

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

Chapter 15.10

RESIDENTIAL CODE

15.10.010 Adoption by Reference

15.10.010 Adopting by reference

See Section 15.04.010(B) adopting by reference the 2025 Edition of the California Residential Code.

Chapter 15.12

ABATEMENT OF DANGEROUS BUILDINGS CODE

Sections:

15.12.010 Adoption.

15.12.010 Adoption.

See Section 15.04.010(C) adopting by reference the 1997 Uniform Code for Abatement of Dangerous Buildings.

Chapter 15.16

ELECTRICAL CODE

Sections:

- 15.16.010 Adoption by reference.
- 15.16.020 Amendments to California Electrical Code.
- 15.16.030 Electrical permit—Applicant qualifications.

15.16.010 Adoption by reference.

See Section 15.04.010(D) adopting by reference the 2025 California Electrical Code.

15.16.020 Amendments to California Electrical Code.

The provisions of this section shall constitute local amendments to the cross-referenced provisions of the 2025 California Electrical Code and shall be deemed to replace the cross-referenced section in said code with the respective provisions set forth in this section.

A. Section 89.108.4.2 is amended by adding, at the end of the text of that section, a new paragraph to read as follows:

Permit fees for each permit shall be as set forth by resolution by the Winters City Council except for permits issued covering work performed on buildings or structures owned, leased, or operated by any city, county, state, federal government agency, or any public agency or district.

15.16.030 Electrical permit—Applicant qualifications.

No permit shall be issued to any person to do or cause to be done any electrical work regulated by this chapter unless such applicant pays the electrical permit fee and qualifies under one of the following:

A. Applicant possesses a valid unexpired and unrevoked license issued under the applicable provisions of the California Business and Professions Code.

B. Applicant is the bona fide owner of premises which consist of a single-family dwelling, duplex, or single unit in a condominium complex, and all accessory buildings thereto; provided, that the owner or an immediate family member shall perform all labor pursuant to the permit.

Chapter 15.20

FIRE CODE

Sections:

- 15.20.010 Adoption by reference.
- 15.20.020 Enforcement.
- 15.20.030 Amendments to California Fire Code.
- 15.20.040 Appeals.
- 15.20.050 Fees.

15.20.010 Adoption by reference.

See Section 15.04.010(E) adopting by reference the 2025 California Fire Code, contained in Part 9 of Title 24 of the California Code of Regulations, based on the 2024 International Fire Code as published by the International Code Council, the 2025 National Fire Protection Association 13 Standard for the Installation of Sprinkler Systems, and the 2025 National Fire Protection Association 72 National Fire Alarm and Signaling Code, together with all appendices and tables, save and except such portions as are deleted, modified or amended by Section 15.20.30.

15.20.020 Enforcement.

A. The California Fire Code, as adopted and amended herein, shall be enforced by the City of Winters Fire Prevention Division, which is hereby established, and which shall be operated under the supervision of the Fire Code Official.

B. The Fire Department referred to herein and in the codes adopted pursuant to this chapter shall be the Winters Fire Department, and the Fire Chief or Fire Code Official referred to herein and in the codes adopted pursuant to this chapter shall be the Fire Chief of the Fire Department, or his or her designee.

15.20.030 Amendments to California Fire Code.

The California Fire Code, as described above and adopted by reference in Section 15.20.010, is hereby amended, modified and revised as set forth in this chapter.

A. Section 108.2 is amended to read as follows:

[A] 108.2 Fees for Plan Checking, Inspection, Permits. The City Council may, by resolution, establish a schedule of fees to be charged and collected for plan checking, inspection services, and for the issuance of permits. A copy of the fee schedule shall be kept in the Office of the Building Division and available for public inspection.

B. Section 507.5.4 is amended by adding the following language to the end of the text of that section to read as follows:

Where hydrants and Fire Department connections are located along any access ways where curbs exist, such curbs shall be painted red to prohibit parking for a distance of five feet (5') in either direction

from any such hydrant and Fire Department connections. In such case where curbs do not exist, there shall be appropriate markings painted on the pavement, or signs erected, or both, giving notice that parking is prohibited five feet (5') from any such hydrant and Fire Department connections. When such areas have signage or are marked as provided herein, no person shall park or leave standing a vehicle within five feet (5') of any such fire hydrant or Fire Department connections.

- C. Section 1103.5 is amended to read:

1103.5 Sprinkler Systems

An automatic fire sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.4.

Any addition, alteration, or remodel which causes the total square footage to exceed the allowable floor area per Table 903.2 by more than 50%, shall require the entire building be protected by an automatic sprinkler system installed in accordance with Sections 903.3.1 through 903.3.8.

Exception: Group R-3 Occupancy

Existing buildings which undergo a change in use, character, or occupancy classification shall require the entire building be protected by an automatic sprinkler system installed in accordance with Section 903.3 when the area of the building exceeds the allowable square footage in Table 903.2.

For Group R-3 occupancies, additions, alterations, or remodels that increase the existing floor area by more than 50% shall require the entire building to be protected by an automatic sprinkler system.

An automatic sprinkler system shall be installed in existing Group R-3 occupancies throughout the building where due to additions, alterations or remodels the accumulative total square footage exceeds 4,000 square feet, or when the total square footage of the increases exceed 50% of the original building.

- D. Section 903.2 is amended to read as follows:

903.2 Where Required.

Approved automatic sprinkler systems shall be installed in new buildings and structures as set forth in Section 903.2 on the basis of occupancy classification, type of construction and square footage as specified in Table 903.2 as added hereto:

Table 903.2

Summary of Automatic Sprinkler Requirements

Type Of Construction

Occupancy	Total Square Footage of Floor Area				
	I	II	III	IV	V
A-1	4,000	4,000	4,000	4,000	4,000
A-2	4,000	4,000	4,000	4,000	4,000
A-3	4,000	4,000	4,000	4,000	4,000
A-4	4,000	4,000	4,000	4,000	4,000
B	4,000	4,000	4,000	4,000	4,000
E-private	4,000	4,000	4,000	4,000	4,000
E- Daycare	4,000	4,000	4,000	4,000	4,000
F-1	4,000	4,000	4,000	4,000	4,000
F-2	4,000	4,000	4,000	4,000	4,000
M	4,000	4,000	4,000	4,000	4,000
S-1	4,000	4,000	4,000	4,000	4,000
S-2	4,000	4,000	4,000	4,000	4,000
U	4,000	4,000	4,000	4,000	4,000

The floor areas set forth in Table 903.2 shall be the total floor area of buildings or structures respective of area separation walls.

E. Section 903.2.8.1 is amended to read as follows:

903.2.8.1 Group R-3. Calculation of the total floor area of Group R-3 occupancies shall include unfinished areas having a clearance height of seven feet (7') or greater at any single point. Unfinished areas may utilize California Building Code Section 1208.2, Exception 2 to determine floor areas to be included in the overall floor area calculation.

Exceptions:

1. Systems which are required to mitigate deficiencies shall be installed in accordance with requirements as deemed necessary by the fire code official.
2. In Group R-3 occupancies, the floor area of an attached garage shall be included in the square footage calculation to determinate the total floor area of the occupancy. Attached garages are required to be protected by an automatic sprinkler system when installed in the structure.

- F. Section 903.2.1 is amended to read as follows:

Section 903.2.1 Group A

An automatic sprinkler system shall be provided throughout buildings containing a Group A occupancy as provided in this section.

- G. Section 903.2.1.1 is amended to read as follows:

Section 903.2.1.1 Group A-1

An automatic sprinkler system shall be provided for Group A-1 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

- H. Section 903.2.1.2 is amended to read as follows:

Section 903.2.1.2 Group A-2

An automatic sprinkler system shall be provided for Group A-2 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

- I. Section 903.2.1.3 is amended to read as follows:

Section 903.2.1.3 Group A-3

An automatic sprinkler system shall be provided for Group A-3 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

- J. Section 903.2.1.4 is amended to read as follows:

Section 903.2.1.4 Group A-4

An automatic sprinkler system shall be provided for Group A-4 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

- K. Section 903.2.3 is amended to read as follows:

Section 903.2.3 Group E

An automatic sprinkler system shall be provided for Group E occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

- L. Section 903.2.4 is amended to read as follows:

Section 903.2.4 Group F-1

An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds the square footage based on type of construction in Table 903.2.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

M. Section 903.2.7 is amended to read as follows:

903.2.7 Group M

An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds the square footage based on type of construction in Table 903.2.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).
5. [SFM] The structure exceeds 24,000 square feet (465 m²), contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

- N. Section 903.2.9 is amended to read as follows:

Section 903.2.9 Group S-1

An automatic sprinkler system shall be provided throughout buildings containing a Group S-1 occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

- O. Section 903.2.9.1 is amended to read as follows:

903.2.9.1 Repair Garages:

An automatic sprinkler system shall be provided throughout buildings where the Group S-1 fire area used as a repair garage exceeds the square footage based on type of construction in Table 903.2.

- P. Section 903.2.9.10 is amended to read as follows:

Section 903.2.10 Group S-2 Enclosed Parking Garages

An automatic fire sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy where the fire area exceeds the square footage based on the type of construction in Table 903.2 and in any building where an enclosed parking garage is located below other occupancy classifications in Table 903.2.

- Q. Section 903.2.11.3 is amended to read as follows:

Section 903.2.11.3 Buildings 35 feet or More in Height.

Buildings three stories or more than 35 feet in height. An automatic sprinkler system shall be installed in all occupancies regardless of type of construction, floor area, or occupant load if the building is three or more stories or more than 35 feet in height measured in accordance with California Building Code.

15.20.040 Appeals.

Whenever a permit application is disapproved or refused, or when it is claimed that the provisions of the California Fire Code or National Fire Protection Association 13 or 72 do not apply or the true intent and meaning of the California Fire Code and National Fire Protection Association or have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Winters Fire Department to the city council within thirty (30) days from the date of the decision appealed.

15.20.050 Fees.

Fire permit fees shall be collected according to a schedule established by resolution of the city council.

Chapter 15.24

HOUSING CODE

Sections:

15.24.010 Adoption by reference.

15.24.010 Adoption by reference.

See Section 15.04.010(F) adopting by reference the 1997 Uniform Housing Code.

Chapter 15.28

MECHANICAL CODE

Sections:

15.28.010 Adoption by reference.

15.28.010 Adoption by reference.

See Section 15.04.010(G) adopting by reference the 2025 California Mechanical Code, California Code of Regulations.

Chapter 15.32

PLUMBING CODE

Sections:

- 15.32.010 Adoption by reference.
- 15.32.020 Permit—Applicant qualification.
- 15.32.030 Water service requirements.
- 15.32.040 Water pipe insulation requirements.
- 15.32.050 Water conservation.
- 15.32.060 City building inspector.

15.32.010 Adoption by reference.

See Section 15.04.010(H) adopting by reference the 2025 California Plumbing Code.

15.32.020 Permit—Applicant qualification.

No permit shall be issued to any person to do or cause to be done any plumbing work regulated by this chapter unless such applicant qualifies under one of the following:

A. Applicant possesses a valid unexpired and unrevoked license issued to applicant under the applicable provisions of the Business and Professions Code of the state.

B. Applicant is the bona fide owner of the premises which premises consists of a single-family dwelling, duplex, or single unit in a condominium complex, and all accessory buildings thereto; provided, that the owner or a member of the owner's immediate family shall perform all labor pursuant to the permit.

15.32.030 Water service requirements.

Water meters shall be in place at time of final inspection in all connections to city service. Reduced pressure principle backflow prevention assembly (RP valves) shall be in place at time of final inspection. RP valves do not take the place of backflow devices on ground sprinkler system or hose bibs.

15.32.040 Water pipe insulation requirements.

Water pipes located in a garage, attic, or other unconditioned space shall be insulated for all occupancy structures.

15.32.050 Water conservation.

All plumbing fixtures shall meet state requirements for water conservation. Water closets shall be installed in accordance to state law, unless otherwise approved by the city building inspector.

15.32.060 City building inspector.

Whenever the 2025 California Plumbing Code refers to the administrative authority, the administrative authority of the city shall be the building inspector of the city.

Chapter 15.36

GREEN BUILDING STANDARDS CODE

Sections:

15.36.010 Adoption as Referenced

15.36.010 Adoption.

See Section 15.04.010(I) adopting by reference the 2025 Edition of the California Green Building Standards .

Chapter 15.40

MOVING OF STRUCTURES

Sections:

- 15.40.010 Permit—Required.
- 15.40.020 Initial inspection fee.
- 15.40.030 Permit—Application—Form, contents and fee.
- 15.40.040 Permit—Application—Action.
- 15.40.050 Permit—Repeat applications.
- 15.40.060 Time for completing alterations and improvements.
- 15.40.070 Nuisance declaration—Abatement.
- 15.40.080 Street improvements.
- 15.40.090 Requirements for house movers.

15.40.010 Permit—Required.

It is unlawful for any person, firm or corporation to move, or cause to be moved, any structure upon any lot, piece of parcel or land located within the city, without first having obtained a permit as provided in this chapter.

15.40.020 Initial inspection fee.

Prior to making an application for a permit pursuant to the provisions of this chapter, any person may, upon payment of the initial inspection fee hereinafter prescribed, have inspection made by the building inspector of the structure to be moved and written report prepared listing the alterations, if any, which will be required in the structure. The initial inspection fee shall be nonrefundable. Initial inspection fee shall be established by council resolution.

15.40.030 Permit—Application—Form, contents and fee.

Every application for a permit to move a structure shall be:

- A. Made on forms provided by the building inspector;
- B. Accompanied by plans and specifications in such detail as the building inspector may require; indicating thereon the location of the property upon which the structure is to be moved, the exact location on that property to be occupied by the structure to be moved, and any additions to be constructed, the alterations and remodeling to be done to the structure and the estimated cost thereof, and the site improvements planned for the property and their estimated costs.

15.40.040 Permit—Application—Action.

Every application for a permit to move a structure shall be processed as follows:

- A. The community development director shall determine whether the proposed move will conform to existing zoning regulations.
- B. The building inspector shall inspect the structure for conformance to the building, housing, plumbing and electrical codes of the city, and determine what repairs, alterations or remodeling will be required to make the structure conform to all requirements of the aforementioned codes.

C. The building inspector shall examine the parcel, lot or building site upon which the structure is to be moved and determine what public improvements such as concrete curb and gutter, sidewalk and street trees are required to conform to the city codes, ordinance and regulations and what site improvements such as driveways, walkways, retaining walls, etc., are required to serve the structure.

D. The building inspector shall then examine the plans and specifications submitted with the application to determine whether the building, when completed in accordance with the plans and specifications, will conform to all applicable ordinances, rules and regulations.

E. The building inspector shall determine the reasonable cost of placing and completing the building in its new location, excluding costs of moving, but including costs of new foundations and all necessary improvements on or off the site. Security shall be one and one-half times the estimated costs in the form of cash equivalent instrument of credit or performance bond in a form acceptable to city attorney's office shall be required approval.

F. The applicant, or agent, must furnish written evidence to the building inspector that the police chief has approved the moving route to be followed and that there has been compliance with the reasonable requirements of the affected public utility companies as required by Section 15.40.030.

G. If there is any defect in the application or in the accompanying plans and specifications, the applicant shall have thirty (30) days written notice from the building inspector within which to remedy the defects. If the defects are not remedied within the thirty (30) days, the building inspector shall deny the application and shall so inform the applicant in writing. Thereafter, should the applicant desire to revive the application, he or she shall pay another application fee established by council resolution.

H. Upon finding that the applicant has complied with all applicable codes, ordinances, rules and regulations, the building inspector shall then cause the application to be set for public hearing for a site plan review before the planning commission, with notice to be given to the public.

I. The applicant shall, after approval of his plans and specifications, post with the community development director a security. Security shall be one and one-half times the estimated costs in the form of cash equivalent instrument of credit or performance bond in a form acceptable to city attorney's office shall be required approval, the security to be written by a surety company licensed to do business in the state. The security shall name the city as obligee and the condition of the security shall be that the holder of the permit will place and complete the building and construct the site improvements according to the approved plans and specifications and within the time limits specified in this chapter.

15.40.050 Permit—Repeat applications.

No application for a permit to move a structure may be filed with the community development director within a period of one year after a previous application to move the same structure onto the same parcel of land or onto any parcel of land within three thousand (3,000) feet of the desired new location for which the structure had been denied.

15.40.060 Time for completing alterations and improvements.

In order to prevent moved structures from remaining incomplete for indefinite periods of time, the following time schedule shall apply to the moving of structures:

A. All required structures and site, as shown on the approved plans and specifications necessary to remove the structure from the original site and install on the foundation at the new site, shall be completed within ninety (90) days after issuance of the permit.

B. This time may be extended by the community development director upon submission of written proof by the holder of the permit that conditions beyond the persons control make it impossible to complete the required alterations and improvements within the first ninety (90) days.

C. Should the permittee be unable to complete the required alterations and improvements within the allowed time, permittee may make written application to the community development director for an extension of time, setting forth in the application the reasons why the additional time is needed. The building inspector may grant such time extension as justified by the circumstances, or it may deny the application. Performance security must be provided for any extension pursuant to subsection E.

D. Where the holder of a permit moves a structure and fails to complete the required alterations and improvements within ninety (90) days or any extension thereof, the community development director shall, with the advice and assistance of the city attorney, take such action against the principal and surety on the performance bond as is necessary to accomplish completion of the required alterations and improvements.

E. If the holder of the permit and the surety have failed to place and complete the building and construction site improvements according to the approved plans and specifications within one year of the date of issuance of the permit, the community development director may summarily abate the structure by completion according to the plans or by demolition, upon at least ten (10) days' notice of such intention to the holder of the permit and the surety, absent substantial action by the holder of the permit and the surety to place and complete the removal of the structure. The cost of the completion or demolition by the community development director shall be a charge upon the holder of the permit and the surety.

15.40.070 Nuisance declaration—Abatement.

Every violation of this chapter is a public nuisance. To abate the public nuisance, the city may take an action provided for in Title 19 of this code. In addition, the community development director may, upon a finding that the condition of any moved structure is a present and imminent menace to public safety, take such measures as are necessary to protect life and limb, without notice to any person and without further process. The cost of performing such measures shall be a charge upon the holder of the permit and a lien upon the building and property.

15.40.080 Street improvements.

All properties upon which structures are to be moved must have concrete curb and gutter and concrete sidewalk along the street frontages of the property, or such curb, gutter and sidewalk must be shown on the approved plan and specifications and constructed along with other site

improvements as specified in this chapter and meet the standards and specifications as set by the engineering department.

15.40.090 Requirements for house movers.

Structures may be moved on city streets only by owners of their own use or by duly licensed housing moving contractors. In any event, no person, firm or corporation shall move any structure along the streets of the city without complying with the following requirements:

A. Every mover must have on file with the community development department a valid, current performance bond, issued by a surety company licensed to do business in California, naming as obliges, the city and all persons, in the principal amount of one hundred thousand dollars (\$100,000.00), the conditions of which bond shall be as follows:

1. Every mover will comply with all applicable laws and ordinances;
2. That the mover will pay any and all damages which may result from any structure moving done by him or her, agents, employees or workmen, in the city, to any house, building, fence, tree, pavement, sidewalk, curb, gutter, utility pole, fire hydrant, traffic signal, traffic sign, or any other appurtenance in, on or under any street right-of-way, whether such facility is owned by the city, a private person or by some privately owned public utility using the streets by virtue of a franchise;
3. That the mover will save, indemnify and keep harmless the city against all liabilities, judgments, costs and expenses, which may in any way accrue against the city in consequence of such structure moving.

B. The mover must have a current valid business license with the city.

C. No structure being moved in or through the city shall be permitted to stand on any street between the same intersecting streets for a longer period than three days.

D. Notice of the route to be followed must be given to the police chief at least two weeks in advance prior to the intended movement of any structure in or through the city. Upon approval of the route to be followed, the police chief shall issue written approval of the route. Every person, firm or corporation moving a structure in or through the city shall have in his or her possession the written approval of the police chief. The police department shall be able to recover fees from the mover for the review of the request, assignment of department staff, and all other necessary tasks required as a result of the requested move.

E. Should the moving of any structure described herein require interference with any public utility structure, the applicant shall, after obtaining the written approval of the police chief as to the route to be followed, notify any and all public utilities involved of the tentative time of such moving and the estimated load height of the structure and moving equipment. Applicant shall indemnify a public utility against any and all damages or charges that are a direct and proximate result of the moving of any structure described herein. Applicant shall bear the cost and indemnify a public utility for any and all reasonable claims or charges that are a direct and proximate result

of necessary measures required to protect utility structures from damages that may reasonably result from the moving of structures as herein described.

Chapter 15.52

PERMIT ISSUANCE REQUIREMENTS

Sections:

- 15.52.010 Contractors license/workers' compensation.
- 15.52.020 Owner/builder/unlicensed persons limitations—Exceptions.
- 15.52.030 Nontransferable.

15.52.010 Contractors license/workers' compensation.

A. Every developer, contractor, sub-contractor, or other person(s) as required by Chapter 9, beginning with Section 7000 of the California Business and Professions Code, shall maintain in good standing, a valid contractor's license, specific to the work to which person(s) is licensed for, and current, in good standing, workers' compensation policy on file with the city community development department, prior to issuance of a building permit, on all construction work for which a permit is required. Such license and policy shall be maintained throughout the performance of the work for which the building permit is issued. The city requires all general and subcontractors to have a business license.

B. Failure to comply with this section shall constitute a violation of this code, subject to all penalties contained therein. In addition, the building inspector shall, upon an inspection request, deny such request to that portion of work, which was performed by such person(s) who is in violation of this section.

The building inspector may not do subsequent inspection requests as long as such violation exists, unless the building inspector has determined that the permit holder has re-established such license and/or policy and is in full compliance with this section. The city requires all general and subcontractors to have business licenses.

15.52.020 Owner/builder/unlicensed persons limitations—Exceptions.

A. No permit shall be issued to any person to do any plumbing, drainage, mechanical, electrical, framing, structural, grading or demolition work regulated by this chapter, or any other work for which state law or this code requires a license, unless such person shall have a valid license to perform such work obtained pursuant to the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code.

B. This chapter does not apply to any of the following:

1. An owner of property, building or improving structures thereon, or appurtenances thereto, who does the work themselves or through their own employees with wages as their sole compensation, provided none of the structures, with or without the appurtenances thereto, are intended or offered for sale;
2. An owner of property, building or improving structures thereon, or appurtenances thereto, who contracts for such a project with a subcontractor(s) licensed pursuant to this chapter. However, this exemption shall apply to the construction of single-family residential structures only if four or fewer of these structures are intended or offered for

sale in a calendar year. This limitation shall not apply if the owner of property contracts with a general contractor for the construction;

3. A homeowner improving their principal place of residence or appurtenances thereto, provided that all of the following conditions exist.

a. The homeowner has actually resided in the residence for at least twelve (12) months prior to completion of the work,

b. The homeowner has not availed themselves of the exemption in this subdivision on more than two structures more than once during any three-year period;

4. Prior to issuing a permit to a person who is exempted from the application of Chapter 9 by Sections 7044 or 7048 of the Business and Professions Code. The person shall furnish proof of the facts, which entitle the person to the exemption;

5. Additionally, no permit shall be issued to any person required by this title of this code to have a business license, and/or to pay a contractor's license tax, until such license is obtained, and tax paid.

15.52.030 Nontransferable.

Any permit issued pursuant to any chapter in this title shall not be transferable to any person, business, or corporation.

Chapter 15.56

ALTERNATE PROCEDURES FOR THE ABATEMENT OF DANGEROUS AND UNSAFE BUILDINGS

Sections:

- 15.56.010 Declaration of nuisance.
- 15.56.020 Abatement procedure—Resolution of intention.
- 15.56.030 Abatement procedure—Repair or removal.
- 15.56.040 Abatement procedure—Notice of hearing.
- 15.56.050 Notice and resolution—Posting and serving.
- 15.56.060 Posting and serving procedure.
- 15.56.070 Hearing—Action by council.
- 15.56.080 Abatement resolution—Service upon owner.
- 15.56.090 Abatement—Report of costs.

15.56.010 Declaration of nuisance.

All buildings or structures which are structurally unsafe, or are partially destroyed by fire, or are dilapidated from old age, neglect, decay or other causes within the city which buildings constitute a fire menace or are dangerous to human life, or a likely resort for vagrant or dissolute person, may be declared a nuisance by the city council and thereafter abated as provided in this chapter.

15.56.020 Abatement procedure—Resolution of intention.

A. Whenever any such building or buildings, structure or structures as described in Section 15.56.010 exist or are permitted upon any property within the city the city council may by resolution declare the same to be a public nuisance. Such resolution shall declare the intention of the city council to commence abatement proceedings in this chapter, and shall refer to the street by the name under which it is officially or commonly known and described the property upon which such nuisance exists by giving the lot and block number thereof. No other description of such property shall be required.

B. The city clerk shall forward a certified copy of the resolution to the county recorder of Yolo County for recordation.

15.56.030 Abatement procedure—Repair or removal.

All buildings or structure declared to be public nuisances and ordered to be abated, shall be abated by repair, rehabilitation, demolition or removal.

15.56.040 Abatement procedure—Notice of hearing.

After the passage of the resolution described in Section 15.56.020, the city manager shall cause to be conspicuously posted on the building or buildings, structure or structures which are declared to be a public nuisance, a copy of the resolution of intention of the city council, which notices shall be titled: "NOTICE OF HEARING" in the following form:

NOTICE OF HEARING TO ABATE BUILDING OR STRUCTURE BY
REMOVAL OR REPAIR

Notice is hereby given that on the day of _____ 20__, the City Council of the City of Winters passed a resolution declaring that the certain unsafe or dilapidated building(s) or structure(s), consisting of _____, located or standing upon that certain lot, piece or parcel of land, situated in the City of Winters, County of Yolo, State of California, known and designated as Number _____ Street, in said City and more particularly described as Lot No. _____, Block No. _____, in said City of Winters, and that the same constitutes a public nuisance and must be abated by the removal or repair of said unsafe or dilapidated building(s) or structure(s), otherwise the same will be removed or repaired and the nuisance will be abated by the municipal authorities of the City of Winters, in which are the cost of such removal or repair shall be assessed upon the lots and land on which said unsafe or dilapidated building(s) or structures(s) is or are removed or repaired, and such cost will constitute a lien upon such lots or land until paid. Reference is hereby made to said resolution for further particulars.

All person having any objection to, or interest in the proposed removal or repair of such unsafe or dilapidated building(s) or structure(s) are hereby notified to attend a meeting of the City Council of the City of Winters at the hour of ____ m. of said day, when their objections will be heard and given due consideration.

Dated this ____ day of _____ 20__.

City Manager

15.56.050 Notice and resolution—Posting and serving.

The building inspector shall cause to be served upon the owner of each building or structure sought to be removed or repaired one copy of the notice and a copy of the resolution of intention of the city council in accordance with the provisions of this section.

Such notices and resolutions must be posted and served as aforesaid at least twenty (20) days before the time fixed for the hearing before the city council. Proof of posting and service of such notices and resolutions shall be made by affidavit, which shall be filed with the city clerk.

15.56.060 Posting and serving procedure.

Proper service of such notice and resolution shall be by personal service upon the person owning the property as such person's name and address appears on the last equalized assessment roll, if the person is found within the city limits, or if person is not to be found within the city limits, by depositing a copy of the notice and resolution in the U.S. Post Office, properly enclosed in a sealed envelope and with the postage thereon fully prepaid. Such mail shall be registered or certified and

addressed to the owner at the last known address of the owner, or if not known, at Winters, California. The service is complete at the time of deposit.

15.56.070 Hearing—Action by council.

At the time stated in the notices, the city council shall hear and consider all objections or protests, if any, shall receive testimony from owners, witnesses and parties interested relative to the proposed removal or repair of unsafe or dilapidated buildings or structures, and may continue the hearing from time to time. Upon the conclusion of such hearing, the city council shall allow or overrule any and all of such objections. If the city council finds that good and sufficient cause does not exist why such building(s) or structure(s) should not be removed or repaired, the city council may by resolution order the building inspector to abate such nuisance after a period of thirty (30) days, by having the unsafe or dilapidated building(s) or structures(s) removed or repaired. The building inspector or representatives are expressly authorized to enter upon private property for that purpose.

15.56.080 Abatement resolution—Service upon owner.

A copy of the resolution ordering the city manager to abate such nuisance after thirty (30) days shall be served upon the owner of such property in accordance with the provisions of Section 15.56.060. Any property owner shall have the right to have any such unsafe or dilapidated building(s) or structure(s) removed or repaired at owners own expense, provided the same is done prior to the expiration of the thirty (30) days. Under extenuating circumstances, the council may grant additional time for removal or repair.

15.56.090 Abatement—Report of costs.

A. The building inspector shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work has been done, and shall render an itemized report in writing to the city council showing the cost of repairing, rehabilitating, demolishing or removing such buildings or structures, including any salvage value of such buildings or structures and incidental expenses, on each separate lot or parcel of land. Before the report is submitted to the city council, a copy of the same shall be posted for at least five days upon the property upon which such unsafe or dilapidated buildings or structures were situated, together with a notice of the time when the report is to be submitted to the city council for confirmation. A copy of the report and notice shall be served upon the owner of the property, in accordance with the provisions of Section 5.56.060 at least five days prior to submitting the same to the council. Proof of the posting and service shall be made by affidavit and filed with the city clerk.

B. The term “incidental expenses” shall include, but not be limited to, the expenses and costs of the city in the preparation of notices, specifications and contracts, in inspecting the work, and in the printing and mailing required under this chapter.

Chapter 15.60

FEE SCHEDULE

Sections:

15.60.010	Building permit fees.
15.60.020	Plan check fees.
15.60.030	Energy conservation surcharge.
15.60.040	Investigation fee for work without permit.
15.60.050	Special service fees.
15.60.060	Relocation permit fees.
15.60.070	Wrecking or demolition permit.
15.60.080	Mechanical code fees.
15.60.090	Electrical code fees.
15.60.100	Plumbing code fees.
15.60.110	Miscellaneous fees.
15.60.120	Grading permit fees.
15.60.130	Refunds.
15.60.150	Liability.
15.60.160	Interpretation.

15.60.010 Building permit fees.

A. Building permit fees shall be collected according to a schedule established by resolution of the city council.

B. A construction valuation table shall be established by resolution of the city council. The plan check fee will be sixty-five (65) percent of the building permit fee.

15.60.020 Plan check fees.

A. There shall be a plan review fee of sixty-five (65) percent of the building permit fee for all structures.

B. Whenever separate drawings for mechanical, electrical and/or plumbing are submitted for approval, there shall be a plan review fee of twenty-five (25) percent of the amount of the permit fee for such work. Revisions in the original submission shall not be subject to any additional review fees.

C. A plan check fee of sixty-five (65) percent of the building permit fee shall be charged on all signs requiring engineering calculations under the California Building Codes, as amended.

D. Where plans are incomplete or changed so as to require additional plan check compliance with the California Building Codes, as amended, an additional plan check fee shall be charged at the rate of time and materials, with a minimum charge of one hour of the building inspector's full hourly reimbursable rate.

E. For plans submitted as a standard plan, the plan check fee shall be twice the plan check fee; however, additional plan check fees shall not be charged for subsequent permits for an identical building located on property with similar soil and terrain characteristics.

F. Stock plans are charged an administrative fee established by resolution of the city council in lieu of a full plan check fee.

15.60.030 Energy conservation surcharge.

There shall be a seven and one-half percent surcharge of the building plan check fee for all plan checking services performed by the building inspector on all new construction which is subject to the State of California Energy Conservation Requirements.

15.60.040 Investigation fee for work without permit.

For permits issued after commencement of construction work, the permit, plan check, and inspection fees shall be twice the regular amount; except where the owner acquired the property in good faith and without knowledge that construction work had been performed without the required permits.

15.60.050 Special service fees.

A. The city shall collect a fee based on time for building inspection services not covered in the city's fee schedule and the building inspector's full hourly reimbursable rate shall be used with a one hour minimum.

B. For inspection beyond one reinspection of an item of work caused by faulty workmanship or work not being ready for inspection at the time requested, the fee shall be equal to one hour of the building inspector's full hourly reimbursable rate.

C. For inspections requested by a permittee to be made outside of the building inspector's normal work hours, Monday through Friday, the fee shall be equal to three times the building inspector's full hourly overtime reimbursable rate.

15.60.060 Relocation permit fees.

A. Relocation Investigation Permit. Where the inspection is conducted outside the city, a fee established by resolution of the city council shall be charged, and additional charges shall be paid for travel at the rate based on current IRS mileage rate and the building inspector's full hourly reimbursable rate with a minimum of one hour during the period the building inspector is outside the city.

B. The building permit fee for relocated structures shall be the standard fee for the work described in the permit. The fee for electrical, plumbing and mechanical permits shall be as set forth elsewhere in this resolution.

15.60.070 Wrecking or demolition permit.

The permit fee for the demolition or wrecking of a structure shall be established by resolution of the city council.

15.60.080 Mechanical code fees.

Mechanical code fees shall be established by resolution of the city council.

15.60.090 Electrical code fees.

Electrical code fees shall be established by resolution of the city council.

15.60.100 Plumbing code fees.

Plumbing code fees shall be established by resolution of the city council.

15.60.110 Miscellaneous fees.

Construction water fee shall be established by resolution of the city council.

15.60.120 Grading permit fees.

A. Grading permit fees shall be established by resolution of the city council.

B. Other inspections and fees shall be established by resolution of the city council.

15.60.130 Refunds.

If construction has not commenced, a refund of eighty (80) percent of the permit fee will be allowed when the permit is canceled at the request of the permittee. No permit fee will be refunded for any permit, which has expired. No refund will be made of the plan check fee.

15.60.150 Liability.

This chapter shall not be construed as imposing upon the city any liability or responsibility for damage to persons or property resulting from defective building construction or work, nor shall the city or any official or employee thereof, be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder.

15.60.160 Interpretation.

This chapter is enhanced for the public health, safety and welfare and the provisions of this chapter shall be liberally construed to obtain the beneficial purposes thereof. If an interpretation is necessary, the community development director shall interpret provisions of this chapter, his or her interpretation shall be appealed to the planning commission for their consideration.

Chapter 15.64

FLOOD DAMAGE PREVENTION

Sections:

15.64.010	Statutory authorization.
15.64.020	Findings of fact.
15.64.030	Statement of purpose.
15.64.040	Methods of reducing flood losses.
15.64.050	Definitions.
15.64.060	Lands to which this chapter applies.
15.64.070	Basis for establishing the areas of special flood hazard.
15.64.080	Compliance.
15.64.090	Abrogation and greater restrictions.
15.64.100	Interpretation.
15.64.110	Warning and disclaimer of liability.
15.64.120	Establishment of flood plain development.
15.64.130	Designation of the floodplain administrator.
15.64.140	Duties and responsibilities of the floodplain administrator.
15.64.150	Appeals.
15.64.160	Standards of construction.
15.64.170	Standards for utilities.
15.64.180	Standards for subdivisions.
15.64.190	Standards for manufactured homes.
15.64.200	Standards for recreational vehicles.
15.64.210	Floodways.
15.64.220	Nature of variances.
15.64.230	Appeal board.
15.64.240	Conditions for variances.

15.64.010 Statutory authorization.

The Legislature of the state of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council adopts the following floodplain management regulations.

15.64.020 Findings of fact.

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

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

15.64.030 Statement of purpose.

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

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

15.64.040 Methods of reducing flood losses.

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

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

15.64.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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

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

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

Area of Special Flood Hazard. See “Special flood hazard area.”

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

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

Building. See “Structure.”

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

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

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 1, 1978.

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

“Flood, flooding, or flood water” means 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.

“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.

“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.

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

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

“Floodplain Administrator” shall be the director of public works of the city, and shall be responsible for enforcement of this chapter.

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

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

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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

“Floodway encroachment lines” means the lines marking the limits of floodways on federal, state and local floodplain maps.

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

“Fraud and victimization” as related to Section 15.64.220, nature of variances, et al. means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

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

“Governing body” shall mean the city council and the council is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Section 15.64.220, nature of variances, et al., means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

“Historic structure” means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. 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 with approved programs.

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

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

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see “Basement”) 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 chapter. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements.)

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

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

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

“New construction,” for floodplain management purposes, means structures for which the start of construction commenced on or after December 1, 1978, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 1, 1978.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the

flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

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

“Principal structure” means a structure used for the principal use of the property as distinguished from an accessory use.

“Public safety and nuisance” as related to Section 15.64.220, nature of variances, et al., means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle which meets all of the following:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

“Special flood hazard area (SFHA)” means an area having special flood hazards and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, and AH.

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

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

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

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

“Substantial improvement” means any reconstruction, rehabilitation, addition, or, other 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

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

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

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

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

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

15.64.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of city.

15.64.070 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) for the City of Winters dated December 16, 1980 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated December 16, 1980, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the Floodplain Administrator. The study, FIRMs, and FBFMs are on file at the City Hall, 318 First Street, Winters, Ca.

15.64.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

15.64.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.64.100 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.

15.64.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of city council, any officer, agent, or employee thereof, including elected or appointed boards; 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.

15.64.120 Establishment of flood plain development.

A flood plain development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 15.64.070. 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. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 15.64.160(C)(3); and
- C. All appropriate certifications listed in Section 15.64.140(D); and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

15.64.130 Designation of the floodplain administrator.

The community development director is appointed as the floodplain administrator, to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

15.64.140 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 and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.64.070, 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 Section 15.64.160 through 15.64.210, inclusive. Any such information shall be submitted to the city council for adoption.
- C. Notification of Other Agencies.

1. Alteration or Relocation of a Watercourse.
 - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - b. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 - c. Assure that the flood-carrying capacity within the altered or relocated portion of the watercourse is maintained.
2. Base Flood Elevation Changes Due to Physical Alterations.
 - a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
 - b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition in Section 15.64.050.

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

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

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

1. Certification required by Section 15.64.160(C)(1) (floor elevations);
2. Certification required by Section 15.64.160(C)(2) (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 15.64.160(C)(3) (wet floodproofing standard);
4. Certification of elevation required by Section 15.64.180(B) (subdivision standards);
5. Certification required by Section 15.64.210(A) (floodway encroachments);

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.64.220.

F. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.64.080.

15.64.150 Appeals.

The city council 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.

15.64.160 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 15.64.020.

B. Construction materials and methods. All new construction and substantial improvement shall be constructed:

1. With materials 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 Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and floodproofing. (See Section 15.64.050, Definitions for “new construction,” “substantial damage” and “substantial improvement”.)

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

- a. In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding one foot greater than the depth number specified in feet on the FIRM, or elevated at least three feet above the highest adjacent grade if no depth number is specified;
- b. In an A Zone, elevated a minimum of one foot above the base flood elevation, as determined by the city.
- c. In all other zones, elevated a minimum of one foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by a city building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential construction shall either be elevated to conform with subsection (C)(1) or together with attendant utility and sanitary facilities:

- a. Be floodproofed below the elevation recommended under subsection(C)(1) so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the standards of this subdivision are satisfied. Such certification shall be provided to the floodplain administrator.

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

- a. Be certified by a registered professional engineer or architect; or
- b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or
- c. 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.

4. Manufactured homes shall also meet the standards in Section 15.64.190.

15.64.170 Standards for utilities.

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

1. Infiltration of 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.

15.64.180 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the 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 final first 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.

15.64.190 Standards for manufactured homes.

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

1. Outside of a manufactured home park or subdivision,
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one foot above the base flood elevation and be securely anchored

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, AE on the community's Flood Insurance Rate Map that are not subject to the provisions of subsection A will be elevated so that either the

1. Lowest floor of the manufactured home is a minimum of one foot above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

15.64.200 Standards for recreational vehicles.

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

1. Be on the site for fewer than one hundred eighty (180) consecutive days,

2. Be fully licensed and ready for highway use, a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.64.190.

15.64.210 Floodways.

Located within areas of special flood hazard established in Section 15.64.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply.

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

B. If subsection A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 15.64.160 through 15.64.210 inclusive.

15.64.220 Nature of variances.

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

It is the duty of the city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

15.64.230 Appeal board.

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

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

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

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

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Yolo County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

15.64.240 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.64.120 through 15.64.210 inclusive, of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 15.64.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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

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

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause,

2. Determination that failure to grant the variance would result in exceptional “hardship” (as defined in Section 15.64.050) to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 15.64.050, see “Public safety or nuisance”), cause fraud or victimization (as defined in Section 15.64.050 of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 15.64.230(A) through (E), inclusive, are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 15.64.220 and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

Chapter 15.68

JOB SITE RECYCLING

Sections:

15.68.010 Procedures to apply for project approval or permit.

15.68.010 Procedures to apply for project approval or permit.

A. Applicant shall supply information on a city-provided document entitled, "Job Site Salvage, Recycling, Re-use and Disposal Statement", including, but not limited to the following:

1. Location of project;
2. Name and phone number(s) of on-site manager(s);
3. Name(s) of subcontractors;
4. Identification of kind(s), and estimates of quantity and weight, of materials that can be salvaged, re-used or recycled.

B. Applicant shall notify subcontractors of the city's intent and requirements.

C. Applicant shall track the final destination for salvageable, recyclable and re-usable materials, and for materials disposed of through transportation to a landfill, whether self-haul or otherwise; applicant shall provide totals in these categories to the city within five working days of the completion of the project; if the project take more than nine months to complete, city staff may obtain sub-totals to that point from the applicant.

Where possible, figures on materials shall be expressed in tonnages, unless otherwise specified by the applicant and agreed to by the city's representative.

These requirements shall be in effect if an applicant is demolishing, and/or constructing, and/or remodeling more than one thousand five hundred (1,500) square feet of space.

Applicant shall comply with the above guidelines or Sections 4.408 and 5.408 of the 2025 California Green Building Standards Code, whichever is more stringent.

Chapter 15.72

DEVELOPMENT AGREEMENTS

Sections:

15.72.010	Authority for adoption.
15.72.020	Purpose—Limitation on applicability—Findings.
15.72.030	Forms and information.
15.72.040	Fees.
15.72.050	Qualification as an applicant.
15.72.060	Proposed form of agreement.
15.72.070	Filing of application.
15.72.080	Review of application.
15.72.090	Contents of agreement.
15.72.100	Public benefits.
15.72.110	Term of agreement.
15.72.120	Reservation of rights.
15.72.130	Construction codes.
15.72.140	Parties.
15.72.150	Duty to give notice.
15.72.160	Requirements for form and time of notice of intention to consider adoption of development agreement.
15.72.170	Failure to receive notice.
15.72.180	Hearing and recommendation by the city council.
15.72.190	Approval of development agreement.
15.72.200	Recordation of development agreement, amendment or cancellation.
15.72.210	Amendment or cancellation by mutual consent.
15.72.220	Procedure.
15.72.230	Periodic review.
15.72.240	Special review.
15.72.250	Procedure.
15.72.260	Proceedings upon modification or termination.
15.72.270	Hearing on modification or termination.
15.72.280	Enforcement.
15.72.290	Appeal to party other than city.
15.72.300	Modification or suspension by state or federal law.
15.72.310	Approved development agreements.

15.72.010 Authority for adoption.

These regulations are adopted pursuant to Article XI, Section 7 of the California Constitution and Government Code Section 65864 et seq.

15.72.020 Purpose—Limitation on applicability—Findings.

A. The purpose of this chapter is to establish the procedures and requirements mandated by Article 2.5 of Chapter 4 of the Government Code for the consideration of development agreements.

B. A development agreement for a development project that requires annexation, may be approved by the city, but will not be effective until after annexation occurs.

C. The city takes notice that the legislature, in passing the state development agreement law, found and declared that:

1. The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public;

2. Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development;

3. The lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, utility facilities, is a serious impediment to the development of new housing. Whenever possible, applicants and local governments may include provisions in agreements whereby applicants are reimbursed over time for financing public facilities.

15.72.030 Forms and information.

A. The city manager (or designee) shall prescribe the form for each application, notice and document provided for or required under these regulations for the preparation, review and implementation of development agreements.

B. The city manager (or designee) may require an applicant to submit such information and supporting data as the city manager (or designee) considers reasonably necessary to process the application.

15.72.040 Fees.

The application shall be accompanied by a deposit to be determined by the city's master fee resolution. The cost of processing of the application shall be billed to the applicant on a time and materials basis as specified in the city's master fee resolution. In the event this deposit proves insufficient, the city manager (or designee) may require that additional deposits be submitted. Such additional deposits shall not exceed the estimated reasonable costs of processing the application. In the event the deposits collected exceed the actual costs of processing the application, the excess amount shall be refunded upon the conclusion of proceedings.

15.72.050 Qualification as an applicant.

Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property that is the subject of the development agreement. Applicant includes authorized agent. The city manager (or designee) shall require an applicant to submit proof of this interest in the real property and of the

authority of the agent to act for the applicant. Such proof may include a preliminary title report issued by a title company licensed to do business in the state of California evidencing the requisite interest of the applicant in the real property. Before processing the application, the city manager (or designee) may obtain the opinion of city attorney as to the sufficiency of the applicant's interest in the real property to enter into the development agreement.

15.72.060 Proposed form of agreement.

Each application shall be accompanied by the form of development agreement proposed by the applicant. If the city manager (or designee) has approved a standard form of development agreement, this requirement shall be met by utilizing such standard form and including specific proposals for changes in or additions to the language or the standard form.

15.72.070 Filing of application.

A. The application for a development agreement shall be submitted in coordination with, but not necessarily at the same time as the applications needed for other required entitlements of the project. The application must be filed in time for the request to be considered in the environmental analysis of the project. In no event shall the application be filed later than the release of the final environmental document in order to allow staff time to analyze the merits of entering into such an agreement, prior to preparation of the staff report and staff recommendation.

B. Notwithstanding subsection A to the contrary, an application for a development agreement may be submitted on any project that has not received a final approval as of the date the ordinance codified in this chapter becomes effective provided that such application for such project has been deemed complete by the city manager (or designee) prior to such date.

15.72.080 Review of application.

The city manager (or designee) shall endorse on the application the date of receipt, shall review the application, and may reject it if incomplete or inaccurate. If the application is complete, the city manager (or designee) shall accept it for filing. The city manager (or designee) shall determine any additional requirements necessary to complete the development agreement on the basis of the application as filed. The city manager (or designee) shall give timely notification to the applicant that a development agreement application is incomplete. The written notice shall identify what additional information is needed, in order to complete the application. After receiving all required information, the city manager (or designee) shall prepare a report and recommendation as to whether or not the development agreement as proposed, or in amended form, is consistent with the general plan, any applicable specific plan, and the provisions of these regulations.

15.72.090 Contents of agreement.

A proposed development agreement shall include the following:

A. A legal description of the property subject to the development agreement;

B. The duration of the development agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes;

C. Conditions, terms, restrictions, and requirements for subsequent city discretionary actions, provided that such conditions, terms, restrictions and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the development agreement;

D. The estimated time when construction and/or any other approved activity on the property will be commenced and completed, including, if appropriate, a phasing plan;

E. Public benefits in accordance with Section 15.72.100.

15.72.100 Public benefits.

A. In consideration for entering into a development agreement, the city shall gain public benefits beyond those already forthcoming through conditions and mitigations on project approval.

B. Any fees required pursuant to subsection A shall be adjusted during the term of the development agreement to match any adjustments of such fees by the city council.

C. A development agreement shall not exempt a project from any subsequently adopted regulatory provisions which may include the use of a fee, for example, air quality mitigation fee, except to the extent that such subsequently adopted fee fulfills the same purposes as the fees required pursuant to this section.

15.72.110 Term of agreement.

A. The maximum term of a development agreement shall be negotiated between the parties, and shall commence from the date of the approval of the project to which it pertains. A development agreement may, upon request of the property owner and at the sole discretion of the city council, be extended for an additional period. Any request for extension shall be noticed and processed in the same manner as an application for a development agreement.

B. Notwithstanding subsection A, the city council may extend the initial term of a development agreement upon making the findings in Section 15.72.180, support thereof.

C. At the end of the term of the development agreement, the development agreement shall terminate for all purposes except any enforcement action by the city for nonconformance with the terms of the agreement or condition of the permit, and the project that was the subject of the development agreement shall be subject to all laws, rules and regulations applicable to such projects and/or uses.

15.72.120 Reservation of rights.

A. Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement shall be those rules, regulations, and official policies in force at the time of execution of the agreement.

B. Notwithstanding subsection A, a development agreement shall not prevent the city, in subsequent actions applicable to the property that were not encompassed by the original permitted

activities, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the city from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

C. A development agreement shall not prevent the city from modifying or suspending the provisions of the development agreement if the city council finds that the failure of the city to do so would place residents, businesses, and/or property owners of the city in a condition dangerous to their health or safety or both.

D. A development agreement shall apply only to a project as that project is described in an environmental analysis certified, adopted or approved by the city at or before the time the city enters into the development agreement, including any portion of the project that is in substantial conformance with the project approvals, as determined by the city. A development agreement shall not apply to a project or portions of a project not encompassed by the project description in the city's environmental analysis.

15.72.130 Construction codes.

A development agreement shall contain the acknowledgement of the possibility of changes in the Uniform Building, Plumbing, Mechanical, Electrical, Fire and Grading Codes, as implemented by the city, during the term of the agreement and shall provide that any amendments to these codes, shall apply to the project subject to the development agreement.

15.72.140 Parties.

All owners of all property included within a development agreement shall be considered a party to the agreement and shall be a signatory.

15.72.150 Duty to give notice.

The city manager (or designee) shall give public notice of intention of the planning commission to consider an application for a development agreement, and the city clerk shall give public notice of intention of the city council to consider adoption of a development agreement.

15.72.160 Requirements for form and time of notice of intention to consider adoption of development agreement.

A. Form of Notice. The notice of intention to consider adoption of a development agreement shall contain:

1. The date, time and place of the hearing;
2. The identity of the hearing body;
3. A general explanation of the matter to be considered including a general description of the location of the real property that is the subject of the hearing; and
4. Such other information required by law or which the city manager (or designee) or clerk considers necessary or desirable.

B. Time and Manner of Notice. Notice shall be given at least ten (10) days prior to the public hearing in all the following ways:

1. Publication. Publication once in a newspaper of general circulation, published and circulated in the city.
2. Mailing. Mailing of the notice to all persons shown on the latest equalized assessment roll and any update as owning real property within three hundred (300) feet of the property which is the subject of the proposed development agreement. If the number of owners to whom notice is to be mailed is greater than one thousand (1,000), the city manager (or designee) or clerk may, in lieu of mailed notice, provide notice by placing a display advertisement of at least one-eighth page in a newspaper of general circulation in the city.
3. Notification of Application. Mailing or delivery of the notice to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
4. Notification of Affected Local Agencies. Mailing or delivery of the notice to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected by the proposed development agreement.

C. Declaration of Existing Law. The notice requirements referred to in subsections A and B are declaratory of existing law at the time of drafting of this regulation (Govt. Code Section 65867, 65090, and 65091). If state law prescribes a different notice requirement, notice shall be given in that manner. The notices required by this section are in addition to any other notices required by law for other actions to be considered concurrently with the development agreement.

15.72.170 Failure to receive notice.

The failure of any person or entity to receive, notice given pursuant to these regulations shall not affect the authority of the city to enter into a development agreement.

15.72.180 Hearing and recommendation by the city council.

All development agreements shall be considered at a public hearing before the city council. A development agreement shall not be approved unless the council finds that the provisions of the agreement are consistent with the findings listed below and consistent with this chapter. The decision of the council shall be final.

- A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
- B. Is compatible with uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located;
- C. Is in conformity with and will promote public convenience, general welfare and good land use practice;

- D. Will not be detrimental to the health, safety and general welfare;
- E. Will not adversely affect the orderly development of property or the preservation of property values;
- F. Will meet the intent of Section 15.72.100(A).

15.72.190 Approval of development agreement.

Development agreements shall be approved by ordinance. The ordinance shall refer to and incorporate by reference the text of the development agreement.

15.72.200 Recordation of development agreement, amendment or cancellation.

A. Within ten (10) days after the city executes a development agreement, the city clerk shall record with the county clerk/recorder a copy of the agreement, which shall describe the land subject thereto.

B. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Sections 15.72.210 and 15.72.220 and Government Code Section 65868, or if the city terminates or modifies the development agreement as provided in Sections 15.72.260 through 15.72.290 and Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the development agreement, the city clerk shall have notice of such action recorded with the county clerk/recorder.

C. From and after the time of the recordation required by this section, notice shall be imparted as provided by the recording laws of the state of California. The burdens of the development agreement shall be binding upon, and the benefits of the development agreement shall inure to, all successors in interest to the parties to the development agreement.

15.72.210 Amendment or cancellation by mutual consent.

Any party, or successor in interest, to a development agreement may propose an amendment or cancellation, in whole or in part, of the development agreement. Any amendment or cancellation shall be by mutual consent of the parties or their successors in interest except as provided for in the agreement consistent with the requirements of Sections 15.72.260 through 15.72.290 and Government Code Section 65865.1.

15.72.220 Procedure.

The procedure for proposing and adoption of an amendment or cancellation, in whole or in part, of a development agreement shall be the same as for entering into the development agreement in the first instance. However, if the city initiates a proposed amendment or cancellation of the development agreement, it shall first give written notice by mail to the property owner of its intention to initiate such proceedings not less than thirty (30) days prior to the giving of public notice of hearing to consider the amendment or cancellation.

15.72.230 Periodic review.

The city manager (or designee) shall review each development agreement annually, on or before the anniversary date of the recordation of the development agreement, in order to ascertain the good faith compliance by the property owner with the terms of the development agreement. The

property owner shall submit an annual monitoring report, in a form acceptable to the city manager (or designee), within thirty (30) days after written notice from the city manager (or designee). The annual monitoring report shall be accompanied by an annual review and administration fee sufficient to defray the estimated costs of review and administration of the development agreement during the succeeding year. The amount of the annual review and administration fee shall be set annually by resolution of the city council.

15.72.240 Special review.

The city council may order a special review of compliance with a development agreement at any time. The city manager (or designee) shall conduct such special reviews.

15.72.250 Procedure.

A. During either a periodic review or a special review, the property owner shall be required to demonstrate good faith compliance with the terms of the development agreement. Periodic review of the agreement shall be specified by Government Code Section 65865.1.

B. Upon completion of a periodic review or a special review, the city manager (or designee) shall submit a report to the city council setting forth the evidence concerning good faith compliance by the property owner with the terms of the development agreement and his or her recommended finding on that issue.

C. If the staff finds on the basis of substantial evidence that the property owner has complied with the terms and conditions of the development agreement, the review shall be concluded.

D. If the council finds on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the development agreement, the council may set a hearing for the purpose of modifying or terminating the development agreement as provided in Sections 15.72.260 through 15.72.290.

15.72.260 Proceedings upon modification or termination.

If, upon finding under Section 15.72.250(D), the city determines to proceed with modification or termination of a development agreement, the city shall give written notice to the property owner of its intention to do so. The notice shall contain:

A. The time and place of the hearing;

B. A statement as to whether or not the city proposes to terminate or to modify the development agreement; and

C. Such other information as the city considers necessary to inform the property owner of the nature of the proceeding including the grounds upon which the proceedings are based.

15.72.270 Hearing on modification or termination.

At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The property owner shall be required to substantiate compliance with the terms and conditions of the development agreement. The burden of proof on this issue shall be on the property owner. If the council finds, based upon substantial evidence, that

the property owner has not substantially complied with the terms or conditions of the agreement, the council may terminate or modify the development agreement, and impose such conditions as it deems necessary to protect the interests of the city and the public. The decision of the city council is final.

15.72.280 Enforcement.

Unless amended, canceled, modified, suspended or terminated pursuant to this chapter, or unless otherwise allowed by this chapter, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable or specific plan, zoning, subdivision, or building regulation adopted by the city which alters or amends the rules, regulations or policies specified in effect at the time the development agreement is executed by the city.

15.72.290 Appeal to party other than city.

A. Any party to a development agreement, other than the city, seeking to bring an action to enforce the development agreement pursuant to Section 15.72.280 shall first appeal all matters to be raised in the action to the city council. The appeal shall be commenced by the filing of a written statement of issues by the party appealing setting out in detail the basis for the appeal. The statement shall be filed with the city clerk and city manager (or designee). The city council shall hold a hearing on the issues raised in the statement no later than forty-five (45) days after the statement has been filed with the city clerk and city manager (or designee).

B. The city council shall make findings on all matters raised in the appeal. The party shall not commence an action to enforce the development agreement until after the city council has issued its findings. The city council shall issue its findings no later than fifteen (15) days after the hearing.

15.72.300 Modification or suspension by state or federal law.

In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

15.72.310 Approved development agreements.

A development agreement is a legislative act which shall be approved by ordinance.

Chapter 15.76

FACILITY FEES FOR DEVELOPMENT PROJECTS

Sections:

15.76.010	Findings and purpose.
15.76.020	Definitions.
15.76.030	Facility fees.
15.76.040	Limited use of fees.
15.76.050	Credit and reimbursement for construction of facilities.
15.76.060	Supplemental fees.
15.76.070	Fee adjustment or waiver.
15.76.080	Change of use.
15.76.090	Appeal procedure.
15.76.100	Five-year review.
15.76.110	Credits based on replacement of existing structures.
15.76.120	Automatic annual adjustment.
15.76.130	Increase by resolution.
15.76.140	Permits affected.
15.76.150	Audit.

15.76.010 Findings and purpose.

The city council finds and determines as follows:

A. On May 19, 1992, the city council adopted the general plan and master plans for circulation, sewer, water and storm drainage systems, and the city of Winters financing plan, which describe the general location, capacity, and types of capital improvements planned as part of the city's public facilities improvements to serve a population of twelve thousand five hundred (12,500).

B. Pursuant to general plan Policies I.A.4., I.A.5., I.A.7., I.F.2., I.F.3, III.A.15, III.B.2., IV.A.4., IV.A.5., VII.C.7., and similar policies throughout the general plan, it is the city's policy to require new development to pay its fair share of expansion of public facilities to serve new growth. The purpose of this chapter is to implement these general plan requirements and, under the authority of Article XI, Section 7 of the California Constitution, to establish the appropriate development fees to pay for the cost of these services and facilities, the demand for which is generated by the type and level of new development in the city general plan.

C. The basis for establishment of the facilities fees was identified in the master plan for circulation, dated May 8, 1992, and prepared by Wilbur Smith Associates, and master plans for sewer, water and storm drainage systems dated May 8, 1992, and prepared by CH2M Hill. Additional analysis of the need for and cost of new public facilities and improvements required by new development was conducted and described in the city financing plan, dated May 8, 1992, the development impact fee study dated May 1, 1992 by Economic and Planning Systems (EPS), and the addendum to that report dated May 7, 1992, and the documents relied upon in preparation of that report. The development impact fee study and addenda by EPS are incorporated by reference, as if set forth in full herein.

D. The environmental impacts of the facilities described in these documents, including cumulative and growth inducing impacts, have been identified in the Final Environmental Impact Report (EIR) prepared for the 1992 general plan EIR. Prior to action on site-specific projects, subsequent environmental review will be undertaken as necessary pursuant to the California Environmental Quality Act (CEQA). Therefore, the city council finds that adoption of this facilities fee program is within the scope of the Final EIR prepared for the city general plan project, and certified by the city council in Resolution 92-13. The city council adopts the Findings, Mitigation Monitoring Program, and Statement of Overriding Considerations, attached as Exhibits A, B, and C to city council Resolution 92-13.

E. In order to protect the health, safety and welfare of the community and to ensure that adequate public services and facilities are provided for the residents for the city, adoption of a fee schedule is necessary to finance these public improvements and to pay for the new development projects' fair share of the cost of these improvements.

15.76.020 Definitions.

As used in this chapter:

“Building permit” means the permit issued or required for the construction, improvement or remodeling of any structure pursuant to and as defined by the city building code.

“Costs” means amounts spent, or authorized to be spent, in connection with the planning, financing, acquisition and the costs of land, construction, engineering, administration, and consulting fees.

“City of Winters” means all property located within the geographical area within the city urban limit line.

“Department” means the city community development and building department.

“Developer” shall include an owner or authorized agent of an owner of property.

“Development entitlement” includes, but is not limited to, a subdivision map, parcel map, rezoning, pre-zoning development agreement or permit for the construction, grading or installation of a single-family detached home, single-family, attached home, duplex, townhome, condominium, apartment, manufactured home or mobilehome, or for construction of any non-residential building or use requiring a permit. It does not include remodeling or additions to a dwelling unit unless such addition or remodeled unit can be separately sold or leased, or substantially increases the demands on the city’s infrastructure.

“Director” means the director of the city community development and building department.

“Estimated cost” means the total estimated cost of constructing a facility.

“Facilities” means those public facilities designated in the master facility plans, Winters development impact fee study or in any subsequent facilities study adopted by the city.

“Program fee” means the total program costs for a particular category of facilities and services applied to the percentage of the total demand for that particular category generated by each type of land use, and divided by the total number of residential units in each residential land use category, or estimated total building square feet in each non-residential land use category.

“Winters development impact fee study” means the study, including any amendments thereto, adopted by the resolution by the city council, for the financing of designated facilities and services within the city including, but not limited to, a designation of those facilities to be constructed with the mitigation fees collected under this chapter, the estimated costs of constructing the facilities, or providing the services designated therein, and the total use factors used in arriving at an allocation of the cost of the facilities to different types of land uses.

15.76.030 Facility fees.

A. The payment of development impact fees for capital facilities is hereby established as set forth in the city’s facilities fee resolution as a condition of the issuance of all development entitlements for new construction. The city council shall, by resolution, set forth the specific amount of each fee, list the type of public improvements to be financed, describe the estimated costs of these facilities, describe the reasonable relationship between each fee and the various types of new developments and set forth the time for payment of the fee.

B. Unless otherwise specified in the facilities fee resolution, each development fee shall be paid prior to issuance of a building permit in the amount established by the facilities fee resolution adopted by the city council. If no building permit is required for new development subject to this chapter, the fee must be paid prior to issuance of a grading permit, an occupancy permit or other final permit to use the property.

15.76.040 Limited use of fees.

The revenues raised by payment of these facility fees shall be placed in separate and special accounts created to account for the revenue generated by each such fee. Such revenues, along with any interest earnings on each account, shall be used solely to:

A. Pay for the city’s future construction of each category of facilities described in the resolution enacted pursuant to Section 15.76.030 or to reimburse the city for those described or listed facilities in the resolution constructed by the city with funds advanced by the city from other sources;

B. Reimburse developers who have been required or permitted to install such listed facilities which are oversized with supplemental size, length, number or capacity; or

C. Allow temporary borrowing between categories of facility fee accounts, consistent with Government Code Section 66006.

15.76.050 Credit and reimbursement for construction of facilities.

A. Upon application by the developer, the director may authorize the developer to construct certain on-site or off-site facilities specified in the city’s master plans, or at the time and as designated by the director, in lieu of all, or a portion of, the fee required by this chapter. The owner

may be entitled to a credit if the owner: (1) constructs the improvements; (2) finances an improvement by cash, assessment district, or Mello-Roos Community Facilities District; or (3) a combination of the above. If so authorized, the credit to be provided to the property owner shall be equal to the estimated cost of the facility as set forth in the most recent Winters master plans or facility estimates, including, but not limited to, unit prices, quantities and project description. The construction of a facility authorized by this section must be approved by the city, and conducted in accordance with the city development standards. The property owner must post a bond or other security in a form acceptable to the city attorney for the complete performance of the construction, before credit is given and before issuance of a grading or building permit.

B. If the amount of the credit is less than the amount of the otherwise applicable fee, the developer shall pay the difference.

C. If the amount of the credit is greater than the amount of the otherwise applicable facility fee, the property owner shall be reimbursed pursuant to a reimbursement agreement after the project is accepted by the city, as described in the master plans or any updates of those plans. Any funds paid by the city would be paid only from the applicable fund.

To implement this subsection the property owner and the city shall first enter into a reimbursement agreement. In addition to its other terms, the agreement shall provide that: (1) the general fund of the city is not liable for payment of any obligations arising from the agreement; (2) the credit or taxing power of the city is not pledged for the payment of any obligations arising from the agreement; (3) the land owner shall not compel the exercise of the city taxing power or the forfeiture of any of its property to satisfy any obligations arising from the agreement; and (4) the obligation arising from the agreement is not a debt of the city, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues, and is payable only from the development fees deposited in the applicable development impact fee fund.

D. The construction of facilities by a private owner under this section shall be performed and contracted for as required by law, including but not limited to, compliance with the city standards and any federal, state and local requirements for public works, applicable to the particular facility.

15.76.060 Supplemental fees.

Where a developer proposes a project, which has an impact upon public facilities that is significantly greater or lesser than the standards used to calculate the fees for that category of project, the director may make a determination on a case by case basis that the fee is inappropriate for the proposed project, and may impose a supplemental fee or reduced fee for a project upon making the necessary findings based upon evidence in the record pursuant to Government Code Section 66001. This determination shall be made prior to imposition of a fee upon the project.

The determination shall be made based upon the application for a development permit, or upon the application for a building permit if no development permit is required, and any additional information requested by the director. The director may require the developer to submit engineering data, technical studies, calculations or other project information which is necessary to make a determination pursuant to this section.

15.76.070 Fee adjustment or waiver.

A. The developer of a development subject to a fee under this chapter may apply to the director for an adjustment to, or waiver of, that fee.

B. The application shall be made in writing and filed with the city clerk no later than ten (10) days before any public hearing on the development permit application for the project, or if no public hearing is required, ten (10) days prior to the time of the application for a building permit. The application shall state in detail the factual basis and legal theory for the claim of adjustment or waiver, and shall include substantial evidence of the absence of a reasonable relationship between the impact on public facilities of that development and either the amount of fee charged, or the type of facilities to be financed.

C. The director shall consider the application at an informal hearing held within sixty (60) days after the filing of the fee adjustment application. The decision of the director is appealable pursuant to Section 15.76.090.

D. The applicant bears the burden of proof in presenting substantial evidence to support the application. The director shall consider the following factors in its determination whether or not to approve a fee adjustment or waiver.

1. The factors identified in Government Code Section 66001, including but not limited to the following:

- a. The purposes and proposed uses of the fee;
- b. The type of development;
- c. The relationship between the fee's use and type of development;
- d. The relationship between the need for the improvements and the type of development; and
- e. The relationship between the amount of the fee and the portion of it attributable to the development.

2. The substance and nature of the evidence including the Winters development impact fee study and the applicant's technical data supporting its request. The applicant must present comparable technical information to show that the fee is unreasonable as applied to the particular development.

15.76.080 Change of use.

If a reduction or waiver is granted pursuant to Section 15.76.070, any change in use within the project which substantially affects the demand on the city's services and facilities, shall invalidate the waiver or reduction of the fee and the portion waived or reduced shall be due and payable to the city immediately upon notification by the city delivered by mail deposited with the United States Postal Service.

15.76.090 Appeal procedure.

A. The director is responsible for administering, collecting, crediting, adjusting, and refunding development fees. A decision by the director, regarding a fee imposed under this chapter, is appealable in accordance with this section. Any person seeking judicial review shall first seek an appeal hearing under this section.

B. Any person appealing a decision under this chapter shall file a request with the city manager who is responsible for processing the appeal. The request shall be accompanied by a deposit for the reasonable estimated administrative costs of conducting the hearing, including the city's legal fees. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten (10) calendar days following the decision being appealed.

C. The manager shall set the matter for hearing before the city council and notify the person appealing in writing of the time and place of the hearing.

D. The city council shall conduct a de novo hearing, adopt findings of fact and a written decision on the matter, and shall preserve the administrative record of the proceeding. The council shall consider relevant evidence presented by the appellant and by the director.

E. The decision of the city council is final, and is not subject to reconsideration. It is reviewable by a court under Code of Civil Procedure Section 1094.5.

F. The city adopts Code of Civil Procedure Section 1094.6 for the purposes of judicial review under this section. A petition seeking review of decision under this chapter shall be filed not later than thirty (30) days following the date on which the decision of the city council becomes final, and shall be preceded by a written protest including:

1. A statement informing the city of the factual elements of the dispute and the legal theory forming the basis for protest, and
2. A statement that the required payment is tendered under protest.

15.76.100 Five-year review.

If, five years after collection, any portion of a fee collected pursuant to this chapter is unexpended or uncommitted, the city shall review the fee and the purpose for which it was charged, and make a determination and finding as to the continued need for the fee and the reasonable relationship between the fee and the purpose for which it is intended. This review and findings shall be made once each fiscal year in any year that there are unexpended or uncommitted fees, beginning with the fifth year after the effective date of the ordinance codified in this chapter.

If the appropriate finding cannot be made, the city shall refund the fees to the then current owner of record of the project on which the fee was imposed pursuant to Government Code Section 66001(d), Section 66001(e), and Section 66001(f).

15.76.110 Credits based on replacement of existing structures.

The city council may establish a schedule of credits against development fees established pursuant to its Facilities Fee Resolution, based upon the replacement of an existing legal structure which

was in existence during the immediately preceding twelve (12) month period. Any credits will be given only to the extent that the city council can make a finding that: (1) the new development does not make demands on infrastructure capacity greater than that imposed by the structures being replaced; and (2) the owner of the previous structures paid the applicable development fees, if any, at the time of its construction.

15.76.120 Automatic annual adjustment.

Each fee imposed by this chapter shall be adjusted automatically on July 1st of each year beginning on July 1, 1993, by a percentage equal to the rise in the Engineers News Record construction cost index for the preceding twelve (12) months.

15.76.130 Increase by resolution.

The amount of each fee established by the facilities fee resolution may be more specifically set and revised at any time by resolution of the city council, with this chapter being considered as enabling and directive, and as establishing the initial fee program.

15.76.140 Permits affected.

Except as provided in the facilities fee resolution, this chapter shall apply to each and every building permit for new construction either applied for or proposed to be issued on and after the effective date of the ordinance codified in this chapter.

15.76.150 Audit.

Whenever an audit is requested to determine whether a fee or charge levied by the city exceeds the amount reasonable necessary to cover the cost of any product or service provided the city manager shall estimate the cost of the audit and require a deposit in the full amount estimated. If the actual cost is less than estimated, the difference shall be refunded to the person requesting the audit. If the actual amount is greater than the deposit, the person requesting the audit shall pay the full cost and the difference shall be due and payable upon notice to the person requesting the audit. This shall apply to any audit requested pursuant to Government Code Sections 66023, 54985, and any other authority for an audit of the city's fee program.

Chapter 15.80

SCHOOL FACILITIES FEES FOR DEVELOPMENT PROJECTS

Sections:

- 15.80.010 New residential development—Mitigation plan required.
- 15.80.020 Building permit applicants—Requirements.
- 15.80.030 Mitigation plan or program—Appeal authority.
- 15.80.040 Permit issuance requirement.
- 15.80.050 Credit given for school impact fee payment.
- 15.80.060 Mitigation plan defined.
- 15.80.070 Exemptions.
- 15.80.080 Five-year review.
- 15.80.090 Appeals.
- 15.80.100 Automatic annual adjustment.

15.80.010 New residential development—Mitigation plan required.

Notwithstanding any other provisions of this code, no entitlement for any new residential development or construction, including but not limited to building permits, tentative subdivision maps, parcel maps, rezonings, pre-zonings, use permits, planned development permits, variances, development agreements or any other entitlement or permit which will allow construction of a new residential dwelling, shall be approved until the applicant has demonstrated that the school facilities necessary to accommodate the impacts generated by the new residence(s) have been or will be adequately mitigated.

15.80.020 Building permit applicants—Requirements.

On and after the effective date of the ordinance codified in this chapter, each applicant for a building permit for residential development shall do one of the following:

- A. Submit a mitigation plan which demonstrates how the development to which the permit applies is participating in an approved plan to construct permanent school facilities within the district;
- B. Pay the development fee for each dwelling unit's fair share of its impact on capital facilities as established by the city council in its school facilities fee resolution; or
- C. Modify the proposed project by including an approved mitigation plan for reduced density, phased construction, or other programs, which plan adequately mitigates the impact of the project on the need for school facilities generated by the proposed development.

15.80.030 Mitigation plan or program—Appeal authority.

Any mitigation plan or program submitted pursuant to Section 15.80.020 shall be approved by the director of community development and building department, who shall consult with the Winters Joint Unified School District in approving any such plan.

15.80.040 Permit issuance requirement.

No building permit shall be issued unless and until the applicant has submitted written documentation from the Winters Joint Unified School District that one of the methods of meeting the requirements in Section 15.80.020 and which has been approved by the director of community development and building department, has been satisfied.

15.80.050 Credit given for school impact fee payment.

If an applicant for a building permit has previously paid a school impact fee to the Winters Joint Unified School District pursuant to a fee imposed by the District pursuant to Government Code Section 53080, the applicant for a building permit shall receive credit in the same amount toward payment of any fees paid pursuant to Section 15.80.020(B).

15.80.060 Mitigation plan defined.

The phrase "mitigation plan" as used in this chapter, shall include, but not be limited to, financing, construction, site dedication, phasing of development, reduction in density, or other methods to provide for permanent school facilities to mitigate the impact of the applicant's residential development project on the school district's facilities. "Mitigation plan" may also include participation in an assessment district or a Mello-Roos Community Facilities District.

15.80.070 Exemptions.

This chapter shall not be applicable to a building permit for replacement of an existing dwelling unit which was in existence during the immediately preceding twelve (12) month period, so long as the replacement dwelling unit does not increase the total number of dwelling units previously in existence on the same lot. It shall also not be applicable to a remodeling or addition to a dwelling unit unless such addition or remodeled unit can be separately rented or substantially increases the demands on the school facilities within the city's urban limit line. It does, however, apply to approval of an application for a parcel map, a tentative subdivision map or a lot line adjustment which increases the number of dwelling units allowed on the resulting parcels.

15.80.080 Five-year review.

If, five years after collection, any portion of a fee collected pursuant to this chapter, is unexpended or uncommitted, the city shall review the fee and the purpose for which it was charged, and make a determination and finding as to the continued need for the fee and the reasonable relationship between the fee and the purpose for which it is intended. This review and findings shall be made once each fiscal year in any year that there are unexpended or uncommitted fees, beginning with the fifth year after the effective date of the ordinance codified in this chapter.

If the appropriate finding cannot be made, the city shall refund the fees to the then current owner of record of the project on which the fee was imposed pursuant to Government Code Section 66001(d) and Section 66001(e).

15.80.090 Appeals.

The following appeal procedure shall apply to any decision regarding a fee imposed pursuant to this chapter.

A. The director is responsible for administering, collecting, crediting, adjusting, and refunding development fees. A decision by the director, regarding a fee imposed under this chapter, is

appealable in accordance with this section. Any person seeking judicial review shall first seek an appeal hearing under this section.

B. Any person appealing a decision under this chapter shall file a request with the city manager who is responsible processing the appeal. The request shall be accompanied by a deposit for the reasonable estimated administrative costs of conducting the hearing, including the city's legal fees. The appeal shall be in writing, stating the factual and legal grounds, and shall be filed within ten (10) calendar days following the decision being appealed.

C. The manager shall set the matter for hearing before the city council and notify the person appealing in writing of the time and place of the hearing.

D. The city council shall conduct the hearing, adopt findings of fact and a written decision on the matter, and shall preserve the administrative record of the proceeding. The council shall consider relevant evidence presented by the appellant and by the director.

E. The decision of the city council is final, and is not subject to reconsideration. It is reviewable by a court under Code of Civil Procedure Section 1094.5.

F. The city adopts Code of Civil Procedure Section 1094.6 for the purposes of judicial review under this section. A petition seeking review of a decision under this chapter shall be filed not later than thirty (30) days following the date on which the decision of the city council becomes final, and shall be preceded by a written protest including:

1. A statement informing the city of the factual elements of the dispute and the legal theory forming the basis for protest; and
2. A statement that the required payment is tendered under protest.

15.80.100 Automatic annual adjustment.

Each fee imposed by this chapter shall be adjusted automatically on July 1st of each year beginning on July 1, 1992, by a percentage equal to the rise in the Engineering News Record construction cost index for the preceding twelve (12) months, or, if not available, any similar reliable construction cost index.

Chapter 15.84

HISTORICAL BUILDING CODE

Sections:

15.84.010 Adoption by reference.

15.84.010 Adoption by reference.

See Section 15.04.010(J)adopting by reference the 2025 California Historical Building Code.

Chapter 15.86

EXISTING BUILDING CODE

Sections:

Section 15.86.10 Adoption by reference

15.86.010 Adoption by reference.

See Section 15.04.010(K) adopting by reference the 2025 Edition of the California Existing Building Code.

Chapter 15.88

ADMINISTRATIVE CODE

Sections:

15.88.010 Adoption by reference.

15.88.010 Adoption by reference.

See Section 15.04.010(L) adopting by reference the 2025 California Administrative Code.

Chapter 15.90

DRAINAGE IMPACT FEE

Sections:

- 15.90.010 Findings and purpose.
- 15.90.020 Definitions.
- 15.90.030 Drainage impact fee.
- 15.90.040 Administration of drainage impact fund.
- 15.90.050 Payment of drainage impact fee.
- 15.90.060 Amount of drainage impact fee.
- 15.90.070 Exemptions.
- 15.90.080 Annual fee review.
- 15.90.090 Inflationary adjustments.
- 15.90.100 Authorization of credits.
- 15.90.110 Amount of credits.
- 15.90.120 Procedure for credits.
- 15.90.130 Apportionment of credits.
- 15.90.140 Criteria for reimbursement.
- 15.90.150 Procedure for reimbursement.
- 15.90.160 Credit and reimbursement agreements.
- 15.90.170 Refund.

15.90.010 Findings and purpose.

A. On May 19, 1992, the city council of the city of Winters approved and adopted its general plan (the “general plan”) identifying proposed growth within the city limits and further identifying the impacts of said growth upon health, safety and public facilities within the city including the impacts on flooding and the city’s drainage system.

B. City of Winters General Plan, Land Use Policy No. 1.A.9, states that, “No new development may occur within the flood-overlay area shown in Figure II-1 until a feasibility and design study for a comprehensive solution to the 100-year flooding problem has been completed and a fee schedule has been established or financing program adopted which includes all affected and contributing properties for financing the comprehensive flood control solution.” Further, General Plan, Health and Safety Policy VII.B.4, states that, “To mitigate flooding impacts associated with Moody and Chickahominy Sloughs, the city shall require property owners who are affected by or contributing to such flooding to participate in the development and implementation of a comprehensive solution to the flooding problem in proportion to their relative contribution to the flooding problem or benefit from the program adopted.”

C. General Plan, Public Facilities and Services Element Goal IV.D, states that it is the city’s goal, “To maintain an adequate level of service in the City’s storm drainage system to accommodate runoff from existing and future development and to prevent property damage due to flooding.” General Plan, Health and Safety Element Goal VII.B, states that it is the city’s goal, “To prevent loss of life, injury and property damage due to flooding.”

D. The city of Winters commissioned the engineering firm of Wood Rodgers, Inc., to prepare the Moody Slough Sub-basin and Putah Creek/Dry Creek Sub-basins Drainage Reports, dated September 9, 2009. These reports identify a comprehensive flood solution, including the storm drainage facility requirements and estimated costs of the facilities needed to serve new development within the flood overlay area. The Draft Storm Drainage Costs Allocation Report, prepared by Wood Rodgers, Inc., and dated September 9, 2009, contains a cost allocation of the needed facilities within the various zones of the flood overlay area, through build-out of the city's general plan. These reports are collectively referred to as the "Wood Rodgers Reports."

E. In order to further determine the need for drainage facilities created by new development and to spread the cost of such facilities among those who create the need or benefit from such facilities, the city commissioned the firm of Economic and Planning Systems, Inc., to prepare the Flood Area Storm Drainage Development Impact Fee Nexus Study, dated November 4, 2005. This study, utilizing information contained in the Wood Rodgers Reports, calculated the fees for the various zones within the flood overlay zone needed to fund the requisite facilities.

F. Analysis of the land uses expected at buildout of the city pursuant to the general plan makes it possible to estimate the level of residential, commercial, industrial and other development. It is therefore possible to arrive at a fee which equitably spreads the burden of financing drainage facilities to those who create the need for, or benefit from, such facilities. It is the intent of this chapter to create such a fee. The purpose of this chapter is to implement the requirements of the general plan and, under the authority of Article XI, Section 7, of the California Constitution, and consistent with the provisions of the Mitigation Fee Act (California Government Code Section 66000 et seq.), to establish the appropriate method of ensuring that sufficient funding for drainage facilities is available to serve residential, industrial, commercial and other growth in the flood overlay area of the city. The flood overlay area as shown in Figure II-1 of the general plan is referred to in this chapter as the "flood area."

G. The failure to impose the conditions and regulations of this chapter relating to payment of the fee on final maps or building permits would jeopardize residents of the community, in that it would permit construction and development to proceed without adequate drainage facilities or means of financing such facilities.

H. The cost estimates set forth in the Flood Area Storm Drainage Development Impact Fee Nexus Study ("nexus study") are reasonable cost estimates for constructing the drainage facilities specified therein, and the fees which may be generated by new development will not exceed the total of these construction costs made necessary by such new development. The fees established by this chapter have been calculated in the manner called for in the nexus study in order that the cost of needed facilities is borne by the type of development causing the need.

I. Based upon all evidence and testimony presented, including the Wood Rodgers Reports and the nexus study, the city council hereby finds that there is a clear and demonstrated relationship between the use of the fees provided for herein, namely the construction of drainage facilities, and the types of projects upon which the fees are to be imposed. Development will generate a need for additional drainage infrastructure as described in the nexus study.

J. Based upon all evidence and testimony presented, including the Wood Rodgers Reports and the nexus study, the city council hereby finds that there is a reasonable relationship between the need for drainage facilities, and the type of development projects upon which the fee is to be imposed, namely new residential, industrial and commercial construction. From careful consideration of the matter, the city council finds that (1) new development will adversely impact the drainage within the flood area, (2) will create a need for additional drainage facilities, and (3) the construction of drainage facilities, as set forth in the Wood Rodgers Reports and the nexus study are appropriate to serve such new development in light of these impacts.

K. Based upon all evidence and testimony presented, including the nexus study, the city council finds that there is a reasonable relationship between the amount of the fees as provided for in this chapter and the cost of drainage facilities, made necessary by new development. Further, the city council finds that the manner in which the fee is allocated upon new development is fair and does not exceed the cost of providing drainage facilities for new development.

L. The establishment of this drainage impact fee is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15061(b)(3) and 15273, in that there is no possibility that the establishment of this fee may have a significant effect on the environment, and further because the purpose of establishing this fee is to assist the city in maintaining services within its jurisdictional boundaries. This exemption is specifically based upon the following facts:

1. The environmental impacts of the facilities described in the nexus study, including cumulative and growth-inducing impacts, have been identified in the Final Environmental Impact Report (the "EIR") prepared for the 1992 General Plan and certified by the city council in Resolution No. 1992-13.
2. The establishment of this fee will not create a need for additional drainage facilities.
3. Prior to action on site-specific new development or drainage infrastructure, subsequent environmental review will be undertaken as necessary pursuant to the California Environmental Quality Act.
4. The establishment of this fee does not commit the city to any definite course of action and does not dictate how funds will be spent, or in any way narrow the field of options and alternatives available to the city.

M. The fee established by this chapter is in addition to any other fees or charges or taxes required by law or city code or as a condition of development.

15.90.020 Definitions.

The following words are defined for purposes of this chapter as follows:

A. "Building permit" means the permit issued or required by the city for the construction of any structure pursuant to Title 15.

B. "Director" means the public works director.

C. "Facilities" means the drainage improvements or infrastructure generally identified in the Wood Rodgers Reports and the nexus study, and more specifically determined from time to time by the city council.

D. "Fee" or "drainage impact fee" means the fee(s) established by this chapter.

E. "General plan" refers to the city of Winters general plan adopted by the Winters city council in 1992, including all subsequent updates and amendments.

15.90.030 Drainage impact fee.

There is hereby established a drainage impact fee which shall be imposed on all new development that will be served by the new facilities. This fee shall be imposed on all development within the city, unless such property is otherwise exempt as provided for in Section 15.90.070. The fee established by this chapter is in addition to any other fees or charges or taxes that are required by law or city code as a condition of development.

15.90.040 Administration of drainage impact fund.

A. The director of financial management is directed to establish a special fund entitled the drainage facilities fund. All fees collected pursuant to this chapter shall be deposited in this fund and shall be expended solely to:

1. Pay for the construction of the facilities, or to reimburse the city for facilities constructed by the city with funds advanced by the city from other resources; or
2. Reimburse developers who have been required or permitted to install facilities which are oversized with supplemental size, length or capacity.

B. The city council, as part of the annual budget and capital improvements programming process shall, each year, identify the facilities anticipated to be funded in whole or in part with the drainage impact fees collected, and appropriate funds accordingly.

15.90.050 Payment of drainage impact fee.

Except as otherwise provided by this chapter the fee imposed pursuant to this chapter shall be paid prior to the approval of a final map, unless no final map is required for the development, in which case the fee shall be paid at or prior to the issuance of any building permit for development subject to this chapter.

15.90.060 Amount of drainage impact fee.

A. The amount of the drainage impact fee hereby established shall be set by resolution adopted by the city council, which may be amended from time to time, as the city council deems necessary and appropriate. The resolution setting the amount of the fee shall list the types of development subject to the fee (i.e., residential, commercial, industrial); identify the eight different drainage zones within the city; and set the fee for each type of development within the various zones of the flood area on a per acre basis, in accordance with the nexus study.

B. If the proposed development covers fifty (50) percent or more of a parcel, then the fee shall be computed based upon the gross acreage of the parcel. If the proposed development covers less

than fifty (50) percent of a parcel, then the fee shall be computed based only upon the covered area of the parcel; however, at such time as development progresses to the point where it covers fifty (50) percent or more of the parcel, then the balance of the fee shall be due for the remainder of the parcel. The balance of the fee shall be computed by figuring the total fee based upon the gross acreage of the parcel and subtracting the portion of the fee already paid to the city.

C. For the purposes of this section, the term “covers” shall include the horizontal area of buildings, structures, roads, parking areas, any impervious surfaces, residential yards (front, side and rear) and landscaped areas.

15.90.070 Exemptions.

A. No fee shall be charged for the following types of development:

1. Development under construction for which a valid building permit is in force upon the effective date of the ordinance codified in this chapter unless such building permit contains an express condition requiring the payment of this fee.
2. Development within a subdivision subject to a development agreement entered into between the developer and the city under Government Code Section 65864 et seq., which agreement is in full force and effect and expressly prohibits the imposition of additional fees pertaining to drainage facilities, unless amended.
3. Development within a subdivision subject to a vested tentative subdivision map under Government Code Section 66498 which prohibits the imposition of the fee imposed by this chapter.
4. Existing development, including additions or modifications to existing residential buildings.
5. Public and quasi-public development, other than the development of schools.
6. Development outside the boundaries of the flood area.

B. Additions to existing commercial or industrial buildings or structures shall be subject to the fee established by this chapter.

15.90.080 Annual fee review.

A. In accordance with Government Code Section 66006, within one hundred eighty (180) days after the last day of each fiscal year, the city shall make available to the public the following information for the fiscal year:

1. A brief description of the type of fee in the account or fund;
2. The amount of the fee;
3. The beginning and ending balance of the account or fund;

4. The amount of fees collected and the interest earned;
5. An identification of each facility on which the fees were expended and the amount of the expenditures on each improvement, including a total percentage of the costs of the facility that was funded with fees;
6. An identification of the approximate date by which the construction of the facility will commence if the city determines that sufficient funds have been collected to complete financing on an incomplete facility;
7. A description of each interfund transfer or loan made from the account or fund, including the facility on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan;
8. The amount of refunds made pursuant to Government Code Section 66001(e) and any allocations pursuant to Government Code Section 66001(f);
9. Other such data, analysis or recommendations that the city manager may deem appropriate or as requested by the city council.

B. The city council shall review the above information at the next regularly scheduled public meeting not less than fifteen (15) days after this information is made available to the public. Notice of the time and place of the meeting, including the address where the above information may be reviewed, shall be mailed, at least fifteen (15) days prior to the meeting, to any interested party who files a written request with the city for mailed notice of the meeting.

C. The city council shall also, at the same noticed public meeting, by resolution, update any of the above information, including the identified facilities to be constructed with drainage impact fees.

15.90.090 Inflationary adjustments.

The fee established by this chapter shall automatically be adjusted on July 1st of each year by a percentage equal to the average of the change in the San Francisco Consumer Cost Index ("CCI") and the change in the twenty (20) city CCI as reported in the Engineering News Record for the twelve (12) month period ending in March of the current year. The determination shall be reported in writing to the city council by the director on or about June 30th of each year or as soon as the information is available.

15.90.100 Authorization of credits.

Whenever a person constructs and/or finances the construction of facilities authorized by this chapter, in accordance with improvement plans approved by the director, then such person may be entitled to a credit against fees, subject to the provisions of this chapter.

15.90.110 Amount of credits.

Unless otherwise set forth in this chapter, the amount of credits authorized for the construction of a facility shall be determined by the director based on recent competitive bids, but shall not exceed

the actual cost of construction or the total cost estimate (as adjusted for inflation) for the facility in the nexus study, whichever is less.

15.90.120 Procedure for credits.

A. Any person desiring and eligible for credits for the construction of facilities shall execute an agreement with the city authorizing credits. Agreements for credits in an amount of twenty thousand dollars (\$20,000.00) or greater must be approved by the city council. Agreements for credits in an amount less than twenty thousand dollars (\$20,000.00) may be approved by the city manager or his/her designee.

B. Tentative credits may, if authorized in a credit agreement, be allocated prior to the acceptance of facilities, so that they may be subtracted from fees at the time fees are paid. Credits shall be adjusted as necessary at the time the facilities are accepted by the city. The person receiving tentative credits shall agree that if the facilities are not accepted by the city, all tentative credits allocated shall be reimbursed to the city within sixty (60) days of notice of non-acceptance of the facilities. The person receiving tentative credits shall further agree that if tentative credits allocated exceed the final credits, the excess amount shall be reimbursed to the city within sixty (60) days of notice of such amount.

15.90.130 Apportionment of credits.

A. Except as set forth in this section, credits shall only be applied against fees due as a result of development for which the construction of facilities was required or authorized, and in the case of residential development, credits shall be equally apportioned to all lots within the subdivision. Credit agreements may not be assigned without the consent of the city council.

B. Credits may only be apportioned to parcels not within the subdivision if within ninety (90) days from the date that credits are authorized the director determines:

1. The parcel or parcels on which credit is sought are contiguous holdings of an individual or firm at the time construction of facilities is begun;
2. Only credits in excess of the amount of the fees which would have been due on such subdivision or parcel and each subsequent unit thereof within such contiguous holding may be apportioned to other contiguous parcels;
3. The parcel or parcels to which such credits are to be apportioned must be served by the facilities for which credits are authorized;
4. An agreement has been executed between the owner of the contiguous parcels and the city establishing the amount to be credited to each parcel prior to improvement plan approval for the initial parcel.

C. When credits are apportioned, the credit amounts shall be based on the rates in effect on the date improvement plans are approved for the parcel to which credits have been apportioned.

15.90.140 Criteria for reimbursement.

Except where specifically excluded, whenever credits are authorized for the construction of facilities pursuant to this chapter, and the credit amount exceeds the amount of the fees due pursuant to this chapter, the city shall reimburse the person entitled to such credits in accordance with the provisions of this chapter.

15.90.150 Procedure for reimbursement.

Excess credits shall only be reimbursed pursuant to the terms of a reimbursement agreement executed by the city and the person entitled to such credits.

15.90.160 Credit and reimbursement agreements.

A. The credit and/or reimbursement agreement shall include the following terms and conditions:

1. The amount of credits to be applied or excess credits to be reimbursed;
2. The estimated schedule for reimbursement of excess credits, taking into account other outstanding reimbursement agreements, a projection of estimated fees to be paid to the city, and the estimated timing for receipt of such fees. Such schedule shall not exceed five years from the date of acceptance of the facilities by the city, unless funds are not available, as determined by the city manager. If funds are not available when reimbursement is due, payment shall be postponed to the following year;
3. A provision stating that, the estimated schedule for reimbursement notwithstanding, reimbursements shall be prioritized based upon the date of the reimbursement agreement, and when funds are available, each reimbursement shall be paid in full in order of priority;
4. Except as otherwise provided herein, reimbursements shall be paid semi-annually in January and June of each year, based upon available funds;
5. Reimbursement of excess credits of ten thousand dollars (\$10,000.00) or less shall be made within sixty (60) days of the acceptance of the facilities by the city;
6. Reimbursement for facilities shall be made exclusively from the drainage facilities fund. City's obligation to developer is expressly conditioned and contingent upon the availability of monies within said funds, as determined by the city council. Developer shall have no claim against any other source of city revenue, including, but not limited to, general fund moneys. The credit or taxing power of the city is not pledged for the payment of any obligations arising from this agreement;
7. Interest on the unpaid balance of excess credits shall be paid annually in December at the net city treasury pool rate for the prior fiscal year. Interest shall not begin to accrue, however, until one hundred eighty (180) days after the facilities are accepted by the city;
8. The agreement may only be assigned by a written amendment to the agreement executed by the city manager, the assignor(s) and the assignee(s);

9. Notwithstanding any provisions to the contrary, excess credit shall not be reimbursed unless and until the facilities are accepted by the city;

10. Other terms as deemed necessary or appropriate by the city attorney to protect the legal interests of the city.

B. Except as authorized by this section, credit and/or reimbursement agreements must be approved by the city council. If the city council has previously approved a credit agreement with a party, the city manager may approve a reimbursement agreement with the same party if the amount of the reimbursement does not vary from the amount of the credit agreement by more than ten (10) percent. Credit and/or reimbursement agreements for amounts less than twenty thousand dollars (\$20,000.00) may be approved by the city manager or his/her designee.

15.90.170 Refund.

A. If five years after collection any portion of a fee collected pursuant to this chapter is unexpended or uncommitted, the city shall review the fee and the purpose for which it was charged, and make a determination and finding as to the continued need for the fee and the reasonable relationship between the fee and the purpose for which it is intended. This review and findings shall be made once each fiscal year in any year that there are unexpended or uncommitted fees, beginning with the fifth year after the effective date of the ordinance codified in this chapter.

B. If the appropriate finding cannot be made, the city shall cause the fees to be refunded to the then current owner of record of the project on which the fee was imposed pursuant to Government Code Sections 66001(d) and 66001(e).

Chapter 15.92

ENERGY CODE

Sections:

15.92.010 Adoption by reference.

15.92.010 Adoption by reference.

See Section 15.04.010(M) adopting by reference the 2025 California Energy Code.

Chapter 15.96

REFERENCED STANDARDS CODE

Sections:

15.96.010 Adoption by reference.

15.96.010 Adoption by reference.

See Section 15.04.010(N) adopting by reference the 2025 California Referenced Standards Code