

SUPPLEMENT NO. 7

INSERTION GUIDE

PLEASANTON MUNICIPAL CODE

January 2012

(Covering Ordinances through 2024)

This supplement consists of reprinted pages replacing existing pages in the Pleasanton Municipal Code.

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This Guide for Insertion should be retained as a permanent record of pages supplemented and should be inserted in the front of the code.

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PREFACE

The Pleasanton Municipal Code is a codification of the general and permanent ordinances of the City of Pleasanton, California. Originally published by Book Publishing Company, the code was prepared under the direction of Peter D. MacDonald, city attorney.

Commencing with the September 2007 code supplement, updates to this code are published by Quality Code Publishing. The code will be periodically updated to incorporate new legislation.

Detailed instructions for using the code are included at the front of this volume. An ordinance list and index are located at the end of the code.

The code is current through Supplement Number 7, January 2012, and includes Ordinance 2024, passed December 6, 2011.

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Chapter 1.01

**CODE ADOPTION
(RESERVED)**

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Construction of provisions.**
- 1.04.020 Definitions.**
- 1.04.030 Delegation of authority.**
- 1.04.040 Required writings.**
- 1.04.050 Code references.**
- 1.04.060 Applicability of code.**
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- 1.04.080 Time limit for judicial review—
C.C.P. Section 1094.6/notice.**
- 1.04.090 Claims filed against the city.**
- 1.04.100 Payment of taxes prior to refund
or judicial relief.**
- 1.04.110 Recovery of attorney fees.**

1.04.010 Construction of provisions.

Unless the provision or the context otherwise requires, the general provisions, rules of construction and definitions contained in this chapter shall govern construction of this code.

A. The provisions of this code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

B. The present tense includes the past and future tenses, and the future the present.

C. The masculine gender includes the feminine and neuter.

D. The singular includes the plural, and the plural the singular.

E. “Shall” is mandatory and “may” is permissive. (Prior code § 1-1.05)

1.04.020 Definitions.

Whenever in this code the words or phrases defined in this section are used they shall have the respective meanings assigned to them in the following definitions, unless in the given instance the context wherein they are used clearly requires a different meaning:

- A. “City” means the city of Pleasanton.
- B. “State” means the state of California.
- C. “Person” means and includes a natural person, firm, partnership, copartnership, association, organization, company or corporation. (Prior code § 1-1.06)

1.04.030 Delegation of authority.

Whenever in this code a power is granted to a public officer or a duty is imposed upon a public officer, the power may be exercised or the duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer. (Prior code § 1-1.07)

1.04.040 Required writings.

Whenever any notice, report, statement, or record is required by this code it shall be made in the English language. (Prior code § 1-1.08)

1.04.050 Code references.

Whenever reference is made to any portion of this code or to any other law of the state, the reference applies to all amendments or additions now or hereafter made. (Prior code § 1-1.09)

1.04.060 Applicability of code.

This code is applicable within the incorporated area of the city. (Prior code § 1-1.10)

1.04.070 Severability.

If any section, subsection, sentence, clause, phrase or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The city council of the city declares that it would have adopted this code and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional. (Prior code § 1-1.12)

**1.04.080 Time limit for judicial review—
C.C.P. Section 1094.6/notice.**

A. Code of Civil Procedure, Section 1094.6 is hereby adopted for judicial review of any administrative decision or order of the city, its commissions, boards, officers or agents.

B. Notice shall be provided to the party that the time within which judicial review must be sought is governed by Code of Civil Procedure Section 1094.6 and/or this section. (Ord. 1498 § 1, 1991)

1.04.090 Claims filed against the city.

A. Authority. This section is enacted pursuant to Section 935 of the California Government Code.

B. Claims Required. All claims against the city for money or damages not otherwise governed by the Government Claims Act, California Government

Code Sections 900 et seq., or another state law (hereinafter in this section, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this section.

C. Form of Claim. All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

D. Refunds. All refunds shall be limited to one year from receipt of written claim.

E. Claim Prerequisite to Suit. In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the city prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of subsection B of this section.

F. Suit. Any action brought against the city upon any claim or demand shall conform to the requirements of Sections 940 to 949 of the California Government Code. Any action brought against any employee of the city shall conform with the requirements of Sections 950 and 951 of the California Government Code. (Ord. 2019 § 1, 2011; Ord. 1967 § 1, 2008; Ord. 1616 § 1, 1994)

1.04.100 Payment of taxes prior to refund or judicial relief.

No legal or equitable process shall be issued in any proceeding in any court against the city or any officer of the city to prevent or enjoin the collection of any tax. After payment of a tax claimed to be illegal, not due and/or owing, and/or incorrectly calculated, an action may be maintained to recover the tax paid; provided, that prior to any judicial action all administrative remedies shall be exhausted. (Ord. 2019 § 1, 2011)

1.04.110 Recovery of attorney fees.

A. In any action, administrative proceeding, or special proceeding to abate a nuisance, the prevailing party may recover its reasonable attorney fees pursuant to Government Code Section 38773.5. Recovery of attorney fees shall be limited to those individual actions or proceedings in which the city elects, at the

initiation of that individual action or proceeding, to seek recovery of its own attorney fees. An award of attorney fees to a prevailing party shall not exceed the amount of reasonable attorney fees incurred by the city in any legal action, administrative proceeding or special proceeding.

B. If any person causes, suffers, maintains or permits a public nuisance to continue after written notice is given to such person by the city, directing such person to abate the nuisance, and such continuation goes beyond the time set for such abatement in the written notice, then such person shall be liable to the city for the expenses incurred in detecting, investigating and abating the violation, including attorney fees and the costs of monitoring compliance. (Ord. 2022 § 1, 2011)

Chapter 1.08

CORPORATE NAME

Section:

1.08.010 Designated.

1.08.010 Designated.

The word "town" is eliminated from the corporate name of the municipal corporation known as Pleasanton, and the word "city" is substituted in its place. The municipal corporation shall henceforth be known as the "city of Pleasanton" as of October 11, 1954, upon filing by the city clerk of statements to this effect with the Secretary of State, state of California, and the board of supervisors, county of Alameda. (Prior code § 1-1.02)

Chapter 1.16**INJUNCTIVE RELIEF****Section:****1.16.010 Injunctive relief—Civil penalty for code violations.****1.16.010 Injunctive relief—Civil penalty for code violations.**

A. In addition to all other remedies and penalties available under this chapter, under other sections of this code or of any ordinance of the city of Pleasanton may be enforced by injunction issued by the Superior Court upon a suit brought by the city. In any such action, civil penalties may also be sought by the city, as specified in subsection B of this section.

B. Any person who violates or fails to comply with any provision of this code or who any ordinance of the city is liable for a civil penalty not to exceed \$1,000.00 for each day, or part thereof, such violation or failure to comply occurs.

C. The city attorney is authorized to bring a civil action in any court of competent jurisdiction to seek injunctive relief and recover the civil penalties authorized by this section. (Ord. 2022 § 2, 2011; Ord. 1171 § 1, 1984; prior code § 1-1.20)

Chapter 1.20

CAMPAIGN REFORM

Sections:

- 1.20.010 Findings and purpose.**
- 1.20.020 Definitions.**
- 1.20.030 Filing of verified campaign statements.**
- 1.20.040 Criminal misdemeanor actions.**

1.20.010 Findings and purpose.

The city council finds and declares each of the following:

- A. It is in the public interest for voters to know who is contributing to campaigns for local office and to campaigns for city measures.
- B. It is in the public interest that candidates and committees aiding such candidates, and sponsors or opponents of city measures, make a full and fair declaration containing a disclosure of the persons making contributions and the amounts of each contribution. (Ord. 1622 § 1, 1994)

1.20.020 Definitions.

Unless the term is specifically defined in this chapter or the contrary is stated or clearly appears from the context, the definitions set forth in Government Code Sections 81000 et seq., as they appear in 1994 shall govern the interpretation of this chapter.

A. "Campaign statement" means an itemized statement prepared by a candidate for city office and by any committee showing, in addition to matters otherwise required by law, the name, complete mailing address, occupation and place of employment, and business address if self-employed, of any person who:

- 1. Paid, loaned, contributed or otherwise furnished \$25.00 or more, or its equivalent, to the candidate or any committee for the use of such candidate or such committee directly or indirectly, in aid of the candidate's election, or for the qualification, passage or defeat of any measure, and the amount, in detail, of such money or its equivalent each such person paid, loaned, contributed or otherwise furnished.
- 2. Purchased any tickets cumulatively totaling \$25.00 or more, for any fundraising event, regardless of the number of tickets purchased, the value of each ticket, or frequency of purchase.
- 3. Donated \$25.00 or more to any "kitty" at any campaign event.

B. "City offices" include mayor and city councilmembers.

C. "Committee" means any persons organized to conduct or aid the election campaign, including fundraising events, of any candidate for city office, or for the support or defeat of a measure under consideration in the city.

D. "Election" means any election held in the city of Pleasanton for city office or for a measure.

E. "Person" means an individual, proprietorship, firm, partnership, joint venture, syndicate, business, trust, company, corporation, association, committee, and any other organization or group of persons acting in concert. (Ord. 1622 § 1, 1994)

1.20.030 Filing of verified campaign statements.

A. Each candidate for city office and each committee shall file campaign statements. The contributions and expenditures listed therein shall be cumulative for each election. The due dates and the contribution and expenditure periods shall be as provided in Article 2, Chapter 4, Title 9 of the Government Code, beginning with Section 84200. In addition, a campaign statement shall be filed four days prior to an election and shall report all contributions received and expenditures made seven days prior to an election.

B. Each campaign statement is to be filed electronically, and also one signed original filed with the city clerk on the due date by 5:00 p.m. (Ord. 1969 § 1, 2008; Ord. 1966 § 1, 2008; Ord. 1622 § 1, 1994)

1.20.040 Criminal misdemeanor actions.

Any person who knowingly or wilfully violates this chapter is guilty of a misdemeanor. (Ord. 1622 § 1, 1994)

Chapter 13.08

PARKS AND RECREATION FACILITIES

Sections:

- 13.08.010 Purpose and intent.**
- 13.08.020 Definitions.**
- 13.08.030 Trees, plants and property.**
- 13.08.040 Fires.**
- 13.08.050 Firearms and fireworks.**
- 13.08.060 Birds and animals.**
- 13.08.070 Sanitation.**
- 13.08.080 Dogs in public parks.**
- 13.08.085 Dogs in Augustin Bernal Park.**
- 13.08.090 Sale of goods—Exhibitions.**
- 13.08.100 Advertising.**
- 13.08.110 Vehicles.**
- 13.08.120 Camping—Sleeping.**
- 13.08.130 Alcoholic beverages.**
- 13.08.140 Hours of operation and access.**
- 13.08.145 Required riding equipment in in-line skateparks and skateboard parks.**
- 13.08.150 Motor driven cycles and model vehicles and planes.**
- 13.08.160 Horseback riding.**
- 13.08.170 Golfing.**
- 13.08.180 Amplified sound or music.**
- 13.08.190 Smoking.**
- 13.08.200 Bicycles.**
- 13.08.205 Hang gliding prohibited.**
- 13.08.210 Additional rules.**

13.08.010 Purpose and intent.

The purpose and intent of this chapter is to provide rules and regulations respecting the use of city parks and recreation facilities which are necessary to protect the public health, safety and general welfare of the residents of the city and users of parks and recreation facilities, and which are felt necessary to ensure that the parks and recreation facilities are maintained in a manner consistent with the broadest use thereof by the residents of the city. Unless otherwise stated, the provisions of this chapter apply to any city park and recreation facility. (Ord. 1428 § 4, 1989)

13.08.020 Definitions.

For the purposes of this chapter the following words and phrases shall mean:

A. “Daylight” means any time from one-half hour before sunrise to one-half hour after sunset.

B. “Director” means the director of parks and community services of the city.

C. “Park and recreation facility” means any public park, pathway, trail, skateboard park, in-line skatepark, bicycle motocross park, golf course, playground, athletic field, recreation center or recreation area, which facility the city owns, leases or controls, whether or not such facility is improved or unimproved and whether or not such facility is located within or without the territorial limits of the city.

D. “Skateboard park” shall mean a facility designed specifically for riding skateboards with sculptured events such as ramps, jumps and bowls, and shall include any hard surface area within 40 feet of the skateboard park itself.

E. “Written permission of the director” means a permit issued by the city department of parks and community services, which permit shall contain the following information: the name of the person or organization to whom the permit is issued; the name of the park and recreation facility and/or the identification of the activity to which the permit applies; the effective date(s) and times of the permit; and such other administrative information as may be necessary. (Ord. 1924 § 1, 2005; Ord. 1919 § 9, 2005; Ord. 1654 § 1, 1995; Ord. 1428 § 4, 1989)

13.08.030 Trees, plants and property.

No person shall pick, dig, remove, injure or destroy any tree, plant, shrub, rock, wood, soil or leaf mold nor deface, mar, move or remove any foliage or property without the written permission of the director. (Ord. 1428 § 4, 1989)

13.08.040 Fires.

A. No person shall build, kindle, or light a fire in any park and recreation facility, including the Augustin Bernal Park, except in equipment established for such purpose by the director, except such use is permissible in the following facilities if a fire permit from the Livermore-Pleasanton fire department is obtained: Amador Recreation Center, Century House, Pleasanton Senior Center, and Veterans Memorial Building.

B. No person shall discard or permit unattended any lighted cigar, cigarette, match or other flammable article. (Ord. 1889 § 1, 2003; Ord. 1428 § 4, 1989)

13.08.050 Firearms and fireworks.

No person shall possess a weapon, air gun, bow and arrows, firecrackers, bombs, torpedoes, rockets or any other type of fireworks or pyrotechnics. (Ord. 1428 § 4, 1989)

13.08.060 Birds and animals.

No person shall take, kill, wound, mistreat or molest any bird or animal, either wild or domesticated. (Ord. 1428 § 4, 1989)

13.08.070 Sanitation.

A. No person shall permit barbecue facilities, cooking or other utensils, or dishes to remain in an unclean condition after use.

B. No person shall leave or throw away any garbage, cans, bottles, trash of any kind or any other refuse except in garbage containers or incinerators provided for that purpose.

C. No person shall transport any private garbage, rubbish, manure, soil or lumber to or within any park and recreation facility without the written permission of the director. (Ord. 1428 § 4, 1989)

13.08.080 Dogs in public parks.

A. No owner of a dog shall permit such dog to be at large in any park and recreation facility except as provided in Section 7.16.010 of this code, this section, or Section 13.08.085 of this chapter.

B. No owner of a dog shall permit such dog, whether leashed or unleashed, to be in or upon the fenced fields and other facilities at the sports and recreation community park softball complex or the fenced soccer fields at Val Vista community park.

C. Any dog, except a "dangerous dog" as defined in this section, may be at large in the designated dog exercise area of Muirwood community park and any other dog exercise area as designated by the city council provided:

1. The dog is under the control of a person in charge of the dog. For the purposes of this section, a dog is under the control of a person when the person is aware of the dog's conduct, and the dog immediately and directly returns to the person when called;

2. The owner of the dog shall have a leash for the dog in the owner's possession; and

3. The number of dogs shall not exceed three per person in charge of the dogs.

The person in charge of the dog shall remove immediately any feces left by the dog in the dog exercise area and dispose of such feces.

D. For purposes of this section, "dangerous dog" means:

1. Any dog which has a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of any person or domestic animal or fowl; or

2. Any dog which engages in, or is found to have been trained to engage in, exhibitions of dogfighting; or

3. Any dog at large found to attack, menace, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or domestic animal or fowl.

E. For purposes of this section, "dangerous dog" does not mean:

1. Any dog assisting a peace officer engaged in law enforcement duties; or

2. Any dog in a situation in which it is shown that the person or domestic animal or fowl which had been bitten, attacked, threatened or menaced had:

a. Provoked, tormented, teased, or abused the dog into the behavior alleged; or

b. Committed a wilful trespass or other tort or crime upon the private property of the owner or person in control of the dog; or

c. Threatened or committed an unprovoked assault or battery against the owner or person in control of the dog. (Ord. 1919 § 9, 2005; Ord. 1595 § 1, 1993; Ord. 1428 § 4, 1989)

13.08.085 Dogs in Augustin Bernal Park.

A. Dogs shall be leashed at all times in any picnic area, gathering site, irrigated lawn area, parking lot, or roadway of the Augustin Bernal Park. A dog, except a "dangerous dog" as defined in Section 13.08.080(D) of this chapter, shall be permitted to be off leash in all other areas of Augustin Bernal Park, provided:

1. The dog is not within 100 feet of a picnic area, gathering site, irrigated lawn area, parking lot, or roadway; and

2. The dog is under the control of a person in charge of the dog. For the purposes of this section, a dog is under the control of a person when the person is aware of the dog's conduct, the dog immediately and directly returns to the person when called, and the dog is no more than 50 feet from the person; and

3. The owner of the dog shall have a leash for the dog in the owner's possession; and

4. The number of dogs shall not exceed three per person in charge of the dogs.

B. The person in charge of the dog shall remove immediately any feces left by the dog and dispose of such feces if the feces are in a picnic area, gathering site, irrigated lawn area, parking lot, or roadway of the Augustin Bernal park or within 100 feet thereof. (Ord. 1919 § 9, 2005)

**Ordinance
Number**

2014	Approves application for PUD (Special)
2015	Adds Ch. 20.10; amends § 20.36.050; repeals Chs. 20.34, 20.40, 20.48, 20.52, 20.58 and 20.60; repeals and replaces Chs. 20.04, 20.08, 20.12, 20.16, 20.20, 20.24, 20.32, 20.55 and 20.65, buildings and construction (20.04, 20.08, 20.10, 20.12, 20.16, 20.20, 20.24, 20.32, 20.36, 20.55, 20.65)
2016	Rezone (Special)
2017	Adds § 18.08.057; amends §§ 18.08.055, 18.08.060, 18.44.090 and 18.88.030(C), zoning (18.08, 18.44, 18.88)
2018	Approves amendment to PUD (Special)
2019	Adds §§ 1.04.100, 9.14.125 and 9.20.085; amends Ch. 11.64, §§ 1.04.090, 2.24.010, 2.24.020, 9.08.120, 9.14.030—9.14.060, 9.14.080—9.14.100, 9.20.010, 14.04.120, 14.04.130, 17.16.006, 17.16.010, 17.16.040, 17.16.046, 17.16.080, 18.20.040, 19.12.020 and 19.12.070; deletes Traffic Appendix from Title 11, updates to multiple provisions of the Municipal Code (1.04, 2.24, 9.08, 9.14, 9.20, 11.64, 14.04, 17.16, 18.20, 19.12)
2020	Rezone (Special)
2021	Rezone (Special)
2022	Adds § 1.04.110; amends § 1.16.010, attorney fees and injunctive relief (1.04, 1.16)
2023	Approves application for PUD (Special)
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CABLE SYSTEM

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