

**TOWN OF PARADISE
ORDINANCE NO. 620**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AMENDING PARADISE MUNICIPAL CODE CHAPTER 8.55
RELATING TO DEVELOPMENT OF LAND AREAS PRONE TO FLOOD HAZARD**

SECTION 1. Chapter 8.55 of the Paradise Municipal Code is amended to read as follows:

8.55.010 - 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.

- I. Ensure any new development or project for improvement of a structure considers and accounts for special flood hazards.

8.55.030 - 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.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"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-year flood"). "Base flood" is the term used throughout this chapter.

"Building," see "Structure."

"Certification Letter" means a letter prepared, stamped and signed by a registered professional Civil Engineer, Architect or Land Surveyor, presenting the methodology and improvements used to determine that the proposed structure or land improvement is floodproofed, and, or designed according to this chapter.

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

"Flood" or "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source; or mudslides (i.e., mudflows) which are proximately caused by flooding as defined herein and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current;

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by currents of water exceeding anticipated cyclical levels or suddenly caused by an unusual and unforeseeable event which results in flooding as defined in this definition.

"Development Permit" means any permit required per the Paradise Municipal Code for discretionary approval, construction, alteration or improvement of structures, or land within the jurisdiction of the Town.

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

"Floodplain administrator" means the individual appointed to administer and enforce the floodplain management regulations.

"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.

"Governing body" means the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"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.

"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.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"One-hundred-year flood" or "100-year flood," see "Base flood."

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred 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.

"Special Permit Zones" are the flood prone areas.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty days from the date of the permit. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; -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 and requires a building or planning permit; 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 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 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.

8.55.035 - Special Permit Zones Adoption.

For purposes of supplementing the administration of the provisions of this chapter the "Special Permit Zones," established as areas inundated by flooding in a base flood event, is hereby adopted.

8.55.040 - General Provisions.

A. This chapter shall apply to all areas identified as flood-prone within the jurisdiction of the town.

B. The floodplain administrator shall obtain, review and reasonably utilize any base flood data available from other federal or state agencies or other source to identify flood-prone areas within the jurisdiction of the town. This data will be on file at the Paradise Town Hall building, Department of Public Works, located at 5555 Skyway, Paradise, California.

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

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

E. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the town; and
3. Deemed neither to limit nor repeal any other powers granted under state

statutes.

F. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

8.55.050 - Administration.

A. A development permit shall be obtained for all proposed construction or other development in the community, including land alteration and placement of structures and manufactured homes, so that it may be determined whether such construction or other development is within flood-prone areas.

B. The town manager or designee is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

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

1. Permit Review. Review all development permit applications to determine that:
 - a. Permit requirements of this chapter have been satisfied;
 - b. All other required state and federal permits have been obtained; and
 - c. The site is reasonably safe from flooding relative to the Town adopted "Special Permit Zones" and/or other source of Base relative Flood Data.
2. Review and Use of Any Other Base Flood Data. The floodplain administrator shall obtain, review and reasonably utilize any base flood data available from other federal or state agency or other source.
3. Require additional studies, certification or documentation prepared, stamped and signed by a Registered professional Civil Engineer, Architect or Surveyor when they deem it necessary to do so, based on the proposed improvements and impacts to flood prone areas. Studies, certification or documentation may include, but are not limited to:
 - a. FEMA elevation certificates, using the appropriate FEMA methodology
 - b. A Certification Letter to demonstrate compliance with this chapter.

8.55.060 - Provisions for flood hazard reduction.

A. If a proposed development site is in, or partially in, a flood-prone area, all new construction and substantial improvements, including manufactured homes and grading, shall:

1. Be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; to have no adverse impacts on, or displacement of, flood waters within the parcel; to review the flood depths and limits identified in the Special Permit Zone and a convey such floodwaters within proposed site improvements.
2. Be constructed:
 - a. With materials and utility equipment resistant to flood damage,
 - b. Using methods and practices that minimize flood damage or displacement, and
 - c. 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.

B. If a subdivision proposal or other proposed new development, including manufactured home parks or subdivisions, is in a flood-prone area, any such proposals shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage within flood-prone areas;
2. All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

C. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharge from the systems into floodwaters.

D. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

SECTION 2. Pursuant to California Environmental Quality Act (CEQA) Guidelines section 15308 this ordinance is exempt from CEQA in that it is a Class 7 and Class 8 categorical exemption for actions taken by a regulatory agency to establish procedures for the protection of Natural Resources and for the protection of the environment.

SECTION 3. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED BY THE Town Council of the Town of Paradise, County of Butte, State of California, on this 13th day of September 2022, by the following vote:

AYES: Greg Bolin, Steve "Woody" Culleton, Jody Jones, Rose Tryon and Steve Crowder, Mayor

NOES: None

ABSENT: None

ABSTAIN: None




Steve Crowder, Mayor

ATTEST: *September 14, 2022*



Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:



Scott E. Huber, Town Attorney