

ORDINANCE NO. Introduction (CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE REPEALING AND REPLACING TITLE 8 (BUILDING REGULATIONS) PERTAINING TO THE ADOPTION BY REFERENCE OF THE 2025 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES IN ITS ENTIRETY, THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION AND AMENDING THE FIRE CODE AS IDENTIFIED HEREIN, THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY

**REPEALING AND REPLACES ORDINANCE NUMBERS 1444-22 (CM);
1445-22 (CM); 1446-22 (CM)**

WHEREAS, the City of Watsonville has adopted and codified Title 8 of the Municipal Code for the regulation and the governance of the conditions and maintenance of all property, buildings, and structures; for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of structures; and for the issuance of permits and the collection of fees therefore; and

WHEREAS, every three years, the California Building Standards Commission adopts specific language, codes and building standards applicable throughout California to provide consistent minimum requirements to safeguard public health, safety, and general welfare attributed to the built environment; and

WHEREAS, the California Building Standards Commission published the new California Building Standards Code on July 1, 2025; and

WHEREAS, Section 17922 of the California Health and Safety Code provides that such standards shall be adopted by reference except for any additions or deletions made

by the State Department of Community Development and shall impose substantially the same requirements as uniform codes identified in subdivision (a) of Section 17922; and

WHEREAS, on November 24, 2022, the City adopted the last code cycle, the 2022 California Building Standards Code with local amendments to address the unique local climatic, topographic, and geological conditions of Watsonville; and

WHEREAS, amendments, additions, and deletions to the California Building Standards Code, adopted by a city pursuant to Health and Safety Code Sections 18941.5 and 17958, together with all applicable portions of the California Building Standards Code, become effective January 1, 2026; and

WHEREAS, California Health and Safety Code Sections 18941.5 and 17958 authorize the City to adopt local changes and modifications to the California Building Standards Code when the City makes findings that the local changes and modifications are reasonably necessary because of local climactic, topographical, or geological conditions; and

WHEREAS, pursuant to Section 17958.7 of the California Health and Safety Code, a city may make such local changes but only if it makes the express findings regarding local climatic, geological and or topographical conditions with the modification or change expressly marked and identified to which such finding refers and files same with the California Building Standards Commission; and

WHEREAS, certain amendments to the 2025 California Fire Code serve to mitigate to the extent possible said deleterious effects; and

WHEREAS, the City Council of the City of Watsonville finds that the modifications and changes to the 2025 California Fire Code are reasonably necessary because of the local climatic, geological, and topographical conditions as identified in Exhibit A which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. ENACTMENT.

Title 8 (Building Regulations) of the Watsonville Municipal Code is hereby repealed in its entirety and replaced with the following:

Chapter 1
ADMINISTRATIVE PROVISIONS

Sections:

- 8-1.01 Title and scope.
- 8-1.02 Department of Building Safety.
- 8-1.03 Duties and powers of Building Official.
- 8-1.04 Fees.
- 8-1.05 Creation of Green Building Educational Resource Fund.
- 8-1.06 Refunds.
- 8-1.07 Board of Appeals.

8-1.01 Title and scope.

- a) Title. This chapter shall be known as the Administrative Provisions.
- b) Scope. The provisions of this Chapter apply to the regulation, construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures and shall serve as the administrative, organizational and enforcement rules and regulations for all of this title regarding items not specifically addressed within the adopted Building Standards codes, the International Property Maintenance Code, The Uniform Code for the Abatement of Dangerous buildings or the maintenance guidelines in Chapter 5-33.

c) Intent. The purpose of this chapter is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

8-1.02 Department of Building Safety.

The Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official.

8-1.03 Duties and powers of Building Official.

The Building Official is hereby authorized and directed to enforce the provisions of this Title and all codes and standards adopted and set forth herein.

8-1.04 Fees.

a) Payment of Fees. A permit shall not be valid until the fees prescribed as set forth in the Schedule of Fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

b) Schedule of Fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees established by resolution of the City Council.

c) Building Permit Valuation. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

d) Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a special investigation to be made before any permit may be issued for such work. An investigation fee in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued for the illegal work. The investigation fee shall be equal to the amount of a permit fee required by this chapter for the commenced or completed work as set forth in the City adopted fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this title or Chapter [5-33](#), nor from any penalty prescribed by law.

e) Related Fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees established by resolution of the City Council.

8-1.05 Green Building Educational Resource Fund.

All permits issued by the City of Watsonville with the exception of sub-trade permits and permits issued in conjunction with a master permit shall be assessed a fee equal to 0.00025 times the overall valuation of the project. Revenues collected shall be maintained by the Finance Department in a revolving Green Building Education Fund and shall be used only for program management, public educational purposes, staff education, publications and local seminars.

8-1.06 Refunds.

- a) The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
- b) The Building Official may authorize the refunding of not more than eighty (80%) percent of the permit fee paid when no work has been done under a permit issued in accordance with this title and Chapter 5-33.
- c) The Building Official may authorize the refunding of not more than eighty (80%) percent of the plan review fee paid when an application is withdrawn or canceled before any plan reviewing has been started.
- d) The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

8-1.07 Board of Appeals.

- a) General. In order to hear and decide appeals of orders, decisions or determinations made by the Building or Fire Official relative to the application or interpretations of this title and Chapter 5-33, there shall be and is hereby created a Building Life Safety Appeals Board, hereafter known also as the Local Appeals Board, consisting of members qualified by experience and/or training as set forth in subsection (c) of this section to pass upon matters pertaining to building construction, building service equipment, property maintenance, housing standards and fire regulations and who are not employees of the City. The Building Official shall be an ex officio member and shall act as secretary to the Local Appeals Board relative to appeals for this title and Chapter 5-33, except as to the Fire Code, and the Fire Chief shall be an ex officio member and shall act as secretary to the Board relative to appeals for the Fire Code. The Local Appeals Board shall be appointed by the City Manager. The Board may adopt rules of procedure for conducting its business and shall render all decisions in writing to the appellant with a duplicate copy to the Building Official or the Fire Chief as is appropriate. Appeals to the Local Appeals Board shall be processed in accordance with the provisions and procedures contained in Chapters 5, 6, and 7 of the California Abatement of Dangerous Buildings Code and in Chapter 8-8.
- b) Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.
- c) Qualifications. The Local Appeals Board shall consist of five (5) individuals, one (1) from each of the following:

- 1) A retired or currently active registered design professional with architectural or structural engineering experience or a builder or superintendent of building construction with at least ten (10) years' experience, five (5) of which shall have been in responsible charge of work.
 - 2) A person with experience in dealing with the disabled community or who has been a community advocate for the disabled community or is a disabled person with a minimum of five (5) years' experience in the area of disabled access requirements.
 - 3) A retired or currently active registered design professional with mechanical and plumbing engineering experience or a mechanical contractor or a plumbing contractor with at least ten (10) years' experience, five (5) of which shall have been in responsible charge of work.
 - 4) A retired or currently active registered design professional with electrical engineering experience or an electrical contractor with at least ten (10) years' experience, five (5) of which shall have been in responsible charge of work.
 - 5) A retired or currently active registered design professional with fire protection engineering experience or a fire protection contractor with at least ten (10) years' experience, five (5) of which shall have been in responsible charge of work.
- d) Alternate Members. The governing body shall appoint two (2) alternate members who shall be called by the Board Chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership.
- e) Chairperson. The Board shall annually select one (1) of its members to serve as Chairperson.
- f) Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- g) Appeals. Any person, firm or corporation may register an appeal with the Local Appeals Board for review of any decision of the Building Official about this title and Chapter 5-33; provided, that the appeal is made in writing within thirty (30) days of receipt of notice and is accompanied with the administrative fee specified in the City's fee schedule for an appeal. All appeals where notices declaring structures or equipment "dangerous" must be submitted within ten (10) days of receipt of notice.
- h) Conditions. Any person shall be permitted to appeal a decision of the Building Official or Fire Chief to the Local Appeals Board when it is claimed that any one (1) or more of the following conditions exist:
- 1) The true intent of this title and Chapter 5-33, as described in those codes, has been incorrectly interpreted.
 - 2) A provision in this title or Chapter 5-33 does not apply.
 - 3) A decision is arbitrary as it applies to alternatives, new materials or interpretations of this title and Chapter 5-33.
- i) Request for Appeals Action Ratification. For the purposes of this chapter, "request for ratification" shall mean actions required under Section 109.1.5. A written request by the Building Official that the Board approves a proposed solution based upon a finding of "unreasonable hardship" as that term is used in Title 24 of the California Code of Regulations.

- 1) The Board must have approved a request for ratification, prior to the approval of plans or issuance of a permit, which requires a finding of unreasonable hardship from an appeal to the Building Official.
 - 2) The Building Official shall place any appeal consisting of a request for ratification to determine an unreasonable hardship on the Board's agenda in compliance with provisions contained in this section.
- j) Decisions. The Board shall not render any decision allowing a proposed design solution unless, after the hearing, it finds on the basis of substantial evidence that:
- 1) The proposed design is satisfactory and complies with the intent of this chapter; and
 - 2) The proposed design meets the requirements of Title 24.
 - 3) Board decisions overruling the Building Official's decisions shall require four (4) votes. Board decisions ratifying the Building Official's requests for ratification shall require three (3) votes.
 - 4) Should the Board render a decision contrary to that of the Building Official, then the decision of Board shall be deemed the decision of the Building Official or Fire Chief.
- k) Decisions Findings and Order.
- 1) The decision of the Board shall be final and conclusive.
 - 2) The findings and order of the Board shall include the following notice:
 - i. Notice to parties;
 - ii. The time within which judicial review must be sought to review this decision is governed by the provisions of California Code of Civil Procedure Section 1094.6.

Chapter 2 CALIFORNIA ADMINISTRATIVE CODE

8-2.01 Adopted by reference.

The California Administrative Code, Part 1, 2025 edition is hereby adopted as the Administrative Code for the City of Watsonville.

Chapter 3 CALIFORNIA BUILDING CODE - (Volume 1 and 2)

8-3.01 Adopted by reference.

The California Building Code, Volumes 1 and 2, 2025 edition, are hereby adopted as the Building Codes for the City of Watsonville for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, used and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Chapter 4
CALIFORNIA RESIDENTIAL CODE

8-4.01 Adopted by reference.

The California Residential Code, Part 2.5, 2025 edition is hereby adopted as the Residential Code for the City of Watsonville for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one-and two-family dwelling, townhouse not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto throughout the State of California..

Chapter 5
CALIFORNIA ELECTRICAL CODE

8-5.01 Adopted by reference.

The California Electric Code, Part 3, 2025 edition is hereby adopted as the Electric Code for the City of Watsonville, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and the same is adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

Chapter 6
CALIFORNIA MECHANICAL CODE

Sections:

8-6.01 Adopted by reference.

8-6.02 Sections not adopted.

8-6.01 Adoption of the California Mechanical Code.

The California Mechanical Code, Part 4, 2025 edition is hereby adopted as the Mechanical Code for the City of Watsonville, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and the same is made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

8-6.02 Sections not adopted.

a) Section 104.5 – Fees.

b) Table 104.5. - Mechanical Permit Fees.

Chapter 7
CALIFORNIA PLUMBING CODE

Sections:

- 8-7.01 Adopted by reference.
- 8-7.02 Sections not adopted.

8-7.01 Adopted by reference.

The California Plumbing Code, Part 5, 2025 edition is hereby adopted as the Plumbing Code for the City of Watsonville regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, issuance of permit and collection of fees therefore; and the same is adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

8-7.02 Sections not adopted.

- a) Section 104.3.2 - Plan Review Fees.
- b) Section 104.5 - Fees.
- c) Table 104.5 - Plumbing Permit Fees.

Chapter 8
CALIFORNIA ENERGY CODE

8-8.01 Adopted by reference.

The California Energy Code, Part 6, 2025 edition is hereby adopted as the Energy Code for the City of Watsonville regulating and governing the design, construction, quality of materials, installation, alteration, repair, replacement, use or maintenance of energy conserving systems and components as herein provided; providing for the issuance of permits and collection of fees therefor; and the same is made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article..

Chapter 9
CALIFORNIA WILDLAND-URBAN INTERFACE CODE

8-9.01 Adopted by reference.

The California Wildland-Urban Interface Code, Part 7, 2025 edition is hereby adopted as the Wildland-Urban Interface Code for the City of Watsonville establishing minimum requirements to reduce the likelihood of life and property loss due to a wildfire through the use of performance and prescriptive requirements for construction and development.

Chapter 10
CALIFORNIA HISTORICAL BUILDING CODE

8-10.01 Adopted by reference.

The California Historical Building Code, Part 8, 2025 edition is hereby adopted as the Historical Building Code for the City of Watsonville, regulating the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

Chapter 11 CALIFORNIA FIRE CODE

Sections:

- 8-11.01 Adopted by reference.
- 8-11.02 Sections amended, added or deleted.
- 8-11.03 Appendix chapters adopted

8.11.01 Adopted by reference.

The California Fire Code, Part 9, 2025 edition is hereby adopted as the Fire code for the City of Watsonville, establishing the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

8-11.02 Sections amended, added or deleted.

California Fire Code (CFC) Chapter 1

CFC Section 101.1 is hereby amended to read as follows:

CFC Section 101.1 - Title. These regulations shall be known as the Fire Code of the City of Watsonville, hereinafter referred to as “this code.”

CFC Section 102.1 is hereby amended to read as follows:

CFC Section -102.1 - Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the fire code official, constitute a distinct hazard to life or property.
5. Existing Structures, Alterations and Repairs. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of fifty percent or more of the existing internal structural and/or non-structural framework,

independently or in combination thereof, within a five year period, the entire building shall be made to conform to the current provisions of this chapter. The determination under this section of the requirement for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.

CFC Section 102.9 is hereby amended to read as follows:

CFC Section 102.9 - Matters not provided for. Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code shall be determined by the fire code official.

The fire chief is authorized to render interpretations of this code and to make and enforce rules, supplemental regulations and standards in order to carry out the application and intent of its provisions. Such interpretations, rules, regulations and standards shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours. Those standards promulgated by the Santa Cruz County Fire Chiefs Association shall be deemed as prima facie evidence of compliance with this code.

Section 103.4 is hereby added to read as follows:

Section 103.4 - Law enforcement powers. The fire code official and his/her deputies shall have the powers of law enforcement officers in performing their duties under this code. When requested to do so by the fire code official, the chief of police or county sheriff of the jurisdiction is authorized to assign such available law enforcement as necessary to assist the fire code official with enforcing the provisions of this code.

CFC Section 105.1 is hereby amended to read as follows:

CFC Section 105.1 - General. Permits shall be in accordance with Sections 105.1.1 through 105.6.25 or other provisions of this code as required by the jurisdiction having authority. When required by the fire code official, a permit shall be obtained. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

CFC Sections 112.1 through CFC Section 112.4 are hereby deleted and replaced as follows:

Section 112 – Means of Appeals

Section 112.1 General. Means of Appeals shall be as set forth in City of Watsonville Municipal Code Chapter 1 Title 8.

CFC Section 113.4 is hereby deleted and replaced to read as follows:

Section 113.4 Violation penalties. Violations of this code shall be adjudicated in accordance with Title 8 Section 1.114 of the City of Watsonville Municipal Code.

CFC Section 113.4.1 is hereby deleted and replaced to read as follows:

Section 113.4.1 - Abatement of violation. Abatement of violations of this code shall be as required by Title 8 Section 1.116 of the City of Watsonville Municipal Code for unsafe structures and equipment.

Section 113.4.2 is hereby added to read as follows:

Section 113.4.2 - Enforcement. The fire code official and her/his delegated subordinates, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a violation of any of the provisions of this Code in their presence.

Upon making such an arrest, the fire code official or her/his delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this Section.

CFC Section 114.4 is hereby deleted and replaced to read as follows:

CFC Section 114.4 - Failure to comply. No person shall violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of an infraction, unless a Code section specifically provides for a violation to be a misdemeanor as outlined in Title 1 Chapter 2 of the City of Watsonville Municipal Code.

California Fire Code - Chapter 2 – Amendments, additions or deletions

Section 202 – Definitions

CFC Section 202 is hereby amended with the addition of the following definitions:

- a) **ALL WEATHER SURFACE.** An all-weather surface shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15%, and asphaltic concrete for grades exceeding 15%. No grade shall be allowed to exceed 16% in State Responsibility Area (SRA) or 20% in Local Responsibility Area (LRA).
- b) **BRIDGE.** A bridge shall be defined as a structure designed to carry a roadway over a depression or obstacle.
- c) **DE NOVO.** adj. Latin for "anew," which means starting over, as in a trial de novo. For example, a decision in a small claims case may be appealed to a local trial court, which may try the case again, de novo.
- d) **GREENHOUSE.** A greenhouse is a structure with walls and roof made chiefly of a non-combustible, transparent material, such as glass, in which plants requiring regulated climatic conditions are grown. Construction within the greenhouse is also of a non-combustible nature.

e) **LOCAL RESPONSIBILITY AREA (LRA).** Shall mean lands on which neither the state nor the federal government has any legal responsibility for providing fire protection. Local responsibility areas include incorporated cities and cultivated agriculture lands. Local responsibility area fire protection is typically provided by city fire departments, fire protection districts, special districts, counties, and by CAL FIRE under contract to local government.

f) **STAGE.** A space within a building utilized for entertainment or presentations, which includes overhead hanging curtains, drops, scenery or stage effects other than lighting and sound. Stage area shall be measured to include the entire performance area and adjacent backstage and support areas not separated from the performance area by fire-resistance rated construction. Stage height shall be measured from the lowest point on the stage floor to the highest point of the roof or floor deck above the stage.

g) **STATE RESPONSIBILITY AREA (SRA).** Shall mean lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125-4127; and the California Code of Regulations, Title 14, Division 1.5, Chapter 7, Article 1, Sections 1220-1220.5 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the State of California.

h) **TURNAROUND.** A roadway, unobstructed by parking, which allows for a safe opposite change of direction for emergency equipment. Maximum grade in all directions may not exceed 5% and maximum distance from the structure is 150 feet (45,720 mm) or as approved by the fire code official. Design of such area may be found in Santa Cruz County Fire Prevention Officers Standards.

i) **TURNOUT.** A widening in a roadway to allow vehicles to pass. Design of such area may be found in Santa Cruz County Fire Prevention Officers Standards.

California Fire Code - Chapter 3 – Amendments, additions or deletions

CFC Section 304.1.3 is hereby deleted in its entirety and replaced as follows:

Section 304.1.3 - Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban-wildland interface areas shall be maintained around and adjacent to buildings and structures. A firebreak shall be made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure.

When required by state law, or local ordinance, rule or regulation, an additional fire protection zone or firebreak may be made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to

the property line. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. This does not apply to single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.

Vegetation clearance requirements in the wildland-urban interface areas shall be in accordance with Part 7 of Title 24 California Code of Regulations (California Wildland-Urban Interface Code).

CFC Section 305.4 is hereby amended to read as follows:

CFC Section 305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property. Any person or entity violating this section is guilty of a misdemeanor; however, any violation of this section may, in the discretion of the City Attorney, be charged and prosecuted as an infraction.

CFC Section 307 is hereby amended to read as follows:

CFC Section 307.1. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning within the City of Watsonville. ~~unless conducted and approved in accordance with Sections 307.1.1 through 307.~~

CFC Section 307.1.1 Prohibited Open Burning. Open burning shall be prohibited within the City of Watsonville. ~~when atmospheric conditions or local circumstances make such fires hazardous.~~

Exception: ~~Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.~~

~~**Section 307.2 Permit Required.** A permit shall be obtained from the fire code official in accordance with Section 105.5 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land on which the fire is to be kindled.~~

~~**Section 307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.~~

CFC Section 307.3 Extinguishment Authority. Where open burning creates or adds to a hazardous situation, ~~or a required permit for open burning has not been obtained,~~ the fire code official is authorized to order the extinguishment of the open burning operation.

~~**Section 307.4 Location.** The location for open burning shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.~~

~~**Exceptions:**~~

- ~~1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.~~
- ~~2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.~~

~~**Section 307.4.1 Section Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.~~

~~**Section 307.4.2 Recreational Fires.** Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.~~

CFC Section 307.4.3 Portable Outdoor Fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one-and two-family dwellings.

CFC Section 307.5 Attendance. ~~Open burning, bonfires, recreational fires and use~~ of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

CFC Section 311.5 is hereby amended to read as follows:

CFC Section 311.5 – Placards. When required by the fire code official, any any building or structure determined to be unsafe pursuant to Section 115 of this code relating to structural or interior hazards shall be marked as required by Sections 311.5.1 through 311.5.5.

California Fire Code - Chapter 5 – Amendments, additions or deletions

CFC Section 503.6 is hereby amended to read as follows:

CFC Section 503.6 – Gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended

for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

All Gates providing access from a road to a driveway, or within any access road, shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least 2 (two) feet wider than the access road being secured, but in no case shall the width be less than 14 (fourteen) feet unobstructed horizontal clearance and unobstructed vertical clearance of 15 (fifteen) feet. When gates are to be locked, the installation of a key box or other acceptable means for immediate access may be required as in Section 506.1.

CFC Section 505.2 is hereby amended to read as follows:

CFC Section 505.2 - Street and road signs. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. Posting of any road names and numbers not authorized by the Department of Public Works of the City of Watsonville, and the fire code official is prohibited.

CFC Section 507.3 is hereby amended to read as follows:

CFC Section 507.3 – Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method, Appendix B, or Appendix BB (for school buildings as scoped in BB 101.1)

Parcels not within the boundaries of a public or private water purveyor shall have a minimum water supply capable of supplying a flow of 500 gallons per minute for 20 minutes (10,000 gallons) for all new fire sprinklered (NFPA 13D) dwellings, residential additions in excess of 500 square feet, and other structures classified as a residential accessory uses such as garages, storage buildings, barns, etc.

Privately owned water that is not supplied by a licensed water purveyor shall:

1. serve no more than two dwellings and no more than 10,000 square feet of habitable dwelling space, and;
2. be provided pursuant to a recorded covenant that runs with the land if the water supply originates from another parcel. If a water purveyor supplies the water, the applicant must submit with the building plan written verification from the licensed purveyor that the water supply meets the flow requirement.

Exception: A 2% reduction will be allowed for flow supplied by approved stationary water tanks, to account for the nominal standardized capacity of such tanks.

Section 507.5.7 is hereby added to read as follows:

Section 507.5.7 – Painting. When required by the fire code official, fire hydrants shall be painted in accordance with NFPA 291.

Section 509.1.2 is hereby added to read as follows:

Section 509.1.2. - Alternate power sources. All permanent installations of electrical generators, wind generators, solar photovoltaic cells, or other power sources shall be approved by the building code official. In addition to all applicable provisions of Title 24 CCR for any such installation, a sign reading:

“WARNING – This premise is provided with an Alternate Power Source. Disconnection of commercial power may not disable the electrical power source”

shall be permanently affixed. Sign shall be red in color with a minimum of ½” tall contrasting lettering and shall be permanently affixed on each electrical panel subject to back-feed from alternate power sources. Any and all power disabling switches shall be clearly labeled.

California Fire Code - Chapter 9 – Amendments, additions or deletions

CFC Sections 903.2 through 903.2.10.2 are deleted and replaced to read as follows:

Section 903.2 - Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

Section 903.2.1 - New structures. An automatic fire sprinkler system shall be provided in all new occupancies as defined in Chapter 3 of the California Building Code, regardless of type of construction and/or floor area, unless otherwise pre-empted by the California Health and Safety Code. Any occupancy not specifically mentioned shall be included in the group that it most nearly resembles based on the proposed life and fire hazard;

Exceptions:

1. Private garages, carports, sheds not more than 1,000 square feet (93 m²) of total floor area shall not require fire sprinklers where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.
2. Sheds exceeding 1,000 square feet, (93 m²) but not exceeding 3,000 square feet (278 m²) shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates that the applicant’s proposal does not increase the fire hazard or fire load.
3. Agricultural buildings as defined in Appendix Chapter C, of the California Building Code having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, not exceeding 25 feet (7620 mm) in height and located within an Agricultural zoned district.
 - a. Not exceeding 2,000 square feet (186 m²) or as exempted by the fire chief, shall not require fire sprinklers.
 - b. Exceeding 2,000 square feet (186 m²) but not exceeding 5,000 square feet, shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates the applicant’s proposal does not increase the fire hazard or fire load.
 - c. Greenhouses of non-combustible construction shall not require fire sprinklers.
4. Group B and Group M Occupancies not more than 500 square feet (46.5 m²) shall not require fire sprinklers where they are detached and separate from other structures

and provided with exterior wall and opening protection as per the California Building Code, Table 508.3.3.

5. For public school state-funded construction projects see CFC Section 903.2.19.

Section 903.2.1.4 - Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with section 425.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

Section 903.2.1.5 - Group R-3 congregate residences. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 congregate living facilities with 16 or fewer residents.

Section 903.2.1.6 - Care facilities. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in care facilities with 5 or fewer individuals in a single-family dwelling.

Section 903.2.2 - Existing buildings and structures except for one- and two-family dwellings. An automatic sprinkler system shall be installed in existing buildings and structures, except One- and Two-Family Dwellings, after the effective date of this code, when a building permit is issued to allow additions to be made, as follows:

1. For existing buildings less than 6,000 square feet in gross floor area when an addition to the building causes the structure to exceed 6,000 square feet, the entire structure shall be provided with an automatic sprinkler system.
2. For existing buildings larger than 6,000 square feet in gross floor area when an addition is equal to or greater than 10% of the existing square footage or when extensive renovation or remodeling is done to more than 50% of the gross floor area, the entire structure shall be provided with an automatic sprinkler system.

For the purposes of this section, extensive renovation or remodeling shall be defined as any change, addition or modification in construction or occupancy or structural repair or change in primary function to an existing structure made by, on behalf of or for the use of a public accommodation or commercial facility that affects or could affect the usability of the building or facility or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.

All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of fifty percent or more of the existing internal structural and/or non-structural framework, independently or in combination thereof, within a five year period, the entire building shall be made to conform to the current provisions of this chapter. The determination under this section of the requirement for upgrading any existing structure to full conformance with current provisions of this Chapter shall be at the sole discretion of the Fire Code Official.

Exceptions to Section CFC Section 903.2.2 (1 and 2)

- (a) **Group A2.** An automatic sprinkler system shall be provided throughout stories containing Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:
1. The fire area exceeds 5,000 square feet (464 m²).
 2. The fire area has an occupant load of 100 or more.
 3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
 4. *The structure exceeds 5,000 square feet (465 m²), contains more than one fire area containing a Group A-2 occupancy, and is separated into two or more buildings by fire walls of not less than 4-hour fire-resistance rating without openings.*
- (b) **Group A-5.** Occupancies exceeding 1,000 square feet in the following areas: concession stands, retail areas, press boxes and other accessory use areas shall have an automatic sprinkler system installed.
- (c) **Assembly occupancies on roofs.** Where an occupied roof has an assembly occupancy with an occupant load exceeding 100 for Group A-2 and 300 for other Group A occupancies, all floors between the occupied roof and the level of exit discharge shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
- Exception:** Open Parking garages of Type I or Type II construction.
- (d) **Multiple fire areas of Group A-1, A-2, A-3 or A-4** occupancies share exit or exit access components, and the combined occupant load of these fire areas is 300 or more.

(e) **Group B.** Regardless of square footage, an automatic sprinkler system shall be provided for Group B occupancies as follows:

1. **Ambulatory Care Facilities.** An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exist at any time:

- a. Four or more care recipients are incapable of self-preservation.
- b. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor as well as all floors below where such care is provided, and all floors between the level of ambulatory care and the nearest level of exit discharge, the level of exit discharge, and all floors below the level of exit discharge.

Exception: Floors classified as an open parking garage are not required to be sprinklered.

2. **Laboratories involving research and development or testing.** An automatic sprinkler system shall be installed throughout the fire areas utilized for the research and development or testing of lithium-ion or lithium metal batteries.

(f) **Group F-1 occupancies.** 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 6,000 square feet (1115 m²).
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 5,000 square feet (2230 m²).

Group F-1 Woodworking Operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet (232 m²) in area that generate finely divided combustible waste or use finely divided combustible materials. [SFM] A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.

Group F-1 Distilled Spirits. An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits.

Group F-1 Upholstered Furniture or Mattresses. An automatic sprinkler system shall be provided throughout a Group F-1 fire area that exceeds 2,500 square feet (232 m²) used for the manufacture of upholstered furniture or mattresses.

(g) **Group H occupancies** shall be provided with an automatic sprinkler system.

(h) **Group I occupancy** fire areas shall be provided with an automatic sprinkler system.

Exceptions:

- (1) Those areas exempted by Section 407.6 of the California Building Code.

- (2) Group I-2 occupancies, or any alterations thereto, located in Type IA construction in existence on or before March 4, 1972 as required in California Health and Safety Code Section 13113(d).
- (i) **Group I-2 occupancies.** An existing, unsprinklered Group I-2, nurses' stations open to fire-resistive exit access corridors shall be protected by an automatic sprinkler system located directly above the nurses' station. It shall be permitted to connect the automatic sprinkler system to the domestic water service.
 - (j) **Group I-3 occupancies.** Every building, or portion thereof, where inmates or persons are in custody or restrained shall be protected by an automatic sprinkler system conforming to NFPA 13. The main sprinkler control valve or valves and all other control valves in the system shall be locked in the open position and electrically supervised so that at least an audible and visual alarm will sound at a constantly attended location when valves are closed. The sprinkler branch piping serving cells may be embedded in the concrete construction.
 - (k) **Group M occupancy** used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet.
 - (l) **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 12,000 square feet (1115 m²).
 - 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. **[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 not less than 4-hour fire-resistance rating without openings.*
 - (m) **Group S-1** occupancies used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.
 - (n) **Group S-1** occupancies exceeding 2,500 square feet used for the storage of upholstered furniture or mattresses shall have an automatic sprinkler system installed.
 - (o) **Group S-1** fire areas exceeding 5,000 square feet used for the repair of commercial motor vehicles.
 - (p) Structures where the area for the storage of tires exceeds 20,000 cubic feet shall be equipped throughout with an automatic fire sprinkler system in accordance with Section 903.3.1.1.
 - (q) **Group U** occupancies exceeding 1,000 square feet shall have an automatic sprinkler system installed. Group U occupancies not exceeding 1,000 square feet are exempt where they are detached and separate from other structures and provided with exterior wall and opening protection as per the California Building Code.
 - (r) Sheds exceeding 1,000 square feet but not exceeding 3,000 square feet shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates that the applicant's proposal does not increase the fire hazard or fire load.

- (s) Agricultural buildings as defined in Appendix Chapter C, of the California Building Code having a clear unobstructed side yard exceeding 60 feet (18,280 mm) in all directions, not exceeding 25 feet (7620 mm) in height and located within an Agricultural zoned district.
 - 1. Not exceeding 2,000 square feet (186 m²) or as exempted by the fire chief, shall not require fire sprinklers.
 - 2. Exceeding 2,000 square feet (186 m²) but not exceeding 5,000 square feet, shall not require fire sprinklers at the discretion of the fire chief when the applicant demonstrates the applicant's proposal does not increase the fire hazard or fire load.
 - 3. Greenhouses of non-combustible construction shall not require fire sprinklers.
- (t) Any alteration and/or repair within a building that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work, this, creating fire sprinkler protection throughout the entire building.
- (u) Any change in use or occupancy creating a more hazardous fire/life safety condition, as determined by the Fire Chief, requires that the entire structure be provided with an automatic sprinkler system.
- (v) Any combination of addition, alteration, repair and/or change of use shall comply with Sections 903.2.11 through 903.6.

Exceptions to Section 903.2.2:

- (a) Seismic or Accessibility improvements.
- (b) Any exemption otherwise allowable under the Fire Code, if in the discretion of the Fire Chief, the safety of the public is not compromised.
- (c) Exterior improvements and work not requiring permits as provided in the Building Code.
- (d) Work requiring only a mechanical, electrical, plumbing and/or demolition permit.

Section 903.2.3 - Existing one- and two-family dwellings. An automatic sprinkler system shall be installed in existing one- and two-family dwellings, after the effective date of this code, when a building permit is issued to allow additions to be made, as follows:

- 1. Any addition is made which increases the total existing square footage by 50% or more.
Exception: Construction for the purpose of either an ADU or JADU.
- 2. The proposed total floor area exceeds the available fire flow as specified in Section 507.1 or APPENDIX B.
- 3. Any addition to a one- or two-family dwelling that contains an automatic fire sprinkler system requires that the automatic fire sprinkler system be extended/modified to the area of proposed work, thus, creating fire sprinkler protection throughout the entire dwelling.

Exceptions to Section 903.2.3:

- (a) Additions of 500 square feet or less when the proposed total floor area does not exceed the available fire flow are exempt from fire sprinklers unless the dwelling is already protected by a fire sprinkler system.

Section 903.2.4 Accessory Dwelling Unit (ADU)

Accessory Dwelling Unit(s). The following is included for clarification of the requirements for newly constructed accessory dwelling units. All newly constructed ADUs are required to comply with the standards for fire protection such as water supply and fire department access contained in Chapter 5 of this code.

1. Accessory Dwelling Units constructed on lots with an existing sprinklered primary residence:
 - a) Attached to main residence – fire sprinklers required.
 - b) Detached from main residence, fire sprinklers required.
2. Accessory Dwelling Units constructed on lots with an existing non-sprinklered primary residence:
 - a) Fire sprinklers not required.
3. Accessory Dwelling Units are required to comply with the standards for fire protection such as water supply and fire department access set forth in Chapter 5 of this code.
 - a) Water supply for fire protection shall be a minimum of 1,000 gpm for 60 minutes as required in §507.3 and Appendix B Table 105.1(1) of this code.
 - b) Access for new ADUs and JADUs shall be within 150 feet of all portions of the structure in accordance with §503.1.1 of this code.

Where a newly constructed accessory dwelling unit does not meet these fire protection standards, an automatic residential sprinkler system may be utilized as an alternative to items 3(a) and, or 3(b) above.

CFC Section 903.3.1.3 is hereby amended to read as follows:

CFC Section 903.3.1.3 - NFPA 13D sprinkler systems. Automatic sprinkler systems installed in one and two-family dwellings, Group R-3 and R-4 congregate living facilities and townhouses, non-habitable structures classified as accessory to a residential use and not intended for commercial usage or mercantile, shall be permitted to be installed throughout in accordance with NFPA 13D and installation guidelines as promulgated by the Santa Cruz County Fire Chiefs Association.

CFC Section 903.3.7 is hereby amended to read as follows:

CFC Section 903.3.7 - Fire department connections. Fire department connections for automatic sprinkler systems shall be installed in accordance with Section 912. Buildings equipped with a fire sprinkler system in accordance with this chapter shall have a fire department connection located within 100 feet (183m). The location of the fire department connections shall be approved by the fire code official.

Exception: Single- and two-family dwellings protected by a fire sprinkler system in accordance with Section 903.3.1.3.

California Fire Code (CFC) - Chapter 39 – Amendments, additions or deletions

CFC Section 3905.1.1 is hereby amended to read as follows:

CFC Section 3905.1.1 – Operation. Activation of the gas detection system shall result in all of the following:

1. Initiation of distinct audible and visual alarm signals in extraction room.
2. Deactivation of all heating systems located in the extraction room.
3. Activation of the mechanical ventilation system, where the system is interlocked with gas detection.
4. De-energize all light switches and electrical outlets.
5. For detection levels at or exceeding 25% of the LEL/LFL shall result in the activation of the building's fire alarm system.

California Fire Code (CFC) Chapter 53 – Amendments, additions or deletions

CFC Section 5303.5.3 is hereby amended to read as follows:

CFC SECTION 5303.5.3 - Securing compressed gas containers, cylinders and tanks. Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity. Securing of compressed gas containers, cylinders and tanks shall be by one of the following methods:

1. Securing containers, cylinders and tanks to a fixed object with ~~one~~ two or more non-combustible restraints. The object used to anchor the restraint to shall be capable of withstanding the anticipated load(s) imposed. Anchor(s) shall be attached to a structural framing member or similar.
2. Securing containers, cylinders and tanks on a cart or other mobile device designed for the movement of compressed gas containers, cylinders or tanks.
3. Nesting of compressed gas containers, cylinders and tanks at container filling or servicing facilities or in seller's warehouses not accessible to the public. Nesting shall be allowed provided the nested containers, cylinders or tanks, if dislodged, do not obstruct the required means of egress.
4. Securing of compressed gas containers, cylinders and tanks to or within a rack, framework, cabinet or similar assembly designed for such use.

Exception: Compressed gas containers, cylinders and tanks in the process of examination, filling, transport or servicing.

California Fire Code (CFC) Chapter 56 – Amendments, additions or deletions

CFC Section 5601.1.3 is hereby amended to read as follows:

CFC Section 5601.1.3 – Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the City of Watsonville.

Exceptions:

1. The possession, storage, sale and handling of Safe and Sane fireworks as defined by Section 12529 of the California Health and Safety Code shall be in accordance with Title 4 Chapter 3 Section 3302 et al of the City of Watsonville Municipal Code.
2. The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with all provisions of

Chapter 6 of Division 1 of Title 19 of the California Code of Regulations, commencing with Section 975 and Title 4 Chapter 3 Section 3308 etal.

CFC Section 5601.2 is hereby amended to read as follows:

CFC Section 5601.2 – Permit required. Permits shall be required as set forth in 105.5 and regulated in accordance with this section. Permits for explosives as contained within this chapter, with the exception of display fireworks, shall be obtained from the City of Watsonville Police and Fire Departments.

CFC Section 5601.2.2 is hereby amended to read as follows:

CFC Section 5601.2.2 - Sale and retail display. Persons shall not construct a retail display nor offer for sale explosives, explosive materials or fireworks ~~on highways, sidewalks, public property or in Group A or E occupancies.~~ except as provided for in Title 4 Chapter 3 Section 3302 etal of the City of Watsonville Municipal Code.

Fire Code Chapter 90

Chapter 90 is hereby added in its entirety to read as follows:

Chapter 90 - SUPPRESSION AND CONTROL OF FIRE IN WILDFIRE RISK AREAS

Section 9001 - SCOPE. The unrestricted use of grass-, grain-, brush- or forest-covered land in wildfire risk areas is a potential menace to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire which might be caused by recreational, residential, commercial, industrial or other activities shall be in accordance with Chapter 90.

Section 9002 - RESTRICTED ENTRY. The fire code official shall determine and publicly announce when wildfire risk areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildfire risk areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the wildfire risk area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within wildfire risk areas and their invitees and guests going to or being upon their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

Section 9003 - TRESPASSING ON POSTED PROPERTY.

Section 9003.1 - General. When the fire code official determines that a specific area within a wildfire risk area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to

the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

Section 9003.2 - Signs. Approved signs prohibiting entry by unauthorized persons and referring to §9002 shall be placed on every closed area.

Section 9003.3 - Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

Section 9004 - USE OF FIRE ROADS AND FIREBREAKS. Motorcycles, motor scooters and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner which obstructs the entrance to a fire road or firebreak.

Exception: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless located 16 feet (4877 mm) or more above such fire road or firebreak.

Section 9005 - USE OF MOTORCYCLES, MOTOR SCOOTERS AND MOTOR VEHICLES. Motorcycles, motor scooters and motor vehicles shall not be operated within wildfire risk areas, without a permit by the fire code official, except upon clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

Section 9006 - LIABILITY FOR DAMAGE. The expenses of fighting fires which result from a violation of this chapter shall be a charge against the person whose violation caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the fire code official in the same manner as in the case of an obligation under a contract, expressed or implied.

8-11.03 Appendix chapters adopted.

- a) Appendix D - Fire Apparatus Access Roads
- b) Appendix I - Fire Protection Systems – Noncompliant Conditions
- c) Appendix N - Indoor Trade Shows and Exhibitions
- d) Appendix O - Valet Trash and Recycling Collection in Group R-2 Occupancies
- e) Appendix P - Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

Chapter 12
CALIFORNIA EXISTING BUILDING CODE

8-12.01 Adopted by reference.

The California Existing Building Code, Part 10, 2025 edition is hereby adopted as the Existing Building Code for the City of Watsonville regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings.

Chapter 13
CALIFORNIA GREEN BUILDING STANDARDS CODE

8-13.01 Adopted by reference.

The California Green Building Standards Code, Part 11, 2025 edition is hereby adopted as the Green Building Standards Code for the City of Watsonville regulating and governing the design, construction, quality of materials, installation, alteration, repair, replacement, use or maintenance of energy conserving and green building systems and components as herein provided; providing for the issuance of permits and collection of fees therefore; and the same is made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

Chapter 14
CALIFORNIA REFERENCED STANDARDS CODE

8-14.01 Adopted by Reference.

The California Reference Standards Code, Part 12, 2025 edition is hereby adopted as the Reference Standards Code for the City of Watsonville.

Chapter 15
INTERNATIONAL PROPERTY MAINTENANCE CODE.

8-15.01 Adopted by reference.

The International Property Maintenance Code, 2024 edition is hereby adopted as the Property Maintenance Code for the City of Watsonville, establishing the minimum requirements of all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties, as if fully set out in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

Chapter 16
ABATEMENT OF DANGEROUS BUILDINGS

8-16.01 Adopted as referenced.

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Conference of Building Officials, is referred to and made a part hereof for all purposes as if fully set forth herein.

Chapter 17
SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM REVIEW PROCESS

Sections:

8-17.01 Title and purpose.

8-17.02 Definitions.

8-17.03 Process.

8-17.01 Title and purpose.

- a) Title. This chapter shall be known as the Small residential rooftop solar energy system review process.
- b) Intent. The purpose of this chapter is to adopt an expedited, streamlined solar permitting process to achieve timely and cost-effective installations of small residential rooftop solar energy systems in accordance with Government Code Section 65850.5

8-17.02 Definitions.

The following words and phrases as used in this section are defined as follows:

“Electronic submittal” means the utilization of one or more of the following:

- (1) E-mail;
- (2) The Internet;
- (3) Facsimile.

“Small residential rooftop solar energy system” means all of the following:

- (1) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.
- (2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
- (3) A solar energy system that is installed on a single or duplex family dwelling.
- (4) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.
- (5) “Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

8-17.02 Process.

- a) The Building Official is authorized and directed to develop and adopt a permit process and checklist of all requirements that small residential rooftop solar energy systems shall comply with to be eligible for expedited review. The process and checklist, which shall comply with California Government Code section 65850.5, and is to be posted on the city's website.
- b) The Building Official is authorized and directed to allow an applicant to submit the permit application and associated documentation to the division by personal delivery, mail, or electronic means, along with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documentation may be used in lieu of a handwritten signature.
- c) Prior to submitting an application, the applicant shall:
- (1) Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 - (2) At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.
- d) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the Building Official and Fire Chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, subsequent inspection need not conform to the requirements of this subsection.
- e) An application that satisfies the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon receipt of an incomplete application, the Building Official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- f) Upon confirmation by the Building Official of the application and supporting documentation being complete and meeting the requirements of the checklist, the Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

Chapter 18

ELECTRIC VEHICLE CHARGING AND EXPEDITED PERMITTING

Sections:

8-18.01 Title and purpose.

8-18.02 Requirements.

8-18.03 Definitions.

8-18.04 Process and Requirements.

8-18.01 Title and purpose.

- a) Title. This chapter shall be known as the Electric Vehicle Charging and Expedited Permitting Process.
- b) Purpose. The purpose of this section is to adopt an expedited, electric vehicle charging station permitting process of all electric vehicle charging stations located within the City limits that complies with California Government Code Section 65850.7.

8-18.02 Requirements.

The Building Official shall implement an expedited administrative permit review process for electric vehicle charging stations and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with to be eligible for expedited review. All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the City website. The expedited administrative permit review process and checklist may refer to the recommendations in the checklist prescribed by the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” published by the Governor’s Office of Planning and Research.

8-18.03 Definitions.

The following words and phrases as used in this section are defined as follows:

“Electric vehicle charging station” shall mean the following:

- (1) Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (2) “Specific, adverse impact” shall mean a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- (3) “Electronic submittal” shall mean the utilization of one or more of the following:
 - i. Electronic mail or email.
 - ii. The internet.
 - iii. Facsimile.
- (4) An “association” shall mean a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- (5) A “common interest development” shall mean any of the following:
 - i. A community apartment project.
 - ii. A condominium project.
 - iii. A planned development.
 - iv. A stock cooperative.

8-18.04 Process and Requirements.

- a) Electric Vehicle Charging Requirements.

- i. All electric vehicle charging stations shall meet the applicable health and safety standards and requirements imposed by the state and the City.
- ii. Electric vehicle charging stations and associated equipment shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and all accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- b) The Building Official shall allow for electronic submittal of permit applications covered by this section and associated supporting documentation. The Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.
- c) The Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.
- d) A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. If the Building Official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- e) If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in Government Code 65850.7, the City may require the applicant to apply for a use permit.

Chapter 19
RELOCATION ASSISTANCE FOR DISPLACED TENANTS

Sections:

- 8-19.01 Intent and purpose.
- 8-19.02 Definitions.
- 8-19.03 Notice of relocation rights and responsibilities.
- 8-19.04 Exercise of relocation rights.
- 8-19.05 Relocation assistance required.
- 8-19.06 Appeal.
- 8-19.07 Deposit.
- 8-19.08 Effect of appeal on notice and order.
- 8-19.09 Hearing on appeal.
- 8-19.10 Replacement rental unit in lieu of relocation payment.
- 8-19.11 Right of first refusal.
- 8-19.12 Right of first refusal procedure.
- 8-19.13 Tenant's reimbursement of relocation payment.
- 8-19.14 Restriction on rent increase after rehabilitation.
- 8-19.15 Exceptions.
- 8-19.16 Violations—Penalties.

8-19.01 Intent and purpose.

It is found and declared that in the City of Watsonville persons in rental housing who must vacate and be displaced due to substandard, unsanitary and hazardous living conditions which render such housing unfit or unsafe for human occupancy often have difficulty finding alternative temporary housing and are often not aware of the relocation assistance and obligations. For those displaced, the process involved in prosecuting a relocation lawsuit is impractical. This creates an undue financial hardship for Tenants.

It is also found and declared that the existence of such substandard buildings as dwelling units threatens the physical, social and economic stability of sound residential buildings and areas; necessitates disproportionate expenditures of public funds for remedial action; impairs the efficient and economical exercise of governmental powers and functions and destroys the amenity of residential areas and neighborhoods.

The Council also finds that Owners who allow such housing to become dangerous to the health, safety, and welfare of the residents and the general public should bear some of the financial responsibility for the economic hardship such conduct creates for such Tenants.

8-19.02 Definitions.

For the purpose of this Chapter, unless otherwise apparent from the context, certain words, and phrases used in this Chapter are defined as follows:

(a) "Appeal" shall mean the dispute resolution process established in Chapter 6 of the Dangerous Buildings Code (except for Sections 605.1 through 605.6 inclusive) but shall be limited in scope solely to the identification of Responsible Party. The decision of the Hearing Officer shall be final.

(b) "City Relocation Ordinance Brochure" shall mean a document published by the City in English and Spanish describing relocation rights and responsibilities under this Chapter, including all forms of Relocation Assistance and rights of appeal hereunder.

(c) "Dangerous Buildings Code" shall mean the 1997 Uniform Code for the Abatement of Dangerous Buildings, of the City of Watsonville, as it may from time to time be ordained and amended.

(d) "Displaced" shall mean the status of a Tenant who receives a Notice and Order.

(e) "Fair Market Value Rent" shall mean the most recent published rent values established by the Federal Department of Housing and Urban Development for the Section 8 Rental Assistance Program in the Federal Fair Housing Act (42 U.S.C. 3601 et seq.).

(f) "Hearing Officer" shall mean the Hearing Examiner described in Chapter 6 of the Dangerous Buildings Code. The Hearing Officer shall be appointed by the City Manager. Unless the appellant agrees otherwise, the Hearing Officer shall be an attorney licensed and in good standing for at least five (5) years by the State Bar of the State of California and with no adverse or pending disciplinary action.

(g) "Moving Expenses" shall mean the fixed payment amount established by the Federal Highway Administration of the United States Department of Transportation pursuant to 49 Code of Federal Regulations Section 24.302, as it may be amended from time to time, and based on the number of rooms and ownership of furniture, and up to three (3) months of storage of such items, if required.

- (h) “Notice and Order” shall mean the written notification described in Chapter 4 of the Dangerous Buildings Code where it has been determined by the Building Official that the Unit must be vacated within thirty (30) days or less of issuance of the Notice and Order.
- (i) “Owner” shall mean the person or persons holding legal or equitable title to the property upon which a Notice and Order has been issued. Sale or transfer of property after the Notice and Order is signed shall not excuse obligations imposed on the Owner pursuant to this Chapter except as to the Right of First Refusal, and then only as to bona fide purchasers for value who have no actual nor constructive notice of the Notice and Order at the time the deed transferring title records.
- (j) “Relocation Assistance” shall mean providing a Displaced Tenant with either a Replacement Rental Unit and Moving Expenses or Relocation Payment and Moving Expenses, and, in either case, a Right of First Refusal to reoccupy the vacated Unit after rehabilitation, all as defined herein.
- (k) “Relocation Payment” shall mean the payment by the Owner of an amount equal to three (3) months’ Fair Market Value Rent for the Unit being occupied, or three (3) months of the Tenant’s actual rent at the time of relocation, whichever is greater.
- (l) “Replacement Rental Unit” shall mean a substitute Unit, mutually acceptable to Tenant and the Owner, provided by the Owner, which is compliant with law and reasonably adequate for the number of Displaced Tenants.
- (m) “Responsible Party,” except as provided in Section 8-19.15 of this Chapter, shall mean as determined by the Hearing Officer, the person or persons (including, but not limited to, the Owner, the Owner’s rental agent, manager, Tenant, or other person) who predominantly (more than fifty (50%) percent) caused the Notice and Order to be issued. To the extent relevant, a factor to be considered in determining the Responsible Party is whether the Unit lacks permits from the City of Watsonville or otherwise violates the Watsonville Municipal Code.
- (n) “Right of First Refusal” shall mean the right of a Tenant to reoccupy their former Unit after the Unit is repaired and becomes habitable. Such Right of First Refusal shall be superior to the rights of any other person until such Tenant relinquishes such Right of First Refusal pursuant to this Chapter.
- (o) “Tenant,” for the purposes of this Chapter, in the singular or plural, shall mean any paying renter, guest, lessee or sublessee who is in lawful tenancy of a Unit or with the actual or constructive knowledge of the Owner.
- (p) “Unit” shall mean any structure used for habitation including a single room occupancy (SRO), single family building, multi-family building, residential hotel, rooming or boarding house, mobile home, or recreational vehicle or other structure, legal or illegal which is used to house persons. The term “Unit” as used in this Chapter shall exclude hospitals, motels, hotels, rest homes, shelters, and similar living accommodations that provide closely managed care.
- (q) “Vacation Date” shall mean the date by which a Tenant is required to vacate a Unit, pursuant to a written Notice and Order.

8-19.03 Notice of relocation rights and responsibilities.

Whenever a Notice and Order is issued, both Notice and Order and a City Relocation Ordinance Brochure shall be served on the Owner and the Tenants of each Unit for which

such Notice and Order is issued. If no Tenant can be found at the Unit, both documents shall be posted in a conspicuous place on the Unit in English and Spanish.

Such documents must be served on the Owner in the manner prescribed in Section 401.4 and Proof of Service prepared in the manner prescribed in Section 401.5 of the Dangerous Buildings Code.

8-19.04 Exercise of relocation rights.

Tenant shall have five (5) business days from the date of the Notice and Order is served or posted to file a request for Relocation Assistance with the City Clerk. Said request must generally identify the Tenants for whom Relocation Assistance is requested by name(s), gender, and approximate ages, the name of the person and address to whom rent was paid, the name of the manager, landlord, or other person to whom rent was paid, the amount of the rent and the rental period (i.e. weekly, monthly or otherwise), whether any rent has been withheld and the date through which rent has been paid. The City Clerk shall notify the Owner of such request in the manner described in Section 401.4 of the Dangerous Buildings Code.

8-19.05 Relocation assistance required.

Where a request for Relocation Assistance has been fully filed, it shall be unlawful for the Owner to refuse to provide the Relocation Assistance required by this Chapter.

8-19.06 Appeal.

Where the Owner contend(s) that the conditions which caused the Notice and Order to be issued were predominantly caused by other persons, including but not limited to, Tenant or Tenant's guest, the Owner may file an appeal with the City Clerk. To be effective, the form of the appeal must be in writing, filed within five (5) business days of service of the Notice and Order; comply with Section 501.1 of the Dangerous Buildings Code and be accompanied by the deposit described in Section 8-19.07 of this Chapter. Failure to file such appeal or otherwise comply with this Chapter or Section 501.1 shall constitute a waiver as provided in Section 502 of the Dangerous Buildings Code. For the purposes of this Section, the Owner shall be assumed to have received a copy of the Notice and Order and City Relocation Ordinance Brochure five (5) business days after being served in the manner described in Section 401.4 of the Abatement of Dangerous Buildings Code.

8-19.07 Deposit.

The deposit for appeal is established at One Thousand Five Hundred and no/100ths (\$1,500.00) Dollars and as an administrative fee for each unit for which an appeal is filed. The administrative fee shall be used by the City to pay for actual costs of a Hearing Officer, for staff time and any translation services incurred in processing the appeal. The amount of the administrative fee may be adjusted from time to time by Council resolution. Such deposit shall be held by the City in an aggregated demand account pending a decision on appeal.

8-19.08 Effect of appeal on notice and order.

Except for the obligation to provide Relocation Assistance as provided in the Notice and Order, enforcement of any Notice and Order issued shall not be stayed during the pendency of a properly and timely filed appeal of the Notice and Order issued pursuant to this Chapter. If no appeal is filed as required by this Chapter, the Owner shall provide the Relocation Payment and the Moving Expenses to the Tenant or provide a Replacement Unit and Moving Expenses by certified check or money order within five (5) business days of service by the City Clerk of the request for Relocation Assistance.

8-19.09 Hearing on appeal.

(a) If the Owner appeals, the hearing procedure on appeal shall be as set forth in Chapter 6 of the Dangerous Buildings Code.

(b) A decision on the appeal shall be made by the Hearing Officer within two (2) business days of the hearing.

(c) Within five (5) business days following decision by the Hearing Officer, the Relocation Payment or Relocation Assistance shall be disbursed as follows:

(i) If the City prevails on appeal, the Relocation Payment and/or Relocation Assistance shall be furnished to the Tenant by the Landlord and the portion of the deposit attributable to the administrative fees incurred by the City shall be released to the City, remainder if any to the Owner.

(ii) If the Owner prevails, all monies paid by the Owner shall be returned to the Owner, including the administrative fee.

(d) If the Owner is determined not to be the Responsible Party, the City may thereafter seek recovery from others.

8-19.10 Replacement rental unit in lieu of relocation payment.

The Owner, may at their option and in lieu of a Relocation Payment, provide a Replacement Rental Unit to a Displaced Tenant. If such option is exercised by the Owner, the Owner shall provide written notification to the Tenant and be obligated to pay Moving Expenses but not a Relocation Payment. In such event, the Owner shall transfer any amount previously collected from the Tenant as a security or other deposits in the rental agreement for the vacated Unit to Replacement Rental Unit.

8-19.11 Right of first refusal.

Any Tenant who vacates a Unit as a result of Notice and Order shall also have a Right of First Refusal to reoccupy said Unit after any repair or rehabilitation. Said Right of First Refusal shall be for the time period set forth in Section 8-19.12 of this Chapter.

8-19.12 Right of first refusal procedure.

The procedure for giving and exercising said Right of First Refusal is as follows:

(a) The Owner shall make reasonable efforts to provide each Displaced Tenant with a City Relocation Ordinance Brochure when the Tenant vacates. At or about the same time, the Tenant and Owner shall exchange addresses and telephone numbers to be used for future notification and shall update such information should changes occur. If the Tenant fails to provide the Owner with the Tenant address or change of address, or

provides an incorrect address, the Owner shall be excused from providing actual notice so long as such Owner provides notice at the address or addresses given to the Owner by the Displaced Tenant.

(b) At least fifteen (15) business days before said Unit becomes habitable, the Owner shall give written notice to the Displaced Tenant that the Unit is or will be ready for occupancy and that the Tenant must contact the Owner in writing at the address provided in the notice within fourteen (14) business days after the date the notice was mailed U. S. Postal Service Certified Mail to the address the Displaced Tenant has provided the Owner. The notice shall also give the Owner's current address and telephone number. The notice shall state that the Unit is or soon will be available for re-occupation and provide a reasonably accurate date the Unit will be available for re-occupation.

(c) If the Tenant fails to contact the Owner in writing within fourteen (14) business days from the date the notice was mailed or personally delivered to Tenant at the address or addresses provided to the Owner, the Right of First Refusal shall expire automatically. Said written notice shall be made by personal delivery or through the U. S. Postal Service Certified Mail with proof of service showing to whom, when and where delivered. Tenant's response must also be made by personal delivery to the Owner or through the U. S. Postal Service Certified Mail with proof of service showing to whom, when and where delivered.

(d) If the Owner receives no such response from the previous Tenant within the fourteen (14) business days following Owner's mailing or personal delivery of the notice offering the Right of First Refusal, the Owner shall be deemed to have complied with the Right of First Refusal obligation of this Chapter, and the Tenant's Right of First Refusal shall thereafter expire automatically.

8-19.13 Tenant's reimbursement of relocation payment.

If any Tenant exercises such Right of First Refusal to reoccupy the Unit formerly occupied by said Tenant or a Replacement Rental Unit provided by Owner, said Tenant shall return any unused portion of the Relocation Payment to the Owner. Such unused portion shall be reimbursed to Tenant's re-occupation of said Unit.

8-19.14 Restriction on rent increase after rehabilitation.

The first twelve (12) months after the Tenant reoccupies the Unit, rent cannot exceed Fair Market Value for a Unit of comparable size.

8-19.15 Exceptions.

The Owner shall have no obligation to provide Relocation Assistance under any of the following circumstances:

(a) The Owner has given the Displaced Tenant at least thirty (30) days notice to vacate the Unit before the Notice and Order is issued and there has been no unresolved complaint of a violation of Title 8 under this Code filed within six (6) months before issuance of the Notice and Order.

(b) The Displaced Tenant is, at the time the Notice and Order is issued, in default of rent, or refuses to vacate. However, a Tenant lawfully withholding rent pursuant to Section 1942 of the California Civil Code or pursuant to other statutory or common law right to withhold rent and to repair conditions rendering the Unit untenable shall not be

considered to be in default of rent to that extent and shall not be ineligible for the Relocation Assistance provided by this Chapter for such reason.

(c) When the Unit has become unsafe, unsanitary or hazardous due to flood, fire, earthquake, or other natural disaster that is beyond the control of the Owner, provided that such event causes the Tenant to be evicted or requires the Tenant to vacate the Unit within thirty (30) calendar days after such event.

(d) Where the Notice and Order is issued solely because of the termination of a utility as a result of non-payment and the responsibility to pay for said utility is the Tenant's.

8-19.16 Violations—Penalties.

Any person who shall violate or refuse to abide by any provisions of this Chapter shall be subject to the remedies and penalties set forth in Chapter 2 of Title 1 of this Code. Any violation of this Chapter may be prosecuted as a misdemeanor. The remedies and penalties provided for Tenants and Owners in this Chapter shall be in addition to any other available remedies and penalties provided by the Watsonville Municipal Code or other law.

Chapter 20 MUNICIPAL SOLAR UTILITY

Sections:

- 8-20.01 Creation of Municipal Solar Utility.
- 8-20.02 Delegation of authority.
- 8-20.03 Adoption of rules and regulations.
- 8-20.04 Fees.

8-20.01 Creation of Municipal Solar Utility.

A Municipal Solar Utility is hereby created for the purposes of satisfying requirements contained in Section 17052.5 or Section 23601 of the Revenue and Taxation Code of the State.

8-20.02 Delegation of authority.

The Municipal Solar Utility shall be under the direction and control of the City Manager.

8-20.03 Adoption of rules and regulations.

The City Manager shall present for Council approval rules and regulations governing the activities of the Municipal Solar Utility, including a program whose primary activity will be issuing permits to qualified solar leasing businesses, and establishing permittee and/or consumer protection criteria. Such rules and regulations shall be approved by Council resolution.

8-20.04 Fees.

Reasonable fees shall be charged for the costs of administering the program referred to in Section 8-20.03 of this chapter and may be established by resolution of the Council.

Chapter 21 PRESERVATION OF HISTORICAL, ARCHITECTURAL, AND AESTHETIC STRUCTURES

Sections:

- 8-21.01 Powers and duties of the Planning Department and Planning Commission.
- 8-21.02 Designation of historic structures.
- 8-21.03 Amendment or rescission of designation.
- 8-21.04 Initiation of designation.
- 8-21.05 Hearings by the Planning Commission.
- 8-21.06 Designation by the Council.
- 8-21.07 Appeals to the Council.
- 8-21.08 Notices of designation by the Council.
- 8-21.09 Conformity required.
- 8-21.10 Permit applications: Receipt: Forwarding.
- 8-21.11 Permit applications: Review by the Planning Commission.
- 8-21.12 Permit applications: Standards for review.
- 8-21.13 Permit applications: Showing of hardship in cases of proposed alterations or construction.
- 8-21.14 Appeals.
- 8-21.15 Unsafe or dangerous conditions.
- 8-21.16 Property owned by public agencies.
- 8-21.17 Recognition of structures of merit.
- 8-21.18 Filing fees.
- 8-21.19 Enforcement: Violations: Penalties.
- 8-21.20 Permit applications filed during pending proceedings.

8-21.01 Powers and duties of the Planning Department and Planning Commission.

The Planning Department (referred to in this chapter as "Department") and the Planning Commission shall have and exercise the powers and shall perform the duties set forth in this chapter with respect to historical preservation.

(a) The Planning Commission:

- (1) Shall recommend to the Council, after a public hearing, on the designation of structures as more fully set forth in Section 8-21.06 of this chapter;
- (2) Shall review and decide on permit applications for the construction, alteration, and demolition of structures as more fully set forth in Section 8-21.11 of this chapter;
- (3) May take steps to encourage or bring about the preservation of structures where the Planning Commission has decided to suspend action on a permit application, as more fully set forth in subsection (c) of Section 8-21.11 of this chapter; and
- (4) With public input, shall establish and maintain a list of structures and other features deemed deserving of official recognition, although not designated as structures, and take appropriate measures of recognition, as more fully set forth in Section 8-21.17 of this chapter.

(b) The Department and the Planning Commission:

- (1) Shall carry out studies and adopt criteria to identify and evaluate structures worthy of preservation;
- (2) May inspect and investigate structures and areas which they have reason to believe worthy of preservation;
- (3) May disseminate information to the public concerning those structures and areas deemed worthy of preservation and may encourage and advise property owners in the protection, enhancement, perpetuation, and use of structures and other officially recognized property of historic interest;
- (4) May consider methods other than those provided for in this chapter for encouraging and achieving historical preservation and make appropriate recommendations to the Council;
- (5) May establish such policies, rules, and regulations as they deem necessary to administer and enforce this chapter; and
- (6) Shall establish guidelines for the construction, demolition, and alteration of designated sites, structures, and other features.

8-21.02 Designation of historic structures.

(a) Pursuant to the procedures set forth in this chapter, the Council, by ordinance, may designate an individual structure or other feature, or an integrated group of structures and features on a single lot or site, having a special character or special historical, architectural, or aesthetic interest or value as a historic structure and shall designate a site for each historic structure.

(b) Each such designating ordinance shall include a description of the characteristics of the historic structure which justify its designation, and a description of the particular features which should be preserved, and shall include the location and boundaries of the historic structure. Any such designation shall be in furtherance of and in conformance with the purposes of this chapter and the standards set forth in this chapter.

(c) The property included in any such designation shall be subject to the controls and standards set forth in this chapter. In addition, the property shall be subject to the following controls and standards if imposed by the designating ordinance:

- (1) For a publicly-owned structure, the review of proposed changes in major interior architectural features; and
- (2) For a privately-owned structure, such further controls and standards as the Council deems necessary or desirable, including, but not limited to, facade, setback, and height control.

8-21.03 Amendment or rescission of designation.

The Council may amend or rescind a designation at any time, subject to all of the procedures set forth in this chapter for an original designation.

8-21.04 Initiation of designation.

The initiation of a designation shall be by a resolution of either the Council or the Planning Commission or on the verified application of the owners of the property to be designated or their authorized agents. Any such application shall be filed with the Department upon forms prescribed by the Department and shall be accompanied by all the data required by the Planning Commission.

8-21.05 Hearings by the Planning Commission.

The proposed designation by resolution or application shall be promptly referred to the Planning Commission with a report from the Department. After receiving a report from the Department, the Planning Commission shall hold a public hearing on the proposal at its next regular meeting. A record of pertinent information presented at the hearing shall be made and maintained as a permanent record.

(a) Notices of hearings. Notice of the time, place, and purpose of such hearing shall be given by publication at least five (5) days prior to the hearing.

(b) Time limitations. The Planning Commission shall consider the report of the Department and shall consider the conformance or lack of conformance of the proposed designation with the purposes and standards of this chapter. The Planning Commission shall approve, disapprove, or modify the proposal within sixty (60) days after the noticed public hearing.

(c) Notices of action taken. The Planning Commission shall promptly notify the property owner in writing of the action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval, to the Council.

8-21.06 Designation by the Council.

The Council shall hold a public hearing on any proposal so transmitted to it within twenty (20) days upon due notice to the owners of the property included in the proposal and notice as provided in subsection (a) of Section 8-21.05 of this chapter. The Council may approve, or modify and approve, or deny the designation by a majority vote of all its members. The approval, or modification and approval, of a designation by the Council shall be upon the adoption of an ordinance.

8-21.07 Appeals to the Council.

If the Planning Commission disapproves the proposed designation, such action shall be final except upon the filing of an appeal to the Council as provided in Section 8-21.14 of this chapter.

8-21.08 Notices of designation by the Council.

When a historical structure has been designated by the Council as provided in this chapter, the Department shall promptly notify the owners of the property included therein. The ordinance shall contain a legal description of the land upon which the designated structure is located, a statement of the characteristics of the structure, a declaration of its historical significance and need for preservation, and the special features of the structure which are desirable to preserve. The Department shall cause a copy of the designating ordinance, or notice thereof, to be recorded in the office of the County Recorder.

8-21.09 Conformity required.

(a) No person shall carry out, or cause to be carried out, on a designated historical structure any construction, alteration, demolition, or removal without approval by the Planning Commission pursuant to Section 8-21.11 of this chapter, except to conform with the provisions of Section 8-21.15 of this chapter. In addition, no such work shall take place

unless all other applicable laws and regulations have been complied with and a permit has been issued for the work.

(b) The Building Official shall not issue, and no other City department or agency shall issue, any permit for the construction, alteration, demolition, or removal of a historical structure without approval by the Planning Commission pursuant to Section 8-21.11 of this chapter, except in conformity with the provisions of Section 8-21.15 of this chapter. In addition, no such permit shall be issued unless all other applicable laws and regulations have been complied with.

8-21.10 Permit applications: Receipt: Forwarding.

The Department shall maintain with the Building Official a current record of designated historical structures. Upon the receipt of any application for a permit to carry out any construction, alteration, demolition, or removal on a historical structure site, the Building Official, unless the structure concerned has been declared unsafe or dangerous pursuant to Section 8-21.15 of this chapter, shall promptly forward such application to the Department for processing as provided in this chapter.

8-21.11 Permit applications: Review by the Planning Commission.

After receiving the permit application, the Department shall promptly refer it to the Planning Commission with a report and recommendation. The Planning Commission shall consider the application at its next regular meeting or, within its discretion, may call for a public hearing on the application.

(a) Notices of hearings. In the event of a call for a public hearing, the notice of hearing shall be given as provided in subsection (a) of Section 8-21.05 of this chapter.

(b) Decisions: Time limitations. The Planning Commission shall consider the report of the Department and shall consider the conformance or lack of conformance of the proposed work with the purposes and standards set forth in this chapter and with the provisions of the designating ordinance. The Planning Commission shall approve, suspend, or disapprove the application as specified in this subsection, or, with the applicant's consent, shall modify and approve the application, within sixty (60) days. Failure to act within such time shall constitute approval. The Planning Commission shall promptly notify the owners of all property covered by the permit application of any action taken.

(1) If the application is for a permit to make exterior alterations or to carry out new construction, the Planning Commission shall approve, modify, or disapprove the application, in whole or in part, or suspend action on it for a period not to exceed ninety (90) days; provided, however, the Council, by resolution, for good cause shown, may extend the suspension for an additional period not to exceed ninety (90) days if the Council acts not more than sixty (60) days and not less than thirty (30) days prior to the expiration of the original ninety (90) day period.

(2) If the application is for a permit to demolish a structure, the Planning Commission shall approve or modify the application, in whole or in part, or suspend action on it for a period of not to exceed ninety (90) days; provided, however, the Council, by resolution, for good cause shown, may extend the suspension for an additional period not to exceed ninety (90) days if the Council acts not more than sixty (60) days and not less than thirty (30) days prior to the expiration of the original ninety (90) day period.

(c) Suspended action on permit applications. In the event action on the application is suspended as provided in this section, the Planning Commission, with the advice and assistance of the Department, may take such steps as it determines are necessary to preserve the structure concerned in accordance with the purposes of this chapter. Such steps may include, but shall not be limited to, consultations with civic groups, public agencies, and interested citizens, recommendations for the acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features,

(d) Action following suspension periods. In the event action on the application is suspended as provided in this section, and no solution is met to preserve the structure concerned as provided in subsection (c) of this section, then, upon the expiration of the suspension period, the application for the permit shall be granted provided it complies with all other applicable laws and regulations.

8-21.12 Permit applications: Standards for review.

The Planning Commission shall be guided by the standards set forth in this section in its review of permit applications for work or change of conditions on a historical structure. In appraising the effects and relationships established herein, the Planning Commission in all cases shall consider the factors of architectural style, design, arrangement, texture, materials and color, and any other pertinent factors.

(a) The proposed work shall be appropriate for and consistent with the effectuation of the purposes of this chapter and shall preserve or enhance the characteristics and particular features specified in the designating ordinance.

(b) The proposed work shall not adversely affect the exterior architectural features of the structure and, where specified in the designating ordinance for a publicly-owned structure, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural, or aesthetic interest or value of the structure and its site, as viewed both in themselves and in their setting.

8-21.13 Permit applications: Showing of hardship in cases of proposed alterations or construction.

Regardless of whether or not the standards set forth in Section 8-21.12 of this chapter are met, the Planning Commission may approve a permit application to carry out alterations or construction on a historical structure site if the applicant presents facts clearly demonstrating to the satisfaction of the Planning Commission that such disapproval will work immediate and substantial hardship because of conditions peculiar to the particular structure or other feature involved, and that the approval of the application will be consistent with the purpose of this chapter. If hardship is found to exist under this section, the Planning Commission shall make a written finding to that effect and shall also specify in writing the facts relied upon in making such finding. Nothing in this section shall prohibit the Planning Commission from acting to modify or to suspend action on any application pursuant to Section 8-21.11 of this chapter.

8-21.14 Appeals.

Any interested person shall have the right to appeal any ruling, order or action under this chapter pursuant to the provisions for appeals contained in Part 9, Chapter 14-10 of Title 14 of this Code.

8-21.15 Unsafe or dangerous conditions.

None of the provisions of this chapter shall be construed to prevent any measure of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure or other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Building Official and where the proposed measures have been declared necessary, by the Building Official, to correct the condition; provided, however, only such work as is absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire, or other calamity, or by act of God, or by the public enemy to such an extent that, in the opinion of the Building Official, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

8-21.16 Property owned by public agencies.

The Department shall take appropriate steps to notify all public agencies which own or may acquire property in the City about the existence and character of designated historical structures, and, if possible, the Department shall cause a current record of such structures to be maintained in each such public agency. In the case of any publicly-owned property on a historical structure site which is not subject to the permit review procedures of the City, the agency owning the property shall seek the advice of the Planning Commission prior to the approval or authorization of any construction, alteration, or demolition thereon, and the Planning Commission, with the aid of the Department, shall render a report to the owner as expeditiously as possible, based on the purposes and standards set forth in this chapter. If a Planning Commission review of a public project involving construction, alteration, demolition, or removal on a historical structure site is required under any other law, the Planning Commission shall render the report referred to in this section to such public agency without specific request therefor.

8-21.17 Recognition of structures of merit.

(a) The Planning Commission may recommend a list of structures of historical, architectural, or aesthetic merit which have not been designated as historical structures. The list may be added to from time to time. The purpose of such list shall be to recognize and encourage the protection, enhancement, perpetuation, and use of such structures.

(b) Nothing in this chapter shall be construed to impose any regulation or control upon such undesignated structures included on the list.

8-21.18 Filing fees.

Before accepting for filing any application, the Department shall charge and collect such administrative fees as may be set by resolution of the Council.

8-21.19 Enforcement: Violations: Penalties.

(a) Duty to administer. It shall be the duty of the Planning Director, or his delegate, to administer the provisions of this chapter.

(b) Duty to enforce. It shall be the duty of the Building Official, or his delegate, to enforce the provisions of this chapter.

(c) Inspections of premises. In the performance of their designated duties, the Planning Director, Building Official, and employees of the Department properly authorized shall have the right to enter any building or premises as provided by law for the purposes of investigation and inspection.

(d) Methods of enforcement. In addition to the regulations of this chapter, and other sections of this Code which govern the approval or disapproval of applications for building permits or other permits or licenses affecting the use of land or buildings, the Planning Director or Building Official shall recommend to the City Manager the enforcement thereof by any of the following means:

(1) Serve notice requiring the removal of any violation of this chapter upon the owner, agent, or tenant of the building or land or upon the architect, building contractor, or other person who commits or assists in any such violation; or

(2) Call upon the City Attorney to institute any necessary legal proceeding to enforce the provisions of this chapter, and the City Attorney is hereby authorized to institute appropriate actions to that end.

In addition to any of the remedies set forth in this subsection, the City Attorney may maintain an action for an injunction to restrain or abatement to cause the correction or removal of any violation of this chapter, or for a mandatory injunction in appropriate cases.

(e) Violations: Penalties. Any person, firm, or corporation violating any of the provisions of this chapter shall be subject to the penalty prescribed by Chapter 2 of Title 1 of this Code.

8-21.20 Permit applications filed during pending proceedings.

(a) No permit to construct, alter, or demolish any structure or other feature on a historical structure site filed subsequent to the day an application has been filed or a resolution adopted to initiate the designation of the historical structure site shall be issued by any City department or agency while proceedings are pending on such designation; provided, however, after 120 days have elapsed from the date of the initiation of the designation, if final action on such designation has not been completed, the permit application shall be approved provided it complies with all other applicable laws and regulations.

(b) The provisions of this chapter shall be inapplicable to the construction, alteration, or demolition of any structure or other feature on a proposed historical structure site where a permit for the performance of such work was issued prior to the initiation date for the designation of a proposed historical structure site, and where such permit has not expired or been cancelled or revoked, provided construction is started and diligently prosecuted to completion in accordance with the Uniform Building Code.

**Chapter 22
PUBLIC ART PROGRAM REQUIREMENTS**

Sections:

- 8-22.010 Title.
- 8-22.020 Purpose.
- 8-22.030 Definitions.
- 8-22.040 Development subject to provisions of chapter.
- 8-22.050 Allocation.
- 8-22.060 Final City approval.
- 8-22.070 Cultural Fund account.
- 8-22.080 Use of Cultural Fund account monies.
- 8-22.090 City's acceptance of donated artwork.
- 8-22.100 Deaccessioning of artwork.
- 8-22.110 Compliance.
- 8-22.120 Violations of this chapter.
- 8-22.130 Appeal.
- 8-22.140 Reserved.
- 8-22.150 Artwork on public property, performing arts and purchase of real property for public art.
- 8-22.160 Approval procedures for City public art projects.

8-22.010 Title.

This chapter shall be known as the "Public Art Program Requirements" and is referred to herein as "this chapter".

8-22.020 Purpose.

The City Council finds and declares:

- (a) Cultural and artistic resources include visual artwork, the performing arts, and architectural resources that enhance the quality of life for individuals living in, working in and visiting the City.
- (b) Balanced development of cultural and artistic resources preserves and improves the quality of the urban environment, increases real property values, and has a positive economic impact.
- (c) As development and revitalization of real property within the City continues, the opportunity for creation of cultural and artistic resources is diminished. As these opportunities are diminished and urbanization occurs, the need to develop alternative sources for cultural and artistic outlets to improve the environment, image and character of the community is increased.
- (d) This chapter is intended to promote the arts in the City of Watsonville by requiring the inclusion of a public artwork component in new development and renovation projects in Watsonville. A policy is hereby established to require certain private developments to use a portion of building development funds for the acquisition and installation of publicly accessible works of art for placement on the development site as a condition of project approval. Developers and/or owners are encouraged to employ Watsonville artists or arts organizations to fulfill the public art requirement.

8-22.030 Definitions.

As used in this chapter, the following terms shall have the meanings set forth herein or as otherwise specified in the guidelines referenced herein. Where terms are not defined,

they shall have their ordinary accepted meanings within the context with which they are used.

(a) "Allocation for Watsonville public art program" shall mean the percentage of the construction costs which are set aside for the City's public art program.

(b) "Artwork" includes but is not limited to paintings, drawings, murals in any media, stained glass, statues, bas-relief or other sculptures, and any creation under "new genres" as defined herein; environmental artworks or public spaces; monuments, fountains, arches or other structures intended for ornament or commemoration; integrated and functional architectural, video and other media-based elements designed by a qualified artist. For projects that involve no structures, artwork may include a combination of landscape design, natural and manufactured materials including but not limited to rocks, fountains, reflecting pools, sculptures, screens, benches, and other types of street furniture, provided they have been designed by a qualified artist. Artwork may be of a permanent or temporary nature. The term "artwork" also includes "public art" which is a process that results in the incorporation of original works of art by artists in publicly accessible spaces and which serves a socioenvironmental function identifiable with people; is accessible to the mind and the eye; is integral to the site and responds to the concept of place making; is integrated with the work of other design professionals; is of high quality; serves the City by enhancing the quality of life for citizens and contributes to the City's prestige; and is unique to its moment in time and place.

(c) "Building permit valuation" shall be the same definition as described in Title 8-1.104(c).

(d) "Community Development Director" shall mean the Community Development Director of the City or his or her designee.

(e) "Conservation" encompasses actions taken toward the long-term preservation of cultural property and includes examination, documentation, treatment and preventative care, supported by research and education. "Restoration" is a type of conservation treatment and specifically refers to an attempt to bring cultural property closer to its original appearance. "Stabilization," also a type of conservation, refers to an attempt to maintain the integrity of cultural property and to only minimize deterioration.

(f) "Cultural fund" shall mean a special revenue fund established by the City to receive monies from both in-lieu contributions made by a developer and/or owner and appropriated according to expenses authorized in Section 8-22.100.

(g) "Deaccession" refers to the process of permanently removing artwork acquired through the Watsonville public art program as outlined in this chapter.

(h) "Demolition costs" shall mean payment for any work needed for the removal of buildings or other existing structures from City property.

(i) "Design fees" shall include, but are not limited to, those fees paid to an artist, architect, structural engineer or an appropriate party for the development of a design concept and the preparation of construction drawings. Design fees are separate and apart from the cost of the fabrication and installation of an artwork.

(j) "Developer and/or owner" shall mean any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality (other than the City of Watsonville), industry, public or private corporation, or any other entity that undertakes any construction within the City subject to the requirements in this chapter.

(k) "Floor area" is defined in Section 14-18.358.

- (l) "Freely accessible" shall mean the artwork is accessible to the public for viewing, in its entirety and in a direct line of sight without hindrances or obstacles, for a period of at least ten (10) hours per day, seven (7) days per week.
- (m) "New genres" shall include, but are not limited to, sculpture, sound installation, video, film, audio, digital, hybrid and emerging art forms. These works may be temporary or permanent in nature.
- (n) "Nonprofit" shall mean those entities that have obtained tax exempt status under Section 501(c)(3) of the Internal Revenue Code.
- (o) "Parks and Community Services Director" shall mean the Parks and Community Services Director of the City or his or her designee.
- (p) "Performing arts" shall mean performances and rehearsals conducted by professional or amateur performers, including theater performance (any form of dramatic presentation, spoken or silent); musical theater/opera (any dramatic performance of which music is an integral part); dance (any form of rhythmical movement); music or concert (any musical performance with live musicians and/or singers).
- (q) "Permanent installation" shall mean artwork designed and fabricated to remain installed for twenty (20) or more years.
- (r) "Project" also referred herein as "development project" is defined as consisting of all physical changes and improvements necessary to complete a development. Such physical changes shall include the construction of new structures or the remodeling of existing structures on a single parcel.
- (s) "Public Art Advisory Committee" shall mean a professionally qualified citizen committee recommended by the Watsonville Parks and Recreation Commission and approved by City Council to oversee quality control of the public art program, its projects, and to recommend to the Parks and Community Services Department the sites, scope of project, artworks and artists for the public art projects funded through the Watsonville Cultural Art Fund account.
- (t) "Public art projects" are projects which involve artists working through the public art process that result in the creation of original works in publicly accessible spaces that include but are not limited to paintings, mural decorations, inscriptions, stained glass, fiber work, statues, reliefs or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Public art projects also include artists serving on design and development teams to identify opportunities to incorporate art in publicly accessible spaces.
- (u) "Publicly accessible art" shall mean art that is accessible to the general public.
- (v) "Real property" shall mean that which consists of land, and of all rights and profits arising from and annexed to land, of a permanent, immovable nature.
- (w) "Real property acquisition costs" shall mean payments made for the purchase of parcels of land, existing buildings or structures, and costs incurred by the City for appraisals or negotiations in connection with such purchases.
- (x) "Qualified artist" also referred herein as "artist" shall mean a practicing artist who has demonstrated a high level of accomplishment through a body of work, exhibitions, presentations, or performances. The qualified artist shall have a history of strong conceptual development, as well as possess the ability for skillful execution of tools,

materials, and craft. This includes programs rooted in innovative uses of technology, collaborative work, or interdisciplinary projects. The qualified artist shall work primarily in the production of art in unique or limited editions and not for purposes of marketing, mass production or advertising.

(y) "Temporary installation" shall mean artwork intended to remain installed for two (2) years or less.

8-22.040 Development subject to provisions of chapter.

(a) All new residential development projects of five (5) or more units and subject to design review approval pursuant to Section 14-12.400, and all commercial, industrial, and public building development projects involving two thousand (2,000) square feet or more of new floor area and subject to design review approval pursuant to Section 14-12.400, with a building construction valuation of Five Hundred Thousand and no/100ths (\$500,000.00) Dollars or more shall be subject to the provisions of this chapter.

(b) All exterior and interior modifications and additions that include all remodeling of existing residential buildings of five (5) or more units, and all remodeling of existing commercial, industrial, and public buildings, shall be subject to the provisions of this chapter when such remodeling has a valuation of Two Hundred Fifty Thousand and no/100ths (\$250,000.00) Dollars or more, excluding earthquake rehabilitation required for seismic safety.

(c) Buildings designed and dedicated primarily to nonprofit performing arts spaces or museum uses shall not be required to meet the Watsonville public art program allocation requirement for as long as the performing arts or museum uses are maintained within these buildings.

8-22.050 Allocation.

(a) Calculation.

(1) Nonresidential Building Developments. Private nonresidential building developments and remodeling specified in Sections 8-22.040(a) and (b), respectively, shall devote an amount not less than three-quarters of one (0.75%) percent of building permit valuation, and not more than Seventy-Five Thousand and no/100ths (\$75,000.00) Dollars.

(2) Residential Building Developments. Private residential building developments and remodeling specified in Section 8-22.040(a) and (b), respectively, shall devote an amount not less than three-quarters of one (0.75%) percent of building permit valuation, and not more than Seventy-Five Thousand and no/100ths (\$75,000.00) Dollars.

(b) Multiple building permits issued within a three (3) year period for a single project shall be considered in the aggregate in determining the Watsonville public art program allocation.

(c) Payment of any required Watsonville public art program allocation shall be received prior to issuance of a City building permit.

8-22.060 Final City approval.

(a) Notwithstanding Chapter 14-10, City reserves the right to the fullest extent of the law to withhold approval of necessary permits, entitlements, and/or other development-

related requests, and/or may also refuse to issue a certificate of occupancy for any development project subject to this chapter unless and until all fees required by this chapter have been paid.

8-22.070 Cultural Fund account.

(a) There is hereby created a fund to be known as the “Watsonville Cultural Fund” (hereinafter “Cultural Fund”) to account for fees paid pursuant to this chapter and other funds received by the City as proceeds from the sale of real property acquired/purchased with Cultural Fund monies, pursuant to this chapter.

(b) It is intended that funds in the Cultural Fund account will be appropriated in the annual budget for the purposes described in this chapter.

8-22.080 Use of Cultural Fund account monies.

(a) Permissible expenditures from the Cultural Fund account may include the following:

- (1) For the design, acquisition, purchase, commission, installation, placement, improvement, relocation, conservation, and insurance of artwork acquired by the City through the Watsonville public art program;
- (2) For preventative care, maintenance and utility charges related to the artwork and real property purchased pursuant to subsection (a) of this section;
- (3) To sponsor or support the performing arts;
- (4) For the acquisition and improvement of real property for the purpose of displaying artwork or conducting performing arts activities, which has been or may be subsequently approved by the City;
- (5) For costs associated with administering the Watsonville public art program and associated cultural programs, in an amount not to exceed twenty-five (25%) percent of the total fees deposited into the Cultural Fund pursuant to this chapter during the fiscal year immediately preceding that appropriation, in any year subsequent to the initial fiscal year of the Watsonville public art program; however, in the event the City Council determines that a special circumstance exists, the City Council may set a higher amount by a majority vote;
- (6) Other City-produced cultural or art education programs pursuant to the requirements of this chapter;
- (7) Structures that enable the display of artwork(s); artistic design and fabrication fees; labor of assistants, materials and contracted services required for the production and installation of the work of art; any required permit or certificate fees, business and legal costs directly related to the project;
- (8) Dealer’s fees, if necessary and where appropriate, in concurrence with the National Endowment for the Arts (N.E.A.) recommendation that no more than ten (10%) percent of the artist’s fees be paid as a dealer/gallery commission;
- (9) Transportation of the work of art to the site;
- (10) Preparation of site to receive artwork; and
- (11) Administrative fees/costs as follows: (i) Parks and Community Services Department’s administration costs incurred in the process of administering the public art program including staff time, direct costs and administrative overhead; (ii) documentation, including photographic documentation, of the artwork’s fabrication, installation, and plaques to identify the artwork.

(b) Cultural Fund account monies may not be used for the following:

- (1) Directional elements such as supergraphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions.
- (2) "Art objects" which are mass-produced of standard design such as playground equipment or fountains.
- (3) Reproduction, by mechanical or other means, of original works of art, except in cases of film, video, photography; printmaking or other media arts.
- (4) Decorative or functional elements that are designed by the building architect as opposed to an artist commissioned for this purpose.
- (5) Landscape architecture and landscape gardening, except where these elements are designed by the artist and are an integral part of the artwork by the artist.

If real property purchased with monies from the Cultural Fund is subsequently sold, the proceeds from the sale shall be returned to the Cultural Fund.

8-22.090 City's acceptance of donated artwork.

(a) Persons, business entities, public agencies, or other organizations wishing to donate artwork to the City in furtherance of the public art program shall submit an artwork donation application to the Community Services Department and shall include the following information, at minimum:

- (1) Artist biography and object provenance.
- (2) Sketches, photographs, models, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork and installation and sitting requirements.
- (3) Acquisition and installation costs.
- (4) An appraisal or other evidence of the value of the proposed artwork. The value of the proposed artwork will be determined by an accredited member or accredited senior appraiser of the American Society of Appraisers, or a member of another established national or international organization for appraisers;
- (5) Information provided by an American Institute for Conservation ("AIC") affiliated conservator about the durability of the proposed materials, recommendations for future maintenance and estimated maintenance costs; and

(b) If applicable, a written agreement, in a form approved by the City Attorney, executed by or on behalf of the artist who created the artwork or the donor wherein the City is held harmless, protected, and indemnified by the donor for any and all liability arising out of its acceptance of the donated artwork as permitted by applicable law.

(c) Review of Application. The Parks and Community Services Department shall review the artwork donation application and make a recommendation to the Parks and Recreation Commission, which shall have the authority to accept or reject or conditionally accept the donation. Decisions of the Parks and Recreation Commission related to artwork donation applications may be appealed to the City Council by any interested person pursuant to the provisions for appeals contained in Part 11, Chapter 14-10.

(d) All artwork donated to the City in fulfillment of the requirements of this chapter shall become the property of the City upon acceptance by the Parks and Recreation Commission or City Council.

8-22.100 Deaccessioning of artwork.

(a) The City will allow the deaccessioning of artwork acquired or commissioned through the Watsonville public art program only when it is in the public interest and serves to improve the quality of the overall Watsonville public art program collection.

(b) Deaccessioning should be considered only after five (5) years following the acceptance of artwork donated to the City or the installation of permanent art commissioned through the Watsonville public art program, unless it is deemed a threat to public safety. The need for temporary removal from public display does not necessitate deaccession. In instances where the artwork considered for deaccession is on private property, the Parks and Recreation Commission shall make the final decision. When the artwork is installed on public property or is City-owned, the Parks and Community Services Department shall make a recommendation to the Parks and Recreation Commission, which will make the final decision. Decisions of the Parks and Recreation Commission related to deaccessioning may be appealed to the City Council pursuant to the provisions for appeals contained in Part 11, Chapter 14-10.

(c) The City may elect to sell artwork that has been deaccessioned; and shall deposit proceeds of the sale minus requisite payment to the artist under California Resale Royalties Act.

(d) Deaccession may be considered and approved by the Parks and Recreation Commission for reasons related to and including, but not limited to, the following:

- (1) The artwork is a threat to public safety, or the condition/security of the work cannot be guaranteed;
- (2) The owner cannot properly care for the artwork, or the artwork requires an excessive or unreasonable amount of maintenance;
- (3) The artwork has serious or dangerous faults in design or workmanship, the condition of the artwork requires restoration costs in gross excess of its monetary value or is in such a deteriorated state that restoration is either unfeasible, impractical, or would render the artwork inappropriate;
- (4) A similar but superior example exists in the collection;
- (5) The artwork is a forgery;
- (6) No suitable site for the artwork is available;
- (7) A significant adverse reaction to the artwork is documented over five (5) years or more;
- (8) The artwork is judged to have no aesthetic, historical or cultural value;
- (9) The owner wishes to replace an artwork with a more appropriate work by the same artist;
- (10) The artwork can be sold to finance, or can be traded for, an artwork of greater importance;
- (11) A written request from the artist to remove the artwork from public display has been received and approved by the City;
- (12) The artwork is not or is rarely displayed; and/or
- (13) The artwork is incompatible with the rest of the collection.

8-22.110 Compliance.

Compliance with the provisions of this chapter shall be demonstrated by the developer and/or owner at the time of filing the building permit application as follows: payment of the full amount of the public art program fee.

8-22.120 Violations of this chapter.

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any permit or permission granted to any developer and/or owner who violates the provisions of this chapter.

8-22.130 Appeal.

Decision pursuant to this chapter may be appealed by any interested person pursuant to the provisions for appeals contained in Part 11, Chapter 14-10.

8-22.140 Reserved.

8-22.150 Artwork on public property, performing arts and purchase of real property for public art.

(a) The Parks and Community Services Department shall prepare a plan for the Watsonville public art program and update it annually through the budget approval process.

(b) The Parks and Community Services Department may recommend to the Parks and Recreation Commission the purchase of artwork to be displayed on public property, the maintenance of public art, recommend support for the performing arts, and the purchase and improvement of real property to be used for the display of artwork. A recommendation shall include the following information:

- (1) The type of artwork considered, an analysis of the constraints applicable to placement of the artwork on a site, the need for and practicality of the maintenance of the artwork, and the costs of acquisition and installation of the artwork; or
- (2) The type of performance and amount recommended; or
- (3) The estimated costs of acquisition and improvements of the real property proposed to be purchased.

(c) The Parks and Community Services Department is authorized to solicit and review performing arts grant applications and make a recommendation to the Parks and Recreation Commission up to the amount authorized in the City budget for the fiscal year for which the projects are being considered.

(d) An expenditure from the Cultural Fund may be made for the performing arts provided the Parks and Recreation Commission approves the performing arts event and that the performance occurs at a location in the City, or location owned or controlled by the City, or at an alternative site which is located within close proximity to the corporate boundaries of the City and which has facilities for performing arts that complement or supplement those available within the City.

8-22.160 Approval procedures for City public art projects.

All City-initiated public art projects shall follow the same approval requirements as development projects on private property.

SECTION 2. SEVERABILITY.

If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to under California Code of Regulations, Title 14, sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective upon the date the California Building Standards Commission (CBSC) accepts the ordinance for filing, but in no event before January 1, 2026. Before the expiration of fifteen (15) days after its adoption, this ordinance shall be posted in three (3) public places within the City of Watsonville, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local

newspaper used to publish official notices for the City of Watsonville prior to the effective date.

SECTION 5. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.